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OFFICIAL REPORT
(HANSARD)

Thursday, April 21, 2005

—

Speaker: The Honourable Peter Milliken

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CORRIGENDUM

On page 5327 of *Hansard* for Wednesday, April 20, 2005, the following passage should appear near the bottom of the right-hand column just before the response by the Right Hon. Paul Martin:

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Auditor General said she did not see most of Earncliffe's reports because they were filed verbally. In addition, Justice Gomery said the Ernst & Young report was watered down in response to pressure from officials of this government. This is being used as an excuse, when there was very clearly a conflict of interest.

How can the Prime Minister not have seen a conflict of interest when the his former chief of staff was the spouse of David Herle, who worked for Earncliffe? How could he not see a conflict of interest when his chief of staff was the spouse of David Herle, who was himself the PM's campaign manager? Did he not realize this was a conflict of interest?

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HOUSE OF COMMONS

Thursday, April 21, 2005

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

• (1000)

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

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

* * *

• (1005)

COMMITTEES OF THE HOUSE

JUSTICE, HUMAN RIGHTS, PUBLIC SAFETY AND EMERGENCY
PREPAREDNESS

Hon. Paul DeVillers (Simcoe North, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the seventh report of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness.

* * *

ITALIAN-CANADIAN RECOGNITION AND RESTITUTION ACT

Mr. Massimo Pacetti (Saint-Léonard—Saint-Michel, Lib.) moved for leave to introduce Bill C-368, an act to recognize the injustice that was done to persons of Italian origin through their "enemy alien" designation and internment during the Second World War, and to provide for restitution and promote education on Italian-Canadian history.

He said: Mr. Speaker, the purpose of this bill is to recognize the injustice that was done to persons of Italian origin through their enemy alien designation and internment during the second world war, and to provide for restitution and promote education on Italian-Canadian history.

[*Translation*]

Canadians of Italian origin have made and continue to make a remarkable contribution to the development of Canada.

[*English*]

Despite this contribution, many persons of Italian origin were unjustly registered and interned by the Government of Canada during the second world war solely because of their ethnic origin. These persons were, while interned, made to labour for Canada without pay on projects such as road construction and the clearing of land. It is necessary and timely for these injustices to be publicly recognized and for appropriate restitution to be made in the form of public education.

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

Hon. Peter Adams: Mr. Speaker, I rise on a point of order. I apologize for being late. I would seek unanimous consent to return to tabling of reports from associations.

[*Translation*]

The Speaker: Does the hon. member for Peterborough have the unanimous consent of the House to revert to presenting reports from interparliamentary delegations?

Some hon. members: Agreed.

* * *

[*English*]

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 to the House, 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 Washington, D.C. from February 28 to March 2, 2005.

This report deals with our efforts to engage the United States in Arctic affairs, to promote the Arctic Climate Impact Assessment, to plan and promote the International Polar Year and to provide future support to the University of the Arctic.

I thank the Canada-Europe Parliamentary Association staff for their fine work.

*Routine Proceedings***STATISTICS ACT**

Hon. Tony Ianno (for the Minister of Industry) moved that Bill S-18, an act to amend the Statistics Act, be read the first time.

(Motion agreed to and bill read the first time)

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COMMITTEES OF THE HOUSE

AGRICULTURE AND AGRI-FOOD

Mr. Gerry Ritz (Battlefords—Lloydminster, CPC): Mr. Speaker, I move that the third report of the Standing Committee on Agriculture and Agri-food, presented on Tuesday, April 19, be concurred in. It is a pleasure to rise today to discuss this tremendous report.

I would be remiss if I did not at this point thank the clerk of the committee, Ms. Bibiane Ouellette, and our researcher from the Library of Parliament, Jean-Denis Fréchette, who have done a fantastic job in putting this report together. J.D., in a side comment to me the other day, said that in his 20-some years on the Hill this is by far and away the best report he has ever been part of and has seen. I take that as a real compliment to the yeoman's service in the work done by the chair and members.

This report actually came about at the direction of the soon to be retired member for Langley—Abbotsford. It was in his riding, and of course the Deputy Speaker shares some of that area, that the tremendous impact of the avian flu crisis was felt, an impact that it is still undergoing. We felt we had to get out there and hold some hearings to get the viewpoint of the actual producers affected by this.

A report was to come from the CFIA, which was to have been tabled by the end of 2004. That report did not show up, and get this, it did not show up until the night before we were to hold public hearings in the latter part of January in Abbotsford. Was it just a coincidence that the CFIA finally got around to tabling that report?

A tremendous amount of viewpoints note that the CFIA report is really no more than a grandiose scheme to pat itself on the back. When we look at who had input into that lessons learned report the CFIA finally got around to putting out, we see that there are 122 different interventions, if I counted the numbers properly, but all of them are basically in house. Even such experts as the people from the PCO were getting in their two cents' worth, but nowhere in that CFIA report is there any mention of the producers who would have liked to have put something forward or of the SPCA folks from greater Vancouver who wanted things on the record.

We felt there was a tremendous void and decided to take action. The committee travelled to Abbotsford in January and held hearings.

I would also at this point like to say that I will split my time with the member for Selkirk—Interlake.

We travelled to Abbotsford and heard interventions. Let me say that a lot of what we heard was really damning evidence. I think the biggest underlying reason that I wanted to go there and hear these interventions is that in my riding we faced the brunt of the chronic wasting disease with elk, to begin with, and then of the BSE crisis, which is still ongoing. Of course nothing has really been resolved on the CWD or BSE fronts and here we are on the third strike with the CFIA.

I knew from personal experience in my riding how the CFIA handled the crises on CWD and BSE. They were not farm gate friendly, not at all. Their inspectors on the ground were tremendous people. Some of them live within my riding and I know them on a first name basis. They have done yeomen's work in trying to cover the bureaucratic butts here in Ottawa and the decisions that went sideways a lot of time or took us in a misdirection because of a political agenda as opposed to a practical "let us get to the bottom of this" agenda.

A lot of the concerns we heard on CWD and BSE, and now avian flu, speak to the whole idea of compensation. If this is for the greater good of the Canadian public, for food safety and security, then everybody has to take a part of the hit, not just the farm gate, not just the farms affected and of course the collateral damage on the industries around them, but everybody.

We have seen the numbers on BSE escalating to the point where we are talking about \$7 billion of hurt, an amount that is going to take some producers down. They will never recover. We are also seeing it rippling out onto main street, to small towns that are not going to recover from that hit. It is just not in the cards.

Having these hearings in Abbotsford I think really reinforced the idea that Bill C-27, now before the agriculture committee, basically underscores and gives the nod of approval to the CFIA for a lot of the action and inaction it has shown us over the last short term; it really underscores the fact that the CFIA be allowed to continue doing that. There is no recourse mechanism. There is no appeals mechanism. There is nothing in the bill that speaks to compensatory value for beyond just an ordinary run of the mill animal.

We have to look at these things on a case by case basis. We have to become much more proactive in the way that the CFIA under Agriculture Canada reacts to these. One of the recommendations we brought forward I think is a great one. It is that we must have an early warning team that goes in with the mandate, the authority and the responsibility to stop these crises dead in their tracks.

● (1010)

We saw that example when both Delaware and Texas in the U.S had an avian flu crisis. They went in, took the barns down and did away with the birds right away. What we saw in Abbotsford was a month and a half of nothing happening as they ran up the flagpole here to Ottawa to make decisions that took that long getting back down to the ground.

In that very first barn, the farmer himself told officials to get rid of it but they just did not quite get around to making that political decision. I guess they knew they would be calling an election and nobody wanted that blight on their record. However it is there and it will show up again as we go into another election mode.

It is just unbelievable that the best interests of producers are not paramount in any of this. These are the guys taking the economic hits and we do not see that in this so-called lessons learned from the CFIA. The only lesson that the CFIA seems to learn is to become more private and go more underground with its decisions and actions so that there will not be the fallout.

Routine Proceedings

We as politicians have to step up and say that is not going to happen. We need to take a more in-depth look at Bill C-27 to make sure we get this right because we have already seen that the CFIA is answerable to no one at this point. That needs to change as we increase its powers.

I want to get back to this report. Two internationally recognized experts, who were within spitting distance of the first barn, were not even consulted nor were they allowed to take part in the trace-out and the action that needed to follow. They were the ones who said and kept saying that this was high path avian flu, so the red flag went up right there.

However it took the minister and his henchmen at the CFIA weeks to decide to do that test and then to do something about that barn. When they finally did, they actually exacerbated the problem by taking those birds out of quarantine and leaving them sitting on the driveway of the farmyard for three days in plastic bins inside of a truck trailer. They did not seem to know the science, which everybody else around the world has learned, that the avian flu can be airborne and waterborne. After three days of these birds being left in the parked truck there was this yucky stuff oozing out of the trailer onto the ground and mixing into the groundwater.

When they first brought the birds outside of the barn to do things with them, the birds, of course, flap their wings and when they do that fluff and dander go into the air and downstream the next barn gets infected, and they wonder how the heck that happened. These guys really have to answer for a lot of those political, bureaucratic decisions that were made. The inspectors on the ground are carrying out their jobs.

I would like to put some quotes into the record that are in this report.

Bruce Arabskyi, with the group on behalf of primary poultry producers, said:

If there is another outbreak? There should be a total lock-down—no movement of birds or manure. Compensation must be in place to allow drastic action.

That is something that is not in Bill C-27 at this point and must be put in there so we can make those movements when it is required.

The second quote is from Dr. Neil Ambrose, a veterinarian who made presentations on January 19. He said:

It is ludicrous that the disease was not contained in the Matsqui flat area. Again it is because of procrastination and lack of common sense. We spent a huge amount of time waiting for decisions to come from Ottawa, and most of the time local CFIA staff didn't know how to interpret those decisions.

This particular report goes on to make seven very good recommendations. We were maybe shy on one thing but I know it came out with the BSE problems and so on which is why it is not in these recommendations. However I would like to put it on the record so the government will have a look at this. When a barn or a farm goes down and its stock is completely done away with no compensation package is paid out. Right now they are allowed a year's revenue holiday to get restocked and so on but that is not long enough.

I know Mel McRae, who had the search-out herd in my area for BSE, is asking for a three year Revenue Canada break so that he can pay it out in thirds and get a chance to restock his farm and so on

without paying those horrendous penalties on moneys that basically are in the common good. We have to start looking at things like that as well.

This is a report that is long past its time. It really points out the flaws in that we have politicized and bureaucratized the CFIA.

• (1015)

Hon. Wayne Easter (Parliamentary Secretary to the Minister of Agriculture and Agri-Food (Rural Development), Lib.): Madam Speaker, I know the hon. member is concerned about these issues but it amazes me how much of his time was spent trying to tie political rhetoric into this issue by bringing in Bill C-27 and talking about the minister and his henchmen at the CFIA.

This is a serious discussion and a serious report about a serious issue. We recognize that. The member actually belittles the work of the committee with that kind of political rhetoric. He said that maybe certain things were done because an election was coming up. Absolutely nothing could be further from the truth. The CFIA is an independent agency doing its work in terms of food safety. I am absolutely amazed that the member, whom I respect a lot, would spend his time with that kind of rhetoric.

The member said that the CFIA took a long time basically to get down to destroying the stuff. What is his or the Conservative Party's recommendation in terms of the timeframe that should be involved? I know the committee report makes recommendations as do others but in terms of a herd or a flock being destroyed, what timeframe is the member talking about?

• (1020)

Mr. Gerry Ritz: Madam Speaker, the member opposite did not take part in the avian flu hearings. I know he was busy crossing the country, airport hotel to airport hotel.

Madam Speaker, I do not really give a damn if he respects me, and politics does enter into this. I would much prefer that he respects producers. If he had heard the attacks they levied on the CFIA, the bureaucrats and the politicians the days that we were in Abbotsford, he would agree with me that this has become a political exercise.

The compensation is a political exercise. The direction to the CFIA, how quickly it goes in and what they do is a political exercise. It is non-partisan. However we heard from those people in the valley out there as to everything that went wrong.

One guy who had peacocks used them as part of the landscape around his yard. He had acreage and he had spent hundreds of thousands of dollars landscaping this beautiful piece of property and he had some peacocks.

There is no science that says these birds are carriers for or can even fall to avian flu but the CFIA went in there under orders with shotguns, which I do not imagine were registered. They actually blasted away at these peacocks and feathers were flying everywhere in the wind. Now if there were a problem, the feathers would be carriers, but they blasted these things out of the sky and out of the trees. They ran out of ammunition because they were terrible shots so they commandeered more bullets from the farmer to finish off his birds. That is how bad this was.

Routine Proceedings

The CFIA gassed flocks in barns three and four times because the argon and the CO₂ they were using had no effect on ducks. After two days of trying to kill these birds, they went in with hockey sticks and bagged these birds off the walls. The SPCA came forward and said that it was ridiculous.

This has happened in other parts of the world. The Americans set the example. They took out the barn in Delaware the first day and did the same thing in Texas and had no more problems. We spent 30 days playing around with this issue, making the political decision here in Ottawa as to what needed to be done, and by the time it was done it was too late. It also was done in the wrong way because the CFIA did not know it was airborne. We have the wrong scientists and the wrong politicians. The electorate will choose.

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, CPC): Madam Speaker, the member mentioned that there were missing witnesses. I want to ask him if anyone from Health Canada or Public Health were at the hearings and what their comments were.

Mr. Gerry Ritz: Madam Speaker, to answer the hon. member's question, not to my knowledge. They could have been sitting in the back rows but I am not aware of any interventions they may have made.

The hearings in Abbotsford consisted of people in the industry but the veterinarians, who have a worldwide status and who had served these flocks, had no status with the government. It is absolutely ridiculous. They are recognized by everybody around the world, including our largest trading partners, and yet they were not given status at these hearings. They were not allowed to really put things on the record. That was the politics of the situation.

Even the B.C. government minister was on the phone with us, as I worked with the member for Langley—Abbotsford, asking us to please not go too hard, that they needed the transfer of moneys and that they did not want to be embarrassed by this. That is the politics of the situation. We need to get rid of that and do what is practical and what is right for the farm gate to keep them alive.

● (1025)

Mr. James Bezan (Selkirk—Interlake, CPC): Madam Speaker, I thank my colleague from Battlefords—Lloydminster for bringing this forward and giving us a chance as the House of Commons to discuss the shortfall that we experienced with the avian flu.

Since I became a member of Parliament and a member of the Standing Committee on Agriculture and Agri-Food, the one thing that has shocked me is that the CFIA seems to be completely unaccountable to us as politicians. It continues to mishandle such important issues to the Canadian public and Canadian agriculture.

We have had the BSE crisis, the CWD in elk and white tail deer and the avian flu. The CFIA seems to waffle on decisions and to be unapologetic for the way it has handled these situations. We really have to look at how we oversee this agency. How do we as politicians make sure that it is doing what is right for Canadian agriculture and the public? We need to make we are the ones in control and making the decisions affecting the industry.

I am quite proud of the work that the committee has done on this and the recommendations that have come forward. The seven recommendations really revolve around a lot of the issues that have

already been laid out by my colleague. There is no doubt that we have to take a cautious approach in developing policy and that is why it is so important that we bring this report forward today and discuss it in Parliament, so we can move quickly in implementing these recommendations.

The report contains seven key recommendations that would ensure something like this never happens again. We need to fix the problems so that when these zoonotic diseases occur we can actually deal with them in a responsible manner that is best reflective of the needs of the industry.

The first recommendation calls for an independent inquiry to look at the entire situation in Abbotsford. As we know, some of the the things that happened in British Columbia were atrocious. The way the flocks were destroyed was terrible and the way it affected the guys who had backyard flocks was devastating. We need to find humane ways of handling the animals as well as addressing the disease problem and we need to do it in a manner that is effective and done quickly. We wanted to have that review.

The second recommendation revolves around the need to have the Auditor General step in and do a complete accounting and review of the way CFIA works and handles these disease outbreaks, essentially looking at emergency preparedness and how prepared we are to deal with these diseases. We never know what is coming around the corner at us and we need to have a good strategy.

We saw BSE in 2003 and at the end of that year we saw avian flu. We now need to ensure that we know how to deal with any future diseases coming down the pipe in a very responsible manner that everybody can understand, scientists, veterinarians, provincial governments, the federal CFIA, the producers who would be affected and the concerned public.

The third thing we want to do is set up a special animal disease response team to deal with this, to communicate it properly and to oversee the way in which the emergency preparedness plan is put into action. We think that will be critical for the future development of CFIA and how it handles the entire industry.

We want to ensure there are more level three labs and containment facilities across the country in order to get results on all samples tested so we can go through the process of quickly identifying the problem as well as the farms. If we have to do what we call scorched earth policy, going in and destroying the entire flock or herd, we need to ensure we can do that in an expedited manner to prevent the spread of disease.

● (1030)

I know many people do not like hearing about taking on an entire population of animals in a certain area, but we have to minimize the spread of that disease and the risk that is associated with it.

Routine Proceedings

As was already said, we must ensure that the animals are destroyed in a humane fashion. Walking in and publicly blasting them with guns and hockey sticks is completely unacceptable. It was suggested we should be using curling rocks as a more humane way. We must ensure that we employ the most humane practices in destroying the animals. It should be done under the care of veterinarians who are trained professionals in this matter.

The sixth recommendation is one that has been an ongoing issue and deals with the compensation of these herds and flocks that are being destroyed. Right now it is arbitrarily set in stone within the Health of Animals Act. An animal is only valued up to a certain limit and that is all the compensation owners are entitled to even if the value exceeds that animal's worth.

There are so many costs associated to the producer who has the unfortunate experience of being affected by the disease, whether it is avian flu, BSE, tuberculosis, or who knows what else is out there. For years we have been fighting the one time costs in disinfecting, in cleanup, and in lost income because the animals are going to be taken out of the system for some time before the facilities are able to house them again. We must help these producers through that time.

Therefore, these one time costs, this lost income must be made part of the compensation program and not just the value of the animals. We need to remove the whole issue of maximum value. As long as we are accurately representing market value and have those animals appraised, then we are doing what is responsible as a government in addressing the needs of the producers.

The final recommendation is to ensure that the communication and consultation between CFIA and producers is done in a more transparent manner and working with the industry in a better fashion. The one major complaint that has come out of British Columbia is that provinces never felt they were part of the consultation with CFIA. They felt they were on the outside looking in the entire time and that they were in the passenger seat, and CFIA was in the driver's seat. The provinces were not properly informed or participated in any of the decision making process. We must ensure that the provincial departments of agriculture are involved in these decisions. I really recommend that we move on that.

There has been quite a bit of comment about CFIA and its usefulness. We are not here to talk about Bill C-27, but in addressing the whole issue of the way we deal with disease outbreaks, we need to begin looking at Bill C-27, and how we put the leadership structure into that organization. It has been just a complete shock every time that we have officials from CFIA before the committee. There seems to be a real wall and barrier between them and us. Officials actually seem to dislike appearing before the committee and talking to us about the issues of the day that affect the industry that we as a committee are responsible for dealing with on behalf of the people of Canada.

I want to ensure that we put in place a structure where CFIA is accountable to Parliament and that CFIA is showing the leadership that reflects the views of Canadians and the industry. We must ensure that Bill C-27 incorporates these recommendations and we need to have an agency that is working well and properly.

● (1035)

Hon. Wayne Easter (Parliamentary Secretary to the Minister of Agriculture and Agri-Food (Rural Development), Lib.): Madam Speaker, this committee report is a very good report with the exception of at least one recommendation, which would delay action to deal with the problem that is out there, and that is recommendation 1. It calls for another independent inquiry with the mandate to investigate the 2004 avian influenza outbreak in British Columbia. I am strongly opposed to that recommendation.

There have been three reviews already, one by the agency itself, the lessons learned study, and the committee, which has some very good recommendations that in fact CFIA has started to act on.

It may be good politics for the party opposite to get into that kind of an issue and talk about hockey sticks and so on, and all the things that went wrong, which are being addressed and action is being taken.

I want to ask the hon. member why he would support such a recommendation that would result in a rehash of old ground that has already been dealt with by previous reviews and would delay the kind of action necessary to deal with some of the problems in the farm community?

I would rather see us trying to deal with those problems and assist the farm community in a preventive way so that these things do not happen again. Why is his party taking the stand, through this recommendation, to delay action for the farm community?

Mr. James Bezan: Madam Speaker, the parliamentary secretary is well aware of the discussions that happened at the hearings in Abbotsford. The one thing that came out loud and clear is that producers there felt that they had not been heard. They felt that the people in government had not been listening. We need to provide the mechanism and the opportunity for them to vent and to allow them to put forth their issues.

We must remember that this recommendation does not pre-empt the other recommendations coming into force. It is something that would be done alongside the implementation of all the other recommendations.

Let us be inclusive. Why be exclusive? Let us be inclusive and allow these individuals a chance to get up and talk, and express their feelings and frustrations. They may possibly have some better ideas which would enhance CFIA and our emergency preparedness. I think that we need to continue to listen. That is our role as politicians; we need to be listening. I really encourage us to go down that path.

Mr. Brian Fitzpatrick (Prince Albert, CPC): Madam Speaker, I recall the words of a famous former American president, President Reagan, who said that the most dangerous words in the English language are "Hello, I'm with the government. I'm here to help you".

During the debate today I was thinking of the peacock farmer and the government agents coming in with shotguns, blasting away at his peacocks and wiping out this herd that is worth thousands of dollars, and that probably does not have any connection to the avian flu issue, and I just thought of President Reagan. I do not know if he was really thinking of this when he used those words, but it just reinforces the accuracy of this matter.

Routine Proceedings

Then, coming in to kill off a herd of ducks, they run out of whatever they have to kill the ducks, so they resort to using hockey sticks. Well, that would be the Canadian way of doing this I guess, hockey being part of our thing. But, again, "Hello, I'm with the government, I'm here to help you".

I am curious on this issue. I know that the government opposite does not believe in property rights. It thinks it is a dangerous concept that Canadians have property rights. It would not put it in the Constitution because it is just an awful concept. I am wondering if these farmers received good solid compensation, especially the peacock owner on whose farm this apparent massive destruction took place.

• (1040)

Mr. James Bezan: Madam Speaker, what is disturbing is that CFIA is supposed to be professional. To walk in and destroy animals in that manner is completely unacceptable. As a producer and farmer, I just shake my head thinking that it was done in that manner. As a party, we strongly believe in private property rights and respecting those rights, and properly compensating people when measures like this have to be taken. We must ensure that it is enshrined by Parliament.

Hon. Wayne Easter (Parliamentary Secretary to the Minister of Agriculture and Agri-Food (Rural Development), Lib.): Madam Speaker, in terms of the concurrence motion, I am a member of the standing committee and as a member said earlier, I was not able to attend the meetings in Abbotsford. In fact, I was in Abbotsford the day before on farm income hearings. This issue barely came up at the farm income hearings because the producers knew the standing committee was coming in the next day to hear from them. As the report clearly indicates, those producers have been heard.

This is but one of three studies. One was done by the agency. The second one was the lessons learned report which was a very extensive review of what happened and made recommendations to the Canadian Food Inspection Agency on how it could do a better job another time around.

To the greatest extent possible, this is a very good report by the Standing Committee on Agriculture and Agri-Food with one exception. The opposition parties in the committee, with this minority Parliament, want to continue to play politics with this issue.

Yes, there were mistakes made by CFIA. The CFIA, fully admitted to that when it was before the committee. This was a new crisis disease and lessons had to be learned while it was dealing with that particular issue.

In the face of this crisis, let us remember that Canada proved to be very successful in responding to the outbreak. Through prompt and effective action, we were able to bring the situation under control. We contained a highly contagious virus to a relatively small area in a short period of time. Ultimately we were able to eradicate the virus from commercial and domestic birds in the Fraser Valley area.

I also remind the House that throughout the crisis we were able to maintain consumer and market confidence in Canadian poultry and poultry products. Our major international customers had sufficient confidence in our ability to contain the disease to a specific region

that they did not place a ban on poultry and poultry products from all of Canada which they otherwise might have done.

If we recall the avian influenza, that was a major positive step forward. As a result of the actions of the Government of Canada and CFIA, we were able to maintain that confidence in poultry and poultry products within Canada and able to maintain our international markets.

The scope of Canada's success in controlling avian influenza becomes obvious when we compare our experience to what happened in other countries. There was potential for a public health crisis for example. When two individuals suffered minor symptoms, we tightened up our biosecurity measures as a result and the disease was not transmitted to more people.

In the Netherlands more than 250 farms were infected during its avian influenza outbreak. Comparing that to Canada there were only 42 commercial farms that were implicated in the outbreak. This is in spite of the high density of poultry farms in that area of B.C. In fact, there were approximately 600 poultry farms in the control area and the disease was contained to just 42 commercial farms.

Around the world animal health and public health officials acknowledged Canada as an example of effective response to a deadly and highly contagious disease. In fact, a panel of four internationally recognized experts acknowledged that Canada took the appropriate actions.

• (1045)

This is a tribute to the teamwork that was in place. It is a tribute to an emergency response system that was able to react very quickly to changing circumstances. It is clear that Canada has earned international respect for the way we handled the crisis.

The report recommends another inquiry. The opposition has asked that we concur in it. Where does that leave us? I would pose the question this way. First, keep in mind three studies already have been done. One was done by the agency itself. The second was the lessons learned study with all kinds of experts and hearings on the ground. The third was done by the committee itself. The party opposite wants to hold another inquiry.

One of the difficulties of a minority Parliament is sometimes opposition parties think they do not have to take responsibility for the decisions made. It is very easy to be a critic and say outrageous things.

What would be the cost of this public inquiry? It is not only the cost in terms of dollars. What would be the cost in terms of delays and getting the appropriate action done, action that already has started to take place?

Responsible government requires us to accept some responsibility. We have and the CFIA certainly has. The CFIA has looked internally at itself and it has looked at the committee report. It is moving on some of those recommendations.

Routine Proceedings

What I am clearly saying on the record is the opposition parties, with recommendation one, are not being responsible. They are being irresponsible and they will force delays and added costs on the system that can only at the end of the day complicate things further for farmers. I suggest the opposition parties drop recommendation one and go with recommendations two, three, four, five, six and seven which makes a lot of sense in terms of moving ahead.

I should put on the record some of the things that are being done. If members are responsible on the other side, they will admit improvements have been made. They should also admit, as I mentioned earlier, the fact that we continue to have confidence in our poultry and poultry products in the country. Also, our international trading partners continue to have confidence in this country and its inspection services as well.

Let me update the House on some of the proactive actions taken by the Canadian Food Inspection Agency to respond to AI and to other potential emergency situations.

First, the CFIA, as is well known on the other side, although they do not want to admit it, consulted extensively with national feather organizations. I know of no feather organizations that are calling for an inquiry. Those organizations want to see action done on the reports already out there.

The CFIA has established an operation protocol that will be applied should another outbreak AI occur in the future. This was developed in consultation with industry. It provides a good balance between the requirements for prompt, decisive action on the one hand and science based decision making on the other.

A policy has been developed for CFIA employees to follow for the first 24 to 48 hours of an AI outbreak. That is different than what the member said earlier about waiting around for 30 days. The procedure now would be that the farm would be frozen immediately and decisions would be made within 48 hours.

I know members opposite want to go back in history. What we are talking about on this side is the future. We are progressive in making decisions toward the future.

• (1050)

Second, the agency is working with stakeholders to develop plans for foreign animal disease eradication support, or FADES agreements. The CFIA is currently negotiating new FADES agreements with all provinces and territories, including an exercise requirement.

We also are consulting with industry associations to solicit their views on the FADES and to identify opportunities for incorporating industry's responsibilities in emergency response to foreign animal disease. We expect this process to be completed by this fall. If we had an inquiry, would the agency have the personnel to continue this? What the opposition is trying is nothing but delay and political tactics for partisan political reasons.

Third, the agency is working on a program to give accreditation to laboratory services so it can use data from non-CFIA laboratories. Four laboratories have already been accredited, including the provincial lab in Abbotsford.

Fourth, the agency undertook to examine the feasibility of establishing a pre-emptive cull program. It added this to the agenda of its meetings with the poultry industry, and an interim pre-emptive cull protocol is in effect now. It will be reviewed before a permanent protocol is finalized.

Fifth, the agency is working to increase federal capacity to respond to zoonotic disease outbreaks through the development of collaborative arrangements with Health Canada and the new Public Health Agency of Canada. Officials have met and will be developing a framework to detail roles and responsibilities of the three parties by this fall.

Sixth, the agency will conduct a review of the compensation maximum amounts under the Health of Animals Act. That was a legitimate concern raised by the member opposite. There are concerns that some of the more valuable animals may not have been compensated enough, but the CFIA in terms of its responsibilities is not at fault there. It compensated the maximum allowed under the act and that is all that it could be expected to do.

We understand the financial difficulties that those producers face in these kinds of times. However, keep in mind that in Canada we have a safety net system that allows the government and its regulatory authorities to act quickly, to get rid of a disease and compensate producers for those losses. That does not happen in all countries around the world. Nor does it happen in all industries, for example, even in this country in the aquaculture industry. We are very fortunate that we have that compensation under the Health of Animals Act and, yes, it does need to be reviewed. This review began in February of this year and is slated for completion by the end of this year.

Seventh, the agency is reviewing the protocols on which to activate local area and national emergency response teams. At a workshop last January, the various stakeholders began to develop the protocols. They will be in place by November.

Eighth, the CFIA has committed to revising the structure of its emergency response teams so that the roles, responsibilities and delegated decision making are more clearly defined. This is scheduled to be completed by November. That deals with the question that members had earlier about how CFIA dealt with an emergency response. It is now being outlined and structures are being put in place so that the roles, responsibilities and delegation of decision making are in place, clearly defined and everyone knows in advance what they ought to be doing.

Ninth, the CFIA is implementing a national AI, avian influenza, survey for domestic poultry. The development and implementation of a small scale AI surveillance plan is well underway. The expectation is that samples will be collected in the spring of 2005. Development of a longer term plan for active and ongoing surveillance of the commercial poultry industry is also underway.

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• (1055)

Last, with respect to what the CFIA has on its agenda at the moment, the agency will set up an animal health surveillance communication network to link federal, provincial and university animal health laboratories across Canada. That is a long term project.

The Canadian Food Inspection Agency has been progressively moving forward with an action plan on how to deal with the kind of disease outbreak we had last year and the potential for other diseases in the future.

The Canadian Food Inspection Agency has been listening to the reviews that have taken place: first, within the agency itself; second, with the "Lessons Learned" document; and third, with this report of the Standing Committee on Agriculture and Agri-Food. On some of these points, the CFIA has been ahead of the game and has moved on some of the recommendations before they were even made. That is pretty good work.

I come back to my point on responsible government. The agency is moving ahead. It recognizes the fact that lessons had to be learned. Members opposite have to recognize that this was a crisis situation, one that had not happened elsewhere before. Lessons had to be learned on the go.

As a result of all the evaluations that have been made, the agency has now come up with the list of actions, which I have laid before the House today. These actions show that the agency is acting in quite a number of ways to prevent problems, as a result of the emergency of the avian influenza, from occurring again. The agency has learned lessons by the "Lessons Learned" report and the other reports that have been made.

There is much in the report just tabled and much in the CFIA action plan. I have a outlined number of points on which I think we can all agree. The government has difficulty with a couple of the recommendations which would unnecessarily divert its attention and the agency's attention away from the important work already at hand.

For the reasons I have already outlined in terms of concern with recommendations one, two and three in particular, and considering the committee could benefit from examining more thoroughly the implications of its recommendations and the progress that has been made to date in responding to the recommendations, I seriously oppose recommendation number one. I think it ends up being a delaying tactic, an unnecessary diversion from what we are doing as a government and as an agency. It would be confusing to the public on the kind of strong measures that we have already taken.

One point that is extremely important in the food world is confidence in the food supply. There also has to be confidence in the fact that we treat animals humanely. The first opposition member who spoke went into some of that old history, some of the things that are not being done now. The member has left the impression with the public that those things are happening today. The measures that have taken place by the agency and the Government of Canada show that is not the way things are done now.

• (1100)

With the rhetoric that is coming from the other side, what those members are doing is leaving the misrepresentation in the public

arena that food is not as safe as it really is in this country. The government and the agency are doing everything possible to learn from the lessons of avian influenza, to do a better job, and to assure the public nationally and internationally that we have the safest food supply in the world. We are doing our best for farmers at the same time.

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Madam Speaker, the parliamentary secretary talked about political rhetoric. We have heard an awful lot of political rhetoric from him.

It is interesting that he said not to judge what is in place now by what happened then, as if it were 10 years ago. Then was a few months ago. We should be looking at how the government did not handle things appropriately a few months ago. For the parliamentary secretary to pretend that things have been fixed since then is simply not factual. It is not the case.

There are a couple of different aspects I want to ask the parliamentary secretary about. I want to make the point that the Canadian Food Inspection Agency has some extremely good people working for it. They are very capable, well trained, well educated people. The country is very fortunate because those good people certainly do protect our food supply in most cases.

Most often when problems arise, it is due to political interference by the government or due to the top brass at the CFIA who seem to lack respect for the individual farmers they are dealing with and also people who are working in the food processing industry. That is where the problems arise. It is not with the good people on the ground at the CFIA.

The parliamentary secretary said that the government is moving forward on an action plan and that it is preparing to meet another crisis. If the BSE mess over the past two years is not enough of a warning for the government to prepare itself for a crisis like this, then nothing will. We will have to change government to change that attitude and that lack of action. He said that the government is moving forward now. Why was it not moving forward before this happened? Why had the government not prepared before the avian flu outbreak happened, especially with the warnings that came from the BSE crisis? It is hard to imagine.

I would like the parliamentary secretary to answer that. I also have some important questions to ask about property rights and why fair compensation is not occurring in many cases, but I will ask them if I get another opportunity.

Hon. Wayne Easter: Madam Speaker, the member opposite has quite selective hearing. He only hears what he wants to hear and he does not hear what he should hear. Obviously he was not listening in terms of the steps which the government and the Canadian Food Inspection Agency have taken.

He said in his remarks that this was only a few months ago, so we have to look at it. It is true that it was only a few months ago. When did we ever see the kind of progressive action moving forward in that three reviews have already taken place since those few months ago? They are the agency review, the lessons learned review, and the committee report. In essence it is a good committee report with the exception of the one recommendation that wants to have another review. A review of what? Actions have already taken place.

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In terms of the compensation issue, the agency and the government have made it clear that we want to look at the Health of Animals Act and see what can be done in that area. I understand the difficulty for farmers.

There are a number of other areas. A number of years ago there were problems with some cattle that came into Canada from Great Britain. One of the herds that was destroyed at the time was in my riding. It was a tough decision to make. It is tough decisions like that one which have to be made by an agency, by a regulator on the spot in the interests of the industry and the country as a whole.

Contrary to what the member opposite is saying, that this is a disease that has been around for a while all over the place, this is a new disease in terms of our country. New techniques had to be learned and developed. It was action on the fly. Some of the scientists in the industry commented to me that this is a virus that moves at an exponential rate and it must be killed quickly. Sick birds are like a virus factory, so decisions have to be made quickly for the benefit of the industry as a whole.

Yes, it was only a few months ago, but decisions have been made quickly. Three studies have already been done. Recommendations have been made. Recommendations have been acted upon.

Instead of trying to play politics and use this issue as a reason to change government, the member opposite should admit the reality. The reality is that action has been happening. Good work is being done. The member should respect some of the people who have been making those decisions in terms of that good work.

• (1105)

Mr. David Tilson (Dufferin—Caledon, CPC): Madam Speaker, I appreciate the comments of the parliamentary secretary. However, we do have to look at the experience that we have encountered with respect to BSE. It has caused a big problem in the agricultural community. This issue is scaring the living daylights out of the agricultural community.

I have one simple question. The hon. member indicated that the Liberal government was not in favour of recommendation one. Recommendation one says that an independent commission of inquiry be struck with the mandate to investigate the 2004 avian influenza outbreak in British Columbia and to also prevent occurrences of outbreaks. The answer as to why he was opposed to this recommendation is that it takes away from strong measures already taken by the government.

We have to be satisfied. The international community is trying to tell us that a country must be considered free from all of this. They do not seem to be satisfied. They seem to be rather concerned about it.

I would like another explanation as to why the hon. member's government is opposed specifically to that first recommendation.

It is well known that exports of Canadian poultry were significantly down from the previous three years. March 2004 exports were down 54% from the previous years. August 2004 exports were down 77% from the previous years.

We have to be satisfied that the conditions are safe. The hon. member can say they are, but we do not appear to be satisfied. I would like further information on that.

• (1110)

Hon. Wayne Easter: Madam Speaker, I outlined earlier that the international markets have confidence in our product, that they in fact continued to take poultry and poultry products after we had avian influenza. They could have just as easily closed their markets, but they showed some confidence in our health and inspection systems. There was still good confidence within the domestic industry even as a result of all the bad publicity that came out from other countries as a result of avian influenza.

The member opposite wonders why we would be opposed to the second part of the recommendation. The second part of the recommendation says this:

To prevent the reoccurrence of outbreaks, the commission must review the effectiveness of the emergency preparedness and implementation strategies that were deployed in British Columbia, regarding zoonotic diseases.

My point to the member and the party opposite is that has already been done by three studies: one, the agency review; two, the lessons learned; and three, the standing committee itself held hearings in Abbotsford. The CFIA itself outlined 8 to 10 recommendations on which the agency is already moving.

All another inquiry would do is rehash what has already been rehashed and for which recommendations have already been made. All it would do is cost more money. All it would do is tie up agency personnel who should be acting on recommendations instead of shuffling paper around. The members over there want to do that for political reasons, and so they can talk about hockey sticks and curling stones instead of the good health of the Canadian industry and producer concerns.

[*Translation*]

Ms. Denise Poirier-Rivard (Châteauguay—Saint-Constant, BQ): Madam Speaker, I will take a moment this morning to outline the position of my party, the Bloc Québécois, on the report of the Standing Committee on Agriculture and Agri-Food on the avian flu outbreak in B.C. last year. The Bloc Québécois welcomes this report for several reasons.

First, a general comment. What happened in British Columbia in 2004 was a very sad thing for the poultry industry and poultry farmers. We have to learn a lesson from this; we cannot just go on as if nothing happened. For the past to be a guide for the future, we have to learn from our mistakes and ensure they are never repeated, be it here or anywhere else.

In that context, the Bloc Québécois wants to support the committee's recommendations concerning the avian flu episode while reiterating some of its positions on human and animal health.

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This experience with the avian flu outbreak must make Quebecers and Canadians realize how crucial it is for the provinces and the federal government to implement effective animal health policies. While some would like the free market to work some magic and resolve all problems in the area of animal and human health, we have to seriously consider the advisability of implementing policies and regulations to at the very least contain such problems, if not prevent them.

