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Monday, October 17, 2005

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, October 17, 2005

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

● (1100)

[*Translation*]

CANADA LABOUR CODE

Mr. Robert Vincent (Shefford, BQ) moved that Bill C-380, An Act to amend the Canada Labour Code (pregnant or nursing employees), be read the second time and referred to a committee.

He said: Mr. Speaker, I am very proud to speak to the hon. members in this House about the value of Bill C-380 on preventive withdrawal for pregnant or nursing employees.

This is the fifth time the Bloc Québécois is championing this important matter. This issue has been going nowhere for over 15 years now. The Public Service Alliance of Canada issued a pamphlet on preventive withdrawal over 10 years ago to pressure the government into making sure that working conditions for pregnant or nursing women were healthy and safe.

Studies show that chemical, biological, physical and even ergonomic risks can seriously affect both mother and fetus by causing premature birth, birth defects, miscarriage, stillbirth, etc.

Let us look at what the federal government has to offer to Canadians and Quebeckers in terms of maternity protection:

Section 132 of the Canada Labour Code stipulates that an employee who is pregnant or nursing may cease to perform her job if she believes that, by reason of the pregnancy or nursing, continuing any of her current job functions may pose a risk to her health or to that of the fetus or child. The employee must consult with a qualified medical practitioner to establish whether such a risk exists. While waiting for the medical report, the employee shall continue to receive the wages and benefits that are attached to that job.

Under section 205, the employee can request to be reassigned, if the medical practitioner determines that a risk exists. If reassignment is not possible, the employee can take a leave of absence for the duration of the risk, although there are no financial measures associated with this in the Canada Labour Code. Section 205, Paragraph 6, reads as follows:

> An employee referred to in subsection (4) is entitled to and shall be granted a leave of absence for the duration of the risk as indicated in the medical certificate.

There is no question here of ensuring financial compensation for such workers. Furthermore, studies show that, overwhelmingly, employers prefer to take the woman out of the workplace rather than invest money to remove the source of the danger.

What financial recourse will the employee have? Sickness benefits under the EI program.

Here is a typical scenario: let us imagine a woman who drives heavy-duty trucks. This industry falls under the Canada Labour Code. The driver is pregnant and her work poses a real risk to her fetus. On her doctor's instructions, she gives her employer her medical report confirming the risks her duties pose to her pregnancy. I am thinking particularly of the truck's vibrations or the employee having to stay seated for long periods of time.

Since the employer is unable to reassign her to another position, she is sent home.

The employee then has to qualify for sickness benefits under the EI program. First, she has to have accumulated 600 working hours within the last 52 weeks, otherwise she has to take leave without pay. If she has the hours, she must present her doctor's report indicating the risks to which she is exposed. The problem is that pregnancy is not an illness. So, in order to get sickness benefits, the employee must be sick as a result of her work, not her pregnancy. If she meets all the requirements, she is entitled to a maximum of 15 weeks; the program makes no allowance for certain categories of professionals who must totally cease work because their job poses a risk throughout pregnancy.

The only way she can receive any financial compensation under the current legislation is to apply a maximum of 8 of her 15 weeks maternity leave to her preventive withdrawal, that is prior to delivery. She is therefore penalized by that amount of weeks post-delivery.

Note that the rate for all EI benefits is 55% of the employee's net income, to a maximum of $413 weekly, and then there is the two week mandatory waiting period on top of that .

Federal preventive withdrawal measures are therefore incomplete and inconsistent.

In Quebec, on the other hand, the Occupational Health and Safety Act clearly pays occupational health and safety commission benefits for preventive withdrawal. These are equal to 90% of the income of the worker who has taken preventive withdrawal and are for the duration of the period of withdrawal stipulated by her physician. This financial compensation is paid to the employee as soon as she withdraws from her job, with no waiting period.

● (1110)

This creates two categories of workers in Quebec: those covered by the Quebec labour code and thus entitled to real occupational health and safety measures, and those covered by the Canada Labour Code who are, in practice, entitled to either reassignment to a less hazardous position or to leave without pay.

The bill I am proposing corrects that injustice. It offers women workers covered by the Canada Labour Code the same rights as those available under the legislation in the province in which they work, if the latter legislation is more to their advantage, as is the case in Quebec at the present time.

Some will say that this creates two categories of workers under the federal code. Harmonizing services to the public is done according to the best services available: leveling up. This being a jurisdiction that for the most part belongs to Quebec, since 90% of workers are covered by provincial legislation , practices must be made uniform throughout Quebec.

Enabling working women in Quebec who come under the federal code to benefit from Quebec legislation relating to preventive withdrawal does not deprive Canadian working women of anything. On the other hand, not doing so is unfair to working women in Quebec.

The fact of the matter is that there is no denying that both categories of workers already exist in the federal public service. Just think of an employee entitled to preventive withdrawal, who is defined as “an employee working in an institution where she is in direct and regular contact with offenders, if the employer concludes that a modification of job functions... is not reasonably practicable”, which applies to fewer than 2,000 of the 165,000 members of the Public Service Alliance of Canada. Need I remind hon. members that correctional officers are currently challenging a unilateral decision by the Treasury Board of Canada to take away from some 2,000 employees of Correctional Service Canada the penological factor allowance used to provide compensation for the hazards involved?

Occupational health and safety represent a challenge the community as a whole must take on. Balancing our ability to increase the birth rate against that of providing our fellow citizens with better work conditions is a matter of political will. We must decide what we want as a society. An increasing number of women on the labour market are confronted with globalization and casualization; we have a duty to ensure that they have healthy and safe work environments, especially when they are pregnant or nursing.

In the steps it has taken with respect to both work family balance and occupational health and safety, Quebec has made a choice: to recognize the essential social function of women in having children and working.

The federal government does not seem to view the evolution of social life the same way. While these issues fall more within the jurisdiction of Quebec and the provinces than that of the central government, the latter is nonetheless the one responsible for entering into international treaties or agreements and, in spite of promises made last year, it no longer recognizes the Gérin-Lajoie doctrine.

Concern for adequately protecting the health of pregnant employees and their unborn children is nothing new. In 1952, the first Maternity Protection Convention was ratified by more than a dozen member states of the International Labour Organization, or ILO. This convention provided not only for the preventive withdrawal of pregnant or breastfeeding workers, but also for cash benefits to be paid out to these workers.

Canada did not ratify the convention. It never even signed the agreement in principle. Yet, the Canadian government tried to look good in 1999, by taking part in a consultation process conducted by the ILO among its member countries to determine whether a review of the 1952 convention would be in order. The government not only supported such a review, but also said it was in favour of including other specific guidelines regarding the protection of maternity. However, it remained rather vague on its willingness to financially compensate a woman on preventive withdrawal from work.

● (1115)

This is probably one of the main reasons why Canada has yet to ratify the revised Maternity Protection Convention, adopted in 2000.

This tends to confirm the federal government's blatant lack of political will regarding the rights of female workers. Not only is this the fifth time that our party has presented this important legislation, but the government continues to block any measure that would benefit workers. I am thinking, for example, of the bill on replacement workers, which was defeated last spring, and of the legislation to prohibit psychological harassment in the workplace, which was also defeated on October 5. Then there is the federal government's laxness regarding the reintroduction of the Program for Older Worker Adjustment, or POWA, and regarding the changes and improvements that were requested for the employment insurance program.

In fact, the most blatant example of the government's lack of will is unquestionably that of the pilot project on preventive withdrawal. This project, which was introduced in 2002 and which ended on October 1, was not renewed, even though it corrected another injustice done to female workers. Indeed, it made it possible for Quebec women on preventive withdrawal from work not to have to rely on partial employment insurance benefits to supplement the benefits paid by the CSST. This allowed women to use all the weeks of the maternity leave to which they were entitled after giving birth to a child.

As of two weeks ago this is no longer so, which means the employee on leave from her work has one month to declare her stoppage of work for employment insurance purposes. After the prescribed two-week penalty period, she will be forced to receive partial benefits, which will amount to very little, if anything at all, because of the calculation method. This benefit, although partial, is considered in number of weeks as full benefits. Thus, workers in Quebec on preventive withdrawal paid by the CSST, are penalized several weeks' maternity leave after delivery. The unfairness has resumed.

In 1991, when my colleague from the Bloc Québécois, the member for Laurentides, introduced a similar bill, this is what the then parliamentary secretary to the Minister of Labour said, and I quote:

> In the case of pregnant or nursing mothers, perhaps there are some useful lessons to be learned from Quebec's experience in the area of social policy but we need to look at that experience much more carefully before we can vote for the kind of fundamental change proposed in Bill C-340.

Is 15 years enough time for the government to look carefully at Quebec's experience? The argument no longer holds water today, since the government has missed too many opportunities to provide all workers with healthier and safer working conditions. Nothing has changed in 15 years.

The case for providing our workers with effective health and safety measures in the workplace has been made perfectly clear. Now it is time to take action.

According to 2003 data, 252,000 of all the Quebec workers governed by the federal code, men and women alike, do not have the same employment rights as their colleagues governed by Quebec legislation.

Bill C-380 is the first step to providing an important balance for Quebec workers. They deserve our recognition. Let us show it to them by supporting Bill C-380.

● (1120)

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, I would like to congratulate my colleague from Shefford on his bill and his brilliant speech. In my opinion, it ought to have convinced everyone here to vote in favour of Bill C-380.

I would like to pick up on his closing remarks, in which he pointed out that the federal government has not done a thing for 15 years. What does he think caused that resistance on the part of the federal government, particularly since the Liberals took over? Is there some way of overcoming that resistance?

Mr. Robert Vincent: Mr. Speaker, I thank my colleague for his question. Why have we been waiting 15 years for this bill? Quite simply, the government claims it does not want two categories of women workers, one in Quebec and the other in Canada.

My answer will be in two parts. We want the working women of Quebec, whether they come under the federal or the provincial labour code, to have the same rights. On the one hand, they can collect 90% of their salary as soon as they cease working under CSST provisions; on the other hand, workers anywhere else in Canada are covered by the Canada Labour Code, part III of which has not been changed since 1965. This Tuesday and Wednesday, discussions will be held in Montreal concerning amendments to part III of the Canada Labour Code. It would be important for that code to allow pregnant workers to withdraw from the workplace and receive compensation. Provisions for this must be included in part III of the Canada Labour Code once it is amended.

[*English*]

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): Mr. Speaker, I have questions I would like to pose to the proponent of the bill. One point is that the bill could have quite easily addressed the issue of safety concerns for pregnant mothers, their fetuses or their unborn children across the nation, from province to province, but this specific legislation talks about having the employee avail herself of the legislation in the province where she works, which is something very different from the present. Nowhere in the balance of the provinces of Canada is this particular compensation paid.

I think the objective of the bill is good and the principle behind it is fair and is worthy of debate, but if it were to pass we would find that it would be applicable with respect to a particular province only; it would distinguish between mothers and fetuses and babies across the other provinces. More important, it would make every provincial law that is passed hereafter in any province a matter of federal jurisdiction under the Canada Labour Code, without any review by this House or by anyone who is a member of Parliament. The provinces would be dictating what is happening in the Canada Labour Code with respect to federal undertakings.

If the proponent had the issue of the safety of mothers in mind, why was the bill not designed specifically to deal with that issue, not federal-provincial jurisdiction?

[*Translation*]

Mr. Robert Vincent: Mr. Speaker, as I said earlier, obviously, if there is already provincial legislation and the province already has the expertise on the precautionary cessation of work, why not take advantage of that? For the past 15 years, the government opposite has been thinking about implementing measures and been studying the context of precautionary cessations in Quebec. However, this measure already exists in Quebec. So why are employees subject to the federal code not able to benefit from legislation in Quebec, where there is already an occupational health and safety commission?

On the other hand, if the government wants to make all present and future pregnant and nursing employees equal, it need only amend part III of the Canada Labour Code. I fully support this.

In reality, the bill that I am introducing today seeks to eliminate any differences in the rights of employees living in the same province, perhaps in the same neighbourhood or even the same building. Why are these employees being treated differently?

As for the rest of Canada, as I already said, part III of the Canada Labour Code is currently being considered. We need only review and amend it in order to ensure that all employees covered by this code share the same rights.

● (1125)

[*English*]

Hon. Judi Longfield (Parliamentary Secretary to the Minister of Labour and Housing, Lib.): Mr. Speaker, I welcome the opportunity to debate this important question of labour policy.

I must inform the House that I do not support the provisions of Bill C-380, and I will tell the House why.

Bill C-380 seeks to amend the Canada Labour Code to allow a pregnant and nursing employee who is subject to federal labour law to avail herself of the relevant legislation in the province in which she works. Under the proposed bill, a pregnant or nursing employee who is subject to federal labour laws will be able to opt out of the provisions of that law in favour of the provincial law.

We should review the subject matter of Bill C-380 in further detail before we can really pass judgment on it. We must ask ourselves a number of questions.

Do pregnant and nursing mothers currently receive adequate protection under the Canada Labour Code?

Members of the House will recall that the issue of protection for pregnant and nursing mothers under the Canada Labour Code already has been studied at the federal level. To ensure that their protection was adequate, the former minister of labour launched a survey of federally regulated workplaces to examine whether the current federal maternity related provisions were adequate and effective. The study found that the maternity related provisions of the Canada Labour Code adequately protected pregnant and nursing women in Canada. It recommended, however, that more efforts be made to inform Canadian employers and employees of their rights and obligations concerning maternity related leave and reassignment.

As members of the House will know, and as members opposite have alluded, there is currently a full review of part III of the Canada Labour Code. Among other things, the review is considering what can be done to help employees achieve a better work life balance, while also taking into account the needs of employers.

What arrangements do employees need to be able to respond to their family and other responsibilities?

What are the specific pressures facing female employees?

What good practices have employers and unions put into place to address these issues?

What legislation or other changes, if any, should be made to the federal labour standards to foster greater work life balance in federally regulated workplaces?

Are any current federal labour standards hindering efforts to provide flexible arrangements to benefit employees?

These are the broad questions that should be asked in a holistic review of the labour standards as they impact on employees' work and family responsibilities. We want to ensure that the federal labour standards remain relevant and reflect the revolving and evolving needs of Canadian workers and employees.