This is why the Bloc Québécois made sure that the recommendations contained in the report recognize the essential role of those provinces which, like Quebec, have field expertise in dealing with animal health. Need I repeat that Quebec has a traceability system and its own food inspection and animal health agency—the Centre québécois d'inspection des aliments et de santé animale, or CQIASA—which is the envy of everyone the committee heard during its study of Bill C-27?

Of course, prevention in animal and human health comes at a price, as some people have quite rightly pointed out. That is why the Bloc Québécois thinks that such public health policies and preventive measures, in order to be fair, stable and equitable, cannot rely on either the free market or agricultural producers.

They cannot rely on the free market, of course, because it has a regrettable tendency to value potential profits above public or animal health. Such policies cannot rely only on producers either because producers are already financially overburdened as a result of disastrous harvests, the closing of borders to their livestock, and the steep decline in world prices for agricultural products.

Therefore, it falls to the government, that is, the citizenry as a whole, to assume the duty and responsibility of covering the inevitable costs of ensuring the quality of the meat, fruit and vegetables that all of us, in Quebec and Canada, find on our plates.

Quebec provides a telling example in this regard: for those who criticize our high tax levels, here is another argument demonstrating the wisdom of this approach. Quebec takes the health of its people very seriously and hopes that the other provinces will follow suit. We must remember, at a time when trade among the various countries is increasing, that it is essential for the public health authorities of our various trade partners, both provinces and countries, be agreed on the best possible practices and policies. We cannot make any mistakes when it comes to human health.

Let us return briefly to the avian influenza report. I would like to inform the House that the Bloc Québécois is especially pleased with some of the recommendations here.

Recommendations 1, 2 and 3 perfectly reflect the concerns of the Bloc Québécois, particularly by wanting to give the public more responsibility for the crisis that occurred and coming out in favour of adequate prevention of such crises in the future.

I will read the recommendations.

The first recommendation states that an independent commission of inquiry should be struck with the mandate to investigate the 2004 avian influenza outbreak in British Columbia.

●(1115)

To prevent the reoccurrence of outbreaks, the commission must review the effectiveness of the emergency preparedness and implementation strategies that were deployed in British Columbia, regarding zoonotic diseases.

The second recommendation says that the Auditor General of Canada should be asked to audit the effectiveness of various emergency preparedness strategies related to animal diseases, studying first the 2004 avian influenza outbreak in British Columbia, with an emphasis on strategies related to zoonotic diseases

The third recommendation is that the Canadian Food Inspection Agency establish a “Special Animal Disease Response Team,” comprising CFIA, provincial and local experts, that can be quickly deployed with appropriate equipment, and that is responsible for overseeing practices of emergency preparedness plans and procedures.

The seventh recommendation is that any industry recommendations or actions for a pre-emptive cull to limit the potential spread of an outbreak of animal disease must be submitted to the Canadian Food Inspection Agency. The agency, in consultation with the affected provinces and industries, must be proactive and responsible for authorizing and supervising any such pre-emptive cull.

Recommendations 3 and 7, which I have just read, emphasize that the federal government cannot go it alone and must call on the expertise of the provinces and the industry.

[*English*]

Hon. Wayne Easter (Parliamentary Secretary to the Minister of Agriculture and Agri-Food (Rural Development), Lib.): Madam Speaker, I know the member opposite worked hard on this very good report. I know she was here for part of my earlier remarks when I outlined eight to ten points where the agency and the government have been very proactive in terms of acting quickly and creating an action plan on how to deal with some of the concerns that were expressed in all three studies that have already been done.

Recommendation No. 1 suggests doing another study which, there is no question about it, will draw away from human and financial resources, and rehash old ground, by going over the work that the parliamentary committee has already done. This would be repetitive and unnecessary work.

Does the member not feel that this recommendation in the report is really unnecessary? Would it not be better to let the other recommendations, plus the ones I mentioned earlier, be acted upon. Perhaps the committee could call the CFIA and the feather industry in a year's time to see how they are getting along in terms of those recommendations and if they are moving fast enough?

However, it is ridiculous to do another repetitive study, even by parliamentarians themselves. This would take human and financial resources and would repeat what has already been done,.

●(1120)

[*Translation*]

Ms. Denise Poirier-Rivard: Madam Speaker, I think that human health cannot come with a price tag.

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As I have said, the Bloc Québécois supports the recommendations in question.

[*English*]

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Madam Speaker, I have a question for the member who has just spoken about the issue of compensation. We heard one of my colleagues earlier clearly describe in some detail the situation. I think the member described how a person on an acreage used peacocks to decorate and make their home an extremely attractive place. The CFIA came in and destroyed the birds in a way that seemed ridiculous. That is not the issue I am asking about.

To my knowledge, and I believe this is accurate, there has been no compensation whatsoever offered to this individual for \$100,000 or tens of thousands of dollars worth of birds that had been raised over the years.

I would like to ask the member about the issue of compensation. Does she believe that we should have property rights enshrined in the Constitution in this country? If the government removes property from an individual, and from time to time that is required and I acknowledge that, there will be fair market value compensation.

With respect to that flock of birds which had taken years to raise, it was worth a lot of money. There has been no compensation forthcoming. The destruction of the birds was done when there was no evidence that they could make the problem worse.

[*Translation*]

Ms. Denise Poirier-Rivard: Madam Speaker, I believe the committee report states that there will be a review of compensation costs, since this has not been done. I think the committee will address that at another time. There will surely be a review in order to determine a fair and equitable share for this crop.

[*English*]

Mrs. Bev Desjarlais (Churchill, NDP): Madam Speaker, our colleague representing the Liberal government previously asked questions regarding recommendation No. 1 and why there is a need for another inquiry.

I know the difficult work that committees do on a regular basis. Obviously, the committee felt that the previous investigations or inquiries that were done were lacking in some manner. I would appreciate the comments of my colleague from the Bloc on that.

I would also appreciate her comments on the government's criticism of an inquiry in this area. Over the years we have listened to the government on so many other issues, whether it is residential schools, the treatment of aboriginals or numerous other areas. There the government holds inquiry after inquiry, and study after study. There never seems to be any problem holding an inquiry on those issues.

On the issue that is directly related to the health of the industry, as well as the health of individuals, the government seems to have an objection to another inquiry to determine what happened.

● (1125)

[*Translation*]

Ms. Denise Poirier-Rivard: Madam Speaker, as I said, the Bloc Québécois supports the first recommendation, which I will read again:

That an independent commission of inquiry be struck with the mandate to investigate the 2004 avian influenza outbreak in British Columbia. To prevent the reoccurrence of outbreaks, the commission must review the effectiveness of the emergency preparedness and implementation strategies that were deployed in British Columbia, regarding zoonotic diseases.

The Bloc Québécois supports this recommendation.

[*English*]

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): Madam Speaker, I heard the Parliamentary Secretary to the Minister of Agriculture indicate that he was not part of the hearings, mainly because he was going from place to place in the country dealing with the farm income crisis, which was more related to the BSE. Part of the problem we have in the whole picture is that. We are working on a knee-jerk reaction from time to time instead of having a policy and plan in place in advance, with rules of engagement so everybody knows what they need to do.

What we have is a sort of an on the spot plan put together that is ad hoc or knee-jerk which tries to deal with a crisis that is more than just a producer crisis. It is a national crisis. It is something in which the country needs to be involved and interested. It is not just a question of asking for an independent commission of inquiry. It is pure politics.

I agree to some measure with the parliamentary secretary that perhaps we do not need more commissions, studies or reviews. That seems to be the way things are done. In this case stakeholders want to be heard. Because it was a thing with such impact, they need to be heard and we need to accommodate them.

We can say that the stakeholders had a serious outbreak and that they did not have the kind of management required to meet the crisis. We need to have something in place that would be rapid, responsive and that would take care of situations like this. It may be Asian influenza this time or an outbreak of something else next time. It may be a political action that crosses the borders or it may be something like BSE. We can understand and know that we will be facing these kinds of things on an emergency crisis basis at any point of time. It is not a time to get ready when the crisis develops and it is not just the producers who are involved. We must have a national policy that involves all people of our country. It must involve us as a nation.

When we have these kinds of incidents and crises, there is a cost component to them. There is a secondary impact. It is not just dealing with the disease or the crisis. What is the economic impact not only to the producers but to our country? Billions of dollars are lost if we do not take appropriate action in containing or dealing with the crisis.

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When we look at the producers, it has always been my view that producers should be responsible for sound management on the farm. Producers should be able to look after their businesses and should operate them efficiently. However, when producers are faced with a crisis that is more than just a local one or provincial one but deals with something on an international basis, or across province basis or North American basis, then our government must have some type of scheme to not only address the problem but to deal with the secondary fallout and with the preservation of the industry.

We see that in our farming community. Where I am from in Saskatchewan, farmers are shutting down. They are not farmers who are unable to farm. They are farmers who have farmed economically and who have been able to produce better than perhaps anyone else in the world. They have used the best technology and equipment and they have worked hard. However, they still are unable to make it because commodity prices have fallen, or production costs are too high or there is an international influence that is beyond their control.

The government must stand behind our primary producers, whatever primary producer with whom we may be dealing, to ensure that they will continue as an industry, as a sector in our country. We cannot allow them to dissipate and disappear, and that is what is happening in Saskatchewan.

My constituency is large, with two cities of 10,000 and many small communities spread throughout the riding. When I drive through by constituency, I see farms starting to shut down. If one tries to find a farmer's wife, or one of the family members, they are probably in town working. They need a second job to support the family operation. That is not the way we should operate business. We need to have something in place to deal with these crises that are larger and bigger than the producer himself or herself.

● (1130)

The parliamentary secretary has said that to some extent, politics are being played and blame is being put on people when blame should not be put on them. However, let us look at some of the people who have spoken on this issue.

I am reading from the report itself, which says:

Proper management of AI is a public good as human and animal health authorities world-wide recognize...funds set aside to compensate for loss of birds and business interruption so nothing stands in the way of a quick, surgical pre-emptive cull.

They are asking for that kind of a policy. More important, one of the comments was as follows:

It is ludicrous that the disease was not contained in the...flat area. Again it is because of procrastination and lack of common sense. We spent a huge amount of time waiting for decisions to come from Ottawa, and most of the time local CFIA staff didn't know how to interpret those decisions

In itself that has nothing to do with politics or with us politicizing the incident. It is just saying that communications were not good. There was not a quick, rapid ability to have a response in a logical, common sense way to contain the problem when the problem was identified. It was like the left hand not knowing what the right hand was doing and there was nobody to ask what to do.

We need to have someone in place who is in charge, someone in place who knows in advance what the rules of engagement are so he or she can say, when a crisis develops, "Here is how we are going to

tackle it. Here is what we are going to do". We need to have somebody in charge, not the Ottawa bureaucratic way of doing things by referring it to one department, then to another department, then having some contradictory opinions, then discussing it for a week or a month while this crisis is ongoing, particularly a disease that is airborne and spreads.

We look at the actions that are being taken. When a thing is airborne, we take measures to deal with the birds that cause yet more of a problem and cause the disease to be airborne to the next community and then the next farm. That is the inappropriate thing to do.

Why is that happening in a society in a day when we have the scientific basis, the knowledge, the communication means and everything at our disposal to deal with it rapidly? It is happening because we have not put a plan in place and we do not have a commander in chief or someone in charge who says that this is what we will do, here is how we will do it, we will do it effectively and we will do it quickly. What we are asking is for something to happen in a reasoned, logical, common sense way.

One report from the Primary Poultry Processors Association of B.C. in the hearings said, "If there is another outbreak? There should be a total lock-down—no movement of birds or manure". It is saying that here is just a simple thing we need to understand and do. It is something of which we need to be aware. It is not just an issue of playing politics when we look at the past. We look at the past with the view of identifying the problems so we can deal with them in the future in a responsible and appropriate manner.

It is a picture that is not just isolated to the community we are talking about here. The same principles and basics apply to every crisis situation. What a crisis situation demands is an understanding of the facts and the incidents around the crisis. Then it requires decisive, rapid action and a rapid response.

I notice that recommendation one flowed into recommendation two, which was that the Auditor General of Canada be asked to audit the effectiveness of various emergency preparedness strategies. I suppose I can support that, except that we probably do not need an audit to indicate it was not appropriate and as effective as it should have been. We know the results and consequences. It is more like, what kind of a system and process do we need in place so it does not happen again and that indeed the action is far more appropriate in the future.

Recommendation three requested a special animal disease response team, comprising various experts. There is no doubt in my mind that there needs to be a rapid, specific, strategic response team not only for a crisis like we experienced, but in every type of crisis that we may have to face. It does not take a lot of stretching of the imagination to know that in the world we live in today, with globalization and everything that has happened, we will have to deal with issues that are far bigger than we are individually.

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•(1135)

We can expect there will be a crisis in the food industry. We can expect there will be a crisis in the health industry. We can expect there will be a crisis in the economic fallout from that. We can plan for it now, in advance, and have a fund ready to deal with the issues when they need to be dealt with.

It does not take a lot of genius to understand that these things will happen and that we need to be prepared and have specific strategic teams in place to deal with those issues as they come into place.

As always, there is no question that systems are very important. When we deal with health and with food, we must be able not only to identify a particular item of food in the food chain from beginning to end, but we must be able to do it with precision and deal with it quickly.

I appreciate there is a cost component to that, but it is a cost component that we must bear. It is something we must talk about as a nation. When something develops and unfolds, we must be prepared to stop its tracks with accuracy so we can put some confidence into the market and the world community that we in Canada not only have the best system in the world for raising and preserving food, but also we have the best system in place for checking it, identifying it and keeping it safe throughout. It does not require much more than good management, good management practices and some initiative.

Look at the dollars we have spent on some things in and around this capital. Look at some of the waste that we have seen, billions of dollars. Those dollars would be better spent to put in an integrated, safe, well-connected food supply system that would ensure our food supply into the generations.

My sense is if we do not take the time and the money and do it now, if it does not cost us as a nation now, it will some day, some place, when there are no farmers on the ground or when there are no producers in a particular sector or industry because they have been unable to survive or handle the cost and the economy of it themselves.

When there has been a crisis situation, what we have done is to said to them that they be responsible for our ineffectiveness and that they be responsible for our negligence. We have said that they should use their equity which they have built up over the years to solve the problem. In other words, they should mortgage their farms and buildings and use up all the equities they have gained over the years of operation to get us through the crisis because they are obligated to do it. The fact is this is a national interest and it is something in which we all should share.

Many primary producers have faced crises that are beyond their control. They are national, interprovincial and are bigger than their own industry. They have utilized their own equities to keep us going as a nation. Some are throwing in the towel. Some are saying that it is enough.

In my constituency 49 auction sales for farmland have been held this spring. In the province 170 auction sales have been held. People are going out of business. A farm implement dealer who has combines, tractors and seeders is selling all of that in an auction sale because he cannot afford to go on.

Why is that happening? Because the government has not placed primary producers in agriculture at the national level where they ought to be. It has not stood behind them so they can continue the industry. When those farmers are gone and those primary producers have left, someone will have to fill the vacuum and produce that which we require, and it will cost us a lot more than it is now.

The report speaks about a compensation package and the need to be flexible and adaptable to the situation. I agree with that report. When we deal with the particular industry, it is not just the animal or the particular bird that is in question, there are some secondary economic consequences at which we need to look. The report in fact speaks about that. It says that there is an interface between animal and human health, enhanced emergency management and industry and community economic recovery.

•(1140)

Everything is intertwined. There is no such thing as saying that we can have a crisis in the poultry industry or the cattle industry and it will just affect a particular farm or community. It goes far beyond that. Those dollars travel through our economy. Those dollars travel into the grocery store and to the shoe store and to the car repair shop. It is those kinds of things that keep the basic society going.

When we do not look after the primary producer, when we do not look after those who are instrumental to the economy, it slowly but surely shuts down the community. It shuts down the implement dealers. It shuts down the businesses. Many communities are regressing on the Prairies. The problem is far larger than just an isolated disease. The government and the minister need to look at the broader picture.

One of the lessons that was clearly learned is that effective preparation and response to foreign animal disease outbreaks in Canada must be seen as a shared responsibility. I will accept that as well. It is something that must be dealt with at the national level, at the provincial level, at the municipal level. It must include not only the food inspection agencies but also the local experts, veterinarians and others who are familiar with the industry. There must be a coordinated effort by all parties.

The report states:

The Standing Committee hopes that the lessons learned will help avert similar mistakes in the future, because it is almost certain that there could be other outbreaks of animal diseases in the future.

It is nothing new under the sun, so to speak. We can expect things like this to happen from time to time and we need to be ready.

The main lesson learned by the people of the Fraser Valley is that proper management of avian influenza or other diseases is a matter of public health and safety and it requires the proper reaction of public authorities. What are they saying? They are saying they are not playing politics, that public authorities have a responsibility.

Routine Proceedings

Public authorities have a due diligence requirement. They must not just talk about issues. They must understand them. They must take the time and put in the energy to understand the problem, to have a plan, to ensure it is carried out and to communicate it effectively. They must ensure that there are no foul ups along the way, that it is properly administered. There is a due diligence requirement. They are expecting that from those in public authority. That certainly would mean the government of this country.

The report cites some examples of how the disease was handled and it was somewhat shocking. It said that one of the cull requirements released vast quantities of virus into the environment associated with the depopulation procedures employed and there was a delay in the depopulation process”.

What do we need? We need an emergency response team. We need a cohesive plan of attack. We need to have an organization that has the personnel in charge who are prepared to be direct, who are prepared to be effective, who can make decisions quickly, who can make the right decisions, and who in advance of the problem take into account the stakeholders' interests. They must have done their logistics planning in advance. They must have foreseen the problem and gone forward.

In fact the report states that there needs to be a vision. There needs to be direction. We have to look at the big picture and settle in our minds what it is that we want to accomplish and make it simple. It cannot be complicated. It cannot be 20 pages. The problem has to be synthesized into two or three principles as the principles we are going to adhere to, and the principles we are going to proceed with. If there is a good foundation and understanding of those principles, then we can go forward and be effective in doing what ought to be done.

•(1145)

Hon. Wayne Easter (Parliamentary Secretary to the Minister of Agriculture and Agri-Food (Rural Development), Lib.): Madam Speaker, I certainly appreciate a lot of the remarks made by the member for Souris—Moose Mountain, especially his comments that there needs to be response team personnel in place who need to be proactive. He laid out a number of needs.

If he would go back to the remarks I made earlier, he would see that all the needs he outlined have now been met. Why should there be another study to meet the needs that have already been met in terms of the action plan outlined by the CFIA? Another study would take human and financial resources away from doing what needs to be done. It would go over old history.

The member said that it is not an issue of playing politics when looking at the past. However, it is an issue of politics when one fails to recognize what has been done to rectify the mistakes of the past and one continues to talk about those things for which there is already an action plan to overcome. It is politics when a study is called for on an issue which has already been studied three times and one fails to recognize the action plan that has been put in place to address the points raised by those studies. That is playing politics.

As I said earlier in my remarks, this is a different Parliament. This is a Parliament in which the minority parties themselves have to accept some responsibility for the decisions made. The parties over there do not want to recognize what has been done. They want to

continue to rehash old ground. They want to talk about all the bad things of the past even though recommendations have been put in place to overcome them. That is not being responsible on the part of minority parties. That is being irresponsible. It is costly to the Canadian public and the farm communities because of the financial and human resources that would be taken up by conducting another study on an issue which the parliamentary committee itself studied.

The member said that we did not have a management plan in place, that we took a long time and procrastinated. Let us put the facts on the table. A provincial lab said there was a problem on February 15. On February 16 it went to a federal lab. The virus was an H7 virus subtype and that was known on February 18. The flock was destroyed on February 19. That was under the old plan.

As a result of some of the complaints, new plans are now in place. Any suspicion will be acted on within 48 hours. The farm will be frozen down. A pre-emptive cull agreement is in place. That is the action plan that is in place. Let us at least put some of the facts on the table.

The member quoted from the report and went through the old history. My point is that the government and the agency have recognized those problems. I laid out 10 points earlier which address those problems. All I am saying is that this is a good report from the Standing Committee on Agriculture and Agri-Food, but for heaven's sake, let us be responsible and not conduct another study. Let us review this in a year's time and make sure that the plan laid out by the CFIA has been followed through on. Let us not rehash the past, which the party opposite continually wants to do.

•(1150)

Mr. Ed Komarnicki: Madam Speaker, it was interesting to hear the parliamentary secretary say that we do not want to go back into history. He does not want us to talk about all the problems the government has faced.

This crisis that happened in British Columbia was not something new. Is the parliamentary secretary suggesting the government did not have the study before, that it did not understand? Is he suggesting that this issue just arose, that it was a first time event, and now that we have experienced it we do not have to look at it again because we know how to handle it? Where was the minister and his department prior to this outbreak? Was there not a study done? Was there not some emphasis placed on how we should put things together?

I for one agree that we do not need more studies just for the sake of studies, except to say that the stakeholders involved in this crisis, those who were damaged and put off the farm, those who lost millions of dollars in the industry and may not be able to recover, want to speak further on this issue. Perhaps the government might learn something. Perhaps it might learn where it should improve things.

There is nothing wrong with that recommendation in principle. The government should take the stakeholders' views into account. I agree that it has taken some measures and made some steps forward. I agree that we need to have somebody in charge who will ensure this does not happen again. However, it would not hurt the government to learn a little more. If the stakeholders want it, they should have that opportunity.

Routine Proceedings

Mr. Ted Menzies (Macleod, CPC): Madam Speaker, I would like to commend my colleague from Souris—Moose Mountain on his understanding of and compassion for the issue. He speaks very well for his constituents, the many farmers who have been impacted not so much by this issue perhaps but by the many other crises in agriculture.

I would like to bring up an issue which maybe the committee did not look at. Did the committee look at the fact that there were a lot of opportunities for getting away from the recurrence of an outbreak like this in Canada by looking at the opportunities in the province of Saskatchewan? That is where feed is raised.

Saskatchewan, Manitoba and Alberta produce most of the feed, yet the concentration of the poultry industry and many other livestock industries is intensified where the population is. Maybe we should be looking at producing more poultry in Saskatchewan. That would make sense to me. Spreading out the distance between livestock operations would be a simple way of getting away from the opportunity for diseases to spread.

I would like to know if the hon. member thinks that makes sense. Have his constituents been asking for that sort of consideration in this study?

• (1155)

Mr. Ed Komarnicki: Madam Speaker, that was a point well made and it makes a lot of sense. Saskatchewan certainly has the infrastructure to handle that. It is something the government and the minister should consider. From a scientific point of view, obviously if the industry were spread apart, there would not be the same difficulty that the report talked about. Perhaps that should have been done.

It is interesting to note that the government has had two years with respect to the BSE crisis and the poultry industry as well to establish some plants in Saskatchewan. Although it has talked about this to some extent in the budget and it has talked about it on paper, the government has yet to produce some evidence that some money has actually been put into a food processing or slaughterhouse capacity, or even any kind of marketing plan or industry initiative in my home province.

Outside of saying there is a problem, the government has done very little. If we are looking for some concrete evidence of the government's having put its money where its mouth is, we will not find it. Our primary producers in Saskatchewan are ready, willing and able to take the challenge. If the government would put some energy, some initiative and some dollars into the province, we would welcome that.

Mr. Ken Boshcoff (Thunder Bay—Rainy River, Lib.): Madam Speaker, the Standing Committee on Agriculture and Agri-Food has presented a thorough and, on the whole, balanced appraisal of the need to learn the lessons of the avian influenza outbreak.

As the report acknowledges, the Canadian Food Inspection Agency recognizes that there is room to improve. It goes on to say that all stakeholders could have been better prepared. The report states, "No matter how careful the preparation there are always uncontrollable events".

That is the nature of emergency planning. We can and we must prepare for emergencies. Many steps can be taken to improve an emergency management system but with every emergency comes new developments not foreseen in the contingency plans.

Perhaps the true test of an excellent emergency response system is: first, how well it follows the recognized procedures for controlling the situation; second, how effectively it responds for the unexpected; and third, how effectively it incorporates the lessons learned so that we may be better prepared the next time.

On each of these tests I believe Canada has demonstrated that we have an excellent system. Canada's system of following the acknowledged procedures was attested to by an international panel of experts. Following the eradication of the outbreak, the government asked the panel to give its opinion of the response. The panel found that the disease control actions were consistent with internationally accepted principles. It found that the surveillance system and the surveillance protocols were appropriate. It found that the movement restrictions, procedures for destruction of infected birds and disposal of infected birds and products were all appropriate. It found that pre-emptive depopulation, the process for considering exemptions and the cleaning and disinfection procedures were appropriate.

An independent panel of international experts said that the CFIA did the right things. In fact, the panellists complimented the CFIA on its response. One panellist highlighted such features as the very good level of cooperation between the CFIA, its provincial counterparts and other provincial and municipal authorities.

Another expert wrote:

The logistics of this whole operation was huge, and improvisation of machinery available to deal with this problem was a credit to those concerned.

Another panellist wrote:

Canada was adequately prepared to deal with the outbreak of highly pathogenic avian influenza and had in place the appropriate regulations, veterinary infrastructure, and resources to facilitate the successful eradication of the disease.

Therefore, on the first test of an effective emergency system, Canada has received the acclaim of our international colleagues.

However we recognize that some of our linkages with our partners in the provinces and the industry could have been stronger and we are working on that through the recommendations of the lessons learned report.

What about the second test, the ability to respond to unforeseen circumstances? When the mission from the European commission made its final report it praised the innovative measures and the improvements to the procedures that emerged in light of new developments.

Let me give the House one example where decisive action on the part of the Canadian Food Inspection Agency moved beyond the standard procedures and made a significant impact.

Routine Proceedings

When the first case of avian influenza was detected there were two possible strains: one, a low pathogenic variety; the other, highly pathogenic, or HP. The response to HP avian influenza calls for a much more dramatic response in restricting movement within a control zone. The tests to determine whether the disease is high or low pathogenicity require about a week for the results. In that amount of time a highly pathogenic strain could spread far.

Even though the standard procedures recommended that decisions be based on scientific evidence and even though there were many voices that recommended against imposing control restriction for HP avian influenza, the CFIA acted decisively. It determined that it would not risk the possibility that this strain was highly pathogenic.

● (1200)

I would recommend to the House that this was not a popular decision at the time, but as it turned out, it was the right decision and the CFIA is to be highly commended for making a decision that, in the end, was instrumental in controlling and eradicating the disease so quickly.

Canada did well in the first two tests in effective emergency response system. It followed the accepted procedures, but where new developments arose, it responded quickly and decisively.

The third test is whether we learn how to improve the system so that we are better prepared the next time. Here again, the committee's report acknowledges that considerable effort is being made to draw upon our experiences to apply the lessons.

In addition to the standing committee's own hearings, there was a Canadian poultry industry forum in Abbotsford last October. The CFIA has conducted a process entitled "Lessons Learned Review" that forms the basis of building a better emergency response system.

There are places where the recommendations from the report before us augment the action plan developed by the CFIA but, unfortunately, there is one recommendation that would sidetrack some of the excellent work that is already under way. I do not believe that we need another commission to study the events of last year, not when the committee itself has been so thorough, open and transparent in obtaining the input from witnesses.

As a former mayor and a former president of three provincial municipal organizations over a 22 year period, I am very aware of the processes of emergency planning, emergency response and emergency reporting and analysis. The reports that we have seen seek to improve a system that was tested by the crisis a year ago when the flu broke out in the lower Fraser Valley. The outbreak was devastating for the people in the region but in assessing the lessons it is very important to keep in mind that the tragedy could have been much worse.

The disease spreads like wildfire through poultry farms. In Canada there was the potential for a vast outbreak. In fact, the control area had some 600 poultry farms all within a fairly dense region but only 42 commercial farms were implicated and the disease remained confined to the lower Fraser Valley. Our trading partners continued to accept products from other regions of Canada.

Clearly, Canada was doing many things right during this influenza outbreak. This is a tribute to the partnerships among all stakeholders,

including federal departments and agencies, provincial and municipal governments, the private sector, the veterinary community and, not least, the people of the lower Fraser Valley.

However not everything went right. There are lessons to be learned so we can be better prepared should Canada face another crisis of this magnitude. Clearly, the CFIA, for its part, has been working hard to improve its emergency response system.

In a document entitled "Lessons Learned Review", the CFIA outlined 17 major recommendations and some 50 individual action items to improve our emergency response system. Many of these action items improve our emergency response system and some cover familiar ground to the recommendations of the committee's report. The House should keep this in mind when determining how to respond.

The report's first recommendation, for example, calls for a public inquiry into the events of last year. I have not heard a convincing explanation as to what such an inquiry would find that we do not know already. Would such an inquiry call upon the same witnesses who appeared before the committee? Would they have anything different to say?

In my view, the most troubling implication of recommendation one is that it would require the CFIA to redirect resources to respond to the commission's business. These are resources that are better used in moving ahead on the action plan already in place.

● (1205)

The second recommendation calls for the Auditor General to examine the response to last year's crisis in order to provide benchmark information for emergency response effectiveness. The government would welcome this review. However a review would be most useful in 18 to 24 months, at which point action plan items from the lessons learned will have been implemented.

The third recommendation calls for a special animal disease response team. The CFIA has already put in place a similar system through area emergency response teams. As part of the action plan, the CFIA has committed to revising the structure of its emergency response team so that the roles, responsibilities and delegated decision making are more clearly defined. It is reviewing the protocols on when to activate local area and national emergency response teams. The agency is working with stakeholders to develop plans for foreign animal disease emergency support agreements.

Recommendation four would have the government do a cost benefit analysis to study the need for additional containment level three facilities. The government has agreed to proceed with this recommendation. I would like to point out to the House that the CFIA is also taking important steps to accredit laboratory facilities outside the federal laboratory system across the country so that it can use them to assist with surveillance and provide surge capacity in such emergencies. Four labs have already been approved, including the provincial lab in Abbotsford.

Routine Proceedings

Recommendation five involves the methods to euthanize animals. The government has agreed to this recommendation and I would add that during the outbreak the CFIA considered various options to euthanize the birds but the alternatives were ruled out because of the operational requirements. The use of carbon dioxide to depopulate the flocks was consistent with recommendations of the American Veterinary Medical Association panel on euthanasia and l'Office international de l'épizootie, the international organization of animal health. The method was found to be an effective technique and the CFIA refined the process to maximize its effectiveness, particularly with respect to animal health and human health and safety issues. It has been recognized that carbon dioxide does present some challenges with waterfowl but no alternative has been suggested at this time.

Recommendation six involves compensation issues. Approximately \$63.5 million has been paid out to British Columbia producers under the health of animals regulations. In addition, the Canadian agricultural income stabilization program may provide support to producers by covering some of their losses.

However the compensation question remains an open issue. All stakeholders, including the industry, must assume some of the risk and various marketplace insurance schemes provide part of the solution. The government agrees with the recommendation to review the existing compensation under the Health of Animals Act.

Finally, recommendation seven involves procedures to permit a pre-emptive cull to limit the potential spread of an outbreak of animal diseases. The government has accepted this recommendation. In fact, in partnership with the industry, the CFIA has already been putting in place a pre-emptive cull policy. An interim protocol is already in effect and a permanent protocol should be in place before the end of the year.

The committee has worked very hard to obtain a broad and detailed perspective of what took place during the avian influenza outbreak last year. In some respects, the thoroughness of the committee's efforts preclude the need for its first recommendation, establishing another commission to study the situation further.

While the committee was working so diligently to hear from the various stakeholders affected by the outbreak, other stakeholders were moving quickly to adapt the lessons learned. Some of the committee's measures that have been put in place in recent months echo the themes of its report.

●(1210)

There are some recommendations here that build upon what is now being done. Unfortunately, however, the report taken as a whole would distract stakeholders such as the CFIA from the important work they are now doing, so at this point I move:

That the motion be amended by deleting all the words after "that" and substituting the following therefore:

"that the Third Report of the Standing Committee on Agriculture and Agri-Food, presented to the House, be not now concurred in but that it be referred back to the Standing Committee on Agriculture and Agri-Food for further consideration".

The Deputy Speaker: I thank the hon. member for Thunder Bay—Rainy River for that amendment. I will give it to the clerks and make sure that it is in order. In the meantime, I would like to proceed to questions and comments.

The hon. member for Selkirk—Interlake.

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, I am very opposed to the amendment. I believe that the concurrence motion as it stands today reflects the will of the committee. Our committee is an all party committee. Committee members have already looked at this and made a decision that this is the way we want to proceed. There was unanimous consent. I know that the parliamentary secretary is not happy about it, but he was not there that day and this is what his party at the table decided that day. This is the will of the people who made presentations to the committee. I think that this interference is a grave injustice to the will of the people we heard at committee.

I would like to follow up and ask why the hon. member would want to mess around with the concurrence motion. This is the will of the committee. We have made our decision. We debated it. We went carefully through the report, paragraph by paragraph, and came up with what I thought was a very good report that is non-partisan.

Mr. Ken Boshcoff: Mr. Speaker, in response let me say that my riding now extends from Lake Superior to the Manitoba border. Over the period of time since the last election, the farming and agricultural communities have taken a great deal of time to educate me in terms of these issues. Poultry does not happen to be a large component of the agricultural industry, but certainly the nature of the experiences people have shared with me tell me that once there has been an examination of a subject three times by very expert people, internationally, locally and nationally, that would tell us that we do have some answers. The farmers of my riding would say that once we have enough answers, it is time for action.

I believe that what I have seen here and in discussing this report tells me that it would be much better for the agricultural community to accelerate an action plan rather than go back and re-gaze, rehash and study again something that has been very thoroughly reviewed. Offering the wisdom of the House to a committee's report with this amendment is what I am representing here.

There is an expression from a movie by a group that I am sure all members of the House would characterize as a group of international renown, the Monty Python group. When a person presented a shrubbery to one of the characters, the character said each time, "You shall bring me...another shrubbery!" In this case we already have three studies and three sets of recommendations, so we really do not need another shrubbery.

●(1215)

Mr. Gerry Ritz (Battlefords—Lloydminster, CPC): Mr. Speaker, as the vice-chair of the agricultural committee who was actually at the hearings in Abbotsford, helped write the report, heard the recommendations and has read the other reports as well, I say that the member opposite makes his own case. He said it is time to move on and get going with things. That is why we are asking for concurrence. That is why we are not tabling it with the minister to give him 120-plus days to respond. We want this acted on now.

Routine Proceedings

He is on the same page as I am. With the argument he just made, I would ask him to withdraw his amendment because it will slow this down and actually mire it in the politics of the situation instead of letting it see the light of day that these people asked for.

Mr. Ken Boshcoff: Mr. Speaker, I would respectfully acknowledge that six of the seven items are action items, and one is to go back to study again something that has been thoroughly studied, which can only delay what I would see as action and responsiveness.

Mr. Gerry Ritz: Mr. Speaker, I rise on a point of order. The member says six of them are action items and one calls for more study. The one that calls for more study actually calls for studying the compensatory value, which is a whole new direction.

The Deputy Speaker: I do not think that is a point of order. That is a point of debate. We are now going to hear from the member for Malpeque.

Hon. Wayne Easter (Parliamentary Secretary to the Minister of Agriculture and Agri-Food (Rural Development), Lib.): Mr. Speaker, I certainly agree fully with the member's amendment because what it really deals with is action versus study and being responsible versus being irresponsible in going to a study that has already been studied three times.

Clearly there is justification for going with the member's amendment. I believe I outlined in my remarks 10 points where CFIA has already been moving forward with a number of recommendations from the three studies that have been done.

In his remarks, the member for Thunder Bay—Rainy River went through each of the good recommendations made by the Standing Committee on Agriculture and Agri-Food and he outlined in each of those recommendations where the CFIA, the Canadian Food Inspection Agency, or the Government of Canada is moving ahead on actions on those various points. That is taking action.

What the amendment is really doing, if people over yonder would listen to it instead of playing politics as they tend to do, is referring it back to the Standing Committee on Agriculture and Agri-Food to rethink this, to maybe just look at the action that is taking place; it is not preempting if it becomes necessary to call for another study down the road. But let us call in the CFIA, see what it is doing and make sure that it is acting on what it said it would act upon. That makes better sense.

I certainly agree with the member and his remarks. I wonder if he would agree that this is a good strategy: to take some time and see that we are taking action and not waste human and financial resources by doing another study.

• (1220)

Mr. Ken Boshcoff: Mr. Speaker, respectfully, when we have three sets of answers, we have to question what kind of productive result there would be from going back and doing it one more time.

If the committee really wants to move rapidly, I believe that in this type of situation we can actually do much more by going to the action items. We would have the desired results even faster. That would be my response. We have it three times and to get it a fourth time would perhaps reinforce what has been done already, but to me that would be a diversion and a dilution of the energy available.

Ms. Diane Finley (Haldimand—Norfolk, CPC): Mr. Speaker, the hon. member is saying we need to move faster. Today's motion is to enable that: to make it go faster. Instead of going back to committee for more review and having it go to the minister to sit on his desk for 120 days, we are trying to get action now.

It has been two years since this has been in review and study, two years in which the CFIA has had an opportunity to get its act together. If its act had been together beforehand, we would not have been in the mess and we would not be debating this today.

After two years, even without these studies, the hon. member has just said that the CFIA is reviewing protocols, that it is "working toward developing a plan". That is progress at the rate of a worm. That does not get things done, this "working toward developing a plan", not even developing the plan. What kind of action are they talking about? I certainly hope it is something other than action at a worm's pace for a change.

Mr. Ken Boshcoff: Mr. Speaker, as members of the committee, they know that certainly it is within the committee's power to call those people and ask for a status report to see what the pace of that is. I would recommend that to them and to just keep moving rather than reinventing the wheel and starting from scratch again; I say to go faster. That to me would be true progress and progressive thinking.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, this is unbelievable, really unbelievable. We have moved forward a concurrence motion on a report that comes from the agriculture committee and which very clearly talks about the need for action.

Members in three corners of the House have moved this concurrence motion forward because of the importance of the issue and the importance of action, but what we are seeing again, in an appallingly abusive way, is the Liberal government trying to shut down action on an issue that cost British Columbia, to take the farm gate receipts and the secondary economic impact, nearly \$400 million, nearly half a billion dollars.

The agriculture committee held hearings in Abbotsford and came forward with a series of key recommendations, including the first recommendation, which resulted from an NDP amendment:

That an independent commission of inquiry be struck with the mandate to investigate the serious 2004 avian influenza outbreak in British Columbia.

Now the government is trying to shut this down, send the report back and delay things further on an issue that the agriculture committee has already flagged as a fundamental issue. This is absolutely unbelievable.

I suppose it is not surprising given all the other events of the last few weeks, the game playing around the budget implementation bill, and the appalling abuse of power that we saw on Monday night when the government House leader shut down opposition days, I guess because Liberals felt that the opposition was too effective a job in holding the government accountable for its actions and lack of actions in so many areas.

Routine Proceedings

Now we see the government once again trying to shut down any sort of action or decisive impact to resolve issues that have an enormous impact on Canadians. It is absolutely unbelievable to me.

I should mention to what a great extent this shows disrespect for British Columbians. Because of the intervention of the member of Parliament for Abbotsford, we were fortunate to actually have two days of hearings on January 18 and 19 in Abbotsford on this important issue. What came back repeatedly from individuals in Abbotsford during those two days of public hearings was the importance of having a full public inquiry because the issue was not well handled. There were huge errors, which I will get into in a moment. Very clearly, there has been no proper investigation of what happened in that outbreak.

It is important to note that the CFIA report, which the government seems to feel is the final word on this issue, was done up even before the public hearings in Abbotsford, if members can believe that. The CFIA refused to take any public input whatsoever except from a very select group of people that it had hand-picked and who would not criticize the CFIA to any great extent. The CFIA produced its report and put it out to committee members and members of Parliament across the country on the day before the public hearings the agriculture committee was holding in Abbotsford.

In good faith, British Columbians came forward to give their best judgment of what happened, the mistakes that were made, the issues that were not dealt with and the problems with communication, all those issues that are fundamental in nature. As British Columbians came to give their testimony to the agriculture committee, the CFIA had already wrapped up its report and sent it out. It has not altered it since. There were no lessons learned from the public. There were no lessons learned from local experts. CFIA drew from its hand-picked list a series of recommendations that made it look not too bad and then put that out prior to the two days of public hearings.

Here is what we see now. Very clearly the agriculture committee has heard the comments of British Columbians in the Fraser Valley, the people who lived through this, the people who suffered through the mistakes that were made by the government and suffered through the lack of communication. The fact is that it took days for decisions to be made and they had to communicate with Ottawa to do anything. Those people came forward in good faith and said, "We need a public inquiry to really get to the root of these problems and to deal with it in such a way that this never happens again".

• (1225)

We have seen what respect and what contempt the government has for British Columbians of good faith who came forward at those agriculture hearings and called for a public inquiry. Complete and utter contempt for British Columbians from every part of British Columbia. That is what we see from the government by this move right now.

It should not be surprising to us. We have already seen it with Air-India. We have seen it repeatedly when Parliament called for action on the dirty money scam, the ad scam, and paying back the money that was taken. The government has refused to implement the will of Parliament. We have seen it time and time and again. As a result of that, we are seeing Parliament's actions being thwarted by a

government that does not understand the meaning of the word "democracy".

We have an agriculture committee report. Members of Parliament moved this forward for concurrence, so we can get to the bottom of it, launch the public inquiry, find out what went wrong, prepare if, God forbid, there is another outbreak, and learn from the mistakes of the past. The government is trying to shut it down again. It is absolutely appalling. Words fail me. The level of contempt that the government has for Parliament, for Canadians, and in this case specifically for British Columbians, is beyond belief.

Let us talk a bit about the hearings. We know that the impact of the avian flu outbreak was huge. I am talking about lost farm gate receipts, the secondary economic impact of \$400 million, and hundreds and hundreds of lost jobs. The region still has not fully recovered from that outbreak.

We had local experts and individuals who came and testified at the agriculture committee hearings in Abbotsford. They were able to give us some of the fundamental information that CFIA did not want to collect, or did not deign to collect. The information that CFIA did not want to hear was critical of decisions that were made.

However, this is the only way to learn from this outbreak. It had an enormous impact on the lower mainland of the Fraser Valley in British Columbia. As a British Columbia MP I feel, as my colleagues do in three corners of the House, that we must deal with it, correct the mistakes that were made, and move on in as rapid, thorough and effective way as possible. We see the government trying to one more time block any progress on this. If there is another outbreak in a few months or a year, we will not have the measures in place because there has never been a thorough examination that needs to take place.

Let us talk about what happened. I am going to cite the producers' account of the euthanasia and depopulation procedures at the first and second farms diagnosed with avian influenza in British Columbia in 2004. Four people, distinguished individuals, including the only two avian veterinarians in British Columbia, co-wrote this report. I am talking about Dr. Stewart Ritchie and Dr. Victoria Bowes. They went into detail about what happened around the time of the first and second outbreak.

I am going to quote a few passages for the record from this important report and I should mention this is a report that CFIA has never read because its officials did not want to. The CFIA had hand-picked experts produce a report and threw it out before the public hearings in British Columbia to the immense disrespect of British Columbians. Since then the report has not been changed at all. In fact, the experts that were consulted were all outside British Columbia and were all outside Canada. The report was sent to Europe and Hong Kong. The CFIA did not want to actually have anyone who knew anything about the crisis outbreak and the mistakes that were made actually reading the analysis.

The experts note:

On February 7, 2004, the owner of a modern broiler breeder farm in Abbotsford, British Columbia, Canada noticed that his 51 week old flock of 9,000 broiler breeder chickens (Flock A) took double the normal time to consume the allotted amount of feed, as well as noted there was a slight increase in mortality.

Routine Proceedings

●(1230)

On the first day of increased mortality samples of dead birds from Flock B were submitted for further investigation to the BCMAFF-AHC...On February 18, 2004 the CFIA declared that the Federal Government was in control of this outbreak, the farm was placed under quarantine and provisions were made for the pre-emptive euthanasia and depopulation of the two flocks.

Let us talk a bit about the euthanasia procedures that were taking place on February 9, 2004. Approximately 3,500 kilograms of chicken carcasses were ground up, after they were euthanized, together with 1,000 kilograms of barn litter per load. Each of those 15 mixed loads were transported approximately 400 metres along a public road, that also went over a small stream, to the owner's residential driveway where the contents of the portable mixer were dumped directly onto the paved driveway. This material was then pushed with a tractor front-end loader into an open dairy feed bunker for the purpose of composting.

The owner of the first farm affected and the attending CFIA veterinarian both commented at the time that this was taking place in the open, and that there were strong winds originating from the north. The filling of the bunker proceeded throughout the night and at 5 a.m. on February 22, the bunker was only able to contain the equivalent of 10,000 birds and it reached full capacity at 60% of what was needed to be disposed of. Since local disposal options were limited, the remaining infectious material was placed in plastic lined cardboard totes using the front-end loader. They were then transported to an incineration site in Princeton, B.C., which is over the mountains through the Manning Park area.

On February 23, 2004, the day after depopulation was completed, the CFIA lifted the quarantine at this farm despite the presence of a large quantity of composting, infected carcasses. In the CFIA report, we do not hear mention of this because the CFIA report had already come out prior to this information actually being released.

We had composting, infected carcasses. The quarantine was lifted. Surprise, surprise. On March 6, 2004, a full 14 days following the depopulation activity on the index farm, a second broiler breeder farm located 1.5 kilometres southwest of the original farm was diagnosed with the avian influenza. Which way were the winds blowing? They were from the north and from the original farm.

It was not a surprise at all. The quarantine had been shut down. They were composting carcasses all around with this highly infectious avian flu virus and what happened? To the surprise of nobody, particularly the experts who were in the field, 14 days later we had a second outbreak.

The depopulation of this farm did not happen until March 13, 2004 because CFIA required that all diagnostic tests be confirmed at the national foreign animal disease laboratory in Winnipeg. During the interim seven days, while waiting for official confirmation, the mortality in the affected barns on the second farm reached over 95%.

We went through a second euthanasia procedure. Dr. Victoria Bowes and Dr. Stewart Ritchie, the two avian veterinarians and experts were not consulted or involved in any way with CFIA's whitewash of the activities that took place in the Fraser Valley of British Columbia, but they state that the reasons are unclear why carbon dioxide gas was not chosen as the method of euthanasia.

Instead, a mobile electric stunning machine developed for the euthanasia of spent commercial egg-laying hens was employed.

Birds were fed through an electrically charged chute for the killing process and the carcasses were then openly conveyed along a belt to be dropped into the top of reefer trucks. This procedure, which is no surprise to any of us, and which took place over three days, resulted in the dispensing of large quantities of infectious dust and feathers high into the air, as feathers and dust were noted to have travelled a significant distance and to have covered vehicles that were parked nearby.

●(1235)

In the case of the second farm, as in the case of the first farm, the producer questioned the wisdom of this method of disposal during strong winds. Anyone would understand that this method of disposal in strong winds was inappropriate, but the process continued until completion. We would not see that either in the CFIA whitewash. That is why we need a public inquiry.

I hope that members of the government who are present here today are ashamed, having learned some of the details rather than referring to their talking points. I hope they understand how crucial this issue is to British Columbians and how crucial this is for the agricultural sector all across the country.

On the second farm and seven days later, a third cluster of commercial poultry farms located downwind, within two kilometres of the first two farms, were diagnosed with avian flu. This came as no surprise to anybody in the House and no one who was at the agricultural committee hearings in Abbotsford on March 22, 2004.

On April 1, 2004 it was diagnosed outside of the original high risk zone, which was defined as a five kilometre radius zone around the flock where avian flu was first diagnosed. Over the next eight weeks a total of 42 commercial poultry farms in the Abbotsford area were identified as being positive.

This information is not in the CFIA whitewash. This information has not gone to the government. For the government to obstruct the work of the agriculture committee and to block what British Columbians of good faith have brought forward for us to take action on is absolutely despicable. There is no excuse for this action.

As information comes out from three corners of the House, I hope members of the government will understand how despicable these actions were. This series of convoluted amendments are trying to whitewash the report or drown the report. The government is trying to cover up a series of mistakes that were made in the first quarantine zone and in the second quarantine zone, and led to an outbreak that cost almost \$500 million to British Columbians and hundreds of jobs. For the government to whitewash this affair is absolutely appalling and inappropriate.

We have the evidence. We had two days of hearings, January 18 and January 19, 2005, which clearly indicated the absolute need for a public hearing. Many witnesses came forward who indicated that we needed to learn from this crisis without any doubt. This almost became a catastrophe. We need to have a full public inquiry. We need to consult with the experts who have been left aside by the whitewashing of CFIA. We need to get to the bottom of this.

Routine Proceedings

We are not talking about something of little importance. We are talking about something that has had a profound effect on the agriculture community in the Fraser Valley in British Columbia. We are talking about an issue that has the potential to decimate other parts of the country as well. A clear majority on the agriculture committee indicated a public inquiry was vitally important in order to fully get to the bottom of every aspect of the crisis last year and to prevent the reoccurrence of outbreaks.

One of the things that we called for, and the first recommendation that the agriculture committee called for, in order to prevent the reoccurrence of any outbreaks was for the commission to review the effectiveness of the emergency preparedness and implementation strategies that were deployed in British Columbia regarding zoonotic diseases.

No one in the House doubts that this is a priority. No one in the House doubts that the government needs to take action. Members of the opposition have brought forward this motion for concurrence and it would be a shameful moment indeed if members of the government tried to block the will of British Columbians and the will of our agricultural sector.

• (1240)

The Deputy Speaker: Before moving to questions and comments I would like to indicate that the amendment to the motion proposed earlier is in order.

Hon. Wayne Easter (Parliamentary Secretary to the Minister of Agriculture and Agri-Food (Rural Development), Lib.): Mr. Speaker, I hate to smile over such a serious issue but what a great little rant we had at the beginning. What is unbelievable is the member of the NDP.

I am pleased that we now know where the amendment really came from. I was actually surprised to think that it might have come from the Conservatives, but the amendment came from the NDP because it is not beyond that party to want to do a little more study instead of taking action.

Recommendation one would do exactly that: not bother with action, just waste financial and human resources and do another study or have a public inquiry. Maybe we could spend more money in a public inquiry than the \$63 million that we spent compensating producers. The producers in B.C. are asking us to look at the Health of Animals Act to try to increase the compensation but the member wants to waste a little more money when three studies have already been done and one by the parliamentary committee itself.

Does the member think it will do any good? He quoted some of the stuff that happened. That is already known. It is in the report. However his attitude is that we should go out and hear it all again.

I outlined 10 points of action that the CFIA has taken to address the very concerns that the member is talking about. One of the members on this side of the House, the hon. member for Thunder Bay—Rainy River, has outlined the steps that CFIA and the government have taken in terms of already moving ahead with action on those recommendations from the committee.

Would action rather than more study and the waste of human and financial resources not make more sense than what he is proposing to do?

• (1245)

Mr. Peter Julian: Mr. Speaker, I am the one smiling now. It is funny to see any member of the government, which has not acted on anything of importance to Canadians over the last 12 years, standing up and saying that what the government is really trying to do by shutting down the agriculture committee report and the call for a public inquiry is to take action or, as we say en français, noyer le poisson. That is its façon, to act decisively, to send the report back and to not deal with a public inquiry.

We certainly know why the government is sensitive to public inquiries. It has not done too well in public inquiries. We hear from the Gomery commission, which the government was very reluctant to set up and was only set up under tremendous public pressure, the revelations every day about the incredible difficulties—

Hon. Wayne Easter: Mr. Speaker, I rise on a point of order. The information that the member tabled is wrong. The Prime Minister called for the public inquiry—

The Deputy Speaker: I think we are entering into debate again and I would like to hear the rest of the comments from the member for Burnaby—New Westminster at this time.

Mr. Peter Julian: Mr. Speaker, I know that being a British Columbian you understand the importance of the issue and I appreciate your willingness to hear my comments. It is very clear to me that members of the government do not think British Columbia is important and obviously do not think agricultural producers are important either.

We have the reluctance of the government to initiate public inquiries. Let us talk about what kind of public inquiries it avoids.

We have had a motion from three corners of the House to have a public inquiry into the Air-India disaster. Twenty years later no one has been found guilty directly of that tragedy. Three hundred and twenty-nine individuals died. No one has been found directly guilty of that tragedy and the families of the victims have been calling for a public inquiry for 20 years. Three corners of the House adopted, overwhelmingly, a motion to call for a public inquiry and the government, showing its utter and total contempt for democracy, refuses to initiate one.

We see again, now that we are talking about a public inquiry into the avian flu outbreak, with what contempt the government holds Parliament and with what contempt it holds Canadians.

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, I thank the member opposite for the concerns that he brought out, mainly with respect to the CFIA's quarantine zone and some of the measures that it put in place.

It was a sad day on February 19, 2004 when the Canadian Food Inspection Agency identified the presence of avian influenza on the poultry farm in the Fraser Valley. This was just another hit to agriculture. It was another crisis in agriculture and one that, when we look back on it, we are now saying that we need to evaluate and ensure that the proper measures were put in place.

The parliamentary secretary said that the opposition, and I think he was referring to all opposition parties, have not been responsible in calling into question the study that the agriculture committee did and asking for it to re-evaluate it.

Routine Proceedings

Today the Conservative Party of Canada applied for intervenor status in BSE because the government failed to step up to the plate to defend the industry and to defend Canadian farmers and ranchers. I know the member from the NDP and our party agree that the government is failing and failing badly.

We did a study where a number of recommendations were brought forward. A study was done in 2000 on the Corrections and Conditional Release Act in which either 52 or 54 recommendations were brought forward. In those recommendations the government said that it would accept 48 but it did not move. It did nothing in those five years of dithering and inaction.

When we recognize these types of crises in the agriculture industry, I think all opposition parties are saying that if the government cannot stand up to the plate it should get out of the way. If the government is not willing to get out of the way, it should at least carry out a more constructive evaluation.

The member brought forward some of the concerns about the quarantine zone. Would the study that he would encourage be specific to the CFIA and to its measures or would it be some longer range review? Would it be specific to the CFIA and the way it carried out the inspection and—

• (1250)

The Deputy Speaker: The hon. member for Burnaby—New Westminster.

Mr. Peter Julian: Mr. Speaker, we need to proceed very quickly on this. The recommendation on the commission of inquiry is to strike it immediately and give it a mandate to investigate the avian flu outbreak.

The problem is that the CFIA has gone off into its little corner and done its own review without getting public input from the people who were most seriously impacted and involved. The experts, as I mentioned, are avian veterinarians in British Columbia who saw firsthand the problems and the mistakes that were made throughout the crisis.

On the one hand, we have a large group of individuals who understand what happened, who are ready to comment, who are ready to bring forth recommendations and who are ready to go into the details of what went wrong last year and to tell us why we had an initial quarantine and control that was then completely disrupted and a second quarantine zone again was breached. Those are the things we need to know. We need to know why a containment procedure fell apart and failed twice. It was only through good luck and the persistence of the local people working very closely with industry that we were finally able to contain the outbreak. However not one in that group of experts and individuals were consulted. CFIA has gone off and done its own whitewash.

The public inquiry would allow us to get the story from CFIA of course, but also from those individuals and those experts in the field who were there so we can learn the lessons to ensure this never happens again. The only way to do this is to do it quickly and effectively. I still cannot believe why the government is refusing.

Ms. Diane Finley (Haldimand—Norfolk, CPC): Mr. Speaker, it is a pleasure to rise in the House today to address avian influenza. This is a contagious and deadly virus that has resulted in the deaths

of millions of birds in British Columbia. This is an important issue to poultry producers in the Fraser Valley and, indeed, to all Canadians.

I am pleased that the Standing Committee on Agriculture and Agri-Food has tabled its report on avian flu, which focuses on the management of the crisis. I know that the committee has worked hard to evaluate the CFIA's response to this disaster. I would like to thank my hon. colleagues on all sides of the House who have worked hard on this evaluation.

I would also like to recognize the hard work of my colleague, the hon. member for Abbotsford. He has spent countless hours on the ground addressing the concerns and needs of his constituents and, in effect, all Canadian poultry producers.

Most importantly, let us recognize the hard-working people of the Fraser Valley who have participated in the many forums surrounding the evaluation. Their resilience is representative of all Canadian agricultural producers in times of crisis and their patience is greatly appreciated by the members of this House.

We have seen the devastation that the avian flu virus has caused in Asia where it is not under control. It is important to recognize that the virus that was discovered in British Columbia was not the same strain as the one that jumped the species barrier in southeast Asia infecting and killing many people.

However this House has to recognize that it is the same disease and that it can jump the species barrier. It is deadly.

If history has taught us anything, we cannot ignore the threat that the World Health Organization has been warning us of. I encourage officials at Health Canada and at the CFIA to share information on developing safeguards and action plans for Canadians in the event that we are faced with the human strain.

It is evident that the avian flu crisis was mismanaged in the worst way from the top down. As we know, the CFIA operates under a hodgepodge of legislation and that has prevented it from doing the job it needs to do when responding to emergency situations affecting Canada's food supply.

What is worse is that it has taken the Liberal government seven years to develop legislation to correct this legislation. Bill C-27, which is currently before the House of Commons, seeks to amalgamate the inspection and enforcement powers of the CFIA. It is my opinion that the delay and inaction from the Liberal government in regard to the operations and function of the CFIA is partly to blame for the mismanagement of this particular crisis.

The CFIA's inability to deal effectively in a crisis recently came to light in a troubling internal review of the CFIA's handling of the BSE crisis. The review entitled "CFIA BSE Emergency Response Assessment Report" was made public by the *Vancouver Sun* through access to information. It underscored some worrisome findings, stating that the Liberal government's response to the BSE crisis was "plagued by poor planning, staffing problems and repeated failures to share information".

Furthermore, it highlighted several gaping holes in the CFIA's ability to deal with, at that time, future emergencies such as a possible outbreak of avian flu or hoof-and-mouth disease.

Routine Proceedings

The review was completed for the CFIA on December 10, 2003 by an outside consultant and it warned that if the CFIA did not take steps to fix some of the problems identified they “could undermine CFIA's ability to respond to more complex or time-critical emergencies”.

This raises several questions. A mere two months after this warning was made, the CFIA was faced with the outbreak of avian influenza. I have to wonder if there was any attempt during that time to initiate corrective action, actions that could have prevented the gross mismanagement that occurred in the Fraser Valley.

● (1255)

In the report that has been tabled in this House, the standing committee has developed seven concrete recommendations to better manage the outbreak of contagious disease in Canadian agriculture. These recommendations cannot be ignored. If they are left ignored, the Liberal government will once again fail to ensure necessary protection for our Canadian livestock producers facing potential new and emerging threats.

While we can all agree that consumer protection is essential, we must not forget the threats that face the farm.

The avian flu crisis confirmed that the Liberal government has no concrete action plan in place for threats that require the massive destruction of Canadian livestock. For example, if foot and mouth disease ever entered Canada, this disease would have the potential to devastate our livestock industry.

Canada is in grave need of an organized, pre-planned livestock destruction system. We must prepare for the airborne disease of foot and mouth before it happens. We cannot afford to be scrambling to contain the disease without a plan, much like what happened in the Fraser Valley. It would be an agricultural nightmare. The seventh recommendation of the committee recognizes this fact. The time to act on it is now, not to send it back to the committee from which it came. It has already done what it wanted to with it. We need to take the action now.

I would like to address one of the other recommendations, which relates to compensation.

The CFIA ordered a cull of 19 million birds in the Fraser Valley. There was a protocol for compensation according to the type of birds involved, but the then agriculture minister was unable to provide any information at the time as to how or when producers in British Columbia might be compensated.

Producers later found out that they would be compensated based on outdated bird values laid out in the compensation for destroyed animals regulations under the Health of Animals Act. The compensation available to producers was an insult to the hard-working men and women of Canada's poultry industry.

Furthermore, the standing committee's report points out that the Health of Animals Act has the following deficiencies: It does not have the capacity to distinguish between the species of different industries. It lacks recognition of the value of genetic material and rare breeding stocks. It completely disregards compensation for forgone income.

Compensation amounts for broiler breeders and layers were determined using a specific formula. The widespread nature of the outbreak limited the replacement market for these birds, making it difficult for owners to restock their flocks with adult birds. It is clear that the formula failed.

Specialty bird owners incurred a large amount of damage. These producers are not supported by supply management and suffered the loss of irreplaceable breeds, the loss of niche markets and the loss of capital investment required to start all over again.

To emphasize the necessity of addressing the issue of compensation, I would like to read in its entirety the recommendation of the committee:

That, in its review of the existing compensation program under the Health of Animals Act, the Canadian Food Inspection Agency must ensure fairness and consistency among all types of production. In recognizing the intrinsic value of genetic material so important to some industries, flexibility must be allowed in compensation. The Agency, in consultation with the affected industries, should also consider how equitable compensation might be offered for forgone income, and for one-time losses.

The Conservative Party of Canada supports the compensation of affected producers based on the same principles as any other disaster beyond their control. A Conservative government would ensure that compensation flowed quickly and effectively to producers.

Clearly, the compensation for destroyed animals regulation failed farmers. The Conservative Party demands that the Minister of Agriculture and Agri-Food make sure that these regulations are thoroughly and properly adjusted.

As recommended by the committee, we trust that the government will consult with agricultural and agrifood stakeholders in a responsible, open and transparent manner.

In closing, I would like to once again recognize the producers in British Columbia who were so seriously impacted by this situation. The Liberal government failed producers in the Fraser Valley and for that, it should be ashamed.

● (1300)

The Conservative Party recognizes the importance of producers' hard work, the benefits it offers to our safe food supply, and the contribution it provides to the Canadian economy. I would like to assure Canadian producers that their next government, a Conservative government, has an inherent appreciation for agriculture. Conservatives recognize the importance of respecting producers and the welfare of animals in times of crisis.

There are several problems that have been addressed through this report. A lot of them obviously have to do with the avian influenza outbreak in British Columbia. This is not the first time we have encountered difficulties with the Canadian Food Inspection Agency. In fact, there were problems with the BSE situation. Too many producers across our country encountered difficulties of an unnecessary nature on a daily basis.

One particular producer in my riding has been having problems. She has been trying to import chemicals that would work on her sweet potato crop. These are chemicals that are used and approved in the United States for sweet potatoes. In fact, the same chemicals are approved in Canada for use on apples.

Routine Proceedings

This producer is trying to build a brand new industry in this country, sweet potatoes. When she applied to bring in that chemical from the U.S. to put on her sweet potato crop, she was denied permission. Why? Believe it or not, she was told that somebody might eat the sweet potato skin to which the chemical had been applied. Most people I know eat the skins of apples, but not many eat the skin of a sweet potato. That is the kind of nonsense I am talking about.

There was another situation just last week where one of my constituents had a problem bringing in frozen fish from the Far East. All of the paperwork had been approved by the CFIA in advance. Yet when the ship docked in Vancouver with that very time sensitive load on board that had survival characteristics, because let's face it frozen fish is a time sensitive commodity, the constituent was told, "Too bad, it is Friday morning and we are not going to inspect your product until Monday".

As a result, my constituent was in breach of the contract. The person was also to receive a bill for \$1,300 for off loading, inspecting and reloading those goods that are no longer of use and for which business was lost.

We have to have accountability from this agency. That is why in Bill C-27 the Conservative Party is working so hard to add amendments that once and for all would cause the CFIA to be held accountable.

There is one thing I found frightening during the briefing regarding Bill C-27. When I asked what methods and means of accountability would be included in Bill C-27, I was told that the CFIA would be training its inspectors on the new rules and regulations. That is it, it would be training them.

That is not accountability. Canadians know that is not accountability. That is the first step in preparing for accountability, letting people know what their jobs are and what are the constraints and parameters of performance. Accountability is when people are expected to operate within those constraints and parameters and consequences are imposed if they do not do so.

We are talking about accountability for all of CFIA's actions, not just in the handling of the avian influenza outbreak, not just in the handling of the BSE crisis, not just in its day to day operations, but in everything it does. We need a safe and secure food supply system, granted. However, we also need to know there are no abuses of the system, that the processors who have to work within the system can do so in a fair and reliable way knowing that the government agencies that are there to help consumers are also there to help them succeed. If the producers cannot succeed, then none of us will have anything to eat, and who will be held accountable for that?

● (1305)

[*Translation*]

The Deputy Speaker: It is my duty to interrupt the proceedings and put forthwith every question to dispose of the motion now before the House.

[*English*]

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

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the amendment will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: Call in the members.

And the bells having rung:

The Deputy Speaker: The chief government whip has asked that this vote be deferred until the end of government orders on Monday, May 2.

* * *

● (1310)

PETITIONS

MARRIAGE

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, I present a petition in which the petitioners ask that the government keep the definition of marriage as being between a man and a woman to the exclusion of all others. They state that marriage is an institution which pre-exists the state. It is based on a profound human need for having children and continuing the family from generation to generation. It is a unique social institution which provides a supportive relationship between a woman and a man, and together they create the most successful environment for the rearing of children.

CORRECTIONAL SERVICE OF CANADA

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, it gives me a great deal of pleasure to stand in the House today and present a number of petitions. The pile of petitions is high. These petitions are on behalf of over 20,000 correctional officers from all across the country.

The petitioners are calling on the government to negotiate a collective agreement that recognizes the inherent dangers associated with this high risk occupation. I would implore the government to listen and act on the three year old demands of Canadian correctional officers.

MARRIAGE

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am pleased to present yet another petition on the subject of marriage. This brings the number of petitioners to well over 1,000.

The petitioners would like to draw to the attention of the House that fundamental matters of social policy should be decided by members of Parliament and not by an unelected judiciary. They also point out that it is the responsibility of Parliament to define marriage.

They therefore call upon Parliament to use all possible legislative and administrative measures, including the invocation of section 33 of the charter, commonly known as the notwithstanding clause, to preserve and protect the current definition of marriage as being between one man and one woman to the exclusion of all others.

[Translation]

CORRECTIONAL SERVICE OF CANADA

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, I would like to table a petition signed by more than 20,000 members of the Union of Canadian Correctional Officers—CSN calling for negotiation of a collective agreement. They have been without one for three years.

[English]

MARRIAGE

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Speaker, I am happy and proud to present on behalf of constituents a petition on marriage.

The petitioners state that the family is the foundation for raising children and that the institution of marriage is the union of a man and a woman and that is being challenged. They call on Parliament to do everything it possibly can to recognize marriage as the union of one man and one woman to the exclusion of all others.

ABORIGINAL AFFAIRS

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, pursuant to Standing Order 36 I present petitions on behalf of hundreds of individuals in my riding from Opaskwayak Cree Nation, Chema-wawin Cree Nation, Fox Lake First Nation, The Pas, Gillam and Easterville, calling on the government to ensure that Revenue Canada does not start taxing aboriginal support funding.

The Auditor General has indicated that the government does not do enough to support aboriginal post-secondary education. At a time when that is still happening, it is unconscionable that Revenue Canada should be taxing what little funds those aboriginal students have.

DIABETES

Mr. Jim Abbott (Kootenay—Columbia, CPC): Mr. Speaker, I am presenting a petition today on behalf of Canadians to secure federal funding of \$25 million a year for the next five years targeted specifically toward juvenile diabetes type I research. The petitioners point out that diabetes creates many devastating health consequences that produce huge human costs, that insulin is not a cure, that diabetes is an important health issue and increased investment into Canadian type I diabetes research has a potential of yielding immense benefits within a relatively short period of time.

• (1315)

Mr. James Rajotte (Edmonton—Leduc, CPC): Mr. Speaker, I as well would like to present a petition to call upon Parliament to invest more federal funding for juvenile diabetes type 1 of of \$25 million a year.

I thank the member for Saskatoon—Rosetown—Biggar for her leadership on this issue. I also want to compliment many of the researchers we have across the country, namely the Edmonton

Government Orders

Protocol near my riding, which has contributed a lot toward diabetes research. Therefore, I present this with pride today.

CHILD PORNOGRAPHY

Mr. Jay Hill (Prince George—Peace River, CPC): Mr. Speaker, it is my pleasure to present this petition on behalf of my constituents in Prince George—Peace River, from the residents of the city of Fort St. John and the smaller communities of nearby Taylor, Rose Prairie, Charlie Lake and Cecil Lake. I have a number of petitions on this subject which I will be presenting in the days and weeks ahead.

These constituents note that the creation and use of child pornography is condemned by the clear majority of Canadians and that Liberal Bill C-20 does not adequately protect our nation's children.

Therefore, the petitioners call upon Parliament to protect our children by taking all necessary steps to ensure that all materials that promote or glorify child pornography are outlawed in our nation.

NATIONAL DEFENCE

Mr. Lee Richardson (Calgary Centre, CPC): Mr. Speaker, I have the honour today to present a petition on behalf of numerous constituents of Calgary Centre with regard to the defence of North America, the anti-American attitude, the intent of the Liberal Party and the damage caused to our country by the deteriorating relations with the United States.

The petitioners call upon Parliament to participate with the United States in ballistic missile defence.

* * *

QUESTIONS ON THE ORDER PAPER

Hon. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, I ask that all questions be allowed to stand.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[English]

CIVIL MARRIAGE ACT

The House resumed from April 19 consideration of the motion that Bill C-38, an act respecting certain aspects of legal capacity for marriage for civil purposes, be read the second time and referred to a committee, and of the motion that this question be now put.

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I would like to begin by asking members of the House to grant their consent for me to speak up to 20 minutes. Then I would be pleased to answer any questions on this. It is a serious issue, but it is up to the members of the House if they are prepared to grant unanimous consent for this.

The Deputy Speaker: The hon. minister has asked for 20 minutes to address the bill and 10 minutes for questions and comments following that. Is there consent?

Some hon. members: Agreed.

Government Orders

Some hon. members: No.

Hon. Irwin Cotler: Mr. Speaker, the House will soon be asked to vote on whether to send Bill C-38, the civil marriage act, to committee for review. The bill was tabled on February 1 and has been debated in the House ever since. Yet the essence of this legislation, the extension of equal access to civil marriage to gays and lesbians while at the same time respecting religious freedom, has been known for close to two years now. It was in July 2003 that the government referred its draft bill to the Supreme Court of Canada.

During this period, all aspects of the bill were discussed in depth, in the House, earlier in the standing committee which travelled across Canada and heard from over 300 witnesses, before the courts in eight provinces and territories, before the Supreme Court of Canada in its reference hearing, and in the media and other public forums. From a democratic perspective, I am pleased that there has been so much involvement by so many on this important issue.

The bill is a short one with two main substantive provisions, one extending access to civil marriage to same sex couples and the second acknowledging and respecting religious freedom. Yet, with all this discussion and debate, the opposition's main arguments against the bill continue to be anchored in three assertions which are simply mistaken. First, that it is open to the House to re-enact the opposite sex definition of civil marriage without using the notwithstanding clause. Second, that Parliament can ensure that the equality guarantee can be secured through some form of civil union. Third, that the bill threatens religious freedom.

These assertions are simply not grounded in fact or law. I fully acknowledge that the legal and constitutional principles involved here are complex. I understand that there are strong feelings on all sides of this debate and they deserve to be respected. I appreciate that many Canadians are still struggling with the idea of change to the central institution of marriage.

It is essential that parliamentarians and Canadians clearly understand, from a legislative and judicial point of view, what choices are and are not open to us as well as the costs and implications of those choices for our values and for our future. We may not agree at the end of this exercise on what is the best choice to make, but we should at a minimum all agree on what the choices are.

Today, I wish to explain to the House why the compromises suggested by the opposition are not valid options and what real options are available to us.

The opposition has suggested that there is a compromise available here that would mean legislating the traditional opposite sex definition of marriage once again and offering the same rights and privileges of marriage to same sex couples but through civil unions and not civil marriage. We heard it once again this morning.

This compromise is not well-founded. It is based on two assumptions that are wrong in law. First, the compromise offered by the opposition to re-enact the opposite sex requirement for marriage is technically possible, but only if Parliament is willing and able to use the notwithstanding clause. Second, even then it is unlikely that the law it proposes would survive a court challenge as Parliament simply does not have the authority to bring about the compromise that the opposition proposes.

Let me begin with why the notwithstanding clause would have to be used to re-enact an opposite sex definition of civil marriage.

The opposition asserts that somehow it is still open for Parliament to re-enact the traditional definition of marriage, to override the equality provisions of the charter, to override judgments in eight jurisdictions, to override the unanimous decision of the Supreme Court of Canada, without using the notwithstanding clause. However, this is based on a leap of logic by the opposition that because the Supreme Court did not directly answer the fourth question put to it by the government, Parliament is now free to decide the issue any way it wants.

I should add, parenthetically, that the fourth question was included in the reference as to whether the traditional definition of marriage was compatible with the charter. It was included to allow those who wished to argue that position to do so.

As to the question we put and supported, whether extending civil marriage to gays and lesbians was compatible with the charter, the court answered that same sex marriage was not only consistent with the charter, but flowed from it.

As well, it is incorrect to say that the Supreme Court of Canada did not answer the question asked in its reference without also stating that when the court came to question four, the answer was moot. For the court to have answered it would have been unprecedented because we already had binding decisions in eight jurisdictions. We already had an earlier answer by the Supreme Court to the effect that same sex marriage was compatible with the charter. Thousands of couples had already married and had acquired protected rights and, as the court said, the government had indicated its intention to go ahead with this legislation.

● (1320)

Moreover, what has to be appreciated here is that nothing in the Supreme Court's decision overruled the binding decisions in eight provinces and territories finding that the opposite sex definition of marriage was inconsistent with the fundamental guarantee of equality in the charter.

It is true that the opposition refers to the eight decisions striking down the traditional definition of marriage as being "only lower court decisions". Somehow it is suggested the notwithstanding clause is invocable only if we have a decision of the Supreme Court of Canada which, in this instance, we also have.

This grasp of the issue is not only mistaken, it is contrary to the rule of law. Where a law has been found to be unconstitutional, the only way to legislate is either to remedy the unconstitutionality, which is what we are trying to do with our projet de loi, or to overrule that court decision by invoking the notwithstanding clause. That means that Parliament would be publicly stating that it will pass the law, despite the fact that it is unconstitutional.

Government Orders

The Supreme Court of Canada is not the only court in the country that governments are bound to respect under the rule of law. Decisions of courts in eight jurisdictions, holding that restricting civil marriage to opposite sex couples is unconstitutional, are also binding under the rule of law.

The opposition is not free to somehow mislead Canadians or the House that Parliament can ignore these court decisions and re-enact the same law that has already been declared unconstitutional.

I am not the only person who is concerned that members of the House and the public understand what are the valid options open to us. An open letter was signed by 134 law professors, representing every law school in the country, making this point and asking that the political debate be carried out with a full appreciation of the options.

Moreover, the opposition would have us believe that the changes to the definition of civil marriage have come about because of a lack of action on the part of Parliament. The problem with this theory is that Parliament had already legislated the opposite sex definition of marriage. It was this federal legislation, not only the common law, that was considered by the courts in Quebec and not just, as I said, the common law definition of marriage. Yet the parliamentary statute was found unconstitutional by the Quebec Court of Appeal in the same way that other provinces found the common law to be unconstitutional. Therefore, it is simply not true to say that the courts acted without guidance from Parliament.

Opposition members also assert that the 1995 Egan and Nesbit decision of the Supreme Court of Canada, which they claim remains the only commentary on marriage in any Supreme Court decision, is what is relevant here. The point here is that the question of marriage was not even before the court in the Egan decision. That case dealt with whether the Old Age Security Act was unconstitutional in not including common law, same sex partners. Only the recent marriage reference decision of the Supreme Court of Canada talks about marriage in Canadian law.

It is simply not true that the courts ruled on common law and not on federal legislation. Nor is it true that the government did not strenuously defend the traditional, opposite sex requirement for marriage before the lower courts. However, once the courts declared the opposite sex requirement to be unconstitutional, it was a matter of fidelity to the rule of law and as Attorney General, we were obliged to respect those decisions, as the House is obliged to do.

With regard to the matter of civil union, the opposition neglects to mention that both the British Columbia and Ontario Courts of Appeal have already looked at the possibility of a civil union alternative and said that it would be less than equal and so, unconstitutional. Therefore, even if Parliament adopted this approach, we could not guarantee equality for same sex couples because we simply do not have the constitutional jurisdiction in that regard.

As the opposition acknowledges, civil unions are within provincial and territorial jurisdiction. Leaving it to the provinces and territories to try to solve this question would inevitably result in a patchwork of 13 different civil union schemes that would not guarantee equality.

Let me turn finally to the issue of religious freedom. The opposition would have us believe that Bill C-38 somehow imperils the exercise of religious freedom. The point is that Bill C-38 is organized not only around the principle of equality, but around the protection of religious freedom as well. It is extensively referred to, both in the preamble and in the substantive provisions of the legislation.

Freedom of religion is portrayed also as a weaker sister to equality and it is asserted that wherever courts are tribunals are faced with a clash between equality rights and religious rights, equality rights will always trump religious freedom. Such an assertion ignores both the decision of the Supreme Court of Canada reference and many other charter decisions. The Supreme Court has consistently indicated that freedom of religious must be fully respected.

● (1325)

If additional specific protections are desired in terms of civic marriage officials, commercial provision of services or rentals of church halls, they would have to be added to provincial and territorial laws. I raised this issue recently with my provincial and territorial colleagues. Ontario has already responded, recently passing a new bill extending further protections for religious freedom. Quebec already has that in its civil code.

In conclusion, Bill C-38 fully respects religious freedom guarantees of the charter, and this government has made a commitment to the importance of protecting those religious freedoms, and as I—

The Deputy Speaker: Order, please. Resuming debate, the hon. member for Wild Rose.