Currently, this review will examine such issues as the protection of pregnant and nursing mothers. However, the review will go much further. It will consider all aspects of the needs to balance work and family responsibilities. That is why it is premature to consider changes to labour standards legislation before the commission has had the opportunity to present its report and its recommendations. I would remind the House that the report will take into consideration the views of employers, the government and employees. It is a tripartite review.

Also the Labour Code already has been amended to provide substantial improvements to protect working pregnant and nursing women. Recently, amendments to part II of the Canada Labour Code gave stronger protection to a pregnant or nursing woman who believed her job may be potentially dangerous to herself, her fetus or her nursing child. If it is determined that a woman's job poses a health risk to herself, her fetus or her nursing child, she is entitled protection under part III of the code, which sets out the standards and employee obligations in the workplace. In these circumstances, part III requires the employer to modify the employee's working conditions or to reassign her to another job. If neither of these options is available, then the employee is entitled to leave.

Let me remind the House that women under federal jurisdiction, if they must take leave, have access to employment insurance which in many cases can be topped up by private insurance plans.

There are also federal-provincial issues to the bill before the House. To put these issues into perspective, it is important to remember that the Canada Labour Code, which the bill seeks to amend, applies only to employees working under federal jurisdiction. Federally regulated employees comprise 10% of the Canadian workforce in sectors of key importance to the Canadian economic infrastructure. They include, among others, workers in banks and in Canada's transportation and communications sectors. That means that 90% of Canadian workers are governed by provincial or territorial labour legislation.

● (1130)

This is a case where federal and provincial jurisdiction is clearly demarcated. This is not a case where federal and provincial governments have a joint role to play. They act independently within their own jurisdictions.

Amending the Canada Labour Code in a way that would allow individuals to choose between federal and provincial laws would only raise cross-jurisdictional issues and would create enormous confusion in the administration of labour laws. When it comes to the Canada Labour Code, we have a strong tradition in our country of consulting with major unions and employer stakeholders. These consultations are now underway regarding a comprehensive reform of federal labour standards.

Over the years we have accomplished a great deal in our approach. We need to keep working together to strengthen our social foundations and create a better way of life for all Canadians. That is why I fully support what the hon. member is doing by reaching out to Canadian women, children and families, but I think Canadians would be better served if we allowed the commission reviewing part III of the Labour Code to complete its work.

I cannot support the bill at this time. It is premature and the issues it raises need more research and study.

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): Mr. Speaker, the singular objective of ensuring safety and discussing safety issues with respect to pregnant mothers and nursing mothers is one that we think is worthy of debate and should be debated. There is no doubt that the issue would be better dealt with in the context of a larger review than presently is being conducted by Professor Arthurs.

I look at the present legislation and what it provides. It allows a pregnant or nursing worker to ask her employer, during the period from the beginning of her pregnancy to the end of the 24th week following birth, to modify her current job functions or reassign her to another job if continuing in her job poses a health risk to her, her fetus or her baby.

The legislation that the member proposes and the one that we have now is similar. The request must be accompanied with a medical certificate from a medical practitioner. While working in a modified or reassigned job, the employee is entitled to the same salary she earned in her usual job. It is only in the event that the employer is unable to modify or reassign an employee, the employee may ask for leave with pay until such time that the employer informs her in writing that it is not reasonably practical to modify her job functions or to reassign her. Thereafter the leave is unpaid.

The legislation that the member proposes to bring through to the House, in kind of a circuitous fashion, is to incorporate what presently exists in Quebec and does not exist in any other province. Saskatchewan has some peculiar legislation, but it does not deal with compensation.

For that period where under the Canada Labour Code the employee would remain unpaid in Quebec, that employee would receive continuing payments which in our estimation would be about $6,230 per pregnant or nursing mother. Based on the number of federal employees in Quebec, we would anticipate that it would be about an additional $12.3 million. If one were to extrapolate that throughout the nation of Canada, that would be about $59 million to $60 million. The objective itself is fine. However, the way the member proposes the bill to proceed causes me some concern. It is worthy of discussion. It should go to committee and be discussed in the context of what is happening.

We will support the bill for that purpose, to come to fruition through a lively exchange in committee and with the opportunity for stakeholders to present their views as well. However, the act probably could better be styled the Canada labour constitutional federal provincial jurisdictional issues act for that is essentially what is at the heart of the bill.

The bill raises some very significant jurisdictional issues that overshadow the legitimate concerns relating to the matter of pregnant or nursing mothers who find themselves in the workforce. It also overshadows the protection and compensation they can expect. If the bill were really concerned primarily with pregnant or nursing mothers, it would have been drafted with those concerns in mind and it would have dealt with the issue on a national basis as opposed to a province by province basis.

It is my proposal that the bill should be amended where the final product deals with the specific issue, but is not allowed simply to do through the back door what it would not do through the front door. I take exception to what is being attempted in the bill in terms of subjecting federal supremacy in matters of federal jurisdiction to the legislative purview of the provinces in areas of provincial jurisdiction. This is not withstanding that I believe there is considerable merit to better protection and more extensive financial coverage to pregnant and nursing mothers, an aspect of the legislation that is supportable and indeed laudable.

Let me deal with the jurisdictional issues first. When one looks at the bill, it indicates that an employee may avail herself of the legislation of the province where she works. What we find is provincial legislation that deals either with occupational health and safety or other matters. It depends where one works or where one resides and works as to whether one has a benefit. There is no doubt in my mind that if we are dealing with issues of safety, if we are dealing with issues with concern to the health of the mother of the child, or the fetus, the same standards should be set across this nation and not province by province and there should not be any discrimination depending upon where one lives.

● (1135)

This legislation also indicates that this right may be exercised by application to the provincial agency administering the provincial legislation. This is simply an administrative matter. It also requires the federal government to enter into an agreement with the provincial government to determine the administrative and financial terms resulting from the application.

It would seem to me as a very minimum the House should require that any bill that automatically amends the Canada Labour Code be brought before it for members to affirm it or to agree with its content. That should be a required amendment.

If the legislation intended to deal specifically with pregnant and nursing mothers, why was it not so styled? Instead, what we have is the automatic imposition of provincial occupational health and safety laws on federally regulated employees in each particular province.

The Supreme Court of Canada has held that matters of health and safety and accident prevention in respect of federal undertakings bear directly upon the management and operation of the federal undertakings and are matters of federal jurisdiction. The court has also held that legislative delegations involving a delegation of law-making power from Parliament to a province would be unconstitutional unless the delegation was purely an administrative delegation where the provinces were given authority to administer certain federal legislation.

I am afraid that what is happening here is not an administrative matter. It actually allows the provinces to legislate and make federal laws in the areas that apply to federal undertakings.

A constitutional alternative would be for the federal government to incorporate provincial legislation by reference, but in most common situations the legislation is in existing form so we can understand and know what it encompasses. What we have here is anticipatory incorporation by reference. That is, each time a province amends its legislation, it also has the effect of amending federal legislation, and therein lies the danger. It is a principle that should not be used.

This House and its parliamentarians should not subject themselves to provincial legislation in advance of knowing what it is or having the opportunity to review it or to debate the merits of it or its effect or impact on the nation and matters of federal undertakings. Also, it should not differ from province to province or where one lives.

Having said that, as I mentioned before, the specific objective of the legislation has merit. It is one that is supportable, but this can be done by formulating new language that reproduces essentially the existing provincial legislation that we are now aware of and by making it applicable nationally if that is where we want to go. Simply put, I would say to set out the additional protection that is desired for pregnant and nursing employees and let us debate that issue.

As flawed as this legislation is and as significant as the pitfalls are and notwithstanding the standards are not uniformly applied throughout every province and territory of this great nation, my position is that the issue itself is a social issue of national concern that relates to the health and safety of mothers, the newborn, and interesting to note, the fetus.

This special social issue is worthy of debate. The bill should at least go to committee so debate can take place there. It is my view that if the social objective is to be preserved, many significant amendments need to be made to the bill as it now exists. It also should have the input of those who may be affected by the proposed legislation. It should have a far wider audience than has been allowed or can be allowed in a private member's bill.

It is with some trepidation that we think this matter should go back for further debate. It concerns me that what we are attempting by this bill is to really incorporate by reference provincial legislation into federal law without the House even knowing what that legislation may be. It is a dangerous course of action. It is something which we certainly should not adopt without very significant and severe amendments. It would be most unseemly that the House would allow legislation to pass without the House doing its due diligence by looking at the legislation particularly, by hearing from the various interest groups, by making an assessment, and being held accountable to the populace at large in this great nation of ours, as opposed to having provinces legislate in such a fashion that would automatically change the laws of this country as soon as one province took a step.

That is the wrong direction in which to be headed. Certainly that portion of the bill would have to be remade. In fact, the bill would have to be reconstructed in a very significant way for it to be able to proceed on any basis.

● (1140)

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, on behalf of the NDP caucus, I want to congratulate and compliment our colleague, the member for Shefford, on this bill. We will be supporting it. It is good for working people. It is good for moms. It is good for kids. It is hard to believe there is a need for a huge debate.

I understand some of the trepidations that have been expressed by the Parliamentary Secretary to the Minister of Labour and my counterpart in the Conservative Party about the legalities of dealing with two jurisdictions, overlapping jurisdictional responsibilities, et cetera, but quite frankly, once those things have been straightened out from a policy perspective by this place they can be stickhandled by the legal people. They can make these things happen. They sure seem to be able to do it when income tax time comes around. When people fill out their income tax forms, wherever there are two choices, they are given the opportunity to put down the figure that works best for the government, either the bottom line figure or the lesser of some other number. It is done all the time.

In a parliamentary system, in a confederation, it is not unusual that there would be jurisdictional clashes. Take all the major ministries. Certainly the Ministry of the Environment comes to mind. There are bound to be overlaps but that does not stop us from making changes that improve things for the people who sent us here.

I would like to take this back to its root issue as we in the NDP see it. It is about the children. It is about the unborn child and our nation doing the best it can to provide nurturing support to the mom, the mom to be and to the child. Where we have an opportunity to give better support, why would we not do it? I really have some difficulty understanding what the big deal is.

The situation was very well described by my colleague from Shefford. Two neighbours in exactly the same situation go out to work every day and work hard as honest law-abiding folk. They have two different sets of benefits, one better than the other, purely by the chance of where they work, either under federal jurisdiction or provincial jurisdiction. It really depends upon where they fall under a decision that was made back in 1867 in terms of how the powers within the new nation were divided. That is the only difference, yet there is the possibility that one family unit, one child, one mom would be given lesser benefits than the other.

What is wrong with saying that they have a choice when they are in this kind of situation? It does not affect that many people. It is a pretty small percentage of the working population that is actually covered by the federal labour code. I do know this very well. I was the provincial labour critic for a number of years at Queen's Park. I fully understand that the overwhelming number of labour issues and the people covered are at the provincial level, but because of constitutional issues and other matters, a small number of folks come under the federal level.

A female worker is pregnant and there are two opportunities in terms of which benefit package she might go to. It is great that we could give her that choice. What is important here is not the legal niceties of how we break out Confederation. It is not whether it is one jurisdiction or about leaving it to the other level of government to pay. None of those things matter. All that matters is the child.

● (1145)

The parliamentary secretary expressed some concerns and I understand that. I jotted down some of her words. She thought it was premature to pass Bill C-380. She thought that there needed to be more research and review in light of the fact that part III of the Canada Labour Code is currently under review. I understand her point, but it really sounded like more of a dodge.

I was very pleased to hear the comments of the Conservative labour critic, the member for Souris—Moose Mountain. We had a chance to chat very briefly before we entered the House. I must admit I was pleasantly surprised. The member said that he had many concerns and that he could see a lot of work being done at committee. This is fair enough. I understand that the member is a lawyer, so he understands and actually enjoys all the legalities. That is fine because that is what we do at committee.

There is nothing at all to preclude the House from sending a message that we want the best possible protection and support for unborn children and for moms and that therefore, we are going to pass this bill and between this bill and the review of part III we will make it better for working moms.

I do not understand what the huge problem is. I would think that the Liberals would have some difficulty explaining why they were not prepared to extend benefits to pregnant women because of some jurisdictional difficulty. Perhaps this will be another one of those times when they say, "Yes, we will do it" and then 12 years go by and nothing has happened. That is the real concern.

Given that this is a private member's bill, the government backbenchers are entirely free to vote any way they want. That is the way we run this place on private members' bills. I do not know about the other caucuses, but certainly our caucus reviews them. We attempt to reach a consensus. It is always best to come in united at any time. Given that it is private members' business it is fully understood and supported that members of the NDP caucus may vote any way their heart, conscience or riding needs dictate and there will be no recrimination whatsoever.

I caution the backbenchers in the government party that they may have to answer to this. The nice little pat answer of the parliamentary secretary and the procedural dance around the issue may not work so well in debates or on the doorsteps, particularly because this is about children. It is about working women who are going to have children and making sure that one of the richest states in the world provides the best supportive programs that it can.

My sense from the motivation of the hon. member for Shefford is to do just that. To his credit he has identified an inequity that exists under the current legislation. He is doing what every member was sent here to do and that is to fix things that are wrong and make things better for working people. That is what this is about. I, for the life of me, cannot understand why anyone would not want to stand in their place and say, "I support legislation that helps moms, that helps working people and most important, helps children".

This House should pass this bill.

● (1150)

[*Translation*]

Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Mr. Speaker, I thank my hon. colleague from Shefford for this opportunity to speak on this issue to which we are committed and which we are very proud to support. Allow me to acknowledge the skills of the hon. members for Saint-Bruno—Saint-Hubert and for Shefford in this area. I congratulate them both on the outstanding job they have done and their insight since the beginning of this 38th Parliament, particularly where this bill is concerned.

Believe me, I am familiar with the provision being sought; as a labour relations advisor, I made representations concerning this provision when it was being developed, and I was later involved in its implementation.

I was very proud and satisfied when those who benefited and their loved ones expressed their appreciation to me. In most cases, I also observed that they had acquired the serenity that women need when pregnant or nursing.