Mr. Myron Thompson (Wild Rose, CPC): Mr. Speaker, I am pleased to rise today to speak on this issue. I want to say right off the bat that I believe in the traditional definition of marriage as the union of one man and one woman to the exclusion of all others.

In the course of this debate, those of us who support marriage have been told that to amend the bill to reflect the traditional definition of marriage would be a violation of human rights and an unconstitutional violation of the Canadian Charter of Rights and Freedoms.

This is just an attempt by the government to shift the ground of the debate. It does not want to debate the question of traditional marriage versus same sex marriage. Government members would rather focus on attacking their opponents as being in opposition to or opposers of human rights in the charter.

They are attempting to do that, but this debate is not about human rights. It is about social policy, social policy decisions and social values that should be determined by the Canadian people. The best way to determine what that social value or social policy should be is through a free vote by every member in the House, to represent the people of their ridings.

Government Orders

Second to that, I believe that a referendum is a very democratic process in getting this done, but I would accept the fact that everyone in the House, if they genuinely did their job as they were expected to do when they were elected, would represent the people who sent them here and would cast a ballot in favour of a social policy that they represent. In my riding, I can guarantee it is that the definition of marriage should not change.

When it comes to marriage, no internationally recognized human rights document has ever suggested that there is a right to same sex marriage. In the Universal Declaration of Human Rights, almost all the rights listed are worded as purely individual rights, rights which everyone should have and no one should ever be denied. But when it comes to marriage, the declaration states:

Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family.

In fact, to this date, no international human rights body or national supreme court has ever found that there is a human right to same sex marriage. The only courts that have found in favour of the right to same sex marriage are the provincial courts or state level courts in the United States.

If same sex marriage is not a basic human right in the sense of internationally recognized human rights law, is it a violation of the Canadian Charter of Rights and Freedoms? Of course it is not.

In the same sex reference case, the Supreme Court declined to rule on the constitutionality of the traditional definition of marriage. Despite a clear request from the government to answer this question, it did not. Furthermore, all of the lower court decisions in favour of same sex marriage were dealing with common law, judge-made law from over a century ago, not a recent statute that was passed by a democratically elected body of people. It is quite possible that those in the lower courts may have found differently if there were a marriage act passed by Parliament defining marriage as a union of a man and a woman.

The whole discussion of the notwithstanding clause is irrelevant and it is a distraction to this debate. There is simply no reason to use or discuss the use of the notwithstanding clause in the absence of a Supreme Court decision which indicates that the traditional definition of marriage is unconstitutional. It has never done that.

Therefore, because it has not done that, there is no reason that we should even consider having to use the notwithstanding clause. The Supreme Court simply sent this back to Parliament where, in its view, the decision should be made. It is right, because Parliament represents the people of this country and because we are not talking about rights. We are talking about social values.

If the House were to move to bring in a reasonably democratic solution, one which defines in statute that a marriage remains the union of one man and one woman to the exclusion of all others, which extends equal rights and benefits to couples living in other forms of unions, equal rights and benefits that are fully protected, including freedom of religion to the extent possible under the federal law, there is every reason to believe that the Supreme Court would honour a decision of that nature made by this Parliament. I think that is what the Supreme Court is looking for.

● (1330)

Marriage and the family based on marriage are the basic institutions of society. We should not change these kinds of institutions lightly or easily. I do not believe that the government has demonstrated that there are compelling reasons to alter this central social institution. It has not shown any good reason at all.

At least one of the major purposes of marriage historically has been to provide a stable environment for the procreation and the raising of children. Having been a teacher and a school principal for a number of years, I can say that I have seen examples of why it is so important that children experience the value of having a mother and a father and their influences. If we change the definition of marriage to end the opposite sex requirement, we will be saying that this goal of marriage is no longer important. I am here today to say that based on my experiences it is extremely important.

It is interesting to note that this House, including the current Prime Minister, voted to uphold the definition of marriage in 1999. We were all quite pleased with that. Then there were the amendments to Bill C-23 in 2000, with the Deputy Prime Minister, who then was the justice minister, leading the defence of marriage from the government side. And now? What a flip-flop.

The Minister of Justice has misled the Canadian public with regard to religious repercussions. He has promised to protect religious freedom, while he knows very well that the Supreme Court has already ruled that the provision in the draft legislation pertaining to the right of religious officials to refuse to perform marriages is outside the jurisdiction of this federal Parliament. He knows that very well.

With regard to the federal common law and the federal statutes, the federal justice minister has had several months to draft amendments to protect religious freedom in relation to income tax and charitable status. He has chosen not to and therefore there are no protections in this bill.

Protecting religious freedom goes far beyond just protecting the rights of churches and other religious bodies to maintain the traditional definition of marriage. It also means preserving the right of churches to publicly preach and teach their beliefs related to marriage. It means preserving the rights of religious schools to hire staff who respect their doctrines and practices. It means protecting justices of the peace and civil marriage commissioners who do not want to solemnize marriages that are not in accordance with their beliefs. It means preserving their charitable and other economic benefits as public institutions. It means preserving the right of any public official to act in accordance with his or her beliefs.

This issue has become probably the most written about issue in Wild Rose in the last 12 years that I have been there. The response to this issue has brought an overwhelming 7,500 emails and letters within my riding since Christmas. There have been many more from all across Canada, including thousands of phone calls, faxes and letters to go along with the emails from the constituents of Wild Rose.

Government Orders

I am absolutely thrilled with the people who have mobilized on this issue. It is like nothing I have ever seen. They understand that this issue will change our country forever. They do not want that to happen.

I am pleased to be part of a Conservative Party where our leader has said that he intends to legislate the traditional definition of marriage while protecting equal rights, benefits and privileges of same sex couples and giving concrete assurances of religious freedom. That is his commitment now, it will remain his commitment when he becomes prime minister, and I guarantee that as long as I am in this seat it will be my commitment for as long as that lasts.

I thank the people of Wild Rose, who have continually been involved with this issue. I want them to know that there are many of us here who agree with their overwhelming opinion that the traditional definition of marriage, for the sake of Canada, should stand now and forevermore.

● (1335)

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, it is certainly a pleasure to join in this debate. A lot of members in the House say in their preambles that it is a pleasure to join in the debate, but I do so sincerely because as the member for Cape Breton—Canso I stand here understanding how the people of my constituency feel on this particular issue. I stand today to represent their views.

I think it would be insightful to look at the constituency I represent. For the most part, my constituency is rural. The towns of Glace Bay and Port Hawkesbury stand as the largest urban centres, but the greater population comes from the smaller communities, many of them coastal communities. Many people in my area work in the fishery as harvesters and processors. They farm. They work the forests. A fair number work in manufacturing. I am confident that the people I represent are honest, good, hard-working Canadians who believe in family and in their community.

As a candidate prior to being elected to the 37th Parliament in November 2000, I made the commitment to my constituents that before voting on any change to the traditional definition of marriage I would consult with the community and I would allow their opinion to weigh heavily on my position.

Upon being elected, I was determined to honour that commitment. In the fall of 2003, I undertook an extensive communications strategy with constituents so as to determine their thoughts and their views on this particular issue. A communication piece was delivered to every household in my riding, outlining what I believe was a very balanced presentation. The piece addressed both the pros and cons of the essence of the issue. A survey was included that sought opinions on same sex benefits, on civil unions, on the Charter of Rights and Freedoms and of course on same sex marriage.

The results were very revealing. Over 82% of the respondents voiced their strong opposition to any change in the traditional definition of marriage.

I met with various groups, with clergy, college students, sexual diversity support groups and community leaders, and I hosted town hall meetings. I also received an overwhelming number of

unsolicited representations. I recall being at numerous community events. I remember walking through the mall with my children. I remember being in arenas throughout the constituency. People were very forthcoming and forthright in coming to me to offer their opinions.

To put into context just how mobilized my constituents became on this issue, I can think back to another very significant event that Canadians experienced in recent years. While our previous Prime Minister worked to stake out our country's position on the American initiative into Iraq, I remember vividly how Canadians were seized by the potential of Canada going to war. I remember the great number of interventions I received on that particular topic.

Even the response to our position on Iraq pales in comparison to how engaged my constituents became on the issue of same sex marriage and changing the traditional definition of marriage. What I heard loud and clear from my constituents was that although traditional marriage is not perfect it remains the single best relationship in which men relate to women, in which women relate to men and in which children relate to parents.

When entering into marriage, a couple joins in an institution which is based on four pillars: first, each is of a certain age; second, they are not family; third, marriage is only between two people; and fourth, marriage is between one man and one woman. To compromise any of these principles, do we not compromise the institution?

● (1340)

I want the House to know, unequivocally, and I want it stated on the record that there is absolutely no desire on the part of the people I represent to deny the rights of any individual. They truly believe in equal rights and benefits of all central institutions to same sex couples. What they do believe is that marriage is an historic religious union and that altering this institution would be a great disservice to Canadian families. Marriage predates states, governments and charters and it has served us well over time.

What I also heard from many people was their genuine concern about any tampering with the institution of marriage. Many believed that the government bill was well-intentioned, however they saw it more like a social experiment, one which has not been embraced in other parts of the world which might have considered it. Their sense was that the government was moving too fast to alter this age old institution without the benefit of research or study. They questioned whether the change in this definition would truly provide the intended outcome, that being an attitudinal change on the part of some citizens.

Being armed with the confidence that I understood the concerns that were being articulated by my constituents, my position on the issue was even more solidified in November 2003.

During his acceptance speech at a national leadership convention, our new Prime Minister stated just what he would expect from his caucus MPs. He said that what we needed to be successful as a truly national federal party would be members who represented the interests of their constituents to Ottawa, not represent Ottawa's interests to their constituents. Had there been any doubt in my mind or any reservation in my conviction, there was no longer.

Government Orders

I fully appreciate the reality of today's family living in an ever-changing global world. Many families are forced to do far more with much less. The race to keep up is driven by greater needs and greater expectations. The pressure this pace puts on society and brings to our communities is sometimes daunting.

One positive outcome from these stresses is that we are seeing an increased interest by families to exercise traditional values. We see families returning to their spiritual roots, witnessed by increased numbers in many churches across the country. We see Canadians reaching out to draw strength from their traditional institutions.

The concerns that I have heard from my constituents are shared by a vast majority of Canadians, that there is a belief that we should treat all Canadians equally but not necessarily exactly the same. That is why, when called, I will be voting against Bill C-38.

• (1345)

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, marriage is the union of one man and one woman to the exclusion of all others. Our critics are trying their best to confuse what is a simple fundamental understanding that has existed for thousands of years. It is not about equality, a woman's right to vote, lifestyles, the charter or any other unrelated excuse that is intended to confuse Canadians.

This is about one thing. This is about protecting the institution of marriage. This is about our opponents making this a nasty fight. It distresses us all when certain individuals use the marriage debate to divide Canadians. They are using this debate as an all out attack on people who only wish to uphold family values.

While in the past people of faith have been prepared to pray in silence as our opponents shape their anti-religious attacks, the rallies held on Parliament Hill on April 9 and in various communities throughout the country were a signal that Canadians reject the desperation tactics of a minority Prime Minister who has lost any moral right to govern.

Let us be clear that this is not a charter issue. Section 15 of the Charter of Rights protects minorities from discrimination. Nowhere do the words "sexual orientation" appear. Sexual orientation was read into the charter by some activist Supreme Court judges.

The definition of marriage should never have gone to the courts. The issue is too large and too fundamental for seven appointed individuals locked away in a room in isolation to decide. This issue must be decided by the people's democratically elected representatives in Parliament and all members of the chamber with the freedom to vote their conscience and the will of the people.

A free vote is a free vote. By forcing certain members of Parliament to vote how he orders, the Prime Minister has ensured that the marriage debate will continue long after the vote, and a tainted vote is worse than no vote. This debate has been one of betrayal and deception.

In June 1999, when Parliament voted 215 to 55 in favour of the sanctity of marriage as being the union of one man and one woman to the exclusion of all others, the current Deputy Prime Minister stated:

—the definition of marriage is already clear in law. It is not found in a statute, but then not all law exists in statutes, and the law is no less binding and no less the law because it is found in the common law instead of in a statute.

The definition of marriage, which has been consistently applied in Canada, comes from an 1866 British case which holds that marriage is "the union of one man and one woman to the exclusion of all others". That case and that definition are considered clear law by ordinary Canadians, by academics and by the courts

Let me state again for the record that the government has no intention of changing the definition of marriage or of legislating same sex marriages.

Those were the exact words of the justice minister during the 1999 debate. Another promise made, promise broken. That was the position of the current Prime Minister and the Liberal Party in 1999. The government sets the agenda.

People tell me all the time that they were promised by the government that the marriage debate was settled in 1999. They say that we should be talking about the shortage of doctors, child poverty, the environment and the heavy tax burden. I remind them that changing the traditional definition of marriage is the agenda of the government, not the majority of Canadians who are represented by other political parties in the House of Commons.

It is very evident in Ottawa that the fear is that if Canadians are not talking about changing the definition of marriage, they will start talking more about the startling testimony of the Gomery commission into government corruption.

On February 11 of this year I asked a question for the Treasury Board president regarding another multi-billion dollar government reorganization. I was surprised, as were all Canadians, to see that the question is now linked to the Gomery commission on the fraudulent misappropriation of taxpayer dollars. It is not difficult to understand why the government wants to use Bill C-38 to divert attention away from this scandal ridden government.

• (1350)

Canadians know that it was the Prime Minister, as the right-hand man to the former prime minister, Jean Chrétien, who presided over the loss of tens of billions of dollars to such programs as the \$2 billion gun registry and the missing millions from the defence department.

Canadians understand that when the Prime Minister chooses to take credit for being in control of Canada's finances on matters of Canadian deficit, he is in effect taking credit for the loss of tens of millions of dollars as the one in control of the financial decisions. In control means total control, just like being in control of the agenda to hijack the definition of marriage that we find right now. Being in total control means taking credit for the deficit and taking credit for all the decisions regarding the waste of taxpayer dollars.

While Canadians are preoccupied with the debate over changing the definition of marriage, they are less apt to recall famous fiascos such as Jane Stewart's HRDC scandal and the current Deputy Prime Minister's role in the thoroughly discredited Liberal gun registry, a program she stated would cost \$2 million and we are now told by the government-funded CBC that we are looking at \$2 billion.

The gun registry has also been implicated in the sponsorship scandal. It is so unworkable that the Liberals bought advertisements in an attempt to confuse the public that the gun registry would curb crime. Those advertising dollars were funnelled through the same companies that now stand accused of providing the Liberal Party of Canada with kickbacks. The gun registry advertisements, which were meant to save the political lives of Liberals, have turned out to be just as ineffective as the ad scam funds were.

The majority of Canadians do not want the traditional definition of marriage to change and they fear that the only lesson the Prime Minister has learned from the Gomery inquiry into Liberal Party corruption is the consequence of getting caught.

The terrible record of poorly conceived and administered politically motivated government programs, like the gun registry and the sponsorship program, frightens Canadians. Canadians also fear the long term effects of tinkering with the actual definition of marriage.

In responding to a question I posed to the President of the Treasury Board, he stated that most of the missing million dollars in the defence department had been recovered. What was missing from that comment, and what Canadians deserved to hear in more detail, was how much and from whom.

The debate over changing the definition of marriage has been an effective diversion from the scandal of mismanagement so appropriately detailed by the Auditor General. Many people have forgotten about the missing million dollars from DND, which was front and centre at that time, and that internal government sources stated that there was evidence that it was a multi-million fraud ring involving at least two departments, National Defence and Public Works, and that for \$146 million or \$168 million to have been stolen others had to have been involved.

What happened to that story? Why is there no public inquiry into the amounts of money greater than what was defrauded from taxpayers in the sponsorship program? Only one person has been identified in that scandal and that person, the government claims single-handedly masterminded the fraud, is now living in the Caribbean. I am informed that he is being sued by the computer company Hewlett-Packard which got stuck with the \$100 million bill for this, which is \$46 million to \$68 million less than what the government tells us was stolen. Who received the \$46 million or \$68 million that is not in the lawsuit?

Only a public inquiry with full disclosure, similar to the Gomery commission into government corruption, will provide those answers. I look forward to a government announcement of a public inquiry into what is really behind the missing millions from the Department of National Defence.

Even with the diversion of the marriage issue, Canadians are still talking about the second billion dollars that is being spent on the hated gun registry and the crisis among our beef producers, many of whom face financial ruin.

Without the marriage debate, the government has had no plan or any program to present to Canadians and certainly none to Parliament.

S. O. 31

The challenge for us is to keep up the struggles against this systematic, gross, managerial incompetence by the government while defending family institutions. Marriage is too important for politicians or judges to decide.

STATEMENTS BY MEMBERS

• (1355)

[*English*]

PETERBOROUGH PETES

Hon. Peter Adams (Peterborough, Lib.): Mr. Speaker, the Peterborough Petes played their first game in the Ontario Hockey League in November 1956. Next year they will celebrate their 50th year in Canadian Major Junior Hockey. This is the oldest continuous franchise in the Canadian Hockey League.

The Petes have sent more players to the NHL than any other CHL team. They include: Bob Gainey, Steve Larmer, Cory Stillman, Mike Ricci and Steve Yzerman, all of whom won Stanley Cups.

Petes coaches who won Stanley Cups include: Scotty Bowman, Mike Keenan and Dick Todd. Another, the late Roger Neilson, had a huge impact on hockey around the world.

The Petes are known across Canada and overseas as a club which provides its players with an opportunity to grow as athletes, students and responsible citizens. Petes players have been nurtured over the years by Peterborough families, high schools, the college and the university. They are part of our community and we are proud of them.

Congratulations and thanks to the Petes for 50 wonderful years. Have a great season this year. Go, Petes, go.

* * *

ALBERTA SCENE

Mr. Charlie Penson (Peace River, CPC): Mr. Speaker, this spring Alberta is celebrating its centennial year as a province of Canada. The National Arts Centre is marking the occasion with the Alberta Scene, a 13 day showcase of Alberta culture ranging from country, jazz, hip hop, opera, punk rock, and featuring over 600 artists from my home province. It is going to be a party.

I probably should not pick favourites, but I will nonetheless highlight two acts from my constituency with unabashed hometown pride. Carolyn Dawn Johnson was born in Grande Prairie and is a gifted pianist. She is a country singer who has worked with some of the biggest names in the industry.

S. O. 31

The hard-working six member band, Emerson Drive, is also from the Peace River country. In fact, they took their name from the Emerson Trail, the highway that runs past my farm near the Grande Prairie area. They were Billboard's number one top country artist in 2002 and toured with Shania Twain.

Both are performing on May 9 at the National Arts Centre.

* * *

● (1400)

SPELLING BEE OF CANADA

Mr. Marc Godbout (Ottawa—Orléans, Lib.): Mr. Speaker, I wish to draw to the attention of the House the accomplishment of some youngsters from Ottawa: Alok Deshpande, Pavitra Ramachandran, Amuj Dewan, Anirudh Agarwal, Christine Leung and Amirthan Sothivannan.

These children, age 6 to 16, have placed in the regional spelling bee and are going to represent Ottawa in the Spelling Bee of Canada's provincial championship that will be presented on TVOntario.

Spelling Bee of Canada is a volunteer organization that has hosted these bees for the past 17 years. The motivation is to instill within each child the love of the language, and the power of the spoken and written word.

Many of the participants are new Canadians drawn together from all walks of life. Past participants have gone on to great success and credit their experience with Spelling Bee of Canada for giving them their first taste of success and accomplishment.

One of the children is here today, Pavitra Ramachandran. I would like to take this moment to wish her luck and to remind her to have fun.

* * *

[*Translation*]

PASSOVER

Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ): Mr. Speaker, at sundown this Saturday, celebrations for Passover, *Pessach* in Hebrew, will begin. In Quebec, in Canada and throughout the world, millions of Jews will be sitting down together for the first two Passover Seders.

With these Seders, our Jewish fellow citizens commemorate the flight of the Israelites out of Egypt, led by Moses, to escape slavery and oppression. In the Seder, the elders transmit the story of this dark yet glorious episode in the history of the tribe of Abraham to the younger generations, in order to preserve spiritual memory.

These Seders are, therefore, at the very core of the transmission of Jewish identity, and ensure its continuity because, according to tradition, children play a key role in that continuity.

I encourage my colleagues to take part in these celebrations as a tangible expression of their openness and to offer their best wishes to their Jewish constituents.

To all our Jewish fellow citizens, *Hag Sameach*.

[*English*]

TIBET

Mr. Deepak Obhrai (Calgary East, CPC): Mr. Speaker, one year ago this week Canadians were blessed with a visit by His Holiness, the Dalai Lama. Just two weeks ago I had the distinct honour of representing the Canadian Parliamentary Friends of Tibet during a visit to Dharamsala in India, the seat of the Tibetan government in exile. There I met with Tibetan leaders and discussed many issues of mutual interest.

It became clear to me during those discussions that China cannot stop the self-determination aspirations of the Tibetan people. Tibetans have a distinct identity and China's attempt to force Tibet into assimilation will not be accepted by the freedom loving people of the world.

While we welcome the new openness of China, we also hold it accountable for its human rights violations, especially in Tibet. We call on China to immediately begin dialogue with His Holiness to resolve the Tibet issue. Nothing short of this is acceptable to the world community.

* * *

VOLUNTEERISM

Mr. Lloyd St. Amand (Brant, Lib.): Mr. Speaker, I rise today to pay tribute to Mr. C.J. Dick, an outstanding member of my riding of Brant.

C.J. has tirelessly volunteered for many organizations in Brant and has raised countless funds for such groups as the Heart and Stroke Foundation, the Humane Society and others. In the past few months he has raised some \$9,500 for the Multiple Sclerosis Society.

C.J. has donated his time and efforts to ensure that our local community agencies remain well funded and that these agencies continue to provide their support to those in need and their families.

Mr. Dick is an example of true selflessness. I ask all hon. members to join me in thanking C.J. for his continued efforts and to encourage others in our communities to follow his generous lead.

* * *

[*Translation*]

VOLUNTEERISM

Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, volunteering means putting solidarity at the centre of our daily lives. It also means strengthening our commitment to and forging ties with our communities. Volunteering is a way to exercise our civic duty. Volunteering also ennobles character by putting others before ourselves.

This is national volunteer week, and I want to pay special tribute to the commitment of thousands of individuals in Longueuil and Boucherville, who devote their time and talents to helping the members of their community.

The Bloc Québécois recognizes the dynamic force of volunteerism and pays tribute to the volunteers who give of themselves every day in Quebec and around the world.

[English]

CANADIAN CHARTER OF RIGHTS AND FREEDOMS

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): Mr. Speaker, this year marks the 20th anniversary of section 15 of the Charter of Rights and Freedoms. The right to equality in Canada became a fundamental principle of our democracy under the visionary leadership of the late Right Hon. Pierre Elliott Trudeau.

While there have been many sad episodes in our history, such as Canada's internment operations, the equality section of the charter is a reminder that we all must strive to support the right to equality and to live free from discrimination.

Today, with the fiscal foundations in place, we can afford ourselves the opportunity to dream an even greater dream. Let us envision an enhanced charter which would include a social charter whose three pillars, medicare, shelter and education, would provide equal life opportunities and quality of life for all Canadians, notwithstanding where or into what circumstances they were born.

This anniversary is not only a time for reflection but challenges us to envision an even greater dream.

* * *

• (1405)

MILTON COMMUNITY AWARDS

Mr. Gary Carr (Halton, Lib.): Mr. Speaker, I rise in the House to congratulate the nominees and award recipients of the Milton Chamber of Commerce Community Awards, which were given out at the annual evening of honour and celebration on April 2 in my riding of Halton.

The 2004 awards are in recognition of their outstanding dedication, commitment and exceptional involvement within the community. This year I am pleased to congratulate: Audrea Lear-Costigan, lifetime achievement award; Karl Reichert, citizen of the year; Rita Ward, president's award; The Halton Compass, business of the year with 25 employees or less; Granite Ridge Golf Club, business of the year with 26 employees or more; Shamim Bhimji, Ramada Inn and Conference Centre, business person of the year; and Howard Mott, Milton Chamber volunteer member of the year.

Congratulations to all nominees and recipients. Their involvement and contributions to Milton are appreciated and certainly very remarkable.

* * *

IMMIGRATION

Mr. Richard Harris (Cariboo—Prince George, CPC): Mr. Speaker, the claims of the Liberal government being immigration friendly ring hollow when compared to its dismal record.

Here is what Liberal policies have brought us: record waits for travel visas to Canada; five year waits for family reunification approvals; intolerable delays for compassionate travel requests; and onerous restrictions on immigrants to qualify their professional and trade skills to satisfy Canadian standards. I do not see anything immigration friendly about that record.

S. O. 31

This is typical of the Liberal government. It brings the system to its knees, raises the frustration stage to the desperation stage, and then just before an election makes promises to fix the problem with a threat that if someone does not vote Liberal, then everything is off.

This is sleazy politics from a—

The Speaker: The hon. member for Ahuntsic.

* * *

[Translation]

DALAI LAMA

Hon. Eleni Bakopanos (Ahuntsic, Lib.): Mr. Speaker, I am honoured to point out that today is the first anniversary of the visit of His Holiness the Dalai Lama to Canada.

[English]

A year ago millions of Canadians were deeply touched and moved by the visit of His Holiness, the Dalai Lama. Many of us here in this House took part in this incredibly memorable visit to Parliament Hill. His reception at the Centre Block is remembered as one of the most powerful receptions for a world leader in recent times.

A Nobel Peace Prize winner, a relentless campaigner for freedom and human dignity, a respected spiritual leader, and figurehead of the pacifist movement, he has successfully led his people in the field of education and the preservation of their ancient and unique Tibetan culture.

[Translation]

To mark this anniversary, the representatives of the Tibetan community, who are here today and to whom I extend greetings, have distributed khatas—a Tibetan ceremonial scarf symbolizing peace and friendship—to all the MPs. I invite my fellow parliamentarians to wear them with the humility and peace they represent.

* * *

[English]

NATIONAL DAY OF MOURNING

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, “mourn for the dead, fight for the living” is the battle cry of workers throughout Canada and indeed the world. Each year in Canada a thousand workers are killed and more than a million are injured or made sick by workplace accidents or disease.

With the passage of Rod Murphy's private member's bill in 1991, April 28 was recognized nationally as the day of mourning. Part of the continuing fight for the living is improving workplace safety and health through legislation, enforcement, education and technological change. The passage of Bill C-45, the Westray bill, is also a deterrent for employers who disregard the lives of workers.

S. O. 31

As we continue to fight for improvements in Canada, we know that the fight must also extend throughout the world. More than 1,100 miners were killed by fires and cave-ins in China in the first three months of this year, an increase of 21%. If our country pushes trade with China, we must also press for extensive improvements in safety for Chinese workers.

As I join with workers, unions, employers, and the families of those who have lost a loved one in the workplace, I ask my colleagues here in the House to join me on April 28 mourning lives lost and committing to fight like hell for the living.

* * *

● (1410)

CHARITABLE ORGANIZATIONS

Mr. Pierre Poilievre (Nepean—Carleton, CPC): Mr. Speaker, tonight our Prime Minister will perform a nationally televised panic attack. He is now desperate. He has tried for months to get people to forget about the Liberal ad scam.

Now the Liberal scheme is to claim that everyone is corrupt. Citizens should learn that all politicians steal and all charities take money that does not belong to them, so goes the Liberal line.

Yesterday Liberals smeared Lawrence Cannon for his work in the charitable sector. Mr. Cannon legitimately employed a small grant to fund a successful 34 nation business meeting that brought \$4.5 million in trade to Canada. None of the dollars went into Mr. Cannon's pocket. It was all put toward building our economy. This is not the same as the Liberal payola scam.

Here we have it, Liberals will now attack every charity to which they gave sponsorship money. Are they saying that all of these volunteers were involved in conniving to skim money into Liberal coffers? Canadians deserve better and soon they will have a chance—

The Speaker: The hon. member for Saint-Hyacinthe—Bagot.

* * *

[Translation]

DALAI LAMA

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, a year ago, millions of Quebecers and Canadians were deeply touched and moved by the visit to Canada of His Holiness the Dalai Lama. In solidarity with his peaceful struggle, and that of the Tibetan people, we are proud to wear the khata, a traditional Tibetan scarf symbolizing peace and friendship.

The Dalai Lama promotes Tibet's right to independence, seeking meaningful autonomy for the Tibetan people within China. However, the issue is far from being resolved, because the fundamental rights of Tibetans continue to be denied.

Based on its strong ties with China, Canada must ensure that Beijing takes concrete action to ensure that the current dialogue between the representatives of the Dalai Lama and China results in a negotiated settlement on the status of Tibet.

Members of this House must add their voices to those of the millions of people around the world who struggle to help the Tibetan people reclaim their homeland.

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[English]

LIBERAL PARTY OF CANADA

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, when the Prime Minister speaks tonight on television he will be up against shows like *Just Shoot Me* and *Crime Scene Investigation*. I refuse to comment on this interesting coincidence except to say that there are no shows as sordid as the Liberal Party.

On tonight's episode, Canada's top spin doctor performs plastic surgery on the Liberal Party in an attempt to give it a new face. We will see him nip and tuck those ugly sponsorship scars away in the hope of making the Liberal Party more attractive to the Canadian public and maybe a little less recognizable to the police. It is a tough job. Even as the spin doctor is trying to cover up old wounds, Benoît Corbeil is opening up new ones.

The Liberal Party is so fundamentally sick that an extreme political makeover just will not cut it. It needs to open this patient right up, cut out the arrogance and replace it with some humility. It needs a conscience implant. It needs shorter arms so that the only pockets it can reach into are its own.

Finally, if it has the stomach, it needs to get rid of the head.

* * *

STEFAN SURETTE

Hon. Robert Thibault (West Nova, Lib.): Mr. Speaker, I rise today to salute a young soldier, Mr. Stefan Surette. Mr. Surette was killed from gunshot wounds during an insurgent ambush in Baghdad while the vehicle he was in waited for the road to reopen.

Mr. Surette's family lives in Saint-Anne-Du-Ruisseau, a small close-knit community in my riding.

Stefan left Nova Scotia a little over a decade ago to join the British military. He later joined a private security firm with whom he was employed at the time of his unfortunate death.

I spoke to Mr. Surette's mother today. His parents are devastated by the loss of their child, as is all of the community.

I am certain Nova Scotians and Canadians alike join me in sending the Surette family our deepest condolences.

* * *

TIBET

Hon. David Kilgour (Edmonton—Mill Woods—Beaumont, Ind.): Mr. Speaker, at this time last year we were in the company of His Holiness the Dalai Lama during his visit to Parliament Hill. On the first anniversary of the visit, all of us in this House hope that we can reflect on his message.

Oral Questions

I can say that in my 26 years as a member of Parliament, I have never seen such a reception as was seen last year. The welcome His Holiness received was concrete proof that the values of the Tibetan people and their struggle have a resonance on Canadians.

The Parliamentary Friends of Tibet, which has parliamentarians from all parties as members, urges the Canadian government to speak out against China's incursion upon the Tibetan way of life and to condemn China's railway to Tibet.

In this week's international policy statement, the word "Tibet" did not appear once. Neither did the phrase "human rights in China". This is not a reflection on the desires of the Canadian public or Parliament.

I also call upon Canadians, as shareholders of Bombardier, Nortel and Power Corporation, to voice their objection to the involvement of those companies in the construction of that railway.

At this critical juncture in Tibet's struggle, I hope that we will have the—

• (1415)

The Speaker: The hon. member for Sault Ste. Marie.

* * *

CHILD CARE

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Speaker, the Minister of Social Development has warned Canadians that there better not be an election or the national child care plan and its first \$700 million to the provinces and territories will be in jeopardy. He and his party deserve a game misconduct for this.

Canada does not have a child care plan because the Liberals failed to make it happen in three consecutive majority governments. Canada does not have a child care plan because the Liberal government refused to accept the verdict of Canadians in the last election and work with the minority Parliament.

New Democrats want to work with the government on a child care act. The Liberals said no. Nine months ago, the New Democrats wanted to work with the government on a universal, not for profit, accessible child care system. The Liberals ignored the partnership.

It is time for the government to respect Parliament, respect Canadian voters and decide if it wants this Parliament to work.

ORAL QUESTION PERIOD

[English]

THE PRIME MINISTER

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, apparently today the Prime Minister will not appear in public. Instead, tonight he will issue a tape from his den, like some kind of fugitive leader.

I have spoken to the other opposition leaders and I think there would be unanimous agreement that if the Prime Minister wants to address Canadians at 7 p.m., he could do so here with the televised

hearings of the House of Commons. He could do so in a public setting, as is our democratic custom.

Would the government be willing to give unanimous support to such a motion?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, we have watched day after day the official opposition and the other opposition parties turn these 45 minutes into nothing more than gratuitous insults and half truths.

Therefore, the Prime Minister will speak directly to Canadians. I do hope that the leader of the official opposition is not suggesting that is in any way inappropriate.

* * *

SPONSORSHIP PROGRAM

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, the former director general of the Liberal Party now says that the party exists "to take power, keep power and win back power".

The result is that we have stories of fraud, theft, illegal lobbying, filing false election returns, money laundering, campaigning with dirty money and kickbacks. Now we can add to the list paying off campaign workers with an appointment as a judge.

Is it any surprise that the Prime Minister is afraid to come to the democratically elected chamber and show his face?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Clearly, Mr. Speaker—

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. Deputy Prime Minister is used to a lot of cheering, but we do not have to have it when she is giving an answer. The hon. Deputy Prime Minister has the floor so we can hear her answer.

Hon. Anne McLellan: Mr. Speaker, clearly Mr. Corbeil has made very serious and disturbing allegations. In fact, if those allegations are true, everyone in the House would condemn that conduct and those activities.

We have made it very plain in the House that anyone who has done wrong should be punished to the full extent of the law, which is why Mr. Justice Gomery needs to be allowed to finish his work.

Mr. Corbeil's allegations are simply that. Mr. Corbeil, as I understand it, will be appearing before the Gomery investigation. We should permit Mr. Justice Gomery to conclude his work and hear from Mr. Corbeil.

Oral Questions

[*Translation*]

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, a former director general of the Liberal Party of Canada admitted that people from the Liberal Party are there to take power, stay in power, and regain power. And what is the result? We have fraud, illegal lobbying, theft, threats, extortion, falsified election reports, money laundering, campaigns run with dirty money, and now they are rewarding volunteers by appointing them judges.

Is it any surprise that the Prime Minister is terrified at the thought of explaining all this here?

• (1420)

[*English*]

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, as I have said, Mr. Corbeil has obviously made serious and disturbing allegations. If in fact Mr. Corbeil or others are guilty of any of those activities, they should be punished to the full extent of the law. We have been absolutely clear about that.

I again say it is so important that Mr. Justice Gomery be allowed to continue his investigation. Mr. Corbeil will be appearing before the Gomery investigation.

If Mr. Justice Gomery is allowed to report, all Canadians will know what happened, who was involved and the appropriate action will be taken.

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): Mr. Speaker, another Liberal insider has come forward with new information about the shadowy world of Liberal power brokering.

Benoit Corbeil reveals that top godfathers of the Liberal Party, whom he calls the Liberal network, control everything. They decide who gets government contracts and who does the money laundering that helps Liberals get elected with illegal cash. He says the Liberal network goes right up into the Prime Minister's office and states that everyone knew what was happening.

In the face of mounting evidence, does the Prime Minister still plead ignorance?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, these are very serious allegations and we will not defend the kinds of activities that Mr. Corbeil is alleging. They are indefensible.

What we will defend and what the Prime Minister will defend is the right for Canadians to have the truth. That is why we will continue to defend the work of Justice Gomery.

It is important to recognize that these allegations in fact contradict some other allegations by Mr. Brault. That is why it is important that we trust Justice Gomery to consider all the allegations and to give Canadians the truth they deserve.

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): Mr. Speaker, Benoit Corbeil was the executive director of the Liberal Party's Quebec wing during the height of ad scam. He tells of tens of thousands in laundered cash, fake election volunteers from ministers' offices, regular flouting of election law, judgeships for helping elect Liberals, false invoices. He says that all this was orchestrated by the Prime Minister's office and top Liberals in Quebec.

The Prime Minister was the most senior Quebec minister at the time. How can anyone believe he was clueless about all this?

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, listening to the opposition members, in my view they are becoming experts in trafficking in innuendo and in drive-by smears and show no respect for the House or the rule of law in this country.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the former director general of the Liberal Party's Quebec wing, Benoit Corbeil, said that, on the initiative of Jean Chrétien's office, the dirty sponsorship money was used to finance the Liberal Party during the 2000 campaign with the approval of the party's electoral commission that Alfonso Gagliano sat on.

With Jean Chrétien's office, the director general of the Quebec wing, Alfonso Gagliano and the electoral commission involved, will the Prime Minister acknowledge that what we are talking about here is the heart of the Liberal Party and not some parallel group?

[*English*]

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, as we have said in the House, the allegations, the assertions of Mr. Corbeil are clearly unacceptable.

If in fact anyone, including Mr. Corbeil, was involved in that kind of conduct, it is unacceptable. It cannot be condoned and it should be punished to the full extent of the law.

I do not think we can be any clearer about our condemnation of that kind of conduct, if it indeed took place.

• (1425)

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, Jean Chrétien's office was the trigger and the electoral commission gave its approval. Benoit Corbeil has confirmed this: Jean Brault, of Groupaction, handed over almost \$100,000 of dirty money in cheques and cash to the Liberal Party as payment—although none of it was reported—to “fake volunteers” who worked on the 2000 election campaign, some of them in senior positions with the current government.

Since Benoit Corbeil has made it clear that the dirty sponsorship money was used to finance the Liberal Party, will the Prime Minister now demand that all the money be put into a dirty money trust account, as this House is asking him to do?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, we will not defend the activities described by Mr. Corbeil. They are indefensible.

However, together with the Prime Minister we will defend the work of Justice Gomery. We will defend Canadians' right to the truth. We will also ensure that justice is served and that the guilty parties are punished once we get to the truth.

Oral Questions

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, Benoît Corbeil, the former director general of the Liberal Party of Canada Quebec wing, directly implicated the office of Jean Chrétien. He said, “One fine morning, I received a call from the Prime Minister’s office and was told there was someone coming to see me and I had to find a way to pay him. I replied that there was no money and was told to find some”.

Is that not proof that not only was the office of the former Prime Minister aware that dirty money was circulating within the Liberal Party, but that they themselves encouraged the director general to find other sources of dirty money?

[English]

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, as I have said, if any of these allegations and assertions are found to be true, they must be condemned. This kind of conduct is completely unacceptable.

I think the hon. member makes the case for why Mr. Justice Gomery should be allowed to continue his investigation and why all Canadians, not all of us but all Canadians, need to hear from Mr. Justice Gomery in relation to what happened, why it happened and who was involved.

Let me be clear. If these allegations are true, this conduct must be condemned and—

[Translation]

The Speaker: The hon. member for Montmorency—Charlevoix—Haute-Côte-Nord.