What we are seeking today is to have that part of Quebec's legislation apply in Quebec, to all female workers in Quebec who are subject to the Canada Labour Code, as well as every other provision this government recognizes and applies for the benefit of its own employees, among others.

Obviously, we realize that most of the other provinces have their own legislation respecting occupational health and safety, which this government also applies for the benefit of all workers within its jurisdiction.

It is amazing, in this day and age, that this government—which preaches equity and boasts about being a global model and able to speak with a single voice for all the provinces which have already demonstrated that they have much greater insight and understanding within their jurisdictions and areas of jurisdiction—will never be able or allowed to practice what it preaches.

One need only look at the contempt shown for members of the military, who are discarded like old rags whenever they become unusable due to an accident or to extreme service. The same is true of female employees of this government, whom it excludes from the application of this particular part of most provincial legislation which it applies and which ensures that pregnant employees and their unborn children have a safe pregnancy and nursing conditions, including a decent income.

We certainly would not want to force the provinces that feel they do not need such protection—and this decision should be made by their taxpayers—to use these provisions. However, we must ensure that all female workers who come under the Canada Labour Code enjoy the protection to which a pregnant employee is entitled in those provinces where such protection may exist.

Unlike this government, customs and responsibilities evolve with markets, economies and demographics, and the scenario in which man was the provider has also been evolving rapidly since the sixties. Indeed, women have increasingly become providers too. Instead of merely trying to interfere with provincial jurisdictions and to blindly try to create this model of nation-state—which, obviously, the government has neither the qualifications nor the mandate to achieve—it would be well advised to take into consideration the knowledge gained by its counterparts and to cooperate with them by giving its employees all the protections deemed necessary in each of the programs set up in the various areas.

In this modern day and age, it is necessary to guarantee a safe pregnancy and nursing period to female workers, and to provide them with monetary conditions that will allow them to maintain their quality of life and that of their families, whenever the work being done jeopardizes the health of the mother or of the unborn or nursing child.

It is unfortunate that, despite all the modern and attractive legislation relating to family policy and to health and monetary protection for workers in the Canadian provinces, this federation, which seems unable to operate in an equitable fashion, is still implementing—despite incredible and indecent budget surpluses—pilot programs and other programs that adversely affect its workers.

● (1155)

It is utopian to think that a woman who is supporting her family would leave her job because she is pregnant and it is dangerous to her health and that of her unborn child, when she has to provide for two or three other children in her family and knows that she will have a two-week penalty without this precious salary. In addition, she will only get a taxable 55% of maximum insurable earnings of $39,000 a year, just when she was starting to earn a reasonable wage. These measures are clearly insufficient and barely worthy of a third world country, in addition to failing to provide any job security.

In this modern, civilized world, a pregnant worker is often the person who provides for the family and is certainly contributing to our population. Therefore, when she is pregnant or nursing, she should be entitled to decent conditions that make her feel valued if she has to cease work for precautionary reasons because her health or that of her unborn or already nursing child are endangered, so long as she meets the following conditions.

She must be a worker within the meaning of the act. She must be pregnant, of course, and exposed to working conditions that involve a risk of infectious diseases or physical dangers for her or her unborn child. She must be nursing and exposed to working conditions that are dangerous to her breast-feeding child. She must submit a medical certificate from the attending physician after consulting with the public health branch of the regional health board attesting to the risks or dangers of her work. It must be possible for her to be assigned to other duties that do not involve this danger or these risks.

Contingent on these conditions, the woman will be entitled during the first five working days following her cessation of work to payment of her regular wages by her employer. This is not reimbursed by the CSST.

The employer will also pay for the next 14 working days that would normally have been worked at a rate of 90% of her net wages; for this, the employer will be reimbursed by the CSST.

Thereafter and until the time when the woman is reassigned, has her baby, or stops breast-feeding, the CSST continues to pay her benefits amounting to 90% of her net income.

In these cases, it might be necessary to amend section 19(2) of the employment insurance legislation to free women from the requirement to draw on their employment insurance benefits and thus avoid penalizing them unduly, as was already shown in previous remarks.

At the time of the last available survey in 2002, there were 225,000 Quebeckers in the federal public service working in areas of federal jurisdiction, such as telecommunications, banks, ports, bridges, and air transport. These areas fall under the Canada Labour Code. As a result, Quebec women who are subject to the Canada Labour Code are not entitled to the precautionary cessation of work in Quebec that is covered by the CSST.

For these reasons, I hope to see all members of Parliament support this bill, which is absolutely essential for the progress of our society.

● (1200)

Mr. Réal Lapierre (Lévis—Bellechasse, BQ): Mr. Speaker, I appreciate the opportunity to express my opinion on this most important issue. As we begin the 21st century, women are a qualified and efficient source of labour that we urgently need in all sectors of our economy. What makes them special—and this is nothing new—goes beyond their professional skills and resides in the fact that they ensure the future of the human race.

Given that, we can more clearly understand the need for legislation to make their lives easier, not only as professionals, but also as mothers. It is not easy to do both, particularly when a woman has a difficult pregnancy, and her health or that of her fetus is at risk, or when her working conditions may endanger their health or otherwise be harmful.

In a context where the low birth rate is a problem, our duty as parliamentarians is not only to make society think about this fundamental issue, but also to propose real measures to improve the lives of women at work. Therein lies the importance of the bill we have introduced.

Bill C-380 would be a clear improvement over the situation in Canada to date. Pregnant women who are regulated by the federal code and who need to leave their jobs earlier to prevent pregnancy-related problems could opt for their provincial or Quebec legislation, instead of the federal code, in order to maximize their benefits under the system best suited to them.

Under Quebec legislation, conditions for pregnant employees regulated by that code, are more generous. Quebec's health and occupational safety commission (CSST) allows an employee to receive her regular salary during the first five working days after stopping work. During the next 14 days normally worked, she is entitled to 90% of her net salary, paid by her employer who is then reimbursed by the CSST.

Unfortunately, this is not the case for federal public service employees or those working in areas regulated by the federal government, such as air transportation, banking and telecommunications. Employees in these industries are subject to the Canada Labour Code and, therefore, they are not entitled to conditions set by the CSST.

Bill C-380 would remedy this deplorable situation, which is a source of injustice for these Quebec workers. With the bill before us, there would no longer be two categories of workers. Pregnant or nursing employees under federal jurisdiction would receive 90% of their salary while on preventive withdrawal under the coverage provided by the CSST, just as those employees under Quebec jurisdiction, rather than the 55% provided by the EI program. I think it is safe to say that they would be pleased with that.

Should Bill C-380 become law, it would be easier for pregnant or nursing employees to have access to more equitable benefits since they would not have to meet EI eligibility requirements.

Finally, they would not lose any of their maternity or parental leave because they had to go on preventive withdrawal, as is the case now under the Canada Labour Code, which certainly penalizes those women who need protection the most.

I must add that I deplore the fact that the pilot project under which the necessary adjustments between the CSST system and the Canada Labour Code system could be made ended October 1.

● (1205)

This pilot project gave employees under Quebec or other provincial jurisdiction the opportunity to chose to receive partial EI benefits while receiving preventive withdrawal benefits, or to receive only preventive withdrawal benefits and then be entitled to a longer period of maternity or parental leave. This ensured a balance and made the system fairer for all women.

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.

GOVERNMENT ORDERS

[*Translation*]

CANADA ELECTIONS ACT

Hon. Mauril Bélanger (Minister for Internal Trade, Deputy Leader of the Government in the House of Commons, Minister responsible for Official Languages and Associate Minister of National Defence, Lib.) moved that BillC-63, An Act to amend An Act to amend the Canada Elections Act and the Income Tax Act, be read the second time and referred to a committee.

He said: Mr. Speaker, it is a pleasure for me to begin the debate at second reading of Bill C-63, which is entitled an act to amend An Act to amend the Canada Elections Act and the Income Tax Act.

We are referring here to a change to the act providing new rules for the registration of political parties, passed by this House in 2004 under the name Bill C-3. I will provide an overview today of the context in which the new rules were adopted in 2004 and will speak to the need to act quickly in order to preserve the system for registering political parties.

Bill C-63 proposes to do this by abrogating the sunset clause included in Bill C-3. It would be replaced by a provision requiring mandatory review of the new registration rules by a committee of this House.

[*English*]

The party registration rules adopted in 1970 required a party to endorse 50 candidates at a general election. It was believed that this would ensure that opportunistic groups masquerading as political parties did not gain access to the public funding that flowed from being a registered party.

The adoption of new rules was made necessary after the Supreme Court of Canada struck down the 50 candidate threshold in the Figueroa decision. The threshold was found to be contrary to the right to vote and to be a candidate as guaranteed by section 3 of the charter. The Supreme Court suspended its decision for one year to provide an opportunity for Parliament to amend the Canada Elections Act and it was in this context that Parliament considered Bill C-3.

[*Translation*]

Bill C-3 was introduced on February 10, 2004 to lower the threshold to just one candidate and make other changes to prevent abuse of the public funding of political parties.

In particular, there is a new definition of “political party”. It states that one of the fundamental purposes of a party must be to participate in public affairs by endorsing one or more candidates in an election. To determine the eligibility of a party that applies, the Chief Electoral Officer will require a valid declaration from the party leader that his or her party meets this definition and he or she must be satisfied that it does.

During the various steps in the study of this bill, many people raised concerns about the new rules under consideration. Some wondered whether setting the threshold at a single candidate would not allow opportunistic groups to get public funding. Others were concerned that as a result of the one-year suspension of the Supreme Court decision, no complete examination had been made of the Canada Elections Act to identify other provisions that might be challenged like Figueroa. Finally, the Chief Electoral Officer was opposed to this new job of evaluating whether applicants meet the definition of a political party.

In view of all these concerns, all parties agreed to add a two-year sunset provision to Bill C-3.

● (1210)

[*English*]

Since the former Bill C-3 came into force on May 15, 2004, the two year sunset will operate on May 15 of next year, if it is not repealed beforehand. The sunset of the former Bill C-3 would mean that there would no longer be rules for the registration and deregistration of federal political parties. Such a closed system would be contrary to the charter and would be contrary to the democratic standards of Canada.

Some may question why a review of the new rules was not carried out previously within the period of time of two years provided in the sunset clause.

In response, it is important to remember that the adoption of Bill C-3 was closely followed by the dissolution of Parliament nine days later. The minority Parliament that resulted from this election was opened on October 5, 2004.

Soon after, and at the request of the chair of the Standing Committee on Procedure and House Affairs, I wrote to the committee to suggest that the government's preference would be to review the new registration rules at the same time as the statutorily mandated review of the political financing regime adopted in 2003 with Bill C-24. Indeed, since these issues are intricately linked, such a joint process still makes sense.

The review of the new political financing rules will be carried out by the Standing Committee on Procedure and House Affairs once the Chief Electoral Officer issues his recommendations on political financing.

When I wrote to the chair of the standing committee in November 2004, the Chief Electoral Officer's report was expected in the spring of 2005. However, due to the need for his office to focus resources on election preparedness, because of the minority Parliament, the Chief Electoral Officer has since indicated that his report would only be submitted this fall, in two volumes.

In the first volume submitted in September, a few days after the opening of this session of Parliament, dealing with non-financial matters, the Chief Electoral Officer recommended that the sunset clause in Bill C-3 be removed. His second volume of recommendations, dealing with political financing, will be submitted later this session and a joint review of Bill C-3 and Bill C-24 would then be possible.

Given the need for a comprehensive review, and the government's commitment to hold an election 30 days after the issue of the final Gomery report, the government's proposal in the bill is prudent and responsible. Bill C-63 would provide a two year period during which this review is to take place to account for all contingencies, including election scenarios.

[*Translation*]

I want to close by saying that the registration and financing rules for political parties are closely linked. Registration gives parties access to public funds, which allows them to take part in the elections and maintain their registration. Bill C-63 will lead to a full examination of these fundamental aspects of the Canada Elections Act.

For all these reasons, I am calling on the hon. members to support Bill C-63 and to refer it to a committee for consideration so that we can pass it as quickly as possible.

Thank you.

[*English*]

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Mr. Speaker, the minister said he wanted to engage in a review of Bill C-3 and Bill C-24 together. That is peachy. However, the fact is that there is no legislative requirement. Bill C-24 is not about to expire. Bill C-3 will expire May 16, 2006.

There was over a year during which, with this minister as the minister for this portfolio, a review could have taken place. In fact, virtually that entire time, with the exception of the first month of that two year period, he was the minister. During all this time, this review could have taken place. There is almost exactly an additional seven months before May 16, 2006 when this bill will expire.

The question I am working up to is twofold. First, why did he wait an entire year, as minister, indeed why did he wait an entire 16 months now before bringing this matter before the committee or before the House, when he had this large amount of time set aside to deal with the bill?

Second, we still have seven months before the expiration of Bill C-3 and the provisions it contains. That is plenty of time to bring witnesses before the committee and to hear from witnesses who could be chief electoral officers, for example, of other jurisdictions or other provinces to take a look at what they do.

Why the rush to simply replace the sunset clause, which forces his government to deal with this, with something that means that a review is not necessary when his record clearly indicates that the government is not going to respect the kinds of reviews that are put into legislation, that it is not going to follow through? Why would we want to replace a mandatory review which now forces the government to take action with a non-mandatory review which means it can dither around for another year or never get around to dealing with the bill?

● (1215)

[*Translation*]

Hon. Mauril Bélanger: Mr. Speaker, I believe that my colleague opposite did not listen closely to what I said.

When I wrote to the committee in November 2004, the government was proposing to link the review of Bill C-3 with that of Bill C-24. Indeed, these two bills are closely related. As far as I know, absolutely no one from the committee, including the hon. member asking me this question, disagreed with this—not then, not now.

There is a reason for this delay. I am not blaming the Chief Electoral Officer, but review of Bill C-24, which is also mandated by legislation, cannot begin until the Chief Electoral Officer has tabled in the House his report on political party financing.

The Chief Electoral Officer told us he intends to table his report in December. The situation is such that—the government being careful—we still might not have any rules on political party registration in May. That would put us in an anti-democratic situation whereby no party could register with Elections Canada.

We want to avoid such a situation. The measure being proposed today in the House would require a review of Bill C-3. This method would ensure a mandatory review by May 2006 and every two years, should Bill C-63 pass.

I think my colleague does not fully understand this perfectly legitimate situation. I think the government is being very prudent by doing this.

[*English*]

Mr. Jay Hill (Prince George—Peace River, CPC): Mr. Speaker, I would like to say at the outset to the minister across the way that my colleague from Lanark—Carleton clearly understands what the present situation is, which is that once again we have seen the government neglecting to take ministerial responsibility for something which it has been mandated to do.

The reality is that the review was supposed to be taking place as we speak. There is still time to do the review. Far from the government taking the prudent or cautious approach, I would argue that it has neglected to uphold its responsibility yet again. We see this time and time again. During my remarks I will be citing a number of examples where the government neglects its responsibility and this is another case.

We have seen many times how at the 11th hour just before the summer recess in June, for example, or the winter recess in December, a minister will come rushing into the House with an emergency. There is a requirement for the government to adhere to a mandatory review of such and such a piece of legislation, and at the 11th hour government members come rushing in and say they have to pass this at all stages right away before the House rises because it is an emergency. We have seen this happen time and time again, certainly over the 12 years I have been here.

My colleague clearly understands what this is all about. It is about putting this off indefinitely, as the Liberals have done so many times with other reviews.

The minister talked about writing a letter to the chair of the procedure and House affairs committee which would have the mandate to do this review. He wrote a letter in November last year. He has members, as all parties do, on that committee. As we got closer to the deadline, one would think that if he wanted to take the prudent or cautious approach he referred to just moments ago, he would have had members there raising that issue and asking whether the committee was aware that it was running out of time, here, and that it had to undertake this study so that the government could adhere to the law. It is the law that this takes place, rather than once again circumventing the law by passing this quick piece of legislation to replace a sunset clause with some review and give it another two year period to hopefully conduct it.

● (1220)

Hon. Mauril Bélanger: Mr. Speaker, as my colleague opposite said, I wrote to the committee in November 2004 suggesting that it made sense to deal with the review of Bill C-3 at the same time that we were dealing with Bill C-24. None of the members of the committee, government members or opposition members, disagreed with that.

Only in August of this year did we find out that the Chief Electoral Officer's report vis-à-vis Bill C-24 would be tabled in the House later on, perhaps in December. Given that, we did the responsible thing and we suggested a course of action. If the committee wishes to act otherwise, it has the entire discretion to do so.

This course of action now is taking us into a situation whereby we could end up in May of next year with a vacuum in terms of rules for registration of political parties, which is an untenable situation, so the government is acting responsibly by presenting Bill C-63, which would add two years and oblige the committee to do a review of Bill C-3.

No one on the committee, government members or opposition members, disagreed with the notion that Bill C-3 and Bill C-24 are tied and interrelated and that the revision of both together would be a good thing to do.

Mr. Scott Reid: Mr. Speaker, people watching in TV-land may be misled by what the minister has just said. He made a factually incorrect statement. He said that we could be in a situation next May where we would go into an election and there would be no rules governing the conduct of smaller parties because this legislation would have run out. That is actually not so.

There is a well constructed sunset clause and what it says is that the legislation will run out on May 16 of next year. As I have mentioned, May 16 is seven months from now, which gives us plenty of time to deal with the matter at hand, with passing new legislation and having witnesses and so on. But in the event that Parliament is not sitting when the expiration occurs, the legislation is automatically extended for a further 90 days, meaning that in fact there would be legislation in place at that time. The danger the minister is describing is a non-existent danger. The fact is that this legislation will not put us in any danger.

The real point here is that going into the next election we should have a proper replacement for Bill C-3, something that takes care of the underlying problem of moneys potentially being collected and used for groups that are not really parties. This could be done by the next election if we pass the legislation that I am proposing we pass instead of simply having the sunset clause eliminated.

● (1225)

Hon. Mauril Bélanger: Mr. Speaker, if Parliament is sitting next May and this has not been addressed, then there will be a vacuum. That is a situation which should not be left to happen. Therefore, we are proposing an amendment to the Canada Elections Act which would give two years and oblige a committee to do the review that has not now been done, for the reasons I have explained.

There is absolutely nothing nefarious here. Everybody agrees that Bill C-24, political financing, and Bill C-3, political registration, are intimately linked and that the revision of both perhaps should be done at the same time. No one on the committee has disagreed with that and this is why we are now in this situation. There is absolutely nothing nefarious about keeping a window open for two years in order for a committee of Parliament and Parliament to reconsider the rules concerning registration of political parties.

Mr. Jay Hill (Prince George—Peace River, CPC): Mr. Speaker, it is a pleasure for me to rise today and add some comments on Bill C-63. As we have just heard from the minister responsible, the deputy House leader for the government, Bill C-63 is a response to Bill C-3, adopted in the third session of the 37th Parliament, which replaced the Elections Act requirement that a party field 50 candidates in one election in order to qualify for party status in the next election.

With much more relaxed criteria for the establishment of party status, Bill C-3 was a response to the Supreme Court's 2003 Figueroa decision which ruled that the 50 candidate requirement was indeed unconstitutional.

Bill C-3 was intended to be temporary and therefore included a sunset clause that will cause the law to cease to be in force on May 16, 2006, as we have just discussed. The purpose of Bill C-63 is to replace the sunset clause with a comprehensive review of Bill C-3, to take place within two years of the passage of the new law.

I have my doubts as to whether or not we can trust the government to ensure that this review takes place. On September 12, the *Ottawa Citizen* reported that under the stewardship of this Liberal government Parliament is breaking its own laws while shirking self-imposed obligations to watch over rights and freedoms of Canadians.

The article disclosed that Parliament sometimes fails to make a timely study of contentious and sensitive statutes, which the committees of the House of Commons or Senate are legally obliged to review within a set timeframe, usually within three to five years. A spokesman for the Canadian Bar Association was quoted in the article as saying, "If a review has not been undertaken as required by law, one must question the value of the oversight mechanism".

At the same time, a House of Commons official was quoted as saying:

> Everybody has got egg on their face. Even if (a mandatory Parliamentary review) is in a statute, it's virtually unenforceable. If you or I broke a statutory provision that is mandatory, the forces of law and order would come after us and probably inflict some penalty, but in fact with the Senate or the House no one can inflict any legal penalty.

The article pointed to a number of specific examples, including the Proceeds of Crime (Money Laundering) and Terrorist Financing Act, whose five year review was supposed to begin in a committee of either chamber by last July. The mandatory five year review of the new Canada Customs and Revenue Agency's operations also began six months late.

The justice minister has yet to refer for legislative scrutiny the bill that gave police what is arguably the western world's most sweeping immunity from prosecution. Even the parliamentary secretary to the public safety minister made the following admission in the article in regard to a mandatory review of new powers given to the RCMP when he said:

> I can't justify the unjustifiable. Clearly if the act, which is an Act of Parliament, says that it has to be reviewed within three years, we should be doing that.

Thus, while ministers are ignoring laws left, right and centre, the Deputy Leader of the Government in the House of Commons, in response to a question about the Chief Electoral Officer suggesting that he might violate the Canada Elections Act, preaches to the House that no one is above the law; maybe he meant to say no one who is not a Liberal cabinet minister.

There is another contrast. While the government pitches these mandatory reviews, the parliamentary secretary to the public safety minister told the *Ottawa Citizen*:

> Frankly, and this would be my personal opinion, I think that sometimes it's a bit of a cop out to say we will review (a given law) in three years. If (a bill) is right, then it's right.

Then we have the NDP. That party supports the government and is responsible for its continuation in office, making a mockery of Parliament and the doctrine of responsible government. At the same time, the member for Ottawa Centre accused the Liberals of backing down on a promise to launch consultations this fall on electoral reform. On September 28 he stood in the House and asked:

> Is this not another extraordinary example of the cynicism and empty rhetoric of the government that the people of Canada want removed...?

● (1230)

I think the member for Ottawa Centre should direct that question to his own leader.

The Deputy Leader of the Government in the House of Commons has known for a year about his obligation to come before the Standing Committee on Procedure and House Affairs, yet he has done nothing, nothing, I might add, other than revealing that he did write a letter almost a year ago. Either he has been knowingly in dereliction of his duty or he has just been unaware that he had to do this, which arguably is even worse since it betrays a lack of competence.

In his annual report to the House of Commons, the Chief Electoral Officer endorsed the idea of a new bill to put off the expiry of Bill C-3. However, his report states that it is only because there has been no action that a rush bill to cancel the expiry of Bill C-3 is necessary.

The minister may suggest that it is the obligation of the committee to initiate new legislation, which I suppose would free him from taking responsibility for having failed to act for a year; however, the minister's parliamentary secretary sits on the committee, so why, for a full year, has the parliamentary secretary failed to point out to the minister that nothing is happening at the committee, at least nothing on this issue, or to remind the committee that the minister would like something to happen?

The fact of the matter is that this government has a terrible track record on following through with meaningful democratic reform, whether it be electoral or parliamentary reform. Even more disturbing is the fact that the Liberal leadership cannot even respect the rules that are currently in place and is making a mockery of Parliament on a daily basis.

Let us remember what took place in the spring session, when the government House leader held back scheduling opposition days because he was afraid we might hold his government to account. We suspected that they would try to break from past practice of generally scheduling one opposition day per week, so I presented a motion on April 18 that essentially scheduled one opposition day per week. When the government House leader got wind of my intentions, he immediately rushed into the chamber, cancelled the day and refused to schedule another opposition day for something in the order of five weeks.

It then became clear: there was enough evidence that the government might not enjoy the confidence of the House and, as a result, the matter of confidence had to be settled. We made several attempts, in committee and later through the adoption of committee reports in the House, to try to place a motion of non-confidence before the House. Through procedural tactics, the government avoided a vote until May 10.

The May 10 confidence vote took the form of an amendment to a motion to concur in a committee report. It carried by a vote of 153 to 150. It was similar to an amendment moved in 1926 against the government of Mackenzie King. The Mackenzie King situation was considered a matter of confidence. Even the Speaker ruled that our May 10 amendment and the 1926 amendment were not significantly different.

Notwithstanding that fact, the government ignored the outcome of the vote. It was absurd, and if it were not so serious, it would have made a wonderful comedy skit.

Come to think of it, I believe that skit has already been done. Did it not remind members of the dead parrot routine from Monty Python? When the government was defeated, its House leader tried to pull the wool over everyone's eyes by saying, "No, no, the government is not dead. It is just resting".

The public and constitutional experts then said, "Look, we know a dead government when we see one and we are looking at one right now".

"No, it is not dead; it is resting. There. See? It moved," said the minister.

"Now look here," we said, "we have definitely had enough of this. This government is definitely deceased. We discovered that the only reason it has been sitting on its perch in the first place is that it has been nailed down".

"Of course it was nailed down", said the government House leader. "If I had not nailed the government down, it could have exposed its members to an election".

In the Monty Python skit, the humour was in the audacity of the salesman thinking he could get away with selling a dead parrot. The government House leader expressed the same boldness in pretending that his government was not defeated, but Canadians know better.

The government House leader finally got the message and the drama ended on May 19, when the government promised that it would respect the outcome of confidence votes on two budget bills. Of course by that time a certain member was enticed to cross the floor to sit as a Liberal cabinet minister, and the NDP was bought off with billions of Canadian tax dollars.

● (1235)

What was alarming about the whole affair was that the government acted illegally for nine days, from May 10 to May 19, and used that time and Canadians' money to secure enough votes to win the second vote.

The scenario of ignoring the outcome of a vote and waiting for another opportunity is discussed in Eugene Forsey's "The Question of Confidence and Responsible Government", where he states, "to allow such a principle is to make a mockery of the doctrine of confidence".

The government House leader is once again making a mockery of Parliament this fall. He is using the same tactics he used in the spring. The only thing new this time around is his excuse. He said that the Prime Minister had fixed a date for the election, which he promised would be called 30 days after the final report of the Gomery commission expected in February. Obviously the minister does not understand the parliamentary system of government. Even if we had fixed election dates in this country, in a parliamentary system there is always the potential to trigger an election outside of a fixed date due to the government losing the confidence of the House. Furthermore, the government House leader has an obligation to provide the Leader of the Opposition with the opportunity to put that to a test.

The 22nd edition of Erskine May states:

> From time to time the Opposition put down a motion on the paper expressing lack of confidence in the Government—a 'vote of censure' as it is called. By established convention the Government always accedes to the demand from the Leader of the Opposition to allot a day for the discussion of such a motion. In allotting a day for this purpose the Government is entitled to have regard to the exigencies of its own business, but a reasonably early day is invariably found. This convention is founded on the recognized position of the Opposition as a potential Government, which guarantees the legitimacy of such an interruption of the normal course of business. For its part, the Government has everything to gain by meeting such a direct challenge to its authority at the earliest possible moment.

While it is the government's prerogative to schedule the business of the House, it would be unethical and against convention to suggest that the government could abuse its authority in order to avoid a confidence vote and govern illegally. If the Leader of the Opposition feels that the government has lost the confidence of the House, the government is obliged to schedule a day to settle the matter. We cannot have another situation like we had in the spring. It was a sham and should never be repeated.

When the government responded to the 43rd report of the Standing Committee on Procedure and House Affairs called "Democratic Renewal", it indicated that the committee's recommended timeframe was unrealistic. The government then suggested a timeframe that will not allow this special committee to finish its work. The Liberals forgot that they have a minority and that this Parliament is not long for this life. In fact, it already technically died once.

The response also attempts to establish some government achievements that have been made in strengthening the role of Parliament, including the creation of an independent ethics commissioner reporting to Parliament. The Prime Minister sat on that promise for over 10 years. He even voted against an opposition motion that called on his government to implement that very promise which came straight from the Liberal red book. The Liberals had to be embarrassed into implementing that change and only after being pressured by the opposition for over 10 years.

The government also crows about its commitment to democratic renewal that was set out in the October 5, 2005 Speech from the Throne where it pledged "to examine the need and options for reform of our democratic institutions, including electoral reform". What about the commitment in the Speech from the Throne that promised to allow members an opportunity to consider all public information pertaining to the missile defence agreement and to vote prior to a government decision? The government completely ignored that commitment.