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, Mr. Corbeil also confirmed that he was told by a minister’s office that he would be getting \$100,000 in dirty money from Jean Brault.

With revelations like these, can the Prime Minister still claim that no minister was involved in the sponsorship scandal?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, it is important to note that Mr. Corbeil corroborates certain things said by Mr. Brault, but not others.

The only person who has the authority or mandate to analyze all the contradictory allegations is Justice Gomery. Canadians want the truth, which is why they deserve to see his report before there is an election.

* * *

[English]

THE BUDGET

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, my question is for the Prime Minister.

First, let me add my voice to those who are concerned about the televised address this evening. This is a Liberal crisis. It is not definitively a national crisis.

In our continued effort to try to make Parliament work, I have a simple question for the Prime Minister. Is the Prime Minister open to changes in his budget, yes or no?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, the budget legislation is before the House of Commons at the moment. There are some technical provisions that will be coming forward in subsequent legislation.

Obviously the hon. gentleman has some suggestions to make. The principles of the budget are the principles of the budget and we stand firmly by those principles. If there are technical issues he wishes to raise, I would be glad to hear them.

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, it is a little hard to determine if that is a yes or a no. Our frustration with trying to work with the Liberal government is growing day by day. Putting aside the issue of corruption, I need to say through you, Mr. Speaker, to the hon. members of the government that our party cannot support billions of dollars of surprise corporate tax cuts when investments in the needs of people are required and promises have been broken.

Let me ask a very specific question. Is the Prime Minister open to making changes, not technical changes but significant changes in the budget, yes or no?

• (1430)

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, that is really like asking whether I would be prepared to buy a pig in a poke. Quite frankly, no minister of finance, acting responsibly, would answer that type of question.

If the hon. gentleman has a serious proposition, please bring it forward and I will give it the consideration it deserves. I would point out to him, however, that the changes in corporate taxation are intended to ensure that jobs, jobs, jobs stay in Canada.

* * *

SPONSORSHIP PROGRAM

Mr. Peter MacKay (Central Nova, CPC): Mr. Speaker, yet another disgraced Liberal. The former director general of the Liberal Party, Benoît Corbeil, confirmed Jean Brault’s damning testimony that envelopes of kickback cash from Groupaction sponsorship funds were used to pay the Liberal minister’s staff during the 2000 election. These staff members, so-called fake volunteers, were on leave from their government jobs and yet got paid through dirty sponsorship money. These actions were approved at the highest levels of the Liberal election organization and Corbeil says that everybody knew.

Where did the Prime Minister fit into the Liberal Party food chain and just how much dirty money was used to fund the 2000 Liberal election campaign?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, once again it is notable that Mr. Corbeil contradicted some of Mr. Brault’s testimony. He did not corroborate all of Mr. Brault’s testimony.

Oral Questions

There is only one Canadian who really will have the ability to determine the validity of all the testimony in totality, and that is Justice Gomery. We trust Justice Gomery to review all the testimony, to analyze it and to give Canadians the truth in his report. That is what Canadians want, the truth, and that is what Canadians look forward to with that report.

Mr. Peter MacKay (Central Nova, CPC): In that year, Mr. Speaker, that minister was throwing allegations of corruption, not defending them.

[Translation]

The Prime Minister has refused to instruct the Liberal Party to set money aside in a fund for reimbursing the taxpayers for any bribe money paid out as part of the sponsorship scandal.

Might it be his intention to use that dirty money during the next election campaign?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the party has been clear. If it has received any inappropriate funds, it will reimburse the taxpayers. This, however, cannot be done until we have all the facts. That is why we need to wait for the Gomery report.

[English]

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, the government's defence gets weaker with every passing hour. Today we find out that Claude Boulay is telling the Gomery inquiry that he met weekly with the Prime Minister in the 1993 election campaign. This directly contradicts sworn testimony from the Prime Minister.

Yesterday, the public works minister was talking about how credible Mr. Boulay was on the witness stand. Does he still stand by that? Does he think he is credible again today?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, once again the hon. member is commenting on individual testimony. When we consider it in totality, there are contradictions and there are contradictions on an ongoing basis which is why—

Some hon. members: Oh, oh!

The Speaker: It is evident that members are enjoying the minister's reply, but the Speaker cannot hear it. They might not enjoy it if he said something out of order and then I would be in trouble too.

I know the Minister of Public Works and Government Services is doing his best to respond to the questions he is asked from the member for Medicine Hat who has a supplementary question and who is going to be very interested to hear the answers. We are going to hear it now from the Minister of Public Works.

Hon. Scott Brison: He could benefit from the answer, Mr. Speaker. The fact is some testimony has contradicted other testimony. The hon. member makes an excellent point, that we ought to all wait until we have Justice Gomery's report which will, through his analysis, give Canadians a good analysis of all the testimony so Canadians can be secure in having the truth.

I agree with the hon. member. We really should wait for Justice Gomery's report.

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, this is very serious. When the Prime Minister was before Justice Gomery, he was asked if he recalled meeting Mr. Boulay. The Prime Minister said that he did not know Mr. Boulay very well. He went on to say that he may have been a casual acquaintance, but the testimony today directly contradicts this. It really calls into question the Prime Minister's credibility.

Is it not true that the Prime Minister really cannot clean up the sponsorship mess because he is implicated in it?

• (1435)

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, once again members are selectively using testimony. We have had testimony recently from Mr. Boulay that said, "We have never had one on one meetings. We ran into each other at different activities". Mr. Boulay even doubted that the Prime Minister wrote the infamous birthday letter which the hon. members opposite cited as evidence of some close personal relationship.

We are seeing on an ongoing basis contradictory allegations. The hon. members opposite point out those allegations that support their accusations. Canadians do not want this kind of partisanship. They want the truth. They want Justice Gomery's report.

[Translation]

Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ): Mr. Speaker, Benoît Corbeil has revealed that the sponsorship program came on the heels of the campaigning around the 1995 referendum, and was done in the same spirit. The sovereignists had to be counteracted at any price, and that required a lot of money, even if it meant breaking the law.

Will the Prime Minister admit, having been the number two man in the government at that time, as we know, that the actions of this government are immoral, unacceptable, unjustifiable and unspeakable?

[English]

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, I think I have been absolutely clear this afternoon that if Mr. Corbeil's allegations are true, they are absolutely unacceptable. They reveal conduct that cannot be condoned, that is unacceptable and that must be punished to the full extent of the law.

[Translation]

Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ): Mr. Speaker, we are hearing of awarding contracts against the rules, financial skullduggery, dirty money in the Liberal Party, violation of the administrative rules, violation of Quebec's referendum legislation, violation of the federal Elections Act.

Will the Prime Minister admit that what he needs to say this evening in his message to Quebecers is that he is ashamed and that he apologizes? He will need to come across as the leader of a country, and not the leader of a party desperately clinging to power, as will probably be the case.

*Oral Questions**[English]*

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, again let me be absolutely clear. If the allegations and assertions made by Mr. Corbeil are proven to be true, if they reveal the kind of conduct of which the hon. member is speaking, there is no one who would not stand in this House and condemn that conduct. It is completely unacceptable, it is wrong and it must be punished to the full extent of the law.

[Translation]

Ms. Pauline Picard (Drummond, BQ): Mr. Speaker, Claude Boulay claims that the Department of Finance forced him to hire a subcontractor and that this contract for over half a million dollars was awarded untendered. A document addressed to his policy adviser, Karl Littler, mentions that this contract was discussed with the former finance minister at a meeting on December 21, 1995.

How can the Prime Minister say that he did not know anything, when his political staff was informed and departmental staff claim to have discussed this contract with him?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, these are allegations, not facts. To get the facts, we must wait for the Gomery commission to table its report.

[English]

The only way we will be able to have the truth for Canadians is if we actually respect the independence of the judicial inquiry and wait to have the Gomery report. Justice Gomery is able to analyze all the testimony, much of which is contradictory, and he will ensure that Canadians have the truth they deserve.

The reason there is a Justice Gomery doing his work, getting to the truth, is because we have a Prime Minister who is absolutely committed to getting the truth for Canadians.

[Translation]

Ms. Pauline Picard (Drummond, BQ): Mr. Speaker, Claude Boulay, who campaigned for the Prime Minister on numerous occasions, revealed this morning that he pocketed a generous 17% commission on that contract, simply for having passed on a contract to Pinnacle.

Why did the Prime Minister turn a blind eye to all the rules, so his dear Claude could pocket many tens of thousands of dollars along the way?

● (1440)

[English]

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, our Prime Minister has been steadfast in his commitment to get to the truth for Canadians. Our Prime Minister has not covered up anything. Our Prime Minister has opened up this issue and is determined to get to the truth for Canadians.

He has put country before party. He has put principle before partisan strategy. That is exactly the opposite of what the members opposite are doing. Our Prime Minister is standing up for Canadians. He wants to get to the truth. They just want to get to the polls.

Mr. Vic Toews (Provencher, CPC): Mr. Speaker, a former senior Liberal official in Quebec has made some very serious statements that have cast a dark cloud over the Canadian judiciary. Mr. Corbeil claims that the Liberal Party paid off Liberal campaign workers with judicial appointments.

In view of the fundamental role of judges in Canada, what specific actions has the Minister of Justice taken to have this matter of judicial appointments investigated immediately by the appropriate authorities?

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, if Mr. Corbeil has any evidence, which he said he does not, he can put it before the Gomery commission. As a former attorney general, I would expect that the member opposite would want to respect the rule of law and a judicial commission of inquiry.

Mr. Vic Toews (Provencher, CPC): Mr. Speaker, we know that Judge Gomery is a judge of the Quebec courts. How is it appropriate for Judge Gomery to look into these kinds of allegations? The minister knows very well that is outside Justice Gomery's jurisdiction. It is not appropriate for Justice Gomery to look at that issue.

Why will the minister not take these very serious allegations to the appropriate authorities for investigation? Let them find the evidence.

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, because I respect the rule of law, unlike the hon. member opposite.

Mr. James Moore (Port Moody—Westwood—Port Coquitlam, CPC): Mr. Speaker, if the minister respects the rule of law he may want to call the proper authorities to enforce the rule of law when it comes to Liberals breaking the law. That might be an idea.

[Translation]

Yesterday, in response to a question from the Bloc Québécois about lobbying for Cossette, the Minister of Transport said, "I have never been paid for any lobbying whatsoever".

I am asking him if he ever received money from Mr. Cossette or from Cossette Communication for any reason whatsoever?

Hon. John Godfrey (Minister of State (Infrastructure and Communities), Lib.): Mr. Speaker, the Minister of Transport was extremely clear yesterday. The member should be addressing his concerns to the registrar of lobbyists. We have a registrar of lobbyists. He is an independent officer of this Parliament. The member may make his complaint directly to him.

[English]

Mr. James Moore (Port Moody—Westwood—Port Coquitlam, CPC): Mr. Speaker, it is the Minister of Transport who should be answering these questions who, unlike the Prime Minister, chose to show up today.

The Speaker: The hon. member for Port Moody—Westwood—Port Coquitlam was here yesterday and he knows that chastisement awaits those who break the rules. Some of his colleagues received it the other day. He would not want to repeat those kinds of mistakes.

His question may be for the Minister of Transport. Perhaps he will put it directly.

Oral Questions

Mr. James Moore: Mr. Speaker, yesterday the Minister of Transport admitted going to supper with his client from Cossette and Alfonso Gagliano but described it as a social gathering.

I have a very precise question. Did the minister ever arrange a meeting for François Duffar or any member of Cossette Communication with a current or former member of the House?

• (1445)

Hon. John Godfrey (Minister of State (Infrastructure and Communities), Lib.): Mr. Speaker, the minister was completely clear in his answers to this question yesterday. If the member has a problem, we have a process. There is the registrar of lobbyists, an independent officer of this Parliament, to whom that member should take his charge.

* * *

MULTICULTURALISM

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, Canada stands on the world stage as a shining example of a tolerant and pluralistic society that welcomes people from diverse ethnic, cultural, linguistic and religious backgrounds to live in harmony.

Could the Minister of Canadian Heritage inform the House of recent developments that would help Canadians share our experience with the rest of the world?

Hon. Liza Frulla (Minister of Canadian Heritage and Minister responsible for Status of Women, Lib.): Mr. Speaker, I am proud to say that on April 18, 2005, the government announced its intention to contribute an endowment of \$30 million to help establish the global centre for pluralism.

The people of Canada are proud to be recognized as a tolerant, diverse and accepting society. It is for these reasons that the Aga Khan Foundation chose Canada as an example and asked Canada to spread this important message to the world.

It is this kind of investment that underscores the fundamental differences between us and the official opposition.

* * *

LIBERAL PARTY OF CANADA

Hon. Ed Broadbent (Ottawa Centre, NDP): Mr. Speaker, my question is for the Deputy Prime Minister and it refers to an earlier answer that she gave in the House.

Day after day we have learned more details about the trail of missing public money. Day after day ministers of the crown, including the Deputy Prime Minister today, have said that responsible individuals will be punished.

When will a minister of the government acknowledge that virtually all of these individuals are members of the Liberal Party and apologize to the people of Canada for the wrongdoing of the Liberal Party?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, I think I have been absolutely clear. If any of the allegations and assertions that have been made in front of Mr. Justice Gomery are found to be true, we do not condone that kind of unacceptable

conduct and we have said that it must be punished to the full extent of the law.

No one on this side of the House finds it acceptable or condones that kind of conduct.

Hon. Ed Broadbent (Ottawa Centre, NDP): Mr. Speaker, once again the minister has done it. She has talked about individuals but refuses to acknowledge the collective responsibility for her party.

Is the Prime Minister, who refused earlier to answer these questions in the House, finally going on television tonight to make an apology to the people of Canada for his party's wrongdoing, an apology that he should have made days ago in the House of Commons?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, it is our Prime Minister who ended the sponsorship program, who established Justice Gomery's work and who supports Justice Gomery. The Liberal Party is cooperating fully with Justice Gomery. In fact, our auditors are working closely with Justice Gomery's office.

We look forward to that report because tens of thousands of Liberal activists across Canada want to get to the bottom of this because we are defending, not just the reputation of Liberals but the reputation of federalists in Quebec. We are also defending the Canadian taxpayer by getting to the bottom of this issue.

That is what we are doing, getting to the bottom of this issue, not scoring cheap political points.

* * *

• (1450)

[Translation]

GOVERNMENT CONTRACTS

Mr. Jason Kenney (Calgary Southeast, CPC): Mr. Speaker, clearly the Minister of Transport is involved in a new Liberal scandal. Yesterday, I asked him a simple question. Today, he was asked the same question, but he did not answer.

So, I will ask the same question for the third time.

Hon. John Godfrey (Minister of State (Infrastructure and Communities), Lib.): Mr. Speaker, yesterday, the response of the Minister of Transport was very clear. The member opposite needs to direct his complaint to the registrar of lobbyists. The registrar is an independent officer of this Parliament and he could explain his decision himself.

Mr. Jason Kenney (Calgary Southeast, CPC): Mr. Speaker, what is he afraid of? What is he hiding? Why will he not answer simple questions? For the fourth time, we want to know whether this Minister of Transport arranged a meeting between Mr. Duffar of Cossette Communication and Mr. Gagliano. This question centres on the very integrity of this minister. We want an answer from this minister.

Did he arrange this meeting or not?

Hon. John Godfrey (Minister of State (Infrastructure and Communities), Lib.): Mr. Speaker, again, the minister's response yesterday was very clear. We have a registrar of lobbyists to take complaints and conduct investigations.

Oral Questions

[English]

FOREIGN AFFAIRS

Mr. Stockwell Day (Okanagan—Coquihalla, CPC): Mr. Speaker, Maurice Strong, long time Liberal, long time mentor of the Prime Minister, long time business associate of the Prime Minister and companies such as Canada Steamship Lines and Cordex, has suddenly resigned his post at the United Nations.

To date the government has refused to stand up and answer questions about the Iraqi oil for food scandal at the United Nations.

Canadians are wondering why the Prime Minister will not just stand up in his place and state categorically that there has been no implication of Canadians or Canadian companies in the UN oil for food program.

Where does this all end? Why will he not just stand up?

Hon. Pierre Pettigrew (Minister of Foreign Affairs, Lib.): Mr. Speaker, we note Mr. Strong's very public statements about the nature of his dealings with Tongsun Park which he notes were related to Mr. Strong's work in North Korea for the United Nations secretary general.

Mr. Strong said that he had no involvement in the oil for food program but he has indicated that he would defer further work on his Korean assignment until the situation is clarified.

We have no independent information on this issue that would cause us to form a separate opinion on the case.

[Translation]

Mr. Stockwell Day (Okanagan—Coquihalla, CPC): Mr. Speaker, Canada's international reputation is a source of pride to Canadians. At a time when the possibility of a Canadian connection to the oil for food scandal is being raised, Maurice Strong, long-time friend and adviser to the Prime Minister, and co-investor in certain companies, has suddenly resigned from his position with the UN.

Can the Prime Minister assure us that Canadians are not involved in the scandal surrounding the UN's oil for food program, yes or no?

Hon. Pierre Pettigrew (Minister of Foreign Affairs, Lib.): Mr. Speaker, clearly the answer is no, they are not. We have noted the public statements by Mr. Strong concerning the nature of his dealings with Tongsun Park, in which he indicated that these were connected to his work relating to North Korea on behalf of the Secretary General of the UN. Mr. Strong said that he had had no connection with the oil for food program. He did, however, indicate that he was suspending his work in Korea until the situation is clarified. We do not have any independent information that would enable us to have a different opinion on this matter.

* * *

●(1455)

JUSTICE

Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ): Mr. Speaker, what Benoît Corbeil has had to say about judge appointments is disconcerting. According to him, the Liberal network controlled everything, and a person interested in an appointment to the judiciary needed to have connections with that network.

Does the Minister of Justice not find it troubling that the appointment of judges in this country could depend on the Liberal network that is behind all the Liberal mess?

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, Mr. Corbeil himself has said that he had no proof to back up these claims. If there are any serious allegations concerning judges, then this is something that falls within the mandate of the Gomery inquiry as part of a legal process. It is very important to make it clear to this House that judges are appointed solely on merit.

Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ): Mr. Speaker, according to Mr. Corbeil, Claudette Tessier-Couture, who has since been appointed a judge, co-chaired the electoral commission of the Quebec wing of the Liberal Party of Canada with Alfonso Gagliano. He added that she knew the so-called volunteers were paid with dirty sponsorship money from Jean Brault of Groupaction.

In light of these disturbing revelations, does the Minister of Public Safety intend to ask the RCMP to launch an investigation into the alleged behaviour of Judge Tessier-Couture?

[English]

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, if the hon. member has any information that leads him to believe that there has been criminal wrongdoing, he should provide that information to the Royal Canadian Mounted Police or to the Sûreté du Québec.

* * *

AGRICULTURE

Ms. Belinda Stronach (Newmarket—Aurora, CPC): Mr. Speaker, when a protectionist American cattle group filed an injunction to keep the U.S. border closed to Canadian beef, Canada only filed in a limited way as a friend of the court which the U.S. judge turned down the very next day and to which Canada has not even appealed.

The Canadian food safety system is on trial and the Government of Canada has not even requested the opportunity to defend it.

Why has Canada not applied for intervenor status to be present in the Montana courtroom to directly defend Canada's interests?

Hon. Wayne Easter (Parliamentary Secretary to the Minister of Agriculture and Agri-Food (Rural Development), Lib.): Mr. Speaker, the fact is that Canada has been defending Canadian beef producers' interests. We have taken strong action with the Americans. We have taken strong action in the defence of producers in terms of helping them in their financial trouble as a result of the border closure. We have listened to the expert advice of Canadian lawyers and American lawyers and we put forward an amicus brief to the court.

We have been taking action, not playing politics as members are trying to do on that side.

Ms. Diane Finley (Haldimand—Norfolk, CPC): Mr. Speaker, an amicus brief status these days is like issuing a news release and is just as effective.

Business of the House

It has been 701 days since the U.S. border was closed to Canadian livestock. Since then the Liberal government has failed to apply for intervenor status, not amicus status, in the courtroom where a Montana judge has put the Canadian food safety system on trial.

Why is the government leaving it to the U.S. protectionist lobbies to explain our food safety system to a U.S. judge?

Hon. Wayne Easter (Parliamentary Secretary to the Minister of Agriculture and Agri-Food (Rural Development), Lib.): Mr. Speaker, it is clearly our position to get the border open as soon as possible and not play legal games like the party opposite wants to do.

We have taken the best advice available in the best interests of Canadian producers and we have acted on it. On top of that, we have assisted producers in their time of difficult financial trouble. The government is acting, not playing legal games like members on that side want to do.

* * *

[Translation]

ECONOMIC DEVELOPMENT

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Speaker, in terms of economic development, Atlantic Canada has both significant challenges and very interesting prospects. Budget 2005 includes important elements for ACOA projects.

Would the Minister of the Atlantic Canada Opportunities Agency kindly describe to us the agency's significance to Atlantic Canada and the significance of the measures in budget 2005 to the agency?

[English]

Hon. Joe McGuire (Minister of the Atlantic Canada Opportunities Agency, Lib.): Mr. Speaker, in response to the question from my colleague from the riding of Madawaska—Restigouche, I want to tell him that the great strides made by ACOA over the past five years in Atlantic Canada will certainly be put to a stop, and the budget of \$708 million over five years for regional development will certainly not be implemented if the budget bill is lost.

That means the research and development and commercialization money that is contained in the budget will be lost. Our investments in women in business, youth and the business community will also be lost. New Brunswick and Atlantic Canada will certainly be hurt by losing this.

* * *

● (1500)

NATIONAL DEFENCE

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, the federal government confirmed in the House last week that the Ontario Liberal government is in violation of the Canada Health Act. The Ontario government is charging health premiums administered through the tax system to soldiers and RCMP officers.

When can the soldiers be reimbursed as promised by the Parliamentary Secretary to the Minister of National Defence?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, it is true that the Ontario health tax which is in place taxes

every resident of the province and taxes, therefore, members of the armed forces. The members of the armed forces, however, receive their health care from our services, and on occasion go to Ontario hospitals, in which case Ontario is remunerated for these.

I have spoken to the minister of health in the province of Ontario. I have told him that I believe this is not fair treatment of the Canadian government, but our forces, as members of the House should know, are in no way disadvantaged. They receive the health care they need. It is the federal government that is missing out in the fact that we are paying twice for services they receive in Ontario.

* * *

TAXATION

Mr. Gary Lunn (Saanich—Gulf Islands, CPC): Mr. Speaker, in the last election the Prime Minister told former JDS employees directly that he would fix their tax debt on money they never earned. Now they have been told that they have to pay 100% of this tax on a phantom income.

The Prime Minister promised he would help. A man of honour keeps his word. When the Prime Minister cries his crocodile tears on national television tonight, how does he expect anyone to believe one word he says when his word means nothing?

Hon. John McCallum (Minister of National Revenue, Lib.): Mr. Speaker, first of all I thank the hon. member as well as my colleague from Esquimalt—Juan de Fuca for their assistance in this difficult matter. As I have told the member many times, we are indeed pursuing an administrative solution in which each case is examined individually and in which I receive daily reports on each individual case. While I cannot comment on individual cases, I can assure the House that we are pursuing maximum fairness within the confines of the law.

* * *

PRESENCE IN GALLERY

The Speaker: I would like to draw to the attention of hon. members the presence in the gallery of the Hon. David Alward, Minister of Agriculture, Fisheries and Aquaculture of New Brunswick.

Some hon. members: Hear, hear!

The Speaker: It being Thursday, I believe the hon. House leader of the official opposition has a question he would like to ask.

BUSINESS OF THE HOUSE

[English]

Mr. Jay Hill (Prince George—Peace River, CPC): Mr. Speaker, I am not sure, given the actions of the government on Monday night, whether it is really worthwhile for me to stand in this place and ask the government House leader for the business that we can anticipate for the remainder of this week and into the week following the week when members will be returning to their constituencies.

Speaker's Ruling

However, I will do that, with special emphasis on when the hon. House Leader can inform us that he intends to restore the opposition motion that we should have been debating yesterday in this House of Commons. When does he intend to restore that opposition day to the Conservative Party of Canada?

Hon. Tony Valeri (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, we will continue this afternoon with second reading of Bill C-38, the civil marriage bill. This will be followed by consideration of Senate amendments of Bill C-29, the patent bill, and Bill C-12, the quarantine bill.

We will then return to second reading of Bill C-43, the budget bill, and eventually the third readings of: Bill C-23, the HRDC bill; Bill C-22, the social development bill; Bill C-26, the border services bill; and Bill C-9, the Quebec development bill.

Tomorrow we will begin with Bill C-43. If this is completed, we will then return to the list just given.

Next week is a break week. Since it happens to coincide this year with Passover, I would like to take this opportunity to extend to Canadians of the Jewish faith best wishes on this holiday.

After today there are 35 sitting days for the House before its scheduled adjournment on June 23. The government hopes that the House will be able to complete all stages of Bill C-38 and Bill C-43 by that date, which means that the bills will have to go to and be reported from committees in time for report stage and third reading in that limited time. That is why we have given priority to these bills in order to arrive at the supply votes.

The government is obliged to designate by that date 6 of those 35 days as allotted days or opposition days. Since we do not face the logistical and timing difficulties that I have just described vis-à-vis these two major bills, it seems logical and sensible to ask the House to deal with those second readings before proceeding with business such as opposition days, which are not followed by subsequent legislative stages.

If the members opposite would not be so sneaky in trying to change the Standing Orders, in fact, we could perhaps have the kind of dialogue that the hon. member is suggesting we have.

* * *

● (1505)

PRIVILEGE

SPONSORSHIP PROGRAM—SPEAKER'S RULING

The Speaker: I am now prepared to rule on the question of privilege raised on April 14 by the hon. member for Calgary Southeast concerning responses to questions given by the hon. Minister of Public Works and Government Services during question period last week. The hon. member for Calgary Southeast claimed that the hon. minister should be found to be in contempt of the House for deliberating misleading the House with his responses to certain questions regarding the Gomery inquiry.

I would like to thank the hon. member for Calgary Southeast for having raised this question as well as the hon. minister for his contribution on the issue. I would also like to thank the hon. member for Windsor—Tecumseh, the hon. member for Mississauga South

and the hon. member for Fort McMurray—Athabasca for their interventions.

The hon. member for Calgary Southeast contended that in response to a question asked during oral question period on Monday, April 11, the hon. Minister of Public Works and Government Services stated that the Liberal Party had engaged auditors to conduct a full audit of its books. The hon. member went on to argue, however, that during question period on April 13, the hon. minister claimed that the Liberal Party had hired auditors to conduct financial reviews. The hon. member alleged that the hon. minister presented a different version of the facts to the House after PricewaterhouseCoopers and Deloitte & Touche had publicly confirmed that they had been engaged to conduct a forensic accounting review. This, he argued, showed a deliberate attempt on the part of the hon. minister to mislead the House.

Referring to the Deloitte & Touche document cited by the hon. member, the hon. minister claimed that it was proof that he had not concealed information from the House, that the Liberal Party had indeed engaged the two companies to conduct a forensic accounting review. He argued that the hon. member was trying to create the impression that the Liberal Party was not cooperating with the Gomery commission when in fact the party had engaged the two companies to conduct an investigation and review in order to assist with the inquiry. He went on to state that, in his view, it was the hon. member's statements which were unparliamentary and demeaning to the House of Commons.

The hon. members for Windsor—Tecumseh, for Mississauga South and for Fort McMurray—Athabasca also spoke on the matter, offering advice to the Chair on the differences between an audit and a forensic review.

As I stated to the House at that time, I did not fully grasp the difference between an audit and a forensic review and would need to look into the matter before rendering a decision on the question of privilege. I have now had the opportunity to do so.

To summarize the information that I gleaned from consulting a number of website financial lexicons, an audit, usually conducted annually, is an examination of the financial records and procedures of a business, government unit, or other reporting entity by a trained accountant for the purpose of verifying that the financial statements are accurate, complete and timely and present fairly the results for the period in accordance with generally accepted accounting principles. On the other hand, a forensic review is focused on addressing red flags, concerns and suspicions and is directed to the courts. It is investigative in nature and is undertaken by a forensic accountant to detect fraud or illegal acts. The forensic accountant looks at the big picture and therefore the investigation is not necessarily limited to a specific time period.

Having satisfied myself on the difference between an audit and a forensic accounting review, I would now like to address the issue of whether the minister deliberately misled the House last week with his responses to oral questions.

Government Orders

• (1510)

[*Translation*]

I refer hon. members to page 67 of Marleau and Montpetit:

There are, however, other affronts against the dignity and authority of Parliament which may not fall within one of the specifically defined privileges. Thus, the House also claims the right to punish, as a contempt, any action which, though not a breach of a specific privilege, tends to obstruct or impede the House in the performance of its functions—

[*English*]

It is rare for the Chair to find prima facie privilege when there appears to be a dispute as to facts. The hon. member for Calgary Southeast cited a ruling where I found a prima facie case of privilege with regard to the then minister of national defence.

The hon. minister had been charged by a member with contempt for deliberately misleading the House in his response to questions about when he knew that prisoners taken by Canadian JTF2 troops in Afghanistan had been handed over to United States authorities. In that case I stated that both the hon. minister and other hon. members recognized that two versions of events had been presented to the House and that the matter warranted further consideration by an appropriate committee, if only to clear the air.

In the present case, I must determine whether the minister's responses in any way impeded members in the performance of their parliamentary duties and whether the remarks were intentionally misleading. I suspect that members can easily appreciate that the financial terminology used in the questions and answers could cause some confusion. Indeed, it may be that only accountants and other financial experts can fully grasp the subtleties with respect to audits, financial reviews and forensic accounting reviews.

However, it appears to the Chair that it may be that the minister erred in the terminology he used to describe the accounting exercise in question. However, I can find no evidence of a desire to mislead the House or other hon. members. Indeed, on April 18, 2005, in response to a request from the hon. member for Winnipeg Centre, the minister rose to inform the House as follows:

I understand the hon. member asked that the PricewaterhouseCoopers and Deloitte reviews be tabled. In fact, they are posted on the Liberal Party website, as they have been for several months, in both official languages. They have been provided to Justice Gomery for his commission's work, as our auditors in fact are working with Justice Gomery's auditors on this.

As Mr. Speaker Fraser noted in a ruling given on June 30, 1987, at page 7867 of the *Debates*:

—it is possible to be misled without being deliberately misled. As Hon. Members know, if there were any suggestion of dishonest motivation...the only course would be to give notice of a substantive motion setting out the accusation in precise terms. The fact is that we are faced with a political issue on which views are deeply divided. This is not an unusual situation in this House and, unless any action were taken to infringe our right of free debate and free expression, we are not dealing with a matter involving privilege.

Given the circumstances I have described, the Chair cannot regard this issue as anything other than a dispute as to facts. I am therefore unable to find grounds for the charge of a prima facie breach of privilege.

The Chair has notice that the hon. Minister of Citizenship and Immigration wishes to address the Chair on another matter that was

raised the other day. He has further submissions for the benefit of the Chair and the House.

* * *

POINTS OF ORDER

ORAL QUESTION PERIOD

Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I want the opportunity to respond to a point of order that was made last week, in the interest of demonstrating that some civility and gentlemanliness still exists in the House.

I want to respond to the point of order made by the member for Newton—North Delta. I will advise the House that on the issues that were raised by the member, I still hold my initial position that the issues that prompted that intervention are still worthwhile. I stand by my decision to refer the matter to two outside authorities.

I may have on another occasion given an indication that the member profited personally from that type of action and I want to withdraw that statement.

The Speaker: I thank the hon. minister for the withdrawal of that portion of it. As he knows, I am considering this matter and will get back to the House in due course.

GOVERNMENT ORDERS

• (1515)

[*English*]

CIVIL MARRIAGE ACT

The House resumed consideration of the motion that Bill C-38, an act respecting certain aspects of legal capacity for marriage for civil purposes, be read the second time and referred to a committee, and of the motion that this question be now put.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I am very happy to participate in the debate on Bill C-38. It may not be my only intervention. I know many members are anxious to put their views and thoughts on the record, but I want to put mine on the record in the 10 minutes that I have.

First, I would like to say that this exercise could have been and should have been constructive. Certainly it has been quite democratic up to this point, but it has not been as constructive as it could have been or should have been. In my view, the main reason for that is the House has been pushed into a box by the courts of this country. I am not pleased with that. My public statements have been somewhat tame in that regard. My remarks now might be a bit more sanguine given that I have some protection and immunities here in the House, thanks to our Constitution. The courts have made decisions which have forced the House and the government to deal with this matter with a timing and in a procedure that is not at all helpful.

The bill refers to the subject of civil marriage. It is not really civil marriage. In fact that is wishful thinking. Perhaps the government wishes that the bill did deal with something called civil marriage. In the body of the bill the words "civil marriage" do not turn up; they appear only in the title.

Government Orders

In fact I wish that the bill dealt with the concept of civil marriage. Unfortunately, because of what has happened over the last two or three years, the bill deals with straight simple marriage. Would that over history Canada would have evolved a format for marriage that is different from what it is now. I understand that France has a format for marriage that separates civil marriage from marriage in churches and in groups and between individuals. It seems to work there. In any event, we are stuck with the current process and calling this bill the civil marriage act cosmetically does not do the trick.

About two years ago the matter of same sex marriage was referred to the House of Commons standing committee on justice and human rights. It was a large task. The committee embarked on its study of the subject area hoping to craft a resolution that would be suited to our Constitution, suitable to colleagues in the House, suitable to Canadians and to all segments of Canadian society. We began that somewhat naively but in good faith. I even recall spending what I would call overtime, meeting on Monday evenings with some colleagues in an attempt to hammer out a concept which would be acceptable to the committee and the House. That concept moves toward this concept of civil union or civil marriage.

In any event, one unhappy day as I recall it, suddenly the Ontario Court of Appeal made a decision in a piece of litigation in Ontario and set us all back severely. As a result of that decision, the government was pretty much forced to accept that the legal definition of marriage was just that, only a legal matter. Having invested all of that time, I was a little bit upset by that.

However, what I call the blackboard exercise of developing a solution is still out there, possibly. It is still out there as something we might do. However, the courts have all moved ahead and the current framework in which we are operating does not allow much wiggle room, certainly in the context of this bill.

We were working on this at the committee level and certainly around the House at the time the court made its decision. The court ruled that the current laws governing traditional relationships did not accommodate equitably relationships which were not opposite sex.

• (1520)

We all have friends or family members who reside in non-traditional relationships, couples that are same sex. They are often good friends and almost always good people. Most of us in the House really have wanted to try and do the right thing.

As I said, the courts have viewed this as purely a legal issue, just a legal constitutional issue. I realize that the courts and the legal fraternity almost always worship at the altar of the Constitution and the charter and tend to view all of our society through the eyes of the law. I regret that because in my view in this case a fix is going to have to allow us to view this matter as sociological, as well as legal and religious, et cetera.

What happened after the court threw its grenade at us is what is happening now. The government decided it would not appeal the provincial courts of appeal decisions. Then the government decided to make a reference to the Supreme Court. While the court did not rule directly on the constitutionality of the traditional definition, it did accept that the legislation put forward, at least the main part of it, the change in the definition of marriage, was constitutional.

In my view this is not purely a legal issue. I want to put some stress on that. The many witnesses who came to the justice committee usually made that point, that there is a lot more going on here than just the law, the Constitution or the charter.

I am speaking for most of my constituents when I say that they view this as partly sociological in the sense that the merging of opposite sex relationships with same sex relationships indiscriminately will delink opposite sex marriage from its societal role. It is a dual role actually, one where it is the foundation for the survival of the species and the other where it is a framework for nurturing children produced by the marriage union.

There is also a religious perspective. While that is not everyone's cup of tea in Canada, most Canadians have some religious perspective that they bring to their life on earth. Coming with the religion is also the cultural perspective. I represent a riding where there are many different cultural perspectives.

I say that in the sense that for centuries now, cultures and societies which call Canada home have nurtured families based on opposite sex union. Culturally and religiously they just do not accept the way the courts have decided to change this framework. I will simply call it a non-fit.

Not all of my constituents feel that way and that is probably true right across the country. I have a good number of constituents who are content with the way the bill is drafted and want to see progress on this file, but I must accept and I am informing the House that the vast majority of my constituents by a country mile are not in support of the bill. I am reflecting that very clearly here today.

Are there other ways to fix this? Are there other ways to do it? I have indicated earlier that I think there are. Will we have time to do it? Will we have the ability to do it in the current constitutional framework? I am not sure that we will.

• (1525)

I read a letter this morning. Most of us get letters from time to time on this issue. This letter is from Nevin, a Manitoba resident. He says:

We are not against same sex-union but, from the standpoint of faith, cannot as a matter of conscience support having the definition of marriage altered.

I will close by saying that I will be voting against Bill C-38.

* * *

MESSAGE FROM THE SENATE

The Speaker: I have the honour to inform the House that a message has been received from the Senate informing this House that the Senate has passed certain bills, to which the concurrence of this House is desired.

* * *

CIVIL MARRIAGE ACT

The House resumed consideration of the motion that Bill C-38, an act respecting certain aspects of legal capacity for marriage for civil purposes, be read the second time and referred to a committee, and of the motion that this question be now put.

Government Orders

Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC): Mr. Speaker, I am pleased to speak about Bill C-38 on behalf of my constituents of Bruce—Grey—Owen Sound. To say that this debate has garnered a lot of attention would be an understatement. It is contentious and divisive on both sides of the House as well as within society and even within families.

My office has processed thousands of emails, letters, faxes and phone calls from across my riding. I commend my constituents for making their voices heard. More than 95% of the people I have heard from are united in their message and in their convictions. Traditional marriage must be preserved and protected.

While I am pleased that the decision has been placed in the hands of parliamentarians, many people across my riding have displayed their displeasure at this issue even coming forth at this time. They continue to tell me there are many more important issues we should be spending our time on such as corruption in government, health care, corruption in government, the BSE crisis, corruption in government, the high taxes Canadians are forced to pay, and did I mention corruption in government.

I do not believe a decision such as this should be made by a handful of hand-picked, bias, backroom Supreme Court judges, especially when they were appointed by a corrupt government that knew these appointees leanings on this issue. We were elected by the people and we are here to represent them. It should be this House that ultimately has the final vote on this issue, after consultations with the people we represent.

As I see it, this is a debate about fundamental family and social values. In my opinion there are two issues that have to be addressed in any bill on same sex. The rights of gays as determined by the courts must be adhered to, including their right to unite in some form, and traditional marriage defined as one man and one woman must be enshrined. That can be done very simply by allowing civil unions or similar terminology.

I will not oppose same sex unions. However, I will oppose same sex marriage. There is a big difference. Traditional marriage is between one man and one woman. That is the true definition.