The response also stated:

> In February 2004, as the Prime Minister's first order of business, the Government tabled its Action Plan for Democratic Reform. The initiatives outlined in the Action Plan were developed to ensure that Members of Parliament play a significantly larger role in the decision-making process.

Those are nice words, but as Benjamin Franklin once said, "Well done is better than well said". How does ignoring the wishes of the majority of members help the government play a significantly larger role in the decision making process in this place?

● (1240)

We all remember when the Prime Minister was running in a leadership contest and portrayed himself as the man who would slay the democratic deficit. He was successful at creating and popularizing the phrase "the democratic deficit" but that was his only success. He created words and expectations. That was it. He had no intention of slaying the democratic deficit, nor did he have any plans to respect this House and its members.

If actions speak louder than words, let us review some more of his actions. On November 30, 2004, the House supported a motion sponsored by the Leader of the Opposition that called on the government to take the appropriate measures to sell the 11,000 acres of arable land back to families and farmers whose land was expropriated to build the Mirabel airport. The Prime Minister refused to comply with the wishes of the House.

This affront to Parliament was repeated on February 8 regarding a motion to farmers.

I could go on and on listing other motions. Indeed, I have questions on the Order Paper now dealing with the inaction of the government in respecting the wishes of Parliament as expressed by the majority of members when they voted on these motions.

I want to get back to Bill C-3. The need for such a bill is a mystery since there is plenty of time, as my colleague from Lanark—Carleton pointed out, for the committee to draft replacement legislation between now and when Bill C-3 expires on May 16, 2006. Moreover, an election in the intervening period would not throw off this process, as my colleague just pointed out. The sunset clause in Bill C-3 states that in the event that Parliament is not in session when the bill expires, the bill will continue to function for an additional 90 days after the first sitting of the new Parliament. Thus, a new Conservative government could easily deal with this legislation if an election were to take place prior to May 2006.

There is no reason that we cannot provide Canadians with a Parliament and an electoral system they can be proud of. It has so much potential and so much to offer. Unlike the Liberals, the Conservative Party has clearly shown that it respects and recognizes this potential. It demonstrated that it is prepared to diligently and aggressively create more opportunities for democracy within the parliamentary structure. No party has pursued democratic reform in Parliament more than the Conservative Party in the last 10 years.

We have been successful at making improvements to private members' business, accountability in getting questions answered by the government, secret ballot elections at committee and democratic selection of senior officers of Parliament, such as the Privacy Commissioner, the Access to Information Commissioner and the Clerk of the House of Commons. Thanks to the initiatives brought in by the three opposition parties at the beginning of this Parliament, recommendations that flow from committee reports will no longer be shelved by the government but instead will be taken up by the House. We now have more opposition members chairing standing committees. The nomination of the Deputy Speaker is no longer selected by the Prime Minister but is now the prerogative of the Speaker himself. We now have question and comments that follow every speech, including speeches by the Prime Minister and the Leader of the Opposition.

Many of these successes did not come easy. When the Liberals had their majority it took 10 years of persistence to change the process for private members' business. First, the Liberals ignored our suggestions, then they ridiculed them, and then their own backbench began to embrace them. Then the fight was on with the front bench. They were eventually outmanoeuvred and proposals were reluctantly adopted.

The issue of secret ballot elections at committee followed a similar path but did not take quite as long. We managed to get support of some Liberal backbenchers after we reminded them that in the 19th century, prior to secret ballot voting in general elections, all kinds of methods of coercion were used to influence voters. Parties often hired bullies who moved from riding to riding in fact.

The government then realized that was exactly what the government whip did each September during the chairmen elections at committees. The chief whip, his or her deputies and staff, moved from committee to committee to ensure their members voted the right way. The tactics used by the government whip during the election of chairmen and vice-chairmen of committees were not that different than those tactics used to influence elections in the 19th century.

Who in their right mind would not want to change that? Against all rational thinking and common sense, the front bench of the Liberal caucus fought tooth and nail against any such change.

The then government House leader, after we had introduced a motion that would have allowed for secret ballot elections at committee, performed procedural aerobatics and employed shameless bullying tactics, much like what is taking place today with the current House leader. Once again their motives are to hold on to power at the expense of democracy.

Nothing positive has changed under the Prime Minister and the leadership of the House leader and deputy House leader. If anything, the situation has grown worse. The democratic deficit is greater today than it was under Jean Chrétien.

● (1245)

On the inevitable day when the Prime Minister must let go of the reins of power, he will wake up in a cold sweat and plead, "Don't let it end like this. Tell them I did something". However it will be too late.

In summary, Bill C-63 is an affront to the House and its members. It is a perfect example of how not to legislate and is indicative of the way Liberals manage the business of Parliament. They give themselves a deadline, ignore the deadline, wait until the last minute and then declare an emergency. That is no way to legislate or to govern.

Hon. Raymond Simard (Parliamentary Secretary to the Minister of Internal Trade, Deputy Leader of the Government in the House of Commons, Minister responsible for Official Languages and Associate Minister of National Defence, Lib.): Madam Speaker, I would like to indicate to the hon. member that I was going to rise on a point of order to bring him back to the topic at hand. However, as I know he is the opposition House leader and should know better, out of respect for him I did not do that.

However we should come back to the bill at hand. It is very important that we focus on Bill C-63. I did not hear my colleague disagree with the minister in terms of the importance of interlinking, for instance, Bill C-3 and Bill C-24. We feel they are very closely related. I learned, however, that my hon. colleague watches too much TV and too many Monty Python movies.

The mandatory review would be done by the procedure and House affairs committee. In fact, the opposition has a majority on that committee. It seems to me that we should be sending this mandatory review to committee and allow it to do its work. Maybe he could comment on that, please.

Mr. Jay Hill: Madam Speaker, I appreciate the member's comment and the respect he showed me by not rising on a point of order. Of course, what I was doing was citing many examples of why the opposition distrusts the government when it comes to a bill like this that is going to commit the House to a review to take place in two years.

As I pointed out through all my examples, when it comes to parliamentary and electoral reform the government has come up short time and time again. This is just the latest example. I am sure when my colleague speaks to the bill he will as well cite some examples of how the government consistently comes up short.

The issue at hand is the government's suggestion, followed by some suggestion from the committee, that somehow we should link the review of Bill C-3 with Bill C-24. As my colleague from Lanark—Carleton addressed during questions and comments to the minister, once the government knew it had the responsibility to conduct this review in a timely manner and understood that it would be unnecessarily delayed by linking it to Bill C-24, it certainly had the wherewithal, as I indicated, to come before the procedure and House affairs committee, on which it had members, and suggest, in the strongest possible terms, that if the House must adhere to the law then the committee should undertake the study right away.

As my colleague said, there is no reason that the committee could not be seized with this and do it between now and the deadline of May 16. We do not need this legislation to remove the deadline and establish instead this potential two year time period, which once again could be ignored. In fact, if Bill C-63 were to pass, it would not surprise me at all that in two years from now, if I am lucky enough to be re-elected by my constituents, I might still be standing here and the government will be bringing forward a new Bill C-63 to once again extend the deadline.

● (1250)

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Madam Speaker, the minister earlier was constructing a narrative about why he had to put forward legislation that would remove the sunset clause in Bill C-3 rather than engaging in a review of Bill C-3, the legislation that deals with smaller parties and the potential for money to be given to organizations that masquerade as parties. That is the purpose of the bill.

Now his narrative goes like this. I use the word "narrative" because it has only a marginal connection to the truth. It is not a lie; it only has a marginal connection to the truth.

First, he said that the bill was passed days prior to the election of 2004 so there was no time for any review at that time.

Second, he said that the bill must be reviewed in connection with Bill C-24, the electoral finance law, which deals with among other things restriction of individual donations. He asked the committee in a letter he sent out in November 2004 for this to take place, and nobody objected. He got no response to the letter.

I have my researcher trying to find the letter, the existence of which I have to admit was a mystery to me. Perhaps I did not see that correspondence. The parliamentary secretary sits on the committee. One might have thought that at some point he would have said a response was needed to the letter. The minister could have done it. The minister crosses the floor to chat with me all the time. This was almost a year ago and I do not recall this. Anyway, nobody objected and therefore it must be done in conjunction with Bill C-24.

Finally, he said that the Chief Electoral Officer's report on Bill C-24 was delayed and it would not happen until later. Therefore, we could not review Bill C-24 so we could not review Bill C-3 either. This meant we would miss the legislative deadline, which meant it would be irresponsible to go ahead and not pass a law getting rid of the sunset clause, ensuring we could deal with Bill C-3 and its subject matter off at some distant time. I want to emphasize that this is nonsense, and I will ask my hon. colleague a question that relates to this.

However, first, with respect to the logical link to Bill C-24, one would expect to see this in the original letter that was sent to the procedure and House affairs committee. A letter was sent by the prior minister for the portfolio dated February 10, 2004. Members will note that this was not right before the election. It was long before an election. In it, he asks the committee to take a look at this. He makes no reference to any connection with Bill C-24. In the letter to the committee he says:

> Let me be clear that I am not suggesting that the Bill is necessarily a permanent solution. The Supreme Court's ruling in Figueroa is complex and may well have broader implications, which the Committee should have a full opportunity to assess.
>
> For this reason, I would invite the Committee, following its consideration and reporting of the Bill, [Bill C-3], to begin a more extensive study of the wider implications of the Figueroa ruling on the Canada Elections Act. I also welcome the Committee's views on other aspects of the electoral process that it believes warrant attention.

There is no necessary connection to Bill C-24.

The review could not begin until right before an election. However, the letter was sent out. That minister then became minister in June and proceeded never to bother following up. Where does the fault lie? Is it with all those incompetent members of the committee who just could not get around to it or is it with one minister who just could not remember to take care of his own portfolio until a year had gone by?

Mr. Jay Hill: Madam Speaker, through the facts as laid out by my hon. colleague, he has revealed the answer.

One of the things that is most disconcerting to members on both sides of the chamber and from all four political parties is the continuation over the last number of years of government ministers neglecting their responsibilities. We used to have in Canada, in our democracy and in our Parliament, such a thing as ministerial accountability. We had ministers who took it very seriously before they would ever consider being in breach of the law.

Today we have a minister who has neglected his responsibility. He tries to cover it up with a very weak and feeble excuse that somehow he covered that off with a letter, as my colleague said. We do not even recall the letter. That is how much it was brought to our attention. However, I take him at his word that he wrote the letter to the committee. I am sure in due time we will be able to dig up a copy of it or maybe the minister will provide a copy to us.

Does that negate his responsibility? Can it be wiped out with a letter to a committee? I think most Canadians would take ministerial responsibility seriously. No one should be above the law. It does not matter whether it is a minister of the Crown. Ministers have an obligation, indeed a responsibility, to ensure that things are done or at least take all possible steps to adhere to the law, the legislation. The legislation says that a review would take place by May 16, 2006. The minister said that he sent the committee a letter, and that is the end of that responsibility. This is shameful.

As I outlined in my remarks, it just shows us how low this Parliament, through the administration of the government, has sunk in the sense that it is the extent of ministerial accountability.

● (1255)

[*Translation*]

Mr. Christian Simard (Beauport—Limoilou, BQ): Madam Speaker, I am very pleased to take part in the current debate on Bill C-63, an act to amend the Canada Elections Act and the Income Tax Act.

In fact, this is a very technical bill that contains only one page, but an important one. Any bill to amend our electoral system, which is the foundation of our democracy, must be taken seriously. Such is the case here, even though this is a sunset amendment that, by definition, provides for a time limit before considering a bill that will constitute a more thorough and overall reform of the Elections Act itself.

The background of this bill, we may recall, replicates another two-year sunset bill, which followed the Supreme Court decision in the Figueroa case. The Supreme Court ruled that it was discriminatory to impose a minimum number of candidates that a political party had to nominate to be registered as such. Previously, the act had put this number at 50. However, the Supreme Court ruled that this measure was discriminatory. While awaiting a thorough reform that would result in a more integrated and thoughtful piece of legislation, the House passed a bill that received royal assent in May 2004, if I am not mistaken, just in time for the June 2004 election. That bill filled the legal void created by the Supreme Court decision.

The bill allows a political party to nominate only one candidate in order to be registered. Of course, there are other conditions, such as a minimum number of members, which has been set at 250, I believe, and also a minimum number of leaders. This measure is aimed at preventing a person from suddenly proclaiming himself or herself a political party. There has to be a minimum number of rules.

It must be recognized that these rules are an absolute minimum. Of course, we must think about a better way to monitor the registration of political parties in Canada. However, that is not the purpose of this bill. Rather, it seeks to prevent a situation from occurring. The previous legislation was going to expire two years after being passed, that is in May 2006, which is a time when an election may be called again. Therefore, it was important to extend the provision, since the government has not yet completed its homework and the report of the Chief Electoral Officer has not yet been tabled—it will be in the fall. So, some elements were missing to conduct this in-depth reform.

We prefer to extend the original legislation in extenso and still provide for a two-year period. However, the government would be well advised not to do this again, otherwise the House will become a laughing stock if the same bill comes up again in two years. So, it will be important to present a more general bill, as opposed to sunset legislation.

The Bloc Québécois will not oppose this change. It was never our strategy to resort to democratic obstruction. It is important that elections take place under a legal framework. Therefore, it would be irresponsible to oppose this bill, which allows for the next election to be held in a calm, clear and transparent legal context. Since it is important that this be the case, we will not oppose this legislation.

However, we cannot help but comment on the Canada Elections Act as a whole, which is targeted by the bill before us. The act provides that the registration of political parties is subject to a minimum number of candidates. Should we set such a minimum or not? What would be discriminatory and what would not be discriminatory? Of course, since this is about the registration and recognition of political parties, the issue of political party financing quickly comes to surface. Since these issues are related, it is important to discuss them.

My comments will deal with the democratic history of the party in office, as it relates to the Canada Elections Act.

● (1300)

We hope it will not be the case when this reform comes to pass—one that has been long-awaited, hence the need to pass Bill C-63 now—seeing that the House is not prepared. The government was not prepared, nothing new about that.

It is really important now to ensure that, when this reform is being studied, two problems will already have been solved. Indeed there is a problem. My colleague, the whip for the Bloc Québécois and member for Montmorency—Charlevoix—Haute-Côte-Nord, has introduced Bill C-312, which is now in committee.

The intention of that bill is to remedy a democratic aberration in Canada's electoral process: the appointment by the government—that is the party in power—of 308 returning officers on a purely partisan basis. Huge problems arise as a result. The Chief Electoral Officer has spoken out about this on numerous occasions. These returning officers are appointed for 10-year periods, and often have no qualifications other than having been either active in the Liberal Party or former Liberal candidates. This creates problems as far as qualifications and partisanship are concerned, and casts a shadow over any electoral system worthy of the name.

A spade must still be called a spade. An electoral system with such a clause is a tainted system. It causes problems. I am not the one who says this. The Chief Electoral Officer's report after the last election was quite clear in this regard.

Allow me to quote him. On page 1 of his report, the Chief Electoral Officer said:

> I know that about 10 cases of insubordination, three problems involving conflict of interest, about 14 problems of incompetence, some 10 cases involving a lack of computer skills, which is a different area. The document—I imagine he is referring to a document that he submitted—includes the names of the returning officers and the ridings.
>
> I will let other speak about their political perception when they are candidates for a party other than the government party, which appointed the returning officers

Some hon. members: Oh, oh.

Mr. Christian Simard: I would appreciate it if certain people could speak less loudly in this House so that I can concentrate.

In regard to partisanship, what was found was quite serious. In his fine speech on Bill C-312, the Bloc Québécois whip also mentioned cases in which Liberals were actually hired to work together with the returning officer, who was himself appointed by the Liberals. There are systemic problems of incompetence and sheer partisanship. That is unacceptable. The member I mentioned has made quite an impressive list of them.

One of the matters that the Chief Electoral Officer has mentioned is the fact that it is virtually impossible for him to fire incompetent returning officers who can defy him and be insubordinate. He noted some cases of this. I see the interest that the hon. member for Gatineau shows in this subject. I am convinced that her returning officer was appointed by her party: this should therefore be very interesting to her.

These basic problems must be corrected. In regard to the party of the hon. member for Gatineau and others—there are not many other representatives of her party in the House at the moment—it is important to note that there are still aberrations, including the resolution of the Liberal Party youth trying to discriminate in political financing in order to try to hurt a recognized political party and make it so that a Quebec voter is not worth as much as a voter elsewhere.

I am referring to what youth in the Liberal Party wanted. Unfortunately, that resolution was passed. I think it is extremely disturbing, from a democratic point of view, that a governing party would try to harm its opponents by disregarding the principles of natural justice.

We could hardly imagine that the Supreme Court would not consider as discriminatory a clause saying that a political party with a certain number of voters would have less funding than another political party with the same number of voters, because it was in one province or another, or had not fielded candidates in all the ridings.

● (1305)

If the Supreme Court has ruled that 50 candidates constitutes a discriminatory minimum number, we can imagine that such an approach would constitute huge discrimination. This clearly shows that a political party is capable of putting into legislation a requirement for the appointment of 308 returning officers who are partisan because they are appointed by the governor in council, when things are done differently, not only in Quebec, but also in four other provinces, if I am not mistaken, where the position of returning officer is advertised in the newspaper and selection is based on competence and on a guarantee of independent opinion and voting.

We are willing to cooperate with the government by passing Bill C-63 to provide for a two-year extension, but we hope that some very fundamental issues will be given serious consideration. Bill C-312 is at the committee stage. It was well received and was approved in principle by the House. Now we must go beyond the principle and pass, without delay, a bill that would correct a democratic abomination, that of appointing partisan returning officers. Many people do not know that those who are appointed returning officers have ties to the party. Most of them are former candidates or supporters. There are cases of incompetence, and the Chief Electoral Officer himself cannot do anything about it. He cannot fire a returning officer who is incompetent. That decision has to be made by the governor in council, which is not very practical during an election campaign, when things are not going too well. In fact, it is impossible.

So that situation needs to be addressed. We need to resist the partisan and almost fanatical temptation to consider that, in terms of election financing, a voter from one party is worth less that a voter from another party and hope to get away with it. I think that the extremely partisan resolution that was adopted at the last convention of the youth wing of the Liberal Party of Canada will have to be set aside for moral and ethical reasons.

In this case, we will cooperate because it is in everyone's best interests. However, to avoid subjecting the House to ridicule, we would not accept another two-year extension after the first one. We are expecting the government to propose a solid reform based on principles. I know this government has a problem with principles, but we will be glad to help if need be.

● (1310)

Ms. Françoise Boivin (Gatineau, Lib.): Madam Speaker, the member for Beauport—Limoilou enjoyed targeting me in his speech, which I found interesting in the beginning. I appreciate the fact that the Bloc Québécois will not oppose the bill introduced in this House. Naturally, since all good things have an end, the member's speech quickly went awry. As a member, at least until very recently, of the Standing Committee on Procedure and House Affairs, I would like to set the record straight on a number of things he said, including in connection with Bill C-312. Fortunately, he qualified his remarks along the way. Regardless of what he thinks, the hon. members here support the bill now before the Standing Committee on Procedure and House Affairs. I have myself had the opportunity to state my views on this matter.

The debate is not necessarily on Bill C-312, but the member was very happy to focus on this bill and on the process for appointing returning officers. When addressing the appointment process, one has to consider the current incumbent. When I became the new member of Parliament for Gatineau, there was already a returning officer in place long before I came around. However officers are appointed, I can say that what matters to me is how competent they are. I think that everyone here feels the same way.

In an election campaign, election day is the most important aspect of our electoral process. On the day when voting takes place, efforts have to be made to ensure that the people can come and vote, and that they can do so freely. Efforts are also made to ensure that the whole procedure involved is carried out properly.

In my opinion, what matters is not the process for appointment, but rather to ensure that the individual in the position is competent. The member may laugh, but what matters is transparency. That is why I support Bill C-312 introduced by the whip of the Bloc Québécois. We have no lessons to learn in that respect.

However, the reputation of returning officers is at stake. This is the concept on which I fought in this file, to ensure that people do not make generalizations such as those that we heard from my colleague from Beauport—Limoilou. Some facts must be corrected.

The chief electoral officer, Mr. Kingsley, appeared before the committee. When he answered specific questions, among others, how many cases of incompetence he was aware of, he told us about three individuals. This is three individuals out of 308. Our returning officers across Canada take all the flack. Given my experience in labour law, in labour relations, I do not particularly like the competence of people to be questioned for any principle.

That being said, I will ask my colleague a question. First, I would be curious to know if he has doubts about the competence of the returning officer in the riding of Beauport—Limoilou. Second, concerning the youth resolution, the Prime Minister has been very clear in this regard. In the Liberal Party, we do not muzzle people. On the Conservative side, they do not like to have a youth wing. On the Liberal side, we are not afraid of the ideas of our youth. They help us move forward. We do not always agree with what they propose, but they certainly have the right to express their opinions. This will be the subject of a debate and we will see, at the convention, what we will do in this regard. I find it undemocratic to say that we must muzzle our youth.

Just out of curiosity, does my colleague think that the returning officer in the riding of Beauport—Limoilou is incompetent? If he knows about specific cases of incompetence, he could mention them. This might help the chief electoral officer.

Mr. Christian Simard: Madam Speaker, I will not get personal and say whether or not I like this returning officer or that one. We are talking about a system, not one or two individual cases. I was quoting what the chief electoral officer himself wrote in his report, and those are the facts.

It is not in 90% of the cases that there are problems, but in 5% to 10% of the cases. However, 10% means 30 or so cases out of 308. It is an area where perfection is desirable. The chief electoral officer did not talk about widespread incompetence. However, there could be no incompetence at all. When such a problem surfaced, we could deal with it because we need to have a system that is 100% reliable.

The issue has nothing to do with whether or not I think that this person or that person is competent. Under the current system, some returning officers themselves are uncomfortable with these appointments. The system needs to be changed.

I am pleased to see that the Liberals are finally supporting this idea, after having gone through many elections with a system that gave them an unfair advantage. That has to be avoided.

I mentioned some cases. She can refer to *Hansard*. Mr. Guimond was very specific about aberrations, incompetence and democratic dysfunction in relation to this system.

Is it 100%? No, we did not say that. In my opinion, this system deserves better. The key person in any riding—i.e., the returning officer—must be beyond reproach and able to fulfill his duties competently and with professionalism, and that person should be appointed according to proper process. If that individual makes a mistake and does not do a good job, the Chief Electoral Officer must be able to act, correct, train and take the necessary disciplinary measures. This is basic, in my opinion. It is extremely important.

Young people can debate this all they want. However—and I hope the member for Gatineau will do so—we must distance ourselves from positions—no matter whether they are taken by young people or seniors—that are essentially anti-democratic. This must be condemned.

When a mistake is made, even within our own party, if we have principles and integrity, we speak out against it and we do not do that; we allow room for debate. However, this debate is unfortunately being distorted by what these young people are proposing. Ms. Boivin should distance herself from this if she is as democratic as she claims to be.

● (1315)

[*English*]

Hon. Ed Broadbent (Ottawa Centre, NDP): Madam Speaker, I rise to support the measure before us. The only point I will make and extend to other concerns in my brief comments is that in the view of the NDP, there is an urgent need to get on with a review by the proposed committee.

To understate it considerably, the government has not demonstrated any real capacity to move with speed when it comes to democratic reform. I want to use my time to deal with that issue and to put it in the context of the government's earlier commitments to deal expeditiously with parliamentary reform, and specifically electoral reform.

Earlier this year, at a cost to the taxpayers of thousands of dollars a committee of the House sent members from all parties to New Zealand, Australia, Germany, England and Scotland. The committee produced a report in June. After consultation with the deputy House leader, who was then the minister in charge of democratic reform, a series of concrete measures were proposed. There was broad consensus from all parties on most of the items. Then there was a question of implementation dates. There was consultation with the minister responsible. It was agreed and the committee acted with the dates in the report after consultation with the minister. It proposed a set of dates for action and then the committee adopted the report. What has happened since?

I first want to say very precisely what the committee report was intended to do. It was to get the federal government to catch up with five of the provinces that have already embarked on serious reform of the electoral process in Canada. Those five provinces represent well in excess of 50% of the population of Canada and they have already done this. It was hoped that the process would be started in this Parliament and at least partially completed in the event that an election took place early in the new year. That is why the dates were discussed with such care with the minister involved and by members of all parties on the committee.

We wanted to have a process that would ultimately lead to where the other provinces are going. That is a representation system that more or less corresponds to what 90% of the democracies across the world have, either a mixed form of representation with individual constituencies and a major element of proportional representation like there is in Germany, New Zealand, Scotland and many other countries, or a pure form.

We are among the few countries in the world left with an electoral system that originated in a pre-democratic era that had nothing whatsoever to do with democracy. We have carried over into the age of universal suffrage, a system in Canada that under-represents women and ethnic minorities and produces caucuses on both sides of the House of Commons that do not resemble the kinds of votes in different parts of the country. This negatively affects national unity.

We have serious problems, as the Pépin-Robarts commission pointed out about a quarter of a century ago. I do not need to remind many members of the House that Mr. Pépin was a distinguished former Liberal cabinet minister, and John Robarts, of course, was a distinguished former Conservative premier in the province of Ontario. We are playing catch up. That commission's recommendations came a quarter of a century ago.

The minister promised to get on with a process that would start by October 1 this year. It was doable. If it had gone to tender early in July, a company that was competent to undertake the citizen engagement process that the committee wanted could have been picked. It could have started, I repeat, on October 1 if that had been done.

The work could have proceeded with a parallel committee of members of the House looking at proposals that many provinces have already looked at by doing consultations across the country. It could have had a joint session partway through the process and then a citizens engagement. This is a crucial point. All members of the House had agreed on a citizens engagement process to find out what Canadian citizens, regardless of their political preferences on a partisan basis, wanted in a political system.

● (1320)

It was concluded that this engagement with citizens to find out what values they wanted in their electoral system could have been finished by January 30. That date was not a coincidence. It was well known to all members of the committee and the minister responsible that it could be before an election, or it could be right in the middle of a general election. The point was it would be a citizens engagement process. It would become a public document. In either case, in the middle of an election campaign or if it came up before one, we could have had a debate on those principles in the election. My party fully wants to have and intends to have that debate. It would put all parties on the spot to indicate whether or not they were going to go along with what the people of Canada want.

That was deep-sixed, to put it directly. I do not know what the minister's personal final position was on this, but there is no doubt what it was last June. He was in support of the committee process. We have now got a report from the Government of Canada which vitiates and totally kills the possibility of having electoral reform in this Parliament. This is a disgrace. It is a betrayal of a promise that was made in the throne speech. It is a betrayal of the committee's work last June. It totally undermines the credibility of the government when it comes to talking about making democratic reform a priority.

We are going to keep talking about this issue. I repeat that over half of the population of Canada lives in provinces that are already embarked on serious electoral reform to get a more representative system and to get one that corresponds to most of the world's democracies. We are going to keep talking about this issue. One day we will finally get it through the House of Commons.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Madam Speaker, the hon. member's comments were not mostly about the bill at hand. They were mostly about electoral reform.

He is quite right to be frustrated and a good deal more over the way the government is not dealing with electoral reform. He is quite right in his assessment that we can kiss any prospect of electoral reform or any serious discussion of it in this Parliament goodbye as a result of the way the government has gone about frittering away the available time.

He is right also about the general lack of interest. I do not know whether it is insincerity or just a lack of interest in democracy on the part of the Liberals. Whatever it is, we can certainly see nothing happening.

Given these facts, I have to admit that I am a bit surprised that the member indicated that his party will be supporting the bill. I ask why it would be doing this for this reason.

There is a required legislative review of Bill C-3 that is currently in place. There is enough time over the next eight months to engage in this review and to hear the witnesses necessary to learn how other jurisdictions have dealt with this problem. We could have the chief electoral officers of other jurisdictions come before us. This is actually longer than the six month grace period that the Supreme Court originally gave for legislation to be drafted when it passed its Figueroa decision in November 2003. There is plenty of time to deal with this.