I have met with a number of people from the gay community in my riding, with parents who have gay children and with siblings and friends of gays to discuss the issues surrounding this legislation. Most of the people I have met with were in favour of my views and my stance. As I said, most told me that as long as their rights are protected as stated by the courts and they are able to be with their partners, they agree that calling it a civil union or something equivalent is acceptable to them.

We have been forced to address this subject. While I realize there is no perfect answer that will satisfy everyone, I believe we can offer a compromise that would win the support of the vast majority of Canadians who are looking for some middle ground.

On the one hand there are people who believe the equality of rights of gays and lesbians should rule over rights to religious free faith, religious expression or multicultural diversity. On the other hand there are people who think that marriage is a fundamental institution, but that same sex couples can have equivalent rights and benefits and should be protected.

My position is not unlike that of my colleagues and our leader in that it is based on a very solid foundation and time tested values. We believe that if the government presented the option of preserving marriage while recognizing equal rights of same sex couples through civil unions or other means, this is the option that most Canadians would choose.

Marriage and the family based on marriage are the basic institutions of our society. We should not change these kinds of foundational institutions lightly or easily. I do not believe that the government has demonstrated that there are compelling reasons to alter this central social institution.

At least one of the major purposes of marriage historically has been to provide a stable environment for the procreation and raising of children. This does not mean that other kinds of relationships are not loving and valuable. Nor does it mean that heterosexual married couples who cannot or do not have children are less married than anyone else.

What it does mean is that marriage as a social institution has as one of its goals the nurturing of children in the care of a mother and a father. If we change the definition of marriage to end the opposite sex requirement, we will be saying that this goal of marriage is no longer important.

Those of us who support traditional marriage have been told that to amend the bill to reflect the traditional definition of marriage would be a violation of human rights and an unconstitutional violation of the Canadian Charter of Rights and Freedoms. This is nothing more than an attempt by the government to shift the grounds of this debate. If the rights of gays and lesbians are adhered to, as I stated earlier, this debate is not about human rights. It becomes simply a political, social policy decision and should be treated as such.

● (1530)

There are those who would suggest that our leader would use the notwithstanding clause. However, this is also an irrelevant distraction to the debate as our leader has made it very clear that he would not use the notwithstanding clause. There is no reason to use or discuss the use of the notwithstanding clause in the absence of a Supreme Court decision which indicates that the traditional definition of marriage is unconstitutional.

I would like to thank my leader for allowing our party, including the members of the shadow cabinet, to have a free vote on this side of the House. A free vote means everyone. Not just backbenchers can vote the way their constituents want them to.

The Prime Minister says his backbenchers can vote their conscience, but cabinet ministers have to vote with the government. Does that mean cabinet ministers do not have a conscience? Those cabinet ministers who do not vote the wishes of their constituents or who do not listen to their conscience are a disgrace to the profession of parliamentarian.

I ask the Prime Minister to make this important issue a free vote for all his MPs, including his cabinet ministers. If this is not a purely free vote, Canadians will never be truly satisfied that the democratic process has prevailed.

Government Orders

While I am on the topic of the Liberal government, it is funny but not surprising that the Deputy Prime Minister, then the justice minister said in 1998, "Let me state again for the record that the government has no intentions of changing the definition of marriage or of legislating same sex marriages". What a difference six years makes. It is just another in a long line of deceptions.

I believe the legislation the government has introduced will increase intolerance in our society. Examples of this have already occurred in Manitoba, Saskatchewan and British Columbia. In Manitoba 11 commissioners have been told that they are no longer welcome to work as marriage commissioners if they refuse to also marry same sex couples. Two more commissioners have refused to quit and are taking this to the human rights commission to defend their freedoms and their rights from being imposed upon by the state. They were sent a letter on September 16, 2004 telling them to either perform same sex marriages or to turn in their licences.

In Bill C-38 only clergy from religious institutions are recognized as needing religious freedom protection. While I agree that churches should have the right to that choice, I also believe that this will be challenged in court and clergy will be forced to perform same sex marriages.

There is a clear solution that would guarantee all individuals freedom of conscience and freedom of religion. The solution is for the government to continue to allow these individuals to have government licences to perform marriages that do not violate their conscience or religious faith. At the same time, the government can license more of those who are willing to perform same sex civil unions. This would be the tolerant approach.

The government has taken a very narrow view of the freedoms of conscience and religion and is allowing individual freedoms to be trampled upon.

Making my decision to stand up for traditional marriage goes back to my being raised with Christian values and to my dedication to family values. I am not ashamed to stand up for these values. I believe marriage should continue to be what it has always been, between a man and woman, and that is an institution which is by nature heterosexual and has as one of its main purposes the procreation and nurturing of children in the care of a mother and a father.

I encourage all members of Parliament to do as I plan to do, to oppose Bill C-38.

• (1535)

Mr. Gary Goodyear (Cambridge, CPC): Mr. Speaker, I, like most of my colleagues on this side of the House and many others on the other side as well, believe that the traditional definition of marriage is the union of one man and one woman to the exclusion of all others. However, in the course of this debate those of us who support marriage have been told that to amend the bill to reflect the traditional definition of marriage, we would be in violation of human rights and committing an unconstitutional violation of the Canadian Charter of Rights and Freedoms.

I believe this is an attempt by the government to shift the grounds of the debate. It is another famous Liberal distraction. Liberals do not want to debate the question of traditional marriage versus same sex

marriage so they would rather focus on attacking their opponents as opposing human rights and the charter.

May I remind the members of the House that if not for the Conservative Party, we would not have a Charter of Rights and no other party in the House has a better record of success in fighting tooth and nail for human rights. This debate is not about human rights. It is a political, social policy decision and it should be treated in that light.

Let me present several reasons why the issue of same sex marriage is not a human rights issue and why defining the traditional definition of marriage would not violate the charter or require the use of the notwithstanding clause.

First, no internationally recognized human rights document has ever suggested that there is a right to same sex marriage. I have searched high and low and I challenge the government to produce such a document. For example, in the universal declaration of human rights, the foundational United Nations human rights charter, almost all the rights listed are worded purely as individual rights, rights which "everyone" shall have or "no one" shall be denied. When it comes to marriage the declaration says, "Men and women of full age without any limitation due to race, nationality or religion have the right to marry and to found a family".

The use of the term "men" and "women", rather than "everyone", suggests that only traditional opposite sex marriage is contemplated. The subsequent international covenant on civil and political rights contains similar language. As well, attempts to pursue same sex marriage as an international human right has failed.

In 1998 the European court of justice held that "stable relationships between two persons of the same sex are not regarded as equivalent to marriages".

In 1996 the New Zealand court of appeal rejected the recognition of same sex marriage despite the fact that New Zealand's bill of rights prohibited discrimination based on sexual orientation. When the New Zealand decision was challenged before the United Nations Human Rights Commission, the UN ruled that there was no case for discrimination simply on the basis of refusing to marry homosexual couples.

In fact, to this date, no international human rights body and no national supreme court has ever found that there is a human right to same sex marriage. The only courts that have found in favour of a right to same sex marriage are provincial or state level courts in Canada and the United States.

If same sex is not a basic human right in the sense of internationally recognized human rights, is it a violation of Canadian charter rights? It is true that several provincial courts of appeal have said that it is. What is also true is we still have not heard from the highest court in the land.

Government Orders

In the same sex reference case the Supreme Court declined to rule on the constitutionality of the traditional definition of marriage, despite a clear request from the government to answer that particular question. No matter how the government twists and reorganizes the wording, the truth is that the court did not rule on it.

• (1540)

Furthermore, all the lower court decisions in favour of same sex marriage dealt with common law, judge made laws from over a century ago, not a recent statute passed by a democratically elected legislator. It is quite possible then that those lower courts may have found differently if there had in fact been a marriage act passed by Parliament defining marriage as the union of a man and a woman.

The whole discussion of the notwithstanding clause is completely irrelevant and is a distraction to this debate. There is simply no reason to use or discuss the use of the notwithstanding clause in the absence of a Supreme Court decision that would indicate that the traditional definition of marriage is somehow unconstitutional, and the Supreme Court has not done that. It is rhetoric and a cheap misinformation tactic by a desperate, self-interested Prime Minister.

Further, the Supreme Court has also said in various cases that state law requires greater deference than common law. Should legislation upholding the traditional definition of marriage be passed, there is a good argument that could be made that the Supreme Court would give it considerable deference.

I just happen to know that there are several examples of Parliament having passed statutes without using the notwithstanding clause that effectively reversed judicial decisions, including those of the Supreme Court.

The courts have accepted in the past parliamentary sovereignty. The Supreme Court's decision in the Daviault case, which allowed extreme intoxication to be used as a defence, was reversed when Parliament passed Bill C-72. I might add that was when the Liberal government was in power.

In 1996 Parliament passed Bill C-46 reversing another Supreme Court decision in O'Connor, which allowed the accused to access medical records of victims under sexual abuse. When this new law was challenged in a subsequent case, the Supreme Court wisely ruled in favour of Parliament. In a decision by Justices McLachlin and Iacobucci, they said:

It does not follow from the fact that a law passed by Parliament differs from a regime envisaged by the Court in the absence of a statutory scheme, that Parliament's law is unconstitutional. Parliament may build on the Court's decision, and develop a different scheme as long as it remains constitutional. Just as Parliament must respect the Court's rulings, so the Court must respect Parliament's determination that the judicial scheme can be improved. To insist on slavish conformity would belie the mutual respect that underpins the relationship between the courts and legislature that is so essential to our constitutional democracy.

Therefore there is good reason to believe that the Supreme Court, if it were eventually asked to rule on a new statutory definition of marriage, might well accept it.

The Conservative position that the use of the notwithstanding clause is not required to legislate a traditional definition is also supported by law professor, Alan Brudner, of the University of Toronto, who, by the way, is not a Conservative Party supporter. He says:

—the judicially declared unconstitutionality of the common law definition of marriage does not entail the unconstitutionality of parliamentary legislation affirming the same definition.

Citing the case of R. v. Swain, where the Supreme Court ruled that it did not have to subject a charter decision on common law to the same reasonable limits test as it would have to for a statute, Professor Brudner states:

For all we know, therefore, courts may uphold opposite sex marriage as a reasonable limit on the right against discrimination when the restriction comes from a democratic body.

Professor Brudner argues against those who say that the notwithstanding clause is the only way to uphold the traditional definition.

He further states:

These arguments misconceive the role of a notwithstanding clause in a constitutional democracy. Rather, the legitimate role of a notwithstanding clause in a constitutional state is to provide a democratic veto over a judicial declaration of invalidity, where the court's reasoning discloses a failure to defer to the parliamentary body on a question of political discretion.

• (1545)

In closing, I would like to say that the notwithstanding clause should be invoked by Parliament only after the Supreme Court has ruled the constitutionality of a law. As yet there has been no such law for the Supreme Court to consider.

There is every reason to believe that if the House moved to bring a reasonable democratic compromise solution, one which defined in statute that marriage remains the union of one man and one woman to the exclusion of all others, which extended equal rights and benefits to couples living in other forms of relationships and which fully protected freedom—

The Deputy Speaker: We are out of time.

The hon. member for Thornhill on a point of order.

* * *

BUSINESS OF THE HOUSE

Mrs. Susan Kadis (Thornhill, Lib.): Mr. Speaker, there have been consultations among the parties and I believe you would find unanimous consent for the following motion. I move:

That Motion No. 170, standing in the order of precedence in the name of the member for Thornhill, be amended to read as follows:

That, in the opinion of the House, the government, in consultation with the provinces and territories, include Alzheimer's disease and related dementias as a significant integral component of the Chronic Disease Strategy.

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

Some hon. members: Agreed.

(Motion agreed to)

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CIVIL MARRIAGE ACT

The House resumed consideration of the motion that Bill C-38, an act respecting certain aspects of legal capacity for marriage for civil purposes, be read the second time and referred to a committee, and of the motion that this question be now put.

Government Orders

Mr. Gurmant Grewal (Newton—North Delta, CPC): Mr. Speaker, I am very pleased to rise again on behalf of the constituents of Newton—North Delta to participate in the debate on Bill C-38.

The so-called same sex marriage bill has generated considerable interest in my riding, with record numbers of people contacting my office to voice their concerns about the Liberal ploy to redefine marriage. To date, over 15,000 people have either written or called asking me to oppose Bill C-38. They want me to vote against this proposed legislation and do everything possible to maintain the traditional definition of marriage.

I happily tell each and every one of them that I listen to my constituents and that they can count on me to say no to same sex marriage.

The Liberals have attempted to frame the same sex marriage debate as a human rights issue. According to the Prime Minister, opposition to same sex unions is now, ipso facto, an example of hatred and intolerance. Public opinion surveys, however, show that a majority of Canadians are opposed to same sex marriage.

An Environics Research Group poll conducted for the CBC surveyed 1,203 Canadians between March 26 and March 30 and found that 52% of Canadians disagreed with the plan to change the definition of marriage to include couples of the same sex and that only 44% agreed with the Liberal plan. Interestingly, the disapproval jumped to 65% among Canadians born outside our borders.

Does the Prime Minister really want to suggest that the majority of Canadians are bigots?

One dictionary defines a "bigot" as a prejudiced person who is intolerant of any opinions differing from his own. I know who I think better exemplifies bigotry.

What about the rest of the world? In 2001, the Netherlands opened civil marriage to gay couples and, in 2003, Belgium followed suit. In both countries there are some areas related to adoption or marriage of non-nationals of those countries that still make them slightly different from opposite sex marriages.

By far, the vast majority of European jurisdictions have gone the route of recognizing civil unions, domestic partnerships or reciprocal beneficiaries rather than abolishing the opposite sex nature of marriage. In doing so, they are following the lead of Denmark, where such partnerships were introduced in 1989. Through 1995, less than 5% of Danish homosexuals got married.

As of February 2005, Massachusetts is the only U.S. state to recognize same sex marriages. The states of Vermont, California, Maine, Hawaii, New Jersey and even the District of Columbia, however all offer benefits to same sex couples that are similar to benefits received through marriage, such as civil union, reciprocal benefits or domestic partnership laws.

During the 2004 elections, all 11 states where the issue of same sex marriage was on the ballot, regardless of whether they were Democratic or Republican, voted overwhelmingly for constitutional amendments restricting marriage to a man and a woman.

If same sex marriage is a fundamental right, why have only two countries on Earth recognized it? Are the Liberals seriously

suggesting that countries like Denmark and Sweden, which recognize civil unions for homosexuals but refuse to change the traditional definition of marriage, are bastions of bigotry and repressed sexual attitudes?

This House, including the current Prime Minister, voted to uphold that definition of marriage in 1999 and in the amendments to Bill C-23 in 2000, with the Deputy Prime Minister, who was then the justice minister, leading the defence of marriage from the government side.

• (1550)

This was what the Deputy Prime Minister said in 1999 in her eloquent defence of the traditional definition of marriage:

We on this side [of the House] agree that the institution of marriage is a central and important institution in the lives of many Canadians. It plays an important part in all societies worldwide, second only to the fundamental importance of family to all of us.

The definition of marriage, which has been consistently applied in Canada, comes from an 1866 British case which holds that marriage is "the union of one man and one woman to the exclusion of all others". That case and that definition are considered clear law by ordinary Canadians, academics and the courts. The courts have upheld the constitutionality of that definition. The Ontario court, general division, in Layland and Beaulne, recently upheld the definition of marriage. In that decision, a majority of the court stated the following:

—unions of persons of the same sex are not "marriages", because of the definition of marriage. The applicants are, in effect, seeking to use s. 15 of the Charter to bring about a change in the definition of marriage.

The then justice minister said:

I do not think the Charter has that effect...Let me state again for the record that the government has no intention of changing the definition of marriage or of legislating same sex marriages. Marriage has fundamental value and importance to Canadians and we do not believe on this side of the House that importance and value is in any way threatened or undermined by others seeking to have their long term relationships recognized....

I support the motion for maintaining the clear legal definition of marriage in Canada as the union of one man and one woman, to the exclusion of all others.

That was the Deputy Prime Minister speaking as justice minister less than six years ago. Nothing she said then is out of date. All that has happened is that several provincial courts have overruled the longstanding common law definition of marriage, but the Supreme Court itself has still not addressed this issue despite a clear request to do so from the Liberal government.

We do not believe that on the basis of provincial court decisions, which the government refused to appeal to the Supreme Court of Canada, a fundamental, centuries old institution should be abolished or radically changed.

We believe that marriage should continue to be what it has always been, what the courts and the government accepted it to be until a very few years ago: an institution which is by nature heterosexual and has as one of its main purposes the procreation and nurturing of children in the care of a mother and a father.

Government Orders

In conclusion, marriage has been one of the fundamental organizing principles of human society since history began. It is important to the future of our society because it provides the best social structure within which to bear and raise children. There has never been a time in history when major civilizations or religions granted same sex relationships the same rights and status as they did heterosexual marriage.

We should not change these kinds of fundamental institutions lightly or easily, and I do not believe that the government has demonstrated that there are compelling reasons to alter this central social institution. I will therefore be following the wishes of my constituents and will vote against Bill C-38. I believe in the traditional, common law definition of marriage as the union of one man and one woman, to the exclusion of all others.

• (1555)

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, again it is a pleasure to stand in the House in opposition to Bill C-38. It is a pleasure not just to speak against the bill but also to speak knowing that the majority of my constituents support me in this stand against this legislation.

It is worth repeating for the sake of my constituents that, for the record, I am opposed to changing the definition of marriage to include same sex couples. I firmly believe that marriage is exclusive to the union of one man and one woman. It is only through the coupling of the opposite sexes that children can be produced, children who are the past, present and future of this country, and no form of social engineering and no form of trying to change that can. It takes a man and a woman to have a child.

Furthermore, I strongly believe that marriage is fundamental. It is a fundamental social institution not only recognized by law but sanctified by faith throughout the world and throughout history. The requirement that marriage partners be of the opposite sex is one of the core universal features of marriage across cultures and religions around the world. In Canada and elsewhere, the identity of marriage has always been seen as a bond between man and woman.

This was the opinion expressed by Katherine Young, a University of McGill professor of comparative religious studies and ethics. As a member of the Standing Committee on Justice and Human Rights, I had the benefit of hearing at first hand Professor Young's testimony. On February 20, 2003, Professor Young told the committee:

From our study of all world religions, such as Judaism, Confucianism, Hinduism, Islam and Christianity, and the world views of small scale societies, we conclude that this institution is a culturally approved, opposite-sex relationship intended to encourage the births and rearing of children at least to the extent necessary for the preservation and well-being of society.

In another submission to our committee, one witness defended marriage as the union of one man and one woman on the basis of procreation, as I have already pointed out earlier in my remarks.

Traditionally, marriage was defined as the union of one man with one woman with the expectation that they would procreate and guarantee the survival of society. The product of this union, children, creates or establishes a family. While there are many purposes to the family, that is, providing lifelong relationships, shelter and food to the members of the family, the main purpose is the means by which society maintains its existence.

Procreation in marriage has to be considered its most essential function. Civilizations of the world have come to embrace this fact in recognition of the benefits it brings to all those involved and to society as a whole. As a matter of fact, there are only two countries in the world that allow same sex marriage, and it is important to note that neither of these countries had the issue decided by the courts.

We continue to believe, as does the Supreme Court of Canada, much to the dismay of the Liberal government, that MPs, who are accountable to the citizens of the country—or I should say MPs who should be accountable to the citizens of this country—should have the final say on the matter of defining marriage.

We should not be limited in our debate. The government's attempt to shut down debate is an affront to the principles of democracy. That is exactly what the government is trying to do. It is trying to shut down debate on Bill C-38. As I said, it is an affront to the principles of democracy that should be governing the House. It is an affront to the members of the House, who have been sent here by their constituents to support or to oppose the legislation that we debate today.

I can tell the House that I am not surprised by the Liberal government's tactic. I have been a member of the House for close to five years now. As stated earlier, I was a member of the justice committee, which was tasked in 2003 to review the issue. We travelled across the country at great expense to the taxpayers of the nation.

• (1600)

We listened to those expressing views on both sides of the issue. We heard from church ministers. We heard from university professors. We heard from constitutional lawyers. We heard from the gay community. We heard from same sex couples. We heard from REAL Women. We heard from average Canadian citizens who expressed both opposition and support for changing the definition of marriage.

On June 17, 2003, while the House was in recess, the former prime minister stated that, despite all of our committee work, findings and recommendations, his government fully intended to make same sex marriage legal in this country. In the process, he completely negated the opinion of literally thousands of Canadians and rendered inadmissible the well reasoned and well researched findings of academics, clergy and those within the profession who made their presentations to our committee.

He did so despite the current Prime Minister and the current Deputy Prime Minister's support for the following motion that was passed in the House in 1999:

That, in the opinion of this House, it is necessary, in light of public debate around recent court decisions, to state that marriage is and should remain the union of one man and one woman to the exclusion of all others, and that Parliament will take all necessary steps to preserve this definition of marriage in Canada.

Further, as pointed out repeatedly in the last few weeks, the Minister of Public Safety and Emergency Preparedness, our Deputy Prime Minister, stated on not only one occasion but a number of occasions that it was:

—not necessary to change well-understood concepts of spouse and marriage and deal with any fairness considerations the courts and tribunals may find.

Government Orders

Those were her words just a few short years ago. The Deputy Prime Minister, when justice minister, said:

—that the government has no intention of changing the definition of marriage or of legislating same sex marriages.

Those were her words. That was her promise. That was her pledge here in this House. We all know just how true to her word she is and how true to its word this government is: promise made, promise broken.

As I pointed out in this House late last month when I last stood to debate Bill C-38, the Conservative Party has brought forward proposed amendments to the legislation to provide full recognition of same sex relationships as possessing equivalent rights and privileges. We have also proposed amendments to protect religious freedoms in the recognition that currently Bill C-38 is not adequate.

In a discussion paper issued by the Department of Justice in November 2002, it was recognized that Parliament could choose to underscore the division of church and state in Canada by making a clearer distinction between the role of Parliament and that of religion in the area of marriage. I want to quote directly from that discussion paper. It states:

To accomplish this...all legal effect could be removed from marriage, leaving marriage exclusively to the religions.

For the record, I am not advocating this measure. I raise this point of discussion to demonstrate how narrow we have been in our debate on this issue. I raise it also to demonstrate how, if the government really wants to, it can better protect religious freedoms in regard to marriage.

I would refer all members of this House to the particular discussion paper that was issued by the Department of Justice two and a half years ago. I recommend that members read pages 19 and 20 regarding questions that need to be decided in Canada.

The committee did a lot of work. The committee came forward and it did a lot of work. We believed at that time that the government did everything it could to shut down the committee.

I see that my time is up, so I would implore all members on all sides of this House to listen to their constituents, and not only to the person who sits in the leader's chair, but to all their constituents.

If members would do this, and if party leaders would not force their members to vote party lines by making this a free vote as our leader of the Conservative Party has done, I am confident that the traditional definition of marriage as the union of one man and one woman, to the exclusion of all others, would be retained.

•(1605)

Mr. Jim Abbott (Kootenay—Columbia, CPC): Mr. Speaker, in the 12 years that I have had the privilege of representing the people of Kootenay—Columbia as their member of Parliament, I have never had the volume of mail, email, faxes or people simply contacting me on any issue as I have had on the issue of the Prime Minister's decision to redefine marriage.

As in every constituency in Canada, of course, there are many valuable opinions on this issue, but I can report that I have never had one side of an issue so predominantly and overwhelmingly

represented. They agree with the leader of the Conservative Party of Canada who has unequivocally stated, "As Prime Minister, I will bring forward legislation that, while providing the same rights, benefits, and obligations to all couples, will maintain the traditional definition of marriage as the union of one man and one woman."

My constituents see this as middle ground. This debate is not about equality or human rights. Those issues are settled. The debate is about the most closely held values of individual Canadians. It is about the essence of what makes them human: their beliefs, convictions, and things that motivate and shape their daily existence.

The Prime Minister claims that this legislation will protect professional practitioners of religion. These are the priests, rabbis, imams, ministers and others. What about the adherents to religious beliefs? Do persons of faith not have a right to hold the same convictions as their religious leaders? Not under this law.

The federal Liberals are saying that Canadians can believe what they want to believe, they can hold the values that they want to hold, but they are just going to be prohibited from acting on those values. This legislation is nothing less than a frontal attack on Canada's freedom of religion.

The false god of tolerance is well served by this legislation. Absolute values, black and white, right and wrong are wiped out. The federal Liberal government and the Prime Minister tell us that this proposed legislation will be the end of the problem. It is only the beginning of the end of the problem.

The clash between homosexual rights and religious rights is being fuelled. In typical dithering style, the Prime Minister has been completely unclear as to what he intends to do about the inevitable collision between gay rights and religious rights.

On April 10 of this year on the editorial page of the *Calgary Herald* I saw a headline that read: "A hard lesson in free speech: B.C. teacher taken to task for airing same-sex marriage views".

The editorial said:

Quesnel B.C. teacher Chris Kempling shows by the asphyxiation of his freedom to speak how this fundamental right is undermined by what Justice Minister Irwin Cotler recently called the legal system's new "organizing principle of equality".

In January Kempling wrote to his local paper criticizing federal same sex marriage plans. It was temperate in tone. He asked for a referendum. He did not mention his employer, the Quesnel school district, but identified himself as a Christian Heritage Party candidate. The board suspended him for three months anyway.

Superintendent Ed Napier said the board reviewed Kempling's letter and felt "he had violated a previous district directive. The issue essentially was...his expression of views in a negative and discriminatory context that the board felt was resulting in potential for a poisoned and unsafe environment for students and staff".

Royal Assent

I note the word “potential”. He was fined \$25,000 for something that could have happened, but had not because no one had even complained. He had been told to shut up. When he would not, the board used what Bishop Fred Henry in Calgary called its “coercive power”. Interesting that this district board decides only people who favour the gay agenda may speak publicly. One wonders what it teaches its students about freedom of speech or even if it is on the curriculum. The editorial continued:

Kempling is no stranger to controversy, of course. The mild-mannered counsellor was handed a one-month suspension by the B.C. College of Teachers last year for “unprofessional conduct”—six letters he wrote to the Quesnel Cariboo Observer between 1997 and 2000.

Granted, an employee's spare-time activities may prejudice his job. In Abbotsford, for instance, two married teachers were fired in 1987 after nude photographs of the wife taken by her husband appeared in a men's magazine.

● (1610)

However, Kempling was just commenting on a matter of immediate public interest. Furthermore, he advanced a position overwhelmingly endorsed in the House of Commons just five years ago, and strongly held by millions of Canadians—that marriage was heterosexual.

Not that his rights would have been less violated had he advocated an unpopular perspective. However, by what twisted logic could the school district, and the college before, have persuaded themselves that pro-marriage writings were “unprofessional?”

It runs thus: First, the case of New Brunswick teacher Malcolm Ross established even off-duty teachers should represent their employer's values—

Kempling, of course, feels homosexual behaviour is immoral. His problem was the B.C. Court of Appeal, ruling on the issue of homosexualist textbooks in Surrey, said “highest morality” must include non-discrimination.

Thus, the equality argument. Never mind the religious teachings of the ages; the highest morality must include non-discrimination on grounds of sexual orientation. That was certainly what the college thought, and the school district appears to have fallen into step.

Yet, in 2001, the Supreme Court of Canada disposed of the idea a person with one set of morals cannot treat someone with equality and dignity. In a relevant case involving Trinity Western University, it ruled that “freedom of religion is not accommodated if the consequence of its exercise is the denial of the right of full participation in society”. What about that does the Quesnel district not understand?

Kempling has filed a complaint with the B.C. Human Rights Commission alleging religious discrimination.

Free speech advocates will wish him luck.

This is precisely why there must be a complete travelling public hearing of this bill. This is a public policy issue that goes far beyond any normal legislation. It is essential that Canadians be allowed to speak.

What are the federal Liberals doing? They are going to ensure that Canadians are not allowed to speak to legislation that has the potential to change human relationships. Quite the opposite. They are going to move this bill from second reading to a legislative committee. I would not blame Canadians if their eyes glazed over at this point. The question in their minds is, so what?

First, a legislative committee is restricted to technical legal consideration of the bill. There is no room for anything but legal. This would speed the bill back to the House of Commons for third and final reading.

It is in the government's interest to have this law move quickly. It believes that opponents would be able to mobilize more Canadians against the bill. The Prime Minister wants to subtly exclude Canadians from this process so he can see its speedy passage.

Second, opposition would be fuelled as Canadians start to consider the implications of the bill. This would occur as a committee hears witnesses across Canada. The publicity would cause Canadians to more deeply consider the implications of the bill. That is the last thing that the federal Liberals want. They want to bury it.

The member for London—Fanshawe has declared that the Prime Minister will encourage the committee to travel. This would require a change in the purpose of the legislative committee and an agreement among its members to travel.

He got the Prime Minister's assurance when the member was talking about leaving the Liberal caucus. The member received the Prime Minister's assurances under duress. I think the member got snookered by the Prime Minister because the justice minister claims no knowledge of the Prime Minister's commitment. Canada's justice minister is on the record distancing himself, and hence the government, from the Prime Minister. The Prime Minister's promises should never be taken to the bank. He changes his commitments faster than he changes his neckties.

As stated, the purpose of moving this bill to a legislative committee is to speed it up and bury debate. The Liberals have no interest in the opinions of Canadians nor do they want their legislative freight train to be derailed.

All in all, this is an intentionally deceptive process. The Liberals have tried to sell Canadians on the concept that this bill should not be in the justice and human rights committee because that committee is too busy. They intentionally forgot to mention the significant details that I have outlined.

Why did the Prime Minister force his cabinet ministers to forget their own personal commitments, personal beliefs and faith foundations?

● (1615)

Why is the government dunking this legislation through a legislative committee for a quick wash? I aggressively encourage all members of Parliament to do what is right and vote against the legislation.

ROYAL ASSENT

[English]

The Deputy Speaker: I have the honour to inform the House that a communication has been received as follows:

Rideau Hall
Ottawa

April 21, 2005

Mr. Speaker:

I have the honour to inform you that the Honourable Marie Deschamps, Puisne Judge of the Supreme Court of Canada, in her capacity as Deputy of the Governor General, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 21st day of April, 2005 at 3:33 p.m.

Yours sincerely,
Curtis Barlow
Deputy Secretary
Policy, Program and Protocol

Government Orders

The schedule indicates that royal assent was given to Bill C-8, an act to amend the Financial Administration Act, the Canada School of Public Service Act and the Official Languages Act—Chapter No.15; and Bill C-30, an act to amend the Parliament of Canada Act and the Salaries Act and to make consequential amendments to other acts—Chapter No.16.

GOVERNMENT ORDERS

[*Translation*]

CIVIL MARRIAGE ACT

The House resumed consideration of the motion that Bill C-38, an act respecting certain aspects of legal capacity for marriage for civil purposes, be now read the second time and referred to a committee; as well as the previous question.

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, it is a great pleasure for me to speak Bill C-38 on same sex marriage.

This is my third time speaking on this subject, but only the first time in the debate on Bill C-38. I had the opportunity to speak on a motion introduced by former MP Svend Robinson. I spoke a second time against a motion introduced by a Conservative member. Today, I will reiterate my position for the third time because the Bloc Québécois and its leader have announced that there will be a free vote on Bill C-38. So I am expressing my own views now, although my position is shared by most of my colleagues. The Bloc Québécois does not really have any party line on this issue, but we have noted a number of things that I want to mention.

The debate concerns the protection of both equality rights and the right to freedom of religion. In fact, Bill C-38 successfully accommodates these two fundamental values enshrined in both the Quebec charter of rights and freedoms and the Canadian charter. Consequently, while we support legislating a definition of civil marriage that includes both heterosexual and homosexual couples, we also support the idea in the bill that religions not be obligated to perform same sex marriages, be they in churches, synagogues, temples or mosques. This is quite appropriate. In fact, we are referring here to two completely separate areas or levels of debate. The debate in the House must focus on the fundamental rights of all our citizens.

In a church, the debate is about values, and that is completely different. In my riding, a number of practising Catholics have come together around a priest, Raymond Gravel, who is well known because he is on television quite often. They are engaging in a debate within the church to make religious marriage available to same sex couples. They contacted me to get my support in this debate. I told them that it was not at all my place to participate in a debate within the Catholic church. This is something for Catholic officials and the people who practise this religion.

My role, as a parliamentarian and the member for Joliette, is limited to the civil level. Is the definition of marriage that currently exists in the legislation consistent with the Quebec Charter of Human Rights and Freedoms and the Canadian Charter of Rights and Freedoms? In more than eight cases, the courts have decided that the traditional definition of marriage as between partners of the

opposite sex is discriminatory under these charters. This is not a question that was asked by Bill C-38. This bill is aimed simply at complying with eight decisions that have already been handed down in eight courts in seven provinces and Yukon, including the Court of Appeal of Quebec.

If Bill C-38 did not exist, or even if the bill were eventually defeated, that would not change the fact that in seven provinces and Yukon, same-sex couples would be entitled to marry because the federal government has not appealed any of these cases.

In this situation, our only way to protect the traditional definition of marriage, if I can say it this way, would be to use the notwithstanding clause and, consequently, for all of us to realize that, in order to have a definition like that, a provision of the Canadian Charter of Rights and Freedoms had to be violated.

In addition, the government asked the Supreme Court four questions in regard to this debate. These are the four questions. The first was: does the federal government have exclusive jurisdiction to define marriage?

● (1620)

The second question pertained to the charter. Does the charter allow religious groups not to perform marriages they feel go against their religious beliefs? Is the definition of same sex marriage constitutional? Is the traditional definition of marriage, in other words the union between a man and a woman to the exclusion of all others, constitutional?

I remind the House that the Supreme Court replied to this reference from the government. I might add a little aside that the fourth question was asked by the current Prime Minister a few weeks before the last election campaign. It was clearly just a manoeuvre for strictly electoral purposes to put off a decision that was should have been made by Parliament. It is interesting all the same to see that, despite all these delays, we are on the verge of an election we must make a parliamentary decision that cannot be ignored.

The Supreme Court confirmed the federal government's exclusive legislative authority with regard to the definition of marriage and, clearly, the provinces' exclusive legislative authority with regard to the celebration of marriage. To this end, although we agree in principle, we have a small problem with the fact that Bill C-38 already states that officials of religious groups will have the right to refuse to perform marriages between same sex partners. We agree in principle; it is a question of values. However, this falls under provincial jurisdiction. With Bill C-38, the government is treading on the exclusive jurisdiction of Quebec and the provinces in this regard.

The court's main decision was that same sex marriage was consistent with the Charter of Rights and Freedoms. I also remind the House that, in answer to the question relating to religious groups, the Supreme Court determined that freedom of religion protects religious groups from having to perform same-sex marriages.

Government Orders

Finally, with regard to the fourth question, the court declined to comment, in order not to create confusion. It determined that there was without purpose, since the appeal courts had already ruled on the question. The Supreme Court determined that answering the fourth question would not further the issue. In fact, if the government had wanted to verify the validity of this question, it could simply have appealed previous decisions. As I mentioned earlier, eight courts were involved.

In short, the Supreme Court found that extending the definition of marriage is consistent with the Charter of Rights and Freedoms. Furthermore, the lower courts have already told us that the traditional definition of marriage, meaning the union of one man and one woman to the exclusion of all others, violated the charter. So it is quite appropriate for Bill C-38 to reinforce the decisions of the provincial courts of appeal.

Finally, Bill C-38 is in keeping with the overall spirit of the decisions by the Supreme Court and the lower courts. With a much broader definition—one more respectful of the rights all citizens now recognize—this bill now allows marriage not only between heterosexuals but also between homosexuals.

As the Supreme Court has reaffirmed, churches are not bound to perform certain marriages. This reconciles the right to equality for all citizens with the right to religious freedom, whether under the Canadian charter or the Quebec charter.

The idea in all of this is to reaffirm clearly that discrimination is not acceptable in Canada nor in Quebec. I am the father of three children, two still quite young, and I do not know their sexual orientation. Nevertheless, I would not want them to be victims of discrimination.

By passing Bill C-38, we would be sending a very clear message that in Canada, and in Quebec, discrimination based on sex, sexual orientation or political or religious affiliation is not acceptable.

• (1625)

[English]

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, I am pleased to rise to speak against Bill C-38 on behalf of the constituents of Selkirk—Interlake.

Today I want to talk about how the Liberals have been misleading the House and Canadians on their commitment to the charter. They say that they want to defend the Charter of Rights and Freedoms, but then they sit on their hands when it is being threatened by provinces forcing marriage commissioners to resign or surrender their religious freedoms and freedom of conscience.

The Liberals say that they care about these rights, but they are unwilling to take action to correct this grievous violation. This is happening in Manitoba as we speak. It has also happened in Saskatchewan and British Columbia.

The province of Manitoba informed all marriage commissioners that they had to perform same sex marriages and if they refused, they would have their licences revoked. Right off the bat, 11 marriage commissioners resigned. Two more refused to quit and have taken this matter before the Manitoba Human Rights Commission.

I want to challenge the government to explain to the Canadian people why it is still failing to defend the individual religious rights and freedoms of conscience that it promised to defend.

Just last fall, on December 3, 2004, the Parliamentary Secretary to the Minister of Justice and Attorney General of Canada said in response to my question on marriage commissioners:

—clearly something like this is inappropriate as we would see it. That is why we went before the Supreme Court of Canada to ask what its interpretation would be on our reference and to see whether freedom of religion would be protected.

Clearly, that member has forgotten the statement because more recently he has not acted concerned about the inappropriateness of the firing of these commissioners at all. Instead, the parliamentary secretary said:

—if any additional specific protections for religious freedom are desired in the terms of civic marriage officials, commercial provision of services, hall rentals, et cetera, they must be made by the provinces and territories.

On the one hand the government wants to pretend it is defending the Charter of Rights of Freedoms and has shouted slogans at every opportunity. On the other hand it is unwilling to take action to ensure that a province is not trampling upon the individual's charter rights.

One day the charter is all important to the government, but then it turns around and wants to pick and choose which part it wishes to protect. That is the height of hypocrisy, even for this government, with perhaps the exception of the Prime Minister claiming to be the great crusader against government corruption after turning a blind eye for a decade to Liberal corruption as the finance minister.

Yes, these are provincial civil matters, but these are people who have their rights guaranteed to them under the charter, which is a federal responsibility. It is up to the federal government to stand up for these people and ensure that they have the opportunity to access their freedom of religion or freedom of conscience.

Not everyone has a particular religion, but they do have strong personal beliefs and do not agree with the approach being taken by the government. Therefore, I ask the government one more time to take a stand for individual rights and freedoms in response to these provinces. It has the responsibility to oversee what the provinces are doing and can ensure that they are enforcing what we have as a charter.

We have a Charter of Rights and Freedoms in Canada, yet the government has not stood up for these individual's rights. The freedom of religion and the freedom of conscience of these individuals are being lost because the government is failing to address decisions made by the Governments of Manitoba, Saskatchewan and British Columbia, decisions that have forced the resignation of marriage commissioners unwilling to perform same sex unions because of their religious beliefs and conscientious objections.

Government Orders

I want to ensure that the federal government will stand up for the rights of individuals. We cherish our charter in the country. We believe strongly in the freedoms that we enjoy as individuals. Yet the federal government has not come to the aid of those individuals. It should be standing side by side with them, defending their rights to freedom of religion, freedom of expression and freedom of conscience and ensuring that their voices are heard by the Manitoba Human Rights Commission.

The government should tell the province of Manitoba and the other provinces that are doing this to take a solid step back and allow individual freedoms to reign.

One of the two people who are fighting this in Manitoba is a constituent of mine, Kevin Kisilowsky. He got his marriage commissioner licence from the province of Manitoba because he wished to sanction marriages outside of a church.

He is a Christian who has an outreach ministry for outlaw biker gangs as well as a youth ministry. He is trying to reach out. The people he is trying to help do not belong to a church. He is not affiliated with any particular religious organization, but is a Christian. In order to legally marry people who decide to accept his performance of Christian ceremonies outside of organized religion, he needs to have a licence.

• (1630)

When Kevin applied for his licence he informed the Government of Manitoba that he only wished to perform Christian ceremonies through his outreach ministry. He was told to go ahead with his application and that he would be put on a private list. Unfortunately, Kevin is now in a situation where he refuses to perform same sex marriages and therefore his entire licence is being revoked.

Essentially, I want the government to explain why it has not supported all the other commissioners in Manitoba. I want the government to make sure that they can still perform traditional marriages. This does not prevent the Province of Manitoba from hiring other marriage commissioners to perform same sex unions.

Let us defend the rights of individuals who are born and raised in Canada and also those individuals who came to Canada because we have such a great charter. Let us not trample on those rights.

I want the government to explain why it has not supported the individual rights and freedoms of religion and conscience, or is the claim by the Prime Minister and Minister of Justice that freedoms are protected just another Liberal promise made, Liberal promise broken?

Let us talk about what equality is. The Liberals have been saying that the compromise proposed on this side of the House would not satisfy equality requirements under the charter. This is just not true. There are many examples where we distinguish between genders and age groups for good reasons in our society because there are differences between them. It does not mean that all people are not equal but that society recognizes differences between people's situations.

An example of this is that young people have to wait to vote, drink, join the military, drive, form contracts, et cetera. Women and men are also treated differently although they are still equal within

our society. When women received the vote and achieved greater equality with men they did not change the definition of woman or start calling women, men. They simply recognized women as persons and citizens entitled to equality with their male counterparts.

All that is really being asked is that the traditional definition of marriage be maintained in law. The equality of treatment for same sex partners can easily be achieved with another institution that recognizes their uniqueness within society. The law can deal with both the traditional definition of marriage and civil unions while recognizing the reality that they are innately a different type of relationship.

Canada decided in the past to be accommodating to religious and ethnic minorities. The RCMP has recognized the need to allow ethnic groups and religious groups to retain their symbols of faith while wearing the RCMP uniform. This kind of religious tolerance dates back to 19th century when Great Britain welcomed Sikh soldiers into its military and the Queen granted them the right to wear turbans because of their religious significance in their culture. This is an example of where our societies have grown to recognize that we can be different in beliefs and how the state respects those beliefs but still be equal as the laws are applied.

I cannot imagine anyone wanting the state to force them from their calling or chosen profession because of the state's narrow approach accommodating equality. The same would be true for an agnostic or atheist. The state should respect their opinions and not impose its will upon another.

However there is no reason that the state cannot recognize all of these diverse people through legislation, including those who want to retain the traditional definition of marriage at the state level out of respect for its origins. That would be the path in our law to a truly diverse and multicultural society, one that allows different viewpoints to be accepted within the law and recognizes cultural uniqueness.

I think all members of the House should take a good, hard look at the legislation for what it really is. It imposes upon all Canadians one kind of social institution and changes an institution that existed long before it was entrenched in our common law. This does not respect the differences in faith, cultures or multicultural society Canadians value.

The Liberals want to impose one value over all of us and ignore our differences. To me that sounds a lot like discrimination we are hoping to prevent by granting same sex couples equal treatment under the law.

• (1635)

[*Translation*]

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, first I want to say that earlier my colleague from Joliette made a rather thorough analysis of Bill C-38. I want to congratulate him and thank him. I want him to know that all of his speeches in this House are important and eagerly anticipated.

Government Orders

That said, as you know, the government has introduced a bill entitled the civil marriage act, which, while respecting religious freedom, gives same sex couples the right to civil marriage. Under the Canadian Charter of Rights and Freedoms, the legislation also applies to everyone. Everyone has the right to the equal protection and equal benefit of the law without discrimination.

According to the government, same sex couples must have equal access to marriage, otherwise they would be victims of discrimination. We cannot and must not choose to defend some rights and not others. If the basic rights of one minority group can be violated then those of other minority groups are at equal risk of being violated. This bill respects and defends the rights that the charter guarantees to all.

The courts of eight provinces and territories have recognized the right to equality without discrimination requires access to civil marriage for spouses of the same sex. There have been thousands of legal marriages involving same sex couples.

The Canadian Charter of Rights and Freedoms guarantees freedom of conscience and of religion. There is nothing in this bill that is against those freedoms, particularly the right of religious groups to affirm their beliefs, and the right of religious authorities to refuse to perform marriages that are against their beliefs. This is why the bill refers only to civil marriages. Religious authorities will continue to make their own decisions on this.

A number of people, while in favour of the recognition of same sex marriage, want these unions to be designated by some other term, for instance civil union. A civil union is not a civil marriage. It does not respect the rights to equality without discrimination of the same sex spouses and contravenes the Canadian Charter of Rights and Freedoms.

The Supreme Court of Canada decision has recognized that Parliament had jurisdiction over marriage, but did not have the jurisdiction to create an institution other than marriage for same sex spouses. The government's determination to uphold the right to equality without discrimination eliminates any possible application of the notwithstanding clause with a view to refusing same sex couples equal right of access to civil marriage.

Marriage is a fundamental institution of society and the Parliament of Canada has a responsibility to support that institution, which reinforces a commitment to a relationship and which, for many, constitutes the very basis of family life. While respecting religious freedom, the bill affords same sex couples wishing to marry the same civil legal recognition of their commitment as other married couples.

The Supreme Court of Canada has stated that it would be best for Parliament to establish legislative uniformity throughout the country. Federal legislation represents the best way to have clear direction. The bill acknowledges that freedom of religion is already fully protected by the Canadian Charter of Rights and Freedoms, as recently confirmed by the Supreme Court decision. This is why the bill refers to civil marriage in its title. Religious authorities will therefore continue to make their own decisions on this matter.

The Charter of Rights and Freedoms guarantees equality. If there is one thing everyone agrees on, it is that everyone has the right to happiness and to pursue happiness. Often, marriage is the way to

find happiness. We often hear people describe their wedding as the best day of their life.

Movies throughout the world, whether in India, the United States, or in France, often end with, "They got married and lived happily ever after". Children's stories end that way too, with a happy ending. Happiness is found in marriage. Everyone is entitled to happiness.

Gays and lesbians are not inferior. They feel love like anyone else and that must be respected. They commit to one another. There are same sex couples that have been together for many years or have always been together. They commit to one another and live together because they are in love. They want to get married because they are in love. We have to respect that. I want to remind hon. members that the Charter of Rights and Freedoms guarantees equal access to happiness.

● (1640)

In conclusion, I want to remind the House that the Charter of Rights and Freedoms guarantees equal access to happiness.

[*English*]

The Deputy Speaker: Order, please. It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Saskatoon—Humboldt, Agriculture.

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Mr. Speaker, I am pleased to stand today to represent the will of my constituents and speak in opposition to Bill C-38, the civil marriage act.

I will begin by summarizing my position, the position of someone who has lived all his life in the north, someone who has actually argued constitutional and charter arguments in front of the courts in Alberta and someone who has immediate family members who are both in the homosexual community and in the treaty and Métis communities.

This is why I will not support any legislation that infringes upon the rights of any Canadian. I believe strongly that the Charter of Rights and Freedoms must be respected and the rights of all minorities must be protected. This is why I support the traditional definition of marriage.

The institution of marriage was created for the purpose of procreation and the nurturing of the children of the union. Our children are our future and must be protected.

While we respect the rights of others, we must also look to the future and guard our future generations. A stable home with a mother and father is the foundation of our civilization and although it may not always be attainable, I would argue that we should work toward this environment as it is the best environment for our future generations.

My logic is this. All words have three parts: first, the word itself; second, the meaning that describes the word; and third, the rights and obligations that flow from the word. The word "marriage" is no exception to this. It is simply that; a word that describes and identifies a group of individuals within our society. In this case, the group it describes is a relationship between one man and one woman in a state recognized contract.

Government Orders

It is my position that the rights and obligations that flow from that word need to be extended to other words to protect rights of minority groups throughout Canada.

I would submit that these other groups should receive not only the rights of married couples but also the obligations of married couples.

As the Leader of the Opposition states, we must respect all Canadians regardless of sexual orientation or other differences and all couples who apply for solemnization of their relationship should receive the respect and the rights and obligations of married couples.

I also believe that we should send a clear message of protecting minority rights to Canadians and protect not only married and same sex couples but also common law couples after a certain period of cohabitation. Some provinces even recognize this period of cohabitation now and recognize common law rights but not all provinces do and each province is different.

Each of these three groups should be defined individually because, let us face it and admit the facts, the descriptions are different between a man and a man, a woman and a woman and a man and a woman. Yes, even common law couples who have not formally solemnized their relationship before the state should also be afforded the same protections. All of these groups should have the same rights and obligations under the law and should be respected equally in all aspects of the law that flow from our natural state.

In terms of protecting rights, it is also my belief that as members of the House we must protect the rights of those who entered into marriage on their expectation of what that term means. Protecting rights is a dual obligation. Just as with every right comes a corresponding obligation, receiving a right can sometimes infringe on others' rights and expectations. Rights and respect work both ways.

If we want our beliefs respected, then we must respect the beliefs of others. With mutual respect comes the end of bigotry, hate and prejudice. That is the Utopia that I seek for all Canadians.

The Conservative Party of Canada is allowing a free vote in Parliament on this matter. We respect the supremacy of Parliament. I believe that we should respect the will of Canadians while at the same time protecting the rights of all minorities.

In my constituency of Fort McMurray—Athabasca, located in northern Alberta, I received less than 10 responses in favour of same sex marriage and over 1,000 responses asking to maintain the traditional definition of marriage.

● (1645)

The Leader of the Opposition has taken what I believe to be a reasonable compromise position on this issue, which is in accord with the views of the majority of Canadians. We want to recognize the traditional definition of marriage without detracting from the rights and obligations of people in same sex relationships.

The Conservative Party wants to create the status of a civil union to recognize the identical rights of all peoples. Religious institutions would be explicitly protected. We would protect public officials from reprisal if for religious reasons, as we heard from my colleague earlier, they feel they must refuse to perform same sex marriages.

The Conservative Party represents the only middle ground position on the debate from any political party. Canada's law should reflect the priorities of Canadian society, while protecting the rights of minorities. The Conservative position does this. This compromise respects all sides of the debate.

This debate is about that. This debate is about mutual respect. This Conservative Party has proven that we respect both sides of the issue and we respect all Canadians equally.

Now it is time for other members of this House to do the same and to respect our position.

● (1650)

Mr. Russ Powers (Ancaster—Dundas—Flamborough—Westdale, Lib.): Mr. Speaker, the marriage bill before the House represents a balance between two important objectives that have driven the government's handling of this issue from day one.

The first is the extension of equal rights to a minority group, in this case, extending access to civil marriage to same sex couples who wish to make the same significant commitment to each other in a marital relationship as opposite sex couples.

The second is to ensure the equally fundamental and compelling guarantee to freedom of religion. In this context, that means the freedom of religious groups and officials to make up their own minds about this issue, to set their own requirements for marriage and to marry only those persons who meet those requirements.

Religious groups already have had this right for some time. Religious groups already refuse to marry people who would be able to marry civilly. For example, those who are divorced cannot marry in some religions and those who are first cousins, but they can marry in a civil ceremony.

The intent to balance these two compelling Charter of Rights and Freedoms can be seen in the structure of the bill. Its essence is contained in two simple provisions. The first states, "Marriage for civil purposes", and I stress civil purposes, "is the lawful union of two persons to the exclusion of all others". The second states, "It is recognized that officials of religious groups are free to refuse to perform marriages that are not in accordance with their religious beliefs".

The intent to balance these two principles can also be seen in the preambles to the bill. Two in particular speak of religious freedom:

WHEREAS everyone has the freedom of conscience and religion under section 2 of the Canadian Charter of Rights and Freedoms;

WHEREAS nothing in this Act affects the guarantee of freedom of conscience and religion and, in particular, the freedom of members of religious groups to hold and declare their religious beliefs and the freedom of officials of religious groups to refuse to perform marriages that are not in accordance with their religious beliefs.

The intent to do so can also be seen in the government's decision to first refer the bill to the Supreme Court of Canada last year before the tabling the bill in the House. One of the government's main concerns in doing so was to ensure that religious officials had the necessary protection under the charter. In response to concerns by some religious groups and individuals, the government posed the question directly to the Supreme Court:

Government Orders

Does the freedom of religion guaranteed by paragraph 2(a) of the Canadian Charter of Rights and Freedoms protect religious officials from being compelled to perform a marriage between two persons of the same sex that is contrary to their religious beliefs?

The government is already firmly of the view that religious freedom would not be affected by the bill and now the Supreme Court of Canada has also provided that strong endorsement. In fact, it made some of the strongest statements ever on the nature of the charter's guarantee of freedom of religion. The court said:

It therefore seems clear that state compulsion on religious officials to perform same-sex marriages contrary to their religious beliefs would violate the guarantee of freedom of religion under s. 2(a) of the Charter.

The court went on to say that religious freedom was already protected by the charter and that religious officials would be protected from being compelled to perform both religious and civil marriages and religious institutions would be protected from being forced to provide their sacred spaces.

Earlier Supreme Court cases have upheld the right of religious institutions to compel observance of their religious tenets by officials and key employees, such as teachers. This would seem to be a very clear protection. However, if further more specific protections are desired, for example, for civil marriage officials, commercial provision of services to the general public, rentals, et cetera, the Supreme Court has indicated that they would have to be added in provincial and territorial laws as these matters are within its jurisdiction and not that of the federal government.

Some have used this fact as a basis to suggest that the federal government should not be moving ahead with the bill at all as it cannot guarantee religious freedom. In my view that is a deliberate misunderstanding of what the court said. The charter already provides that protection and so the court clearly has said that there is no need for further specific protections, which is also my understanding of where some of the provinces and territories are on this.

• (1655)

At a recent meeting with the provinces and territories held by the Minister of Justice, the attorneys general of two of the most populous provinces, namely Ontario and Quebec, both said that they had experienced no problems with religious freedom despite thousands of same sex marriage ceremonies.

However, many provinces and territories have provided additional protections by amending their laws to add specific protections for religious freedom. For example, Quebec has had specific protection for religious officials who refuse to marry a couple since the 1960s. Others already exempt religious organizations from their human rights codes.

The Minister of Justice has encouraged the provinces and territories to look again to ensure that religious freedom is protected in all their laws, as the federal government is doing. In reference to specific cases that may come before the human rights tribunals, he expressed the view that there could be some accommodation of religious freedom under most circumstances.

Indeed many of the cases brought forward by the members opposite to demonstrate that religious freedom is at risk have nothing

to do with marriage. The cases are about protection from discrimination in the provision of services to the general public.

This is not a new issue. Provincial human rights codes add sexual orientation to their lists of prohibited grounds of discrimination, starting in 1976. Where a religious group has a clear policy about who it will rent out its space to, for example, parishioners or only organizations that are religious in nature, there has been no problem in the past. However, yes, where an organization of any kind offers its services to the general public, it must offer its services to all the general public and not discriminate on any basis, be it racial grounds or because of sexual orientation. This is a completely separate issue from whether the bill will affect the guarantee of religious freedom found in the charter.

Where a charter case has looked at the balance between equality rights and religious freedom, religious freedom has been protected. For example, in the recent Supreme Court of Canada case of *Trinity Western*, if a specific provincial human rights tribunal order does not respect freedom of religion, the charter can be used to challenge that order, as was the case, for example, in the *Brockie* case where the court amended the original tribunal order to protect religious freedom.

The Supreme Court of Canada specifically added in its recent decision in the marriage reference a reminder that provincial human rights codes should also be interpreted to protect the religious freedom. Previous court decisions at the lower levels on same sex marriage also indicated clearly their decisions could not have an impact on religious marriages, but only on civil marriage. Somehow this will not be enough for some people. They seem to fear that the Supreme Court could change its mind at some unspecified time in the future and religious freedom is slowly being eroded.

Yet after all these changes to the civil law of marriage, the different religious faiths have remained free to maintain their traditional religious practices and most have done so. Freedom of religion has a long history in Canada prior to the charter. That is one of the reasons it was added as a fundamental freedom to the charter.

Religious freedom has maintained and will continue to maintain its strength, as exhibited by the reference decision. The Prime Minister already has already that it is only where religious freedom would be threatened that he would consider using the notwithstanding clause. The government will uphold religious freedom and religious freedom of all major religious groups, meaning we have no more business telling the Catholic Church that it must marry persons of the same sex than we have telling the United Church that it cannot do so.

This act defines civil marriage. It does not change holy matrimony.

[*Translation*]

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, I am not going to address this problem from a legal standpoint. Instead, I will try to show through anecdotes and personal experiences how important it is for us as a society to be as open-minded as possible because we have changed enormously over the last few years. However, I think we still have a long way to go.

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In the early 1970s, women were beginning to be more aware of their rights, to become more familiar with them and even to have rights. It has only been since then that women have had the right to sign cheques on their own behalf, to have bank accounts in their own name, and to keep their name when they marry.

When I wanted to get married in the early 1970s, I was in love with a black man, and the priest at my church did not want to marry us. And there it was, discrimination. Society was not very advanced at that time in terms of intercultural marriages. I went to the curate to find someone who would perform the marriage, but the priest still refused. At the time, I thought this was terrible. Nowadays, when walking down the street, one meets many couples of different origins, who have children of different origins, and people are not offended any more as they were in the early 1970s.

In regard to the development of women's rights and human rights, I think that we have reached the point in our society where we should recognize the rights of people of the same sex who want to join their lives, share their lives, remain together and be happy.

To show how fast things go in life and how fast our ways of thinking can change, I remember a young woman for whom I was caring in the early 1980s. She had AIDS and was of Haitian origin. When her parents went to see her in the hospital, they did not go into her room because they thought she was possessed by the devil. They thought the devil had invaded her and that was why she was sick. Nowadays, if this young woman were still alive, I am sure that her parents would go into her room and would be able to embrace her rather than transmitting their embraces through me to her.

It is extremely difficult to realize that, in 2005, we still have questions about an issue like the one before us today. This should have been resolved a long time ago. A decade ago, homosexuals had the courage to come out to themselves. Now, they have the courage to come out to their co-workers and their families. It was not so easy in the past. If we go back 30 or 40 years, it was extremely difficult. No politician, man or woman, dared come out of the closet. It took years for this to be possible, for such people to be accepted and respected in our legislatures. Initially, people were respected because their sexuality was a secret. When they came out, at first, it caused an uproar.

Now, we know and respect our colleagues, no matter what their sexual orientation, which is essential. However, if they command such respect from us, we must go further. We must give them the opportunity to lead a full, rich life, a life similar to that led by every other human being. As my colleague from Saint-Bruno—Saint-Hubert said earlier, everyone is entitled to happiness. There is nothing conditional about it.

If we take the trouble to think a little about our own families, friends and acquaintances, I am convinced that even my colleagues who want to vote against Bill C-38 know someone who is homosexual, someone who may want to marry and be happy.

● (1700)

Do these people have to give up their right to happiness because their representatives have said no? Will they be embarrassed or self-conscious?

As my colleague from Joliette has said, and said so well, I do not want to have to tell my grandson or granddaughter that it is a bad choice to be homosexual because they cannot do the same thing as others can. I know that many here have a great deal of respect for the hon. member for Hochelaga. I would be pleased if he were to find the love of his life and decide to marry. I do not think there is anyone in this House, regardless of his or her beliefs, who would dare turn down an invitation to his wedding. I think we would all accept and would all turn up with presents.

If we can recognize that right for a person we know well, why not for others? Why can we not recognize it for all of society? It is a right. We have a right to be happy and to choose the person we want to live our life with.

Let us think this over calmly. Could all members of this House take the time to ask themselves whether they want to have to say to their sons or daughters, "No, you are gay so you cannot get married". We say that older people have the right to marry, even without children. I know a number of seniors who have married. The purpose of marriage is supposed to be procreation, having children. But when somebody is 70, 75, 80—or like the last one I saw, 88—and wants to marry, let us not pretend it is to have children. We must not be ridiculous about it. They did not get condoms as presents, either.

As a society, we need to make an effort to be a little more open. There is much talk of open-mindedness, but for many that is just empty talk. I find that hugely regrettable. As a government, as parliamentarians, we need to meet the needs of our fellow citizens, our constituents.

I too have received cards from people saying they are against same sex marriage. I responded to every single one. To my great astonishment, I received dozens of calls from people who said they had not written to me. Their names and signatures had been used on the cards. When they called me, they said, "Madam, why did you write to me? I have never spoken about this. I am not against same sex marriage". Some people would have us believe that the majority is against same sex marriage, but that is not true.

In any event, Quebecers are a little more progressive than that and I am sure most Canadians are prepared to accept same sex marriage.

In the meantime, I hope my colleagues will think twice before voting against this bill. It would allow us to take a stand as compassionate human beings. This has been done successfully elsewhere and I think it can be successful here as well.

● (1705)

[English]

Mr. Richard Harris (Cariboo—Prince George, CPC): Mr. Speaker, I am pleased to rise in the House today in defence of the traditional definition of marriage.

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I was pleased a couple of weeks ago to join some 15,000 to 20,000 Canadians on the lawns of this great Parliament to say in a very loud and clear voice that the traditional definition of marriage, and that is the union of a man and a woman in marriage to the exclusion of all others, is the right thing to maintain.

I, like many on this side of the House, and indeed, I am joined by a huge segment of our society, millions of Canadians from coast to coast to coast who are supporting the retention of the traditional definition of marriage, that of a man and a woman. Any comments to the contrary are simply not realistic.

Marriage and the family based on marriage are the basic institutions of our society. We must not, we should not change these kinds of foundations lightly or easily. I do not believe that the government or those who are proposing to change the traditional definition of marriage have been able in any way to make a compelling case that would cause Canadians and this Parliament to consider changing that definition. That case simply has not been made.

At least one of the major purposes of marriage historically has been to provide a stable environment for the procreation and the raising and nurturing of children. That does not mean that other kinds of relationships are not loving and valuable, nor does it mean that heterosexual married couples who cannot or do not have children are less married than anyone else. What it does mean is that marriage as a social institution has as one of its goals the nurturing of children in the care of a mother and a father. That is the fundamental.

If we change the definition of marriage to end the opposite sex requirement, we will be saying in fact that the nurturing of children in the care of a mother and a father, that this goal of marriage is no longer important. We cannot say that.

The central question we are wrestling with is whether marriage is still connected to this potential to have and raise children and to provide a stable environment for those children, or whether it is simply connected with the personal needs of two adults in a close relationship.

McGill University medical and legal ethicist Margaret Somerville made the point so clear and eloquent in a recent book called *Divorcing Marriage*. She said:

“The crucial question is: should marriage be primarily a child-centred institution or an adult-centred one? The answer will decide who takes priority when there is an irreconcilable conflict between the interests of a child and the claims of adults. Those who believe that children need and have a right to both a mother and a father, preferably their own biological parents, oppose same sex marriage because...it would mean that marriage could not continue to institutionalize and symbolize the inherently procreative capacity between the partners; that is, it could not be primarily child centred. In short...accepting same sex marriage...means abolishing the norm”—the accepted value—“that children...have a prima facie right to know and be reared within their own biological family by their father and mother. Carefully restricted, governed, and justified exceptions to this norm, such as adoption, are essential. But abolishing the norm would have a far-reaching impact”.

●(1710)

This belief that marriage is inherently connected with procreation until recently was upheld as the reason for marriage by the Supreme Court of Canada. In 1995 Supreme Court Justice La Forest, speaking on behalf of four judges in the majority in the Egan case rendered a decision. This is absolutely important because this kind of decision still holds strong and reigns in the Supreme Court of Canada. It has not been changed. We cannot accept the arguments of the Liberals that the Supreme Court is wavering on this because it is not. Justice La Forest said:

Marriage has from time immemorial been firmly grounded in our legal tradition, one that is itself a reflection of long-standing philosophical and religious traditions. But its ultimate *raison d'être* transcends all of these and is firmly anchored in the biological and social realities that heterosexual couples have the unique ability to procreate, that most children are the product of these relationships, and that they are generally cared for and nurtured by those who live in that relationship. In this sense, marriage is by nature heterosexual.

That decision still stands in the Supreme Court of Canada and nothing that the Liberals or the Bloc or the NDP say has any basis in fact to refute that. It simply does not alter what the Supreme Court of Canada has said. This statement remains the only commentary on the basic meaning of marriage in any Supreme Court decision.

The House, including the current Prime Minister, voted to uphold the definition of marriage in 1999 and in the amendments to Bill C-23 in 2000 with the Deputy Prime Minister, who was then justice minister, leading the defence of marriage from the government side. Here is what the Deputy Prime Minister said in 1999 as she so clearly and eloquently made her defence of the traditional definition of marriage speaking on behalf of the government. She said:

We on this side agree that the institution of marriage is a central and important institution in the lives of many Canadians. It plays an important part in all societies worldwide, second only to the fundamental importance of family to all of us—

The definition of marriage, which has been consistently applied in Canada, comes from an 1866 British case which holds that marriage is “the union of one man and one woman to the exclusion of all others”. That case and that definition are considered clear law by ordinary Canadians, by academics and by the courts.

Marriage has fundamental value and importance to Canadians—

As we know, the government voted to defend the traditional definition of marriage at that time. We do not know what happened to change its mind. It was not a Supreme Court decision.

Nothing that she said then was out of date. All that has happened is that several provincial courts have overruled the long standing common law definition of marriage, but the Supreme Court itself has still not addressed this issue, despite a clear request to do so by the government.

We do not believe, on the basis of provincial court decisions which the government refused to appeal to the Supreme Court, that a fundamental centuries old institution should be abolished or radically changed.

No matter what all the Liberals are talking about, save some of them who support marriage, that institution stands strong today, both in the Supreme Court, and in the hearts and minds and souls of millions upon millions of Canadians.

We believe that marriage should continue to be what it has always been, what the courts and the government accepted it to be until a very few years ago, an institution which is by nature heterosexual and has as one of its main purposes the procreation and nurturing of children in the care of a mother and a father.

• (1715)

I think I speak for a vast majority of Canadians regarding that definition. I will stand in defence of that in the House, on the street, and wherever I travel in this country.

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, today, in the debate on Bill C-38, I will speak as a member of the House of Commons. I have been an MP for almost 12 years, but of course there was a time when I was not an MP.

Bill C-38 is the type of issue where we wonder how we would react as private citizens. Unfortunately, we cannot avoid our duty as MPs. I would like to take a few minutes to try to explain what my colleagues and I are faced with in situations like this, in debates like this one.

Obviously, when I was a private citizen, I had a reputation, as I still do, of being fairly open minded as far as the debate on same sex marriage is concerned. In a free and democratic society, if rights are not taken from one group of people and given to another, or merely taken away just for the sake of doing so, I have no problem with it. That, in my opinion, is where we stand today. We want to give rights to certain members of society, without depriving any others of their rights. That is how I saw it when I was a private citizen, and that is how I see it now that I am the member for Saint-Jean.

It is, however, far from easy when a person becomes an MP, because then we cannot necessarily follow our own wishes and our own upbringing, or our own view of an issue. We cannot always react instantly, because now we are members of Parliament and represent others. And when you represent others, you have to take the trouble to see how they react to various issues.

I had a preconceived idea of what an MP did when I got here in 1993. I saw us settling major issues. I thought, first of all, that I could get up during oral question period and ask any minister a question.

I was told—and learned rather quickly—that that was not the way things were done. We have to comply with the traditions, customs and usages of the House of Commons or of Parliament. There is a party leader and a house leader, and they will often announce, “We have decided to take this or that approach today. And it is your turn, Claude. You will be the fourth speaker to rise”. Most of the time, things run like clockwork, except at certain moments. For example, at present, with the threat of an election hanging over us the atmosphere is a bit uncertain and tense. At times like that, it is always a bit more difficult.

That being said, I thought that as soon as one became a member of Parliament, one was negotiating or doing very important things all the time. However, I had not thought about the moral issues. This is another situation in which members find themselves in a rather more awkward spot. On account of our upbringing and surroundings, we have preconceived ideas. I said earlier that in regard to same sex

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marriage, my idea as a regular citizen was like that I hold as a member. However, sometimes it seems to me that we have huge responsibilities.

In my office on Mondays, I can be shown 1,000 cards from people who are against same sex marriage and 1,000 cards from people who are in favour of it. So what does a person do? One listens, of course, to the views of people in one's riding, weighing the pros and cons, and sometimes, they are almost equal.

It is easier in politics to go with the wind rather than against it. It is easier to row downstream rather than up. But I think one needs to show courage.

Bill C-38 concerns an issue about which the opinions of our fellow citizens should be taken into account. At the same time, though, we cannot ride roughshod over our basic principles and what lies deep within us. It is not easy.

Another debate will appear before us soon, concerning euthanasia and assisted suicide. We have seen suicides on television, almost live, and soon there will be people saying, “I am anxious for the members of the House of Commons to decide what will be done about that”.

That is another kind of subject about which, some Monday morning in our office, we will receive 1000 cards from people in favour of euthanasia and assisted suicide and 1000 from people who are opposed. So again we will be on the horns of a dilemma. However, we cannot evade our responsibilities.

I have also learned as a member that there are several decision making layers in a society. I thought that members of Parliament were the top layer. When I arrived here, I thought that my position as a member of Parliament was important.

• (1720)

I learned that we had a House leader, a leader, a whip who is sitting with us now—a very likeable guy, but who can be very strict when he must. We learn that all these people have a role to play.

I also understand that, in our society, there is a government, there are ministers and an executive branch. In fact, 308 MPs cannot be consulted every day on whether to do this or that. The executive branch has certain powers but the legislative branch has others. The 308 MPs in the House vote on bills, listen to their constituents, attend committee meetings and form opinions on bills. Then, often in accordance with their party line, they will vote in favour of some bills. Naturally, when the party line is crossed, there are problems, because that shows division within the ranks.

There is also the media, often called the fourth estate, because it wields a certain power. There is also the judiciary. I respect my colleagues who are lawyers. Many are here now, and I want to spare them. However, I have always thought that, in a free and democratic society, the elected representatives of the people are the ones who have to make certain decisions.

Private Members' Business

I have often criticized the government for letting debates concerning grey areas drag on, thereby forcing the courts to intervene. The courts will often take the lead. That is exactly the situation today. At least seven courts have ruled that the rights of same sex couples were violated by the definition of marriage and that such a definition had to include them.

The petitioners turned to their respective jurisdictions. However, it is extremely complicated: marriage is a federal responsibility, divorce, a provincial one, and so forth. It is somewhat confusing. However, people are now aware who to send cards to, in the knowledge that we shall soon decide. Sometimes I get cards, sometimes e-mails. I enjoy, at times, sitting down to read my e-mails. For every one I read, dozens more arrive in my inbox, faster than I can type or click.

Sometimes we find that a bit difficult. The members have perhaps not got to the end of their mandate, and now the courts have decided unanimously that there was a problem and that the definition of marriage had to be changed to include same sex partners. So it becomes very difficult for us MPs to ignore the court judgments. I am constantly saying that the MPs ought to be the ones to make decisions, but we cannot decide everything. Sometimes there are grey areas, and the courts are required to interpret them. That is what happened here, and all their interpretations have been in the same vein.

I must, moreover, admit that in Quebec the openness has progressed beyond that. We have adopted it, it has been recognized. If it has been accepted in Quebec, then Ottawa must follow suit.

From the legal point of view, we cannot go far wrong. If only one or two courts had made decisions, or if the Supreme Court had quashed the judgments made by the others, perhaps we would be in an awkward position of not knowing which way to go. But, legally speaking, we know exactly where we stand.

I have already referred to all the mail-ins that I get. In fact, some of the major institutions have got involved, including churches. This very morning at a breakfast meeting in the parliamentary restaurant we heard an excellent presentation by a woman involved in human research. Marriage goes back more than just centuries, even more than a millennium. The churches started to celebrate marriages around 900; before that there were none. Interaction between persons of the same sex has always existed, but without any legislation about it. Now, today, there is.

I will therefore, be consistent with myself. As an ordinary citizen, I would have said that, provided no one else loses any rights, I have no problem with others being given rights. I adopt the same behaviour as an MP. I believe that the people of Saint-Jean will follow my reasoning on this. I will, therefore, be voting in favour of Bill C-38.

● (1725)

[English]

Hon. Hedy Fry (Parliamentary Secretary to the Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I have spoken in favour of the bill many times in the House but I want reiterate some important points today. I want to reiterate the fact that this is an issue of equality and an issue of minority rights under the charter. I have

spoken clearly about the rights of children and the necessity of passing this bill if we are to give all children equal rights in this country.

I want to make a couple of new points. Currently, we know that 85% of Canadians have the right to same sex marriage in seven provinces and one territory. We also know that if we do not pass the bill we will have to go backwards and do something about those people who have already married, which would mean using the notwithstanding clause. However we believe strongly that using the notwithstanding clause in this case to deny equal rights to a minority group is unacceptable to the government.

Recently in Vancouver I was present where most of the major religious groups, including the Buddhists, the Hindus, the aboriginal communities, the Anglicans, the Catholics, the Unitarians and the United churches, came together to support the bill for a basic reason. If the bill were to pass it would allow them freedom of choice in religious institutions to choose to marry whom they wish. Currently they do not have that choice in some religions.

Two days ago major unions of this country had a press conference in which they talked about the necessity to continue this kind of debate and to bring forward the kind of legislation that the government had promised in its Speech from the Throne that it would follow through on. The unions and the municipalities are all asking us to get on with this and pass the bill. The unions mentioned the bill as being essential and one that was a clear equality right and they wanted to see it passed.

Let us get on with the work of doing good governance in the House and bringing about good public policy, not fooling around as we have been doing in the past while.

● (1730)

[Translation]

The Acting Speaker (Mr. Marcel Proulx): It being 5:30 p.m., the House will now proceed to the consideration of private members' business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[English]

PROPERTY RIGHTS

Mr. Garry Breitkreuz (Yorkton—Melville, CPC) moved:

That, in the opinion of the House, the government should ensure that full, just and timely compensation be paid to all persons who are deprived of personal or private property or suffer a loss in value of that property as a result of any government initiative, policy, process, regulation or legislation.

He said: Mr. Speaker, Motion No. 227 is a straightforward proposal.

In the year 2003, the Supreme Court reminded all Canadians that they have no rights whatsoever when the federal government decides to take their property.

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On July 17, 2003, the Supreme Court delivered its judgment in the class action suit *Authorson v. Canada*. The Supreme Court ruled in favour of the federal government and against mentally disabled war veterans. The government had amended the Veterans Affairs Act to avoid paying hundreds of millions of dollars in interest on pension benefits the government had held in trust for about 30,000 veterans. The Supreme Court ruled:

Parliament has the right to expropriate property, even without compensation, if it has made its intention clear and, in s. 5.1(4), Parliament's expropriative intent is clear and unambiguous.

The Supreme Court's ruling also stated:

Lastly, while substantive rights may stem from due process, the Bill of Rights does not protect against the expropriation of property by the passage of unambiguous legislation.

If a government will take millions out of the pockets of 30,000 mentally ill war veterans, what hope does the average citizen have? It is obvious that something needs to be done to protect the rights of citizens to what the government rightfully owes them. This is why I introduced the motion and the intent of my motion is to start strengthening the protection of property rights in federal law for all Canadians one step at a time.

How can any member of the House be against providing proper legal protection to provide full and just compensation to anyone who has been ripped off by their own government?

Just last month, Polara Research conducted a telephone survey of 1,260 Canadian adults and an Internet survey of 8,000 consumers on behalf of the Canadian Real Estate Association. Question one asked: "How important is it to you that the government fairly compensates a property owner if their property is expropriated?" Ninety-two per cent of telephone respondents and 96.7% of Internet respondents thought this was either very important or important.

Question two asked: "How important is it to you that the government fairly compensates a property owner if restrictions are imposed on how their property is used?" Eighty-eight per cent of telephone respondents and 93.2% of Internet respondents thought this was either very important or important.

That is what the polls are telling us, but what are the people saying? I can tell this House that it is not pretty.

Over the last few months I have participated in a grassroots movement of landowner associations that are springing up across rural Ontario. These are good, honest folks who are angry at the government for being in their face, in their backyards and in their front yards. Government overregulation is driving them nuts. The government's refusal to listen is driving them out of their farmyards and on to the highways and on to Parliament Hill.

Mr. Speaker, if you could have gone with me to some of these meetings and heard firsthand accounts of how government is taking their property or devaluing it to zero by some of the regulations and some of the laws that are being passed, you would have been flabbergasted. These people are being driven off their land and are being deprived of their livelihoods. They are angry and they are looking for some redress to this gross injustice.

How bad can it get? If robbing the bank accounts of 30,000 mentally ill war veterans is not obscene enough for the federal government, hon. members should listen to this.

A small booklet was provided to me last week by the Canadian Real Estate Association that reprinted a very sad story from Jean-Paul Raymond's book, *La mémoire de Mirabel*. It is about Mr. Cardinal who had his home expropriated by the federal government to build the Mirabel Airport. Mr. Cardinal's home was among 35 homes and 20 farms that were expropriated to make way for a quarry to service the construction of the airport.

• (1735)

I want to quote from the booklet:

In *La mémoire de Mirabel*, Mr. Raymond says Mr. Cardinal decided to move south to nearby St. Eustache to build a new home. 'A strike interrupted construction and he was unable to return to his old home to finish moving out all his belongings. When he finally did return, he was struck with the sad surprise of seeing his house in flames. The federals had set fire to his house and it burned with his household things and personal belongings inside. A life worth of things had stupidly disappeared'.

The book also describes the story of Mr. Campeau. 'He had a poor heart and the strain from the long exhausting process of expropriation put him in the hospital. As he lay sick federal officials paid him a visit. They offered him \$55,000 for his farm. Knowing that his land and all his buildings on it were worth more, Mr. Campeau declined. But the government came back with an offer that was lower; they said he would now only get \$50,000'.