Moreover, if an election occurs, the sunset clause says that a further 90 days will be added. There is no prospect of an election occurring during which there would be an absence of law. We would either have Bill C-3 in place, the current provisions, or the new improved provisions that could be put forward if the proper review and sunset clause and therefore new legislation were to come forward as opposed to merely saying, as the Liberals are saying in Bill C-63, "Let us just not have the sunset clause and leave the review in place. We will get around to having a review whenever. Trust us, we will take care of this. Just remove anything that would make us comply with our word".

Given the Liberals' history with that committee, the member and myself, why on earth would we trust them again? I am wondering if I misunderstood the hon. member when he indicated that his party would be supporting this bill, given the abominable record of the government in so many parallel cases.

● (1325)

Hon. Ed Broadbent: Madam Speaker, we do not differ. As he pointed out, we both work on the committee that produced the report on electoral reform. I indicated that given the performance of the government in response to that committee's report, and on other matters, we are quite skeptical about its commitment to now act promptly.

However, I must separate the question of whether or not the government will act promptly with the question of the substance of the bill. We agree with the idea and are saying we are very dubious that the government will act on it. The idea is fine, but I share the hon. member's skepticism completely about the speed with which we can expect the government to act.

Mr. David Christopherson (Hamilton Centre, NDP): Madam Speaker, I thank the hon. member for Ottawa Centre for addressing the House on this issue, especially at a time when the front page of the local paper, the *Ottawa Citizen*, has a headline, "Integrity rivals health care as voters' issue".

It seems to me that this is as much about integrity as it is about electoral reform and I just want to know if I have it straight. The impression I am getting, both from the speech by the member for Ottawa Centre and other discussions I have had with him, is that the government made commitments. A minister of the Crown had off the record, or off-line discussions with the hon. member for Ottawa Centre, and made very clear commitments. The member for Ottawa Centre brought those back to our caucus. He went out on a limb and then was stabbed in the back.

I would like to know whether or not it is that cut and dried, that the government said yes to starting the work, to getting the caucus on side, that it was prepared to do it, and then at the last minute pulled away and was not prepared to move on it. It sounds to me like it is a clear case of back stabbing. I would like the hon. member for Ottawa Centre to perhaps correct me if I am wrong or again make the point that this is as much about betrayal and about integrity as it is about democratic renewal.

Hon. Ed Broadbent: Madam Speaker, it is indeed a question of integrity. Two points were clear. First, the minister was not only involved in private discussions with myself but of course with members in his own caucus and with our colleagues in the Conservative Party who were on the committee. All of us understood that the minister had seen these proposed timelines for acting, along the lines I just described. It could have been done within this Parliament, even before an election came down and that is why we put the dates in there that we did.

We wanted to prepare a report that could be acted upon. We did not want it to go off somewhere in the dim distant future and so the commitment was made. There was an understanding.

The second point I made was that I did not know if the minister himself, frankly, went to cabinet and said that he promised members of the committee, including members of his own caucus, that the schedule of events over the summer, if they were started in July, could be done. Did he make the case and was then defeated by his own cabinet? Did the cabinet say, too bad, Mr. deputy House leader, that he may have made the commitment on behalf of the government back in June but that cabinet would turn it upside down? At the very least, that is what has happened.

I do not know if the minister was responsible himself, whether he changed his mind over the summer and reneged on the commitment, or if it was the cabinet that changed his mind for him. One way or another, as my colleague pointed out, there is an integrity issue here.

When ministers of the Crown make commitments to members of the House about a certain course of action, we have every reason to believe those commitments will be lived up to if there is a sort of honour and integrity in politics. I for one am deeply disappointed that we have seen in this case, as we have seen in others, that there seems to be a complete disregard of the normal consideration of ethics and probity in politics in this chamber. It is not acceptable.

● (1330)

Hon. Raymond Simard (Parliamentary Secretary to the Minister of Internal Trade, Deputy Leader of the Government in the House of Commons, Minister responsible for Official Languages and Associate Minister of National Defence, Lib.): Madam Speaker, it is important for us to get back to the bill at hand which is Bill C-63. The minister spoke earlier about the fact that it was very important to link Bill C-3 and Bill C-24. Would my hon. colleague agree with that? It seems to me that it would be reasonable for the process to be done at the same time. When we are talking about the government not allowing the review to take place, the opposition has a majority on the committee and in fact control the outcome of the review. Maybe the member could respond to that.

Hon. Ed Broadbent: Madam Speaker, I have no comment at this time.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Madam Speaker, the bill before the House today, Bill C-63, would make permanent an earlier law, Bill C-3, which came into force in May 2004 on the understanding that it would be a temporary law. Because it was meant only to be temporary, Bill C-3 contained a sunset provision that would cause it to lapse on May 16, 2006, two years after the day on which it had received royal assent. Bill C-63, which is the bill we are debating today, would remove that sunset clause.

The earlier law, Bill C-3, was enacted in response to the 2003 Supreme Court decision in the Figueroa case, which struck down certain provisions of the Canada Elections Act as being in contravention of the Charter of Rights and Freedoms. Specifically, the provisions were seen by the Supreme Court, quite correctly, as an unconstitutional attempt to limit free speech by placing unreasonable restrictions on the ability of new political parties to compete on an equal footing with the existing major parties.

The Supreme Court stated in its ruling that the offending provisions of the Elections Act would be allowed to remain in place for six months, until June 2004, in order to allow Parliament the necessary time to design amendments that would ensure the smooth functioning of a new charter compliant election law.

Bill C-3 was hurriedly drafted in the spring of 2004 when it became clear that the Prime Minister's rush to call an early election would not leave the House with sufficient time to hold the hearings necessary to meet the looming June deadline set by the Supreme Court and still, within that deadline, properly design a new law.

Thus, when he introduced the bill to the House of Commons, the then minister for democratic renewal, the predecessor of the current minister, made it clear that Bill C-3 was an imperfect stopgap intended solely for the purpose of getting us through the impending election. After the election, a more considered and thoughtful law would be enacted.

I would like to read what the minister, the predecessor of the current minister, said in the House in 2004:

> Bill C-3 represents the government's proposed response to the immediate consequences of the Figueroa ruling. This bill does not, however, necessarily constitute a permanent solution. The Figueroa ruling is highly complex, and a more thorough study of its impact is required.
>
> This is why I have written to the Standing Committee on Procedure and House Affairs to encourage a broader examination of the Canada Elections Act. I have asked the committee, moreover, to present all of its recommendations in the form of a draft bill, within a year's time

Then he added as an editorial:

> This is a concrete example of application of our democratic reform.

In order to buy itself a year's grace in which to design a proper law, the government added a sunset clause to Bill C-3, which causes the law to lapse after two years from the date at which it was enacted, which will be May 16, 2006, eight months minus one day from today.

After the election a new minister for democratic reform was appointed. Then he was supplemented by a second minister for democratic renewal, whatever that might be, and they in turn were supplemented by not one, not two, but three parliamentary secretaries for democratic reform and democratic renewal, the hon. members for Beauséjour, Peterborough and Bramalea—Gore—Malton.

I am not sure what the Prime Minister's point was in inventing so many new posts for so many new ministers and secretaries. A surplus of ministers will not solve the democratic deficit. It will create organizational chaos, the same chaos that has caused the government to so completely lose its grip over the electoral reform file, arguably the most important aspect of democratic renewal or democratic reform to face the House of Commons in the 38th Parliament, and that both ministers claim that it is me, not the other minister, who is responsible for this key aspect of the democracy agenda.

In fact, when it comes to electoral reform, the two ministers are so confused as to who is in charge that they have proved incapable of acting on the recommendations of the procedure and House affairs committee, which last June unanimously recommended that the minister, or one of them anyway, set up a consultation process by October 1. That was 17 days ago. Then, having missed the deadlines, the ministers told us they would be ready to have a response for the House by October 20, according to the minister for democratic reform, or else by October 14, according to the minister for democratic renewal.

● (1335)

In the end they wound up proposing a response and bringing it to the House on the Friday before the break. I think they were so embarrassed by it that they did not bring it to the Table. I was in the House that day. I only learned that they had submitted a response when I got a call from a reporter about it. They had submitted the response through what is called the back door. They had taken it directly to the Clerk's office. This is a highly irregular process and one which I think was designed to ensure that there would be no attention to their report, or their non-report, in which they made a serious of outrageous claims about being unable to meet the deadlines set by the committee. This is a committee that negotiated its terms with the full cooperation of the Liberal members of the committee, including one of the three parliamentary secretaries responsible for this.

The confusion was so bad that in late September I had to propose a motion at the procedure and House affairs committee to require the two ministers to appear side by side before the committee to explain who was actually in charge. As to the three parliamentary secretaries, let us look at the grandiose mandate that they were given according to the Prime Minister's action plan for democratic reform in February 2004. It stated:

> Parliamentary Secretaries will now play a more active role in ensuring meaningful relations between Ministers and Parliamentarians. In Committees, they will support productive dialogue by sharing departmental information and acting as the Minister's representative to address political issues—

The procedure and House affairs committee held its first meeting of the 38th Parliament over a year ago. One might think that with three parliamentary secretaries charged with responsibility for ensuring meaningful relations and sharing departmental information, the government would have been able to find the time to initiate permanent legislation and make its proposal to the committee, as the former minister for democratic reform had promised before the election. He was, after all, the minister for the same Prime Minister who is in office today.

But as the months that had been purchased with the passage of Bill C-3 last May dribbled away, not a word was breathed on the issue, at least not until early October, when Bill C-63 was introduced by the minister for democratic reform in the House of Commons.

This bill does not propose the necessary improvements or changes anticipated by Bill C-3. Instead, it eliminates the sunset clause, thereby making this inadequate and temporary stopgap law permanent. It proposes and I quote from the text of the projected law:

> Within two years after the coming into force of this section, the committee of the House of Commons that normally considers electoral matters—

In other words, the procedure and House affairs committee:

> —shall undertake a comprehensive review of the amendments made by this Act and submit a report to Parliament containing its recommendations concerning those amendments.

This means that the six month grace period granted by the Supreme Court in 2003, which had already been extended by two years in 2004 because the Liberal government had frittered away the allocated time, preparing for an early election, when it thought it could capture the polls, without launching a review process to produce adequate legislation, will now be extended for a further two years to provide room for further dithering. This time there is no sunset clause.

If the government does not initiate the review within the next two years, that it has failed to initiate in the past two years, no consequences will ensue. Bill C-3, which was enacted as a legislative band-aid, will become the permanent law of the land.

The small army of ministers and parliamentary secretaries responsible for this portfolio will no doubt protest that this law contains a legal binding requirement for committee review of the provisions contained in the old law. I would have to take off my shoes and socks to count on my fingers and toes all the legally mandated legislative reviews that this government has failed to meet.

On some occasions, mandatory legislative reviews have been dealt with by means of pro forma discussions that are so brief as to be an insult to the legislative process. I will take one example, the Referendum Act contained a provision requiring a mandatory review by the procedure and House affairs committee to take place within three years. The review that took place took less than one minute.

Even if the Liberals permit a review to take place, what guarantee do we have that these two ministers and three parliamentary secretaries or their successors will not treat the recommendation of the procedure and House affairs committee with the same disregard they have just treated the most recent recommendations of this very same committee regarding electoral reform?

● (1340)

Today the government is caught in a bind of its own making. It really will have to conduct the legislative review made necessary two years ago by the Supreme Court's Figueroa decision or else the provisions of Bill C-3 will expire next May, not replaced by any new statute.

This means that if parliamentarians defeat Bill C-63, the government will have no choice but to allow the committee on procedure and House affairs to proceed with the review that the government promised in early 2004, but was too disorganized in 2005 to initiate. If we parliamentarians let the government off the hook by enacting Bill C-63, unless we put a sunset review clause into that bill, this much needed review will never take place.

There are still eight months left prior to the expiry of Bill C-3. That is two months more than the original six month grace period granted in 2003 by the Supreme Court for remedial legislation to be debated. That is plenty of time to bring witnesses, to suggest amendments to the Canada Elections Act and to complete the job that the government with its surfeit of quarrelling ministers seems incapable of initiating on its own. It should be possible for the procedure and House affairs committee to produce a bill and for both Houses of Parliament to pass a new and better act prior to that date. Even if an election intervenes and the House does not resume sitting until after May 16, the sunset provision of Bill C-3 allows an additional 90 days prior to the expiry of that law. If the 38th Parliament cannot complete all stages of the new law, there would still be time to reintroduce what is likely to be a non-confrontational bill.

Nobody disagrees with the basic premise of the bill which is to ensure that a party cannot masquerade as a political party, collect donations, get tax receipts for it and proceed to use them for other purposes. A non-confrontational bill could be dealt with quickly and move through all readings in the 39th Parliament and become the law of the land, assuming of course that we engage in that review process in this Parliament.

With these considerations in mind, I ask that all members of Parliament oppose this bill.

● (1345)

Hon. Raymond Simard (Parliamentary Secretary to the Minister of Internal Trade, Deputy Leader of the Government in the House of Commons, Minister responsible for Official Languages and Associate Minister of National Defence, Lib.): Madam Speaker, my colleague's last comments made reference to the minority situation in Parliament. Earlier we discussed how imprudent it would be for us not to pass Bill C-63 given the tenuous nature of this Parliament. We do not know if an election will happen in the fall or the spring, and to count on a short term solution to this and a friendly amendment or a bill may not take place. Given the tenuous situation of Parliament, I believe it is prudent for us to act in this fashion.

Could my colleague comment on that?

Mr. Scott Reid: Madam Speaker, my response to the question about the uncertainty of when an election would occur is to go through the various scenarios. Let me start with the one that the Prime Minister has said will take place.

The Prime Minister said that 30 days after the final report of the Gomery commission he would call an election. That would take about a month. Therefore, sixty days after the final Gomery report we would have an election. That means an election would be held some time around May of next year, just when this bill will expire.