These examples are poignant because they are part of a double mistake. The homes were taken to make way for a quarry. But the government itself came to realize the quarry was not needed, and it was abandoned. Hundreds of families faced heartache as their heritage was stripped away. They faced painful, difficult and humiliating experiences.

Approximately 97,000 acres of Quebec's best farmland was expropriated. Despite the fact that 3,200 farm families were displaced only 5,000 acres were ever used for airport operations.

In the 1980s, the Mulroney government acknowledged that Mirabel was a mistake and that far too much land had been expropriated. Roughly 80,000 acres of expropriated land were returned to the original owners.

Now that the airport is completely closed to passenger traffic and may never expand the expropriated landowners believe that the 11,000 acres of land outside the airport perimeter should be returned to farming. They have formed a citizen's group called "The Commite du 11,000 Acres" to fight the case.

Aéroports de Montréal, ADM, continues to administer the 11,000 acres. A Bombardier Inc. factory is situated on part of the airport land outside of the 11,000 acres in question. Bombardier has indicated the land it now occupies is sufficient for its needs. But ADM and the federal government argue the land should be retained in case it may be needed by Bombardier in the future.

The Conservative opposition introduced a motion in the House of Commons on November 25th, 2004, calling on the government to sell back the surplus land.

That is the end of the quotation from the Real Estate Association booklet.

Talk about a heartless federal government. The Conservative Mirabel motion passed the House of Commons despite opposition from the Liberal government.

Now let us take a look at another Liberal bill rammed through Parliament without a guarantee of full, just and timely compensation. It is called the Species at Risk Act. Section 64(1) of the act states:

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The Minister may, in accordance with the regulations, provide fair and reasonable compensation to any person for losses suffered as a result of any extraordinary impact of the application of

- (a) section 58, 60 or 61; or
- (b) an emergency order in respect of habitat identified in the emergency order that is necessary for the survival or recovery of a wildlife species.

Fair and reasonable compensation is not full, just and timely compensation, nor does fair and reasonable guarantee that property owners will get fair market value for their land taken out of production by the power given to the minister under the Species at Risk Act.

Then we have the unfair monopoly of the Canadian Wheat Board, which is inaccurately named because it only applies to prairie grain producers, not all grain farmers in Canada as the name suggests.

A Saskatchewan farmer, David Bryan, grew a crop of wheat on his own land. He got into trouble when he tried to sell his wheat for a better price than what the Canadian Wheat Board would pay him. The federal government charged Mr. Bryan with exporting his own grain to the United States without getting an export licence from the monopolistic, dictatorial Wheat Board.

• (1740)

For violating this Soviet-style decree, Mr. Bryan spent a week in jail, was fined \$9,000 and received a two year suspended sentence. Mr. Bryan, with the help of the National Citizens Coalition, appealed the conviction on the grounds that it violated his property rights as guaranteed in the Canadian Bill of Rights passed by Parliament in 1960. On February 4, 1999, the Manitoba Court of Appeal ruled against David Bryan's right to sell his own grain that he grew on his own land. I ask the House to listen carefully to what the Manitoba Court of Appeal stated on page 14 of the ruling:

Section 1(a) of the Canadian Bill of Rights, which protects property rights through a "due process" clause, was not replicated in the Charter, and the right to "enjoyment of property" is not a constitutionally protected, fundamental part of Canadian society.

It is shocking that in a modern democratic country like ours property rights are not protected. I know of no other country in the modern world that does not protect property rights. I would ask anyone who is listening to this debate or reads the record of this debate whether they can believe that those words came out of a Canadian court of law. I repeat: "the right to 'enjoyment of property' is not a constitutionally protected, fundamental part of Canadian society". I seek to change that.

Another concern for property owners was the Liberal government's proposed animal cruelty legislation that would have seen the animal cruelty provisions moved out of the general classification of property offences and into a section of their own; that would remove these provisions outside of the scope of the legal protection of section 492(2) of the Criminal Code. Ultimately this proposed legislation could open up the possibility that farmers, sporting groups and scientific researchers will be unjustly prosecuted. Animal rights groups in Canada will certainly use this new legislation as the basis for such prosecutions and in fact have already stated their intention to do so.

The cost of these prosecutions is one thing that farmers cannot afford, but the fact is that this legislation could affect billions of dollars worth of property without providing any legal means for

those affected to receive fair, just and timely compensation for the manner in which their operations will be affected by this legislation and by the regulations that implement it.

These are just four examples of the Liberal government running roughshod over each person's right to own and enjoy property and to receive full, just and timely compensation if the government takes that property away from people, prohibits them from using and enjoying their property or reduces the value of their property by the regulations they impose upon us.

Chinese property owners have a better chance of getting full, just and timely compensation for their property rights taken from them by the government. At least property rights are entrenched in the Chinese constitution. But not in Canada's.

China has just recently put this in place and yet we in Canada do not recognize how important this is in a free and democratic society based on a market economy. If we want a strong economy, we must put property rights into the Constitution.

I can see people's eyes glazing over. They may not understand the importance of property rights, but I assure everyone that it is absolutely essential in a country like ours that they be properly protected. That is why I have brought this motion forward. I hope that people will approach this with an open mind, examine the issues, scratch beneath the surface and see how absolutely essential this is. Then I think the glaze in their eyes may fade away, because they will see that each one of us in Canada suffers because we do not have the proper property rights protection.

Because the Liberals will not fix this injustice, it will be up to us as Conservatives to do it. We can take the first step tonight by supporting Motion No. 227.

• (1745)

[*Translation*]

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, I thank the hon. member for Yorkton—Melville for his speech. When it is my turn to speak, he will understand that we agree in principle with the motion, but I want to ask him the following question.

To me his motion seems rather vague. He spoke at length about the Species at Risk Act and I think his motion is particularly concerned with that act. However, I would like him to elaborate on whether he is simply generalizing or whether his motion is related to other bills.

Can the hon. member elaborate on whether his motion concerns specifically the Species at Risk Act, whether he has other intentions in mind, or whether other legislation could be affected by this motion?

Private Members' Business

[English]

Mr. Garry Breitkreuz: Mr. Speaker, that is an excellent question. The member said that this is a big motion. If we look at this carefully, it is a general principle. It is a principle that I would like this Parliament to approve. Once we approve this in principle, we can begin to look at ways to protect property rights in Canada. In a previous Parliament I put forward a bill that would have amended the Bill of Rights and that would have given a little protection.

This is not specifically aimed at one particular piece of legislation in this House. I am trying to achieve a principle of property rights entrenched in Canada. We could begin with the Bill of Rights, which this Parliament could easily pass. I think we also have to look at ways in which we can amend the Charter of Rights and Freedoms to include this as a general protection that Canadians would have against their own government. Right now, the government can run roughshod over Canadians with any piece of legislation. They have no protection in law.

An hon. member: And it does.

Mr. Garry Breitkreuz: And it does.

I did not use just the example of the airport or of this one particular act. I talked about farmers and the ability to sell their grain. Let me tell members a little more about that case.

There was a farmer in Manitoba who had the misfortune of having a certain disease come into his wheat. He had a very small percentage of diseased kernels in that grain. The Canadian Wheat Board refused to accept his grain. He had large quantities of this grain. If he could not sell it, his business of course would have been destroyed. He found a buyer in the United States who was willing to take his grain and give him a fair price for it.

The Canadian Wheat Board, which would not buy his grain, would neither allow him to sell it. Here we have a gross violation of property rights. And when we go to the courts, the courts say we do not have property rights in Canada.

I first want to get this passed as a general principle by this House. Then we can start working together as political parties, as politicians, as elected representatives of the people of Canada, to decide what is the best way to do that.

I have already made a suggestion: put it in the Bill of Rights. We could also look further as to ways to include that in the charter. That is more difficult because it is of course a constitutional amendment. It is something that I think we should start thinking about and looking at. I think once we explain this to the people of Canada, they will see that this is something that is best for this country and that it protects the average citizen in Canada.

In answer to the member's question, no, it does not refer to just one piece of legislation. It is a general principle. I hope that it would apply to all legislation and would be a caution on government to not run roughshod over the people of this country.

• (1750)

Mr. Pierre Poilievre (Nepean—Carleton, CPC): Mr. Speaker, Nepean—Carleton is the riding I represent and it is the region I want to speak about today. At the outset of the creation of the Federal District Commission, which has now become the National Capital

Commission, farmers had huge pieces of land confiscated. They were paid only a third of the market value of that time.

The National Capital Commission now charges full market value rent on those lands. The National Capital Commission has effectively become a commercial enterprise, using these properties which it expropriated from farmers and families as a revenue-generating tool.

All of this is documented in the *Spirit of Nepean*, authored by the famous D. Aubrey Moodie, who was the reeve of Nepean. He is 97 years old today and can tell us all these important historical facts.

It seems to me that this is one practical example of how a group of people were abused by their government and not given fair compensation. It seems to me that this right is so basic, so quintessential, that it is burned onto the heart of every human being, that that which they create with their hands is their property and must be protected. Why is it that in a country as advanced as Canada we have yet to respect that right?

Mr. Garry Breitkreuz: Mr. Speaker, the answer is simple: I do not know. I cannot comprehend why we would not have put this into our Charter of Rights and Freedoms when we made the charter part of our Constitution in 1982. It was intentionally omitted. The member has just given an excellent example. There is a host of examples right across this country as to why we need this right.

If we think of all the rights around the world that people possess, I cannot think of any right that is more important and more fundamental than property rights, other than the right to life. I cannot imagine why we do not have that. It is an obvious right that should be included. That is why I brought this motion forward.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I am pleased to speak to this motion. My comments will be a bit more precise than for most motions.

The motion proposes that all persons who are deprived of personal property or suffer a loss in the value of property as a result of any government initiative, policy, process, regulation or legislation be compensated. I will have to oppose this motion on a number of grounds. I will try and elaborate.

First, the scope of the motion is far too broad. It is quite simply unreasonable and unmanageable in modern day governance terms. I think the mover has thought about this from a certain perspective; I will call it inside the box. However, when one steps outside the box and looks at the application of the motion, one will see how unworkable it really is.

Perhaps as discussion here has suggested, the motion is an attempt to nudge governance back toward a charter amendment that would refer to personal property rights. I do not think this will get us there very quickly. However, I appreciate the motive in the motion.

If the motion were adopted and if it were put into practice, the repercussions based on the current wording would be staggering. It is not an exaggeration to say that taken to its logical conclusion, it would make much of our current governance unworkable.

For example, the term "all persons" would not only include individuals. In Canadian law "persons" refers to corporations as well. That would include multinational corporations.

Private Members' Business

Second, the words "personal or "private property" would refer to any non-governmental property, including the property of corporations, non-Canadian corporations held here, and even property acquired through illegal activity, directly or indirectly. For example, proceeds of crime legislation that removes property from people would be covered by the motion. I assume it is not the intent of the mover to protect people involved in illegal activities. No one around here would ever want to suggest that. In its current form the motion would extend that protection.

Being deprived of property could be interpreted to include a lot of things, including paying taxes. I am assuming that dismantling the tax system is not the objective of the mover, but based on the wording of the motion that could be the result.

Let me give another example. Let us say that the Bank of Canada lowered the core interest rate, that there was a change in policy and the core interest rate was lowered. That would result in a decrease in the value of assets held across the country, virtually around the world, currencies, loans, government bonds, holders of assets and not just for Canadians, but the central banks of many countries.

One has to take into account the many indirect effects that would be had on a variety of financial assets in Canada and outside Canada, securities and real estate. Just that one government policy change, lowering or raising the interest rate, could have that kind of an impact.

The terms of this motion would require the government to compensate all holders of these assets in the event of such a policy decision. It is safe to say that in that one hypothetical example that would just about bankrupt us all.

Let us consider the wording "government initiative, policy, process, regulation or legislation". This wording appears to be designed to cover the full spectrum of government activity. Let us look at some of the possibilities if this motion with its current wording were put into effect. It would render inappropriate the current Income Tax Act and taxation statutes. Without taxes, we would have to renounce any form of government programming, any form of government activity, from universal health care to agriculture to public security and defence.

For example, if the Canadian International Trade Tribunal were to apply a countervailing duty on goods being exported from abroad into Canada, that would trigger a loss in value. It might even cause a loss of jobs here.

• (1755)

That would be a perfectly justifiable trade countervail decision, but it would be a government policy decision and it would have a negative economic impact on Canadians. This motion would require compensation.

Maybe the hon. member did not think about that particular envelope when he drafted the motion, but he has drafted it widely for the reasons I have alluded to before and that is where I think it takes us.

As I said before, this could also cover the seizure of goods and the proceeds of crime. He may not have thought that through. The

impact on Canada's general body of laws would be actually quite profound.

Additionally, the motion also raises the question of who would decide what is just, full and timely compensation. The usual processes for deciding such matters are court decisions, out of court settlements, negotiated agreements and statutes that are made after full debate in Parliament. The motion also raises the question of how compensation would be administered. No doubt it would be a daunting task.

Lastly, another objection I have to the motion is that it fails to recognize that the Government of Canada and in fact all governments across Canada already consider the interests of Canadians and their electors when they embark on policy and legislative processes. In other words, governments, including the federal government, already take a preventive approach. The private property rights alluded to here are framed and protected already, not quite the way the hon. member would like, in our common law system.

For example, the Canadian Environmental Assessment Act already provides that the government shall investigate the potential impacts of proposed government decisions on the environment, including human society. These include: health and socio-economic conditions, positive and negative; physical and cultural heritage issues; the current use of lands and resources for traditional purposes by aboriginal persons; or any structure, site or thing that is of historical, archaeological, paleontological or architectural significance. The government is already compelled to take into account in that one example many possible effects on personal property.

To conclude, the simple fact is that if the House were to adopt this motion and if a government were to try and put it into practice, the federal government would have a very, very tough time governing. I am sure that was not the goal of the hon. member. Unless, is it possible, that the motion really manifests part of an agenda which, let us say, is right of centre, which attempts to rebalance what we currently have, the balance between collective rights and individual rights and to place that balance closer to the individual? I suspect it is.

However, I happen to be one of those who, unlike the official opposition, do not happen to think we are all headed to hell in a handcart. We happen to have an excellent country and I know our citizens believe that it is. In that balance between personal and collective rights, I think we have it right and the charter firmed up part of that balance. However, if the hon. member wishes to tinker some more and to move the balance, I am not one who would agree with that, but I congratulate him for contemplating the prospect.

I want to indicate that I oppose the motion for the several reasons I have indicated. I encourage colleagues to think of it in the same way that I have.

Private Members' Business

• (1800)

[*Translation*]

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, I am pleased to speak in this debate this evening on Motion M-227 introduced by the hon. member for Yorkton—Melville. The hon. member said the following in his motion, which I am pleased to read so that those watching us can understand what we are talking about this evening:

That, in the opinion of the House, the government should ensure that full, just and timely compensation be paid to all persons who are deprived of personal or private property or suffer a loss in value of that property as a result of any government initiative, policy, process, regulation or legislation.

The question I asked the member for Yorkton—Melville was not innocent. I asked him, since the motion was especially vague, whether it referred to a number of other bills. In light of his answer, I must say that, for the moment, the Bloc Québécois has not determined what position it will take, because this motion could affect a number of other statutes. If so, this may affect several of the Bloc's critics and, clearly, it would be out of line for me to take a stand on their behalf this evening, at first reading of this motion. We are reserving our position for now, however, the member raised many interesting points when he made his motion and above all when he gave striking examples, particularly with regard to Mirabel and the farmers. I will mention other examples in the course of my speech.

So, if we want to get a good grasp of the situation, it must be said that the federal government has the power to restrict the property rights of Quebecers and Canadians, of course, and even deny them those rights or decrease the value of their property. This is a possibility. All too often, the rules on compensation lack a proper legislative framework. That is why I asked the member earlier whether he was talking specifically about the Species at Risk Act, because, as I said earlier, this is one instance where the rules on compensation lack the proper legislative framework. I might have the opportunity, in a moment, to talk about the ins and outs of this legislation.

During consideration of this legislation, some groups had noted that compensation issues were insufficiently defined. The representative of the Canadian Pulp and Paper Association, specifically, came to talk to us. Section 64 of this act indicates that the Minister may, in accordance with the regulations, provide fair and reasonable compensation to any person for losses suffered as a result of any extraordinary impact of the application of the act.

So what about the ordinary consequences which may, of course, be just as unfortunate? And what, exactly, happens when restricting property rights amounts to expropriation? Mirabel was just mentioned: it is both a good and a bad example. And in cases, for instance, where a piece of land cannot be used because of a declaration by the federal government that threatened species live there? If people cannot expect to be properly compensated, there is a danger they will not want to report protected species on their property.

The member was talking about farmers a little earlier. In my case, I can talk about outfitters. There are 400 of them in Quebec. An outfitting operation might see its access to or use of a lake restricted because of a protected fish species in it. If the compensation to which

the outfitter would be entitled is insufficient, he might choose not to say anything. One must be very careful, therefore, when a minister is given discretionary power, namely that of deciding whether any compensation provided will be large or small. We must be very cautious about that.

The Species at Risk Act is intended basically to protect threatened or endangered species and their habitat. This legislation ensures that birds, fish mammals, plants and insects at risk will be given protection. It will also ensure that the government will help endangered species grow in numbers. So much for fine principles. The act applies to fields, forests, wetlands and open water. It must be remembered that there are nearly 70,000 animal and plant species in Canada. It is very important to protect them, and we recognize that.

Nevertheless, I will say in a moment why we voted against the bill, and people will understand quite soon.

• (1805)

There are provisions under the act for compensation for unexpected losses due to unforeseen restrictions on the normal use of the land in question. Compensation would be for losses which cause hardship for land owners and land users. The compensation provisions, however, must not create perverse incentives to inhibit voluntary habitat protection measures in hopes of receiving future compensation.

That was an excerpt from a press release issued by the former Minister of the Environment at the time when he tabled the Species at Risk Act.

We were against this legislation. It was not that we were against protecting species at risk, far from it, but in the view of the Bloc Québécois, protecting habitat is a provincial jurisdiction, while the government across the way, in this legislation, took unto itself the power to intrude on land in Quebec.

I can tell you right now there was no way this could be acceptable to the Government of Quebec at the time or to us. As usual, it is an intrusion. It is not just overlap, it is direct intrusion in Quebec jurisdiction, that is to say, federal police officers can intervene on a piece of property or a reserve. That just does not work in terms of our goal of being a sovereign nation.

When I was giving examples just now, I mentioned the Quebec's outfitters. The hon. member who presented the motion gave the example of Mirabel. We totally agree with him. I would like to use the example of Baie-du-Febvre, because I will end with the Species at Risk Act.

Baie-du-Febvre is in the mid-Quebec region, Centre-du-Québec, where I was born. It is just outside my riding boundaries. As you may know, there are 200 bird species on the shores of Saint-Pierre Lake in spring and fall. They put on a fantastic show. Snow geese taking off and landing at dawn—it is a sight I recommend to everyone. Tens of thousands of birds launch into the sky at the same time.

If the principle of protection were applied there, if land in that sector were expropriated without adequate compensation of the land owners, there would be a problem that the hon. member's motion might help solve.

Private Members' Business

He talked about Mirabel. That is good. I need not remind you that we have had major differences of opinion with the government opposite on this topic. In March 1969, the federal Liberal government at the time announced the plan to build the Mirabel international airport in Sainte-Scholastique. It submitted a plan to expropriate 97,000 acres, 10 times the area of the largest airports in the world and 27 times the area of Dorval airport.

Later they realized they did not need anywhere near 97,000 acres. This was the largest expropriation Canada had ever seen, an area larger than the city of Laval. More than 3,000 families were affected by the scandal, another scandal. This scandal has been around for a very long time and still has not been resolved, despite the decision by Parliament—the opposition parties in fact—to call for the land in Mirabel to be returned to the farmers or the people who had it stolen from them by the government at the time.

The Bloc Québécois has long been demanding that the federal government fix this mistake, involving individuals whose land was expropriated for Mirabel. For starters, the 11,000 acres of land expropriated in excess of what was needed could be returned. Its development is jeopardized by the temporary nature of the rights of the farmers who are using it. It is difficult for them to convince financial institutions to lend them money to invest in their facilities. Moreover, these farmers are reluctant to undertake expensive projects to improve the land, since they do not know how long they will be able to use it. This debate is not over.

I believe that the member's motion does propose a way to right this terrible wrong. Consequently, despite the fact, as I said at the start of the debate, that the Bloc wants to reserve its position for the moment, there are some interesting points in the motion, which we must consider more closely first. As Motion M-227 proceeds through the various stages, that is what we will do.

• (1810)

[English]

Mr. James Rajotte (Edmonton—Leduc, CPC): Mr. Speaker, it is a great pleasure to stand today to address a motion put forward by my colleague, the Conservative member for Yorkton—Melville. I would like to read the motion into the record:

That, in the opinion of the House, the government should ensure that full, just and timely compensation be paid to all persons who are deprived of personal or private property or suffer a loss in value of that property as a result of any government initiative, policy, process, regulation or legislation.

At this point I want to congratulate my colleague, who is undoubtedly one of the hardest working members of any party in the House. He has acted so well on behalf of taxpayers with regard to the firearms registry, but also in advancing very important issues like property rights. He has been a consistent advocate of those principles. I had the opportunity in the last Parliament to address this issue and I am pleased to do so again. I fully support this motion.

We have to recall the abstract and history of property rights and the fact that it is intertwined completely with western civilization, going back to great thinkers like Aristotle, the Greco-Roman, the Roman civilization, working its way up to philosophers like John Locke. I would like to quote from Locke's work at this point. I think he gives one of the best definitions.

He locates the right of property and labour. He individualizes the right of property, which is certainly an important development in western thought. This is from his *Two Treatises of Government*, "Chapter V Of Property":

The "labour" of his body and the "work" of his hands, we may say, are properly his. Whatsoever, then, he removes out of the state that Nature hath provided and left it in, he hath mixed his labour with it, and joined to it something that is his own, and thereby makes it his own property.

Mr. Pierre Poilievre: That is beautiful.

Mr. James Rajotte: My colleague says it is beautiful. It is a very beautiful statement about what the meaning of property is. It is men and women mixing their labour with nature, thereby having a sense of ownership over it.

As has been said many times, the omission of property rights from the Charter of Rights and Freedoms is a worrisome oversight and we would certainly like to see that document amended to include property rights. The rights that Canadians enjoy with respect to property are only done through some provincial and federal statutes, but there should be, as my colleague suggested, an overriding principle so all laws can abide by this principle.

In Quebec, of course, property rights are found within the civil code of that province.

Since property rights are not entrenched in the legal system, Parliament can easily overturn property rights under virtually any piece of legislation. There are examples of that in this Parliament and the last.

The proposed endangered species legislation in the last Parliament by the Liberal government could mean vast tracts of land are taken away from landowners of the smallest size at the discretion of political figures and governments without giving due compensation. That is a key thing to remember. This is not saying that the government never has a reason to take property away but if it does so, it has to give fair market compensation. That was an important principle that we fought for in the last Parliament.

The recent anti-terrorism legislation authorizes police to seize certain property without normal judicial review. The mapping of the genome and advancements in health sciences have brought about new debates in intellectual property. There is the issue of firearms seizure under Bill C-68 with respect to the firearms registry.

There is also the issue of patents, copyright and intellectual property rights, which are an important area of the work I do as the industry critic for the official opposition. In this digital day and age, we see repeated violations of property rights. Music is downloaded and shared without paying anything to the creator. Major motion pictures are also copied and shared through the Internet. This is an important point. Locke made the whole innovation in terms of mixing our labour. However, it is also mixing our intellectual labour with something and being a creator and, thus, being rewarded for the efforts and the intellect that one pours into something.

The University Declaration of Human Rights in 1948 considered intellectual property a fundamental right of all peoples. However, Canada has been less aggressive than most of its international competitors in linking innovation to intellectual property or in protecting or promoting intellectual property rights.

On the other hand, the Conservative Party at its policy convention in March of this year passed several motions that will improve property rights for Canadians. I am proud to say that it was my riding association that was one of the sponsors of these, the good members of Edmonton—Leduc.

• (1815)

The policy reads:

- i) A Conservative Government will seek the agreement of the provinces to amend the Constitution to include this right, as well as guarantee that no person shall be deprived of their just right without the due process of law and full, just and timely compensation.
- ii) A Conservative Government will enact legislation to ensure that full, just and timely compensation will be paid to all persons who are deprived of personal or private property as a result of any federal government initiative, policy, process, regulation or legislation.

In addition to this, the Conservative Party passed two more resolutions that would improve the protection of intellectual property. We would create a process to allow the patent holder to restore time lost on 20 year patent protection due to delays in government approving certain things, like pharmaceutical medicines. If the government takes two or four years to approve a product, we believe there should be some restoration in the patent period to that company and to the company that holds the patent.

We also believe we must continuously examine and update our copyright legislation. To that end, we have passed a comprehensive set of objectives to guide the party in future amendments to copyright law.

Music file sharing is a massive problem in Canada. There is a proliferation of websites providing resources and copies of music used by most to avoid paying for a copy of a CD or cassette tape.

I was struck by the comments by the member for Scarborough—Rouge River, for whom I have a great deal of respect. He engaged in an act of sophistry which I have not seen him do in this Parliament.

The Minister of Canadian Heritage will soon be introducing copyright amendment legislation that actually tries to protect the works of creators, people like Tom Cochrane, Tragically Hip and Blue Rodeo, who are famous Canadians musicians. It is based on a perception that if they pour their intellectual, moral and labour into something, then they have a right to derive a benefit from it. That is property rights. That forms the basis of that legislation

We cannot have copyright legislation unless we have an abstract understanding of what property right legislation should be.

Canadian musicians have been waiting for more than a decade for amendments to the Copyright Act. As it currently stands, Canadian composers, song writers, lyricists and music publishers are not being fairly compensated and in some cases their rights are being violated because we have no workable enforcement mechanisms in Canadian law.

Private Members' Business

I am calling on all members to seriously think about this motion and examine it. It is a very thoughtful motion and it is put forward in the most gracious spirit that one can ask for from the member for Yorkton—Melville in terms of protecting property rights of all types, property rights and intellectual property rights.

However, I want to address in my conclusion one of the big issues. Members have said that it is a right wing or centre right issue. That is absolute nonsense. They say it is for big corporations. That is absolute nonsense.

The whole history of the development of property rights theory is linked frankly to small landowners, small creators trying to protect what they put in, whether it is against a bigger landowner or against a government that comes in and arbitrarily takes away what they have.

There is the example of legislation in the past Parliament. A small landowner whose land is simply expropriated under the endangered species act needs to have fair market compensation so he or she can keep going on the farm and can have his or her livelihood kept intact.

That protects the smallest landowner as much as it does the largest landowner. It is a protection for the small creators, for the small farmers against the actions of an excessive government or the actions of another excessive corporation or individual. Therefore, property rights are there to protect the small creators, the businesses, the people who really do need our protection.

I support the motion. I hope all members will do the same. I was going to conclude with a comment from Frederick Bastiat, who I think was called one of the greatest economic journalists of all times. He said that the whole notion of law, and the copyright law is one example, is if the law does not recognize property rights, it is so mistaken. The law itself, he would argue, especially common law, was derived so much from the whole development and notion of property rights itself. It is an inverse relationship.

Therefore, I encourage members of the House to fully recognize that relationship and to amend our laws and Constitution to fully recognize property rights here in Canada.

• (1820)

Mr. Russ Powers (Ancaster—Dundas—Flamborough—Westdale, Lib.): Mr. Speaker, I rise today to speak to Motion No. 227 brought forward by the hon. member for Yorkton—Melville which calls upon the Government of Canada to financially compensate all persons who have been deprived of personal or private property or have suffered a loss in value of property as a result of any government initiative, policy, process, regulation or legislation.

Needless to say, the scope and effect of the motion is titanic. My time today does not permit me to outline all of the potential difficulties, both in law and in policy with Motion No. 227. I will instead attempt to highlight a singular issue, the ways our legal system would be severely negatively affected by the motion, specifically in the areas of proceeds of crime, the forfeiture of offence-related property and sentencing, to name but a few.

Private Members' Business

Currently, the Criminal Code provides for court order forfeiture of proceeds of crime after a conviction for a broad class of offences. Once convicted, if the Crown can show that the property is the proceeds of crime and that the property is connected to that crime, it is forfeited to the Crown.

Even further, if no connection is established between the offence for which the offender was convicted and the property, the judge may still order the forfeiture of the property if he or she is satisfied beyond a reasonable doubt that the property is the proceeds of crime.

If the government were to in fact implement Motion No. 227 as currently written, it would mean simply that our proceeds of crime regime under the Criminal Code would become next to useless because the government would be required to reimburse convicted criminals who have already had their ill-gotten gains stripped under its authority.

This clearly would run contrary to the goals of the criminal justice system and the view that in Canada crime should not pay. It would also run contrary to the unanimously expressed view of the House in a motion voted less than a month ago that Canada's proceeds of crime legislation should in fact be strengthened through a reverse onus provision.

Our proceeds of crime regime is essential, especially in the fight against organized crime. The proceeds of crime legislation attempts to ensure that the profits from criminal activity are not used by these criminal groups to commit further crime, for the recruit of further members, or to allow for the facilitation generally of our criminal operations. This motion critically jeopardizes this fight.

Further, the Criminal Code provides that where a person is convicted of an indictable offence and the court is satisfied the property is offence-related property, and that the offence was committed in relation to that property, it may be forfeited. In this case, offence-related property means any property by means or in respect of which an indictable offence is committed or that it is used or is intended to be used in connection with the commission of an indictable offence under the Criminal Code.

Once again, if the government were to enforce the principle, as articulated in Motion No. 227, this entire scheme and this power under the Criminal Code would become useless because the government would be required to compensate the criminals for the offence-related property that was forfeited.

Just as alarming is the effect the motion would have on the property seized for violations of the Controlled Drugs and Substances Act. Similarly structured to the offence-related property scheme under the Criminal Code, the courts are given the power under the CDSA to order the forfeiture of property such as marijuana grow houses, lamps and other pieces of property which satisfy the necessary legal tests. Stripping police and prosecutors of an important tool, as Motion No. 227 purports to do, would do nothing more than fuel this criminal phenomena and take leaps backward in the fight against this criminal industry.

A further impact of Motion No. 227 on the operation of our criminal justice system relates to the negative blow it would have on the imposition of monetary penalties under the Criminal Code. There are numerous offences under the code which allow for the court to

impose a fine flowing from a conviction for an offence. The potential impact of this motion on our fine system is evidenced by the powerful monetary penalties which are available to the courts and sentencing organizations, as there is no limit on the amount of fine which can be imposed on an organization convicted on indictment.

This motion would impose an obligation on the government to stop collecting such fines and perhaps even repay fines previously collected.

On a regular basis, courts across Canada are ordering the forfeiture of the proceeds of crime and offence-related property and also imposing substantial fines for persons convicted of federal offences.

● (1825)

The motion fails to recognize valid existing laws and policies for which all sides of the House likely support, including those in the area of criminal law. The motion is substantially over broad and is poorly conceived. To say the least, the motion brought forward by the hon. member for Yorkton—Melville would cause the collapse of the Canadian criminal justice system and therefore cannot be supported.

Mr. Pierre Poilievre (Nepean—Carleton, CPC): Mr. Speaker, I want to address the entirely and deliberately specious aspect of the Liberal argument on this issue. The Liberals argue that this motion, which protects private property in a way that is done in most civilized nations of the earth, would somehow inhibit the government's ability to recover stolen property.

If property is stolen, it does not become the possession of the thief. In law it is still the possession of the owner, so these property rights provisions would have absolutely no application to people who have stolen other people's belongings.

I wish I did not even have to say such a thing because it is so patently obvious. I think the members across the way know it is so patently obvious, but instead of addressing the core principle that the member for Yorkton—Melville has put forward, they have tried to insert this specious confusing argument into the discussion in order to move away from the core principle.

Why would they not want to debate the core principle? It is because their position, which opposes basic property rights protection, is totally, intellectually indefensible. They are not prepared to defend their position, so they are injecting distortions that take away from the overall principle debate.

Now that I have demolished that distraction, I am going to return to the principle that we are here to discuss. We are discussing one of the foremost rights that has led to the very civilization that we have today. As the hon. member from Edmonton already pointed out, it is essential that when a human being creates with her hands, or his mind, that the property, the resulting fruits of that labour, become his or her own and that no state agent has the right to interfere with that ownership.

•(1830)

[*Translation*]

The Acting Speaker (Mr. Marcel Proulx): The time provided for the consideration of private members' business has now expired, and the order is dropped to the bottom of the order of precedence on the order paper.

ADJOURNMENT PROCEEDINGS

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

[*English*]

AGRICULTURE

Mr. Bradley Trost (Saskatoon—Humboldt, CPC): Mr. Speaker, I appreciate the opportunity to re-address this issue that I first raised in the House of Commons on March 9 pertaining to agriculture. I had addressed my question to the Minister of Agriculture and Agri-Food concerning the problems that we have with the BSE situation. Specifically, the question had been prompted by something I heard from one of my constituents.

A rancher in my riding had phoned to say the bank had called in his loan. His before-tax income was only \$4,000, that is all he had, so it brought home to me the realistic and real plight of farmers throughout Canada and throughout particularly the province of Saskatchewan.

As someone who is fourth generation in the province of Saskatchewan, my great-grandfather, grandfather, father and practically all of my relatives have grown up on the farm. It is something very real; something I understand.

We must realize that in the province of Saskatchewan, we faced drought and frost. There have been continual attacks on the agriculture sector. Then we faced, not too long ago, BSE, the problem that was in reality a trade dispute. For all intents and purposes and all the dressing up that it was a scientific problem or anything else, it was a trade dispute.

Coming from a farm family and an agriculture background, it is extremely frustrating to watch the government's inactivity. It throws out big numbers that it is spending money on farmers and that it is giving money to them, but at the end of the day, what does it help? What does it help when a family only has \$4,000 before-tax income?

That is where the question originates. Does it work? Is it practical? People in my riding, my constituents, keep saying that it does not. What do we have here? We have an inadequate government whose trade policy cannot get the border open and whose foreign policy cannot help.

Even today, who was it that went ahead and got involved with intervenor status in the United States in the court cases to move the situation forward for our farmers? It was Conservative members of Parliament. Conservative members of Parliament took the initiative and I am proud that my name is going to be part of that intervenor status. I am going to stand up for my farmers. I am going to stand up

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for the people of Saskatoon—Humboldt, the beef producers who need real help.

Again, my question and underlying premise that I bring is this. Where is the help? The farmers are not seeing it. They are not getting real money into their accounts. They are looking for real help, efficient help, help with processing, so that they can look after themselves more effectively, and be in charge of their own future here in Canada to look after their beef.

I will repeat the question I first asked the Minister of Agriculture and Agri-Food on March 9. I hope he has a better answer, an answer which delivers something directly to the people, the farmers of western Canada and beef producers. How can the agriculture minister believe in his program when farmers are going bankrupt? I would appreciate a sincere response to this question.

•(1835)

Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.): Mr. Speaker, I appreciate the hon. member's comments and also his concern on the issue which is extremely important to our farmers.

I want to assure him that the minister and the government are extremely dedicated, committed and concerned about the plight of farmers. That is why our government has introduced a number of initiatives. I hope I will be able to provide him with the answers to the very fundamental questions that he has posed.

The minister is acutely aware of the impact that BSE and low commodity prices have had on our farmers. That is why the minister has implemented a number of initiatives through the business risk management programs, to help them manage the immediate financial crisis such as the one raised by the member, the tragic case of one of his constituents. I would like to know, and I am sure the minister would too, why that particular farmer was not able to access the programs, or whether he did access the programs I am going to speak about today.

The government and the minister have put out ongoing financial assistance of \$5.5 billion since 2003 running through to 2007-08 through existing business risk management programs, such as the Canadian agricultural income stabilization program, production insurance and the cash advance programs. This amounts to \$1.1 billion a year, but it is not something that is fixed in stone. There is a lot of flexibility built into it. More demand in one particular year would enable our farmers to access a larger chunk of those moneys.

I think the minister has shown through his actions, and through this in particular, that we have provided moneys directly for exactly the type of person the hon. member is talking about. When a farmer and his family are running into problems, that is what this money is for.

The minister is also aware of the concerns regarding the methodology and timing of payments under CAIS. The deposit announcement in the 2005 budget and the minister's March 23 announcement on CAIS interim measures show he is very much listening to the producers and others in the industry and is continuing to commit to work to improve the responsiveness of this program.

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In fact the CAIS program paid out more than \$1.2 billion in its first 15 months of operation. With the provincial counterparts, the total amount is nearly \$2 billion in ad hoc BSE moneys and transitionally related assistance to the industry since 2003. Add to this the March 29 announcement of a further \$1 billion in federal spending. These moneys clearly are going to the producers this April through the farm income payment program.

Through programs such as this, the producers received a total of \$4.8 billion in 2003. This figure increased to \$4.9 billion in 2004. These record levels of program payments reflect the commitment of the government to the issues raised by the hon. member.

I think our government has committed record amounts of money for farmers and their families to deal with the very difficult circumstances they are in today.

If the member has other solutions that we could employ to help our farmers, I would be very interested to hear about them.

Mr. Bradley Trost: Mr. Speaker, I appreciate the parliamentary secretary's views on this issue and I really appreciate his taking the time to respond, but I have to say, where is the beef?

He listed all those numbers, but there are a few things he did not explain. Cash advances are loans. Not all of this money is in grants directed to farmers. They are loans. Some of these programs are money that is given, money that is taken back. If one only has \$4,000 in before tax income, one could be lent all the money in the world, but if one has to pay it back, it is not going to help. We need something that actually gets to the farmers.

When I first got involved in this, the member for Yorkton—Melville told me that years later they would go back and look at programs, they would see what had been announced and they would

find that one-third of it had stayed in Ottawa. That is the problem. All those numbers do not add up.

Where is the beef? A farmer cannot live off a loan if he or she does not have the money to pay it back. That is the problem. There are a lot of good words, but nothing has really been delivered.

● (1840)

Hon. Keith Martin: Mr. Speaker, the member may believe those moneys are not getting through but that is not the information we have. That is not what we have done for our farmers.

I want to reiterate and summarize the actual dollars that we have given to farmers. We have given them \$5.5 million over five years to assess and manage their business risks. This money is in addition to a \$3.5 billion package from the provinces and territories. The five year federal, provincial and territorial commitment is \$9 billion.

In addition, we have committed an additional \$312 million through the BSE recovery program, \$120 million through the cull animal program, \$930 million through the transitional industry support program and \$488 million for Canada's beef and cattle industry to succeed in the post-BSE era.

Those are the moneys that we have dispersed or will disperse. If the member feels that his constituents are not receiving those moneys, then he should please let us know and we will make sure we get the money to them.

The Acting Speaker (Mr. Marcel Proulx): The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a. m. pursuant to Standing Order 24(1).

(The House adjourned at 6:40 p.m.)

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