If an election were to occur then, one of two things would happen. First, we would either have dealt with the review of Bill C-3, a review which I do not think would be that difficult or complicated, and we would have passed whatever changes or amendments needed to be made. It could go through the House very easily and be in place before that election. That is one alternative.

Alternatively, the hearings would have taken place and the evidence would have been collected. If we go into an election after May 16 but before the bill has been passed, Bill C-3 would remain in place because of the provision within its sunset clause stating that it is possible for the bill to be extended a further 90 days in the event the House is not sitting. The dangers of an election occurring without a new bill having been passed or with no legislation in place at the time of the next election are very slight if we follow the Prime Minister's guidelines.

If the election happens anytime earlier than that, then presumably it is very straightforward. Bill C-3 would remain in place. There is no danger if an election is called as a result of a non-confidence vote prior to the date proposed to us by the Prime Minister.

The only other possibility would be if the Prime Minister were to break his promise to call an election 30 days after the final Gomery report, which is likely to happen if the polls are not in favour of his winning an election. That is a real danger. Surely we can have the replacement for Bill C-3 put forward before he invents his excuse for delaying the election yet further.

[*Translation*]

Hon. Raymond Simard (Parliamentary Secretary to the Minister of Internal Trade, Deputy Leader of the Government in the House of Commons, Minister responsible for Official Languages and Associate Minister of National Defence, Lib.): Madam Speaker, it gives me great pleasure to speak at second reading of Bill C-63, an act to amend an act to amend the Canada Elections Act and the Income Tax Act.

The purpose of this bill is to preserve the federal system for registering political parties, which might otherwise be rendered inoperative by a sunset provision. This provision was added to the bill through which new rules were adopted in 2004 on party registration in response to certain fears expressed when the rules were adopted.

I would like to say first that I share the concern expressed by the Deputy Leader of the Government in his speech at second reading of this bill: we are in danger of disabling a crucial part of our democratic system if we fail to act now to revoke the sunset clause.

This is the background against which I will speak today about the importance of political parties in Canada and the need to preserve a good system for registering them.

On the occasion of this debate, I would like to recall what the Royal Commission on Electoral Reform and Party Financing said in its 1991 report about the role that parties play in our system of governance. The royal commission stated, and I quote:

> Comparative and historical experience demonstrates that parties, as primary political organizations, are best suited to performing a host of activities essential to representative democracy. Among the fundamental activities performed by parties are the selection and recruitment of candidates for elected office, the selection of political leaders and the organization of electoral competition.
>
> The electoral and institutional successes of parties depend, in part, on their ability to establish meaningful linkages with citizens by articulating policy alternatives and ideas, and by establishing themselves as vehicles for political participation and education. Together, these many activities aim to provide parties with a capacity to represent different...interests in society and to structure and order choices for the purpose of governing.

In this paragraph of four sentences, the royal commission recognized the central role that political parties play in different aspects of our democratic life.

In addition to the obvious role played by parties during elections, the royal commission noted that they also played a role in matters of governance, public education and the public's level of civic awareness and commitment to public affairs and policy making. This is a broad range of roles affecting a number of aspects of democratic renewal.

Some may counter that modern political parties do not fulfil one or more of those roles properly. Too often we hear comments about their apparent neglect of certain aspects of their role in favour of preparing for elections. They are often criticized for being "vote-producing machines".

I wanted to refer to those criticisms today because it is important to work toward achieving the full potential of the political parties, thereby enhancing our democracy. Despite those criticisms, in fact, there is no denying that political parties represent a vital foundation for our democratic system.

Moreover, given their central role in numerous aspects of our democratic life, political parties constitute a major item to be examined in any study with a view to improving our democracy.

Among other things, we need to encourage political parties to pay more attention to those important functions. Allowing the rules for political party registration to disappear would negate that statement, since they play an essential role in our democracy.

I would like to point out in closing that it is precisely because those rules for registration constitute an important component of our democratic infrastructure that we added a sunset clause back in 2004. The purpose of that was to try to keep the system in place until such time as the concerns raised about the new rules could be examined.

That process will begin shortly, as soon as the Chief Electoral Officer has tabled his recommendations report on political financing. Meanwhile, as the first step in that process, we are being called upon to take the necessary steps to ensure the continuation of a valid registration system.

● (1350)

Given the important role the rules for registration of political parties play in our democratic system, this is a vital first step, and that is why I will be supporting this bill.

[*English*]

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Madam Speaker, we have listened to the discussion with respect to this legislation. Many members have spoken on other items which may be before the House or in the public domain. We have heard some comments, for example, about the appointment of returning officers. We have heard comments about the government's ambitious and constructive agenda with respect to democratic reform.

Could the Parliamentary secretary share with us some of his views with respect to the important aspects of democratic reform that the government has undertaken? In the responsibilities he has, shared among other members, we have looked at the whole aspect of private members' business. Members of the opposition referred to this earlier. We have looked at improvements that could be made to the Standing Orders so committees could be very active.

I know this might appear to be somewhat outside the scope of the debate, but since we have been listening to other members discuss this issue, I thought the parliamentary secretary could share with us some of his views not only on the importance of the legislation being passed and passed quickly, but also on the broader agenda the government has undertaken with respect to democratic reform and improving the functioning of the House of Commons, not only specific electoral financing provisions.

● (1355)

Hon. Raymond Simard: Madam Speaker, my hon. colleague makes a very good point. Most of the discussion this afternoon and morning did not focus on the bill at hand. What the minister indicated earlier on today was the importance of us following through on a commitment and not allowing the period to elapse, ending up with a very untenable situation. I believe everybody here is very much on board in terms of whether we should discuss Bill C-3 and Bill C-24. We should review them at the same time. I think everybody agrees with that. I do not think there is a dispute there at all. It only makes a lot of sense.

My feeling is that if we had kept to the discussion at hand, we would be talking about a government that is prudent, that ensures that we do the right thing in a minority situation.

When it comes to electoral reform or democratic reform, my colleague makes a very good point. One thing I would like to talk about, which I have not heard here, is free votes in the House of Commons. On this side of the House, we have had the most free votes in a long period of time. I am very proud to talk positively about that. I am not sure I can say the same thing about the other side of the House, but my colleagues will confirm that.

Again, with respect to private members' business, we have been very aggressive in ensuring that private members get their say and get to discuss their bills in the House.

In terms of democratic reform, we have absolutely nothing of which to be ashamed.

STATEMENTS BY MEMBERS

[*English*]

SUDAN

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): Mr. Speaker, I recently returned from a fact-finding mission to Sudan, including the devastated Darfur region, where millions of displaced persons live in refugee camps.

Despite warnings, I travelled to this region to see for myself the conditions in the camps to examine the response of Canada and the international community.

I am pleased to report that we should be proud of our Canadian Forces personnel. Our solders, acting as trainers with the African Union mission, are exceptionally professional while working under extremely difficult circumstances. Canada's involvement in Darfur is saving thousands of lives every month.

It was encouraging to see aid was reaching the camps where schools and hospitals were operating. While international NGOs had done a tremendous job in the camps, Darfuris still cannot return to their homes.

Days before my arrival there were a series of attacks where villages were burned to the ground by Janjaweed militia and Sudanese army forces. In the last few days, insurgents have kidnapped and killed African Union peacekeeping troops.

Canada and the international community must continue to help the refugees of Sudan and remain engaged in this country.

* * *

● (1400)

CHIEF OF POLICE FOR DURHAM REGION

Mr. Colin Carrie (Oshawa, CPC): Mr. Speaker, after serving as the head of Durham region's police force for seven years, I stand in the House today to thank Chief Kevin McAlpine for his years of exceptional service to Oshawa and Durham region. He will be remembered for his many contributions to the force, most notably increasing the number of officers on the front lines.

Earlier this month, Oshawa welcomed Durham region's new chief, Mr. Vernon White, to our community. I had the immense honour of introducing Chief White to the citizens of Oshawa last week at my town hall meeting on crime and justice. Chief White and I listened to constituents concerned about the failure of the Liberal government to protect society's most vulnerable by refusing to enact mandatory prison sentences for violent and repeat offenders and opposing Conservative efforts to raise the age of consent from 14 to 16.

I look forward to working with Chief White in the future. It is great to see another Cape Bretoner making a difference in Oshawa.

* * *

AGRICULTURE

Hon. Peter Adams (Peterborough, Lib.): Mr. Speaker, after two years, the U.S.-Canada border is open again to Canadian meat and animals. There is still some uncertainty in the U.S. courts but trade has resumed. We must learn from this tragic experience.

We now know that neither the ruminant industries nor governments were prepared for a prolonged border closing. The opening of the border to meat after 100 days gave us a false optimism which slowed down industry reforms in Canada.

We now know that we should never again become dependent on U.S. processors. We need to have the capacity to slaughter and process all our own animals. I am pleased that we are making progress on this.

Also, we should never again become so dependent on a single market no matter how lucrative that market. Canadian product has access to almost 70 markets around the world. The government and the industry should continue to nurture and expand these.

I thank all the farmers in the Peterborough area for their fortitude, courage and initiative during the BSE crisis.

* * *

[*Translation*]

MYRA CREE

Mr. Bernard Cleary (Louis-Saint-Laurent, BQ): Mr. Speaker, I want to pay tribute today to a great lady who passed away on October 13. Myra Cree was born in Kanesatake in 1937. She was the daughter and granddaughter of Mohawk chiefs.

This well-known journalist and radio personality lost her battle with cancer and died at home surrounded by loved ones at the age of 68. Her passing is also a loss to Quebec of an ambassador for aboriginal values, culture and language.

I had the pleasure of working with her on many occasions. Each time I saw how proud Quebeckers, all of us, were of Myra Cree.

The Bloc Québécois offers its most sincere condolences to her loved ones.

* * *

[*English*]

FALL FAIRS

Mr. Russ Powers (Ancaster—Dundas—Flamborough—Westdale, Lib.): Mr. Speaker, as autumn fades about us, I wish to recognize the important contribution that local fall fairs make to our communities each year. The fair board members and volunteers contribute long hours to highlight our regions' rich agricultural bounty and provide a showcase for local talent while bringing urban and rural folk together for an experience that is both educational and entertaining.

S. O. 31

I want to congratulate the Ancaster Agricultural Society on celebrating the 155th anniversary of the Ancaster Fair and the Rockton Agricultural Society on celebrating the 153rd anniversary of the Rockton World's Fair.

I want to thank all those who contribute to the success of this important tradition that enriches our lives and celebrates our agricultural community each and every fall.

* * *

IMMIGRATION

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Mr. Speaker, on October 24, 2002, the House voted unanimously in favour of a motion calling on the government to urge Chinese authorities to allow 13 imprisoned Falun Gong practitioners with close family ties to Canada, including Mingli Lin, to reunite with their families in this country.

Since that time, many of the practitioners, including Mingli Lin, have been released from Chinese custody and have attempted to rejoin their families in Canada and in all cases, except Mingli Lin, they have been issued visas. However, due to a mess-up in the local consulate in Shanghai, Mr. Lin was denied an immigration visa, in contradiction, in violation, indeed, in contempt of a unanimous decision of Parliament.

I have continually questioned and written to the Minister of Immigration and his predecessor on this subject requesting that Mingli Lin be allowed to rejoin his family in this country at once. As a result of the passage of time and the minister's inaction, Mingli Lin was again arrested for practising his conscience by Chinese authorities on the night of October 9. He remains detained and it is expected he will receive a prison sentence, thanks to the inaction of the minister.

* * *

● (1405)

BREAST CANCER

Mr. Marc Godbout (Ottawa—Orléans, Lib.): Mr. Speaker, it is estimated that over 21,000 women in Canada will be diagnosed with breast cancer and that over 5,000 this year alone will die of it.

Recently I participated in one of the local community's Run for the Cure event. This is an annual event and is in its 14th year. A local resident, Lynn Sewell from Blackburn Hamlet, started a local run for two reasons: to support a friend who at the time was undergoing treatment; and, for members of the community who were unable to go downtown for the larger event.

Each year the number of participants increases and this year the Blackburn Hamlet Run for the Cure raised more than $10,000 with the help of individuals, local businesses and schools.

Therefore I would like to take this opportunity to encourage other communities to get involved and help in the fight to eliminate breast cancer. Together I am optimistic that we can and will find a cure.

I want to thank Lynn Sewell.

[*Translation*]

WORLD FOOD DAY

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, yesterday was World Food Day. This year's theme was "Agriculture and Intercultural Dialogue".

This theme recalls the contribution of different cultures to world agriculture and argues that sincere intercultural dialogue is a precondition for progress against hunger and environmental degradation.

Agriculture still powers the economies of most developing and industrialized countries. Historically, very few countries have experienced rapid economic growth and poverty reduction that has not been either preceded or accompanied by agricultural growth.

Agriculture has to be seen as a way of life, as our heritage, as our cultural identity; it has no price tag.

The Bloc Québécois commends farmers in Quebec and throughout the world. Their contribution to the development of our communities is a worthy one.

* * *

[*English*]

CITIZENSHIP WEEK

Mrs. Susan Kadis (Thornhill, Lib.): Mr. Speaker, beginning today, Canadians across our country will be celebrating Citizenship Week. This year's theme, "Cultivate Your Commitment to Canada", is dedicated to encouraging the spread of peace, the promotion of respect and to being a global citizen.

It is Canada's diverse population that helps form our identity as a nation. Irrespective of age, gender, race or creed, it is a week for all of us to appreciate what it means to be a Canadian citizen. Having participated in many citizenship ceremonies, I personally have seen the pride in the eyes of our newest Canadians.

Across Canada, every year over 150,000 people become Canadian citizens. In my riding of Thornhill we welcomed this year 1,268 new and valued Canadian citizens. They help make Canada the most successful diverse nation in the world.

During this week it is critical that we reflect on the positive impact that Canadian citizenship has on not only our newest citizens but on all of us as Canadians.

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LIBERAL GOVERNMENT

Mr. Rick Casson (Lethbridge, CPC): Mr. Speaker, throughout our history, minority governments have proven to be quite precarious and the present one is no different, but what is different is the lengths to which the government will go to hold on to power. "Retain power at all costs" is its rallying cry.

Because it does not have the confidence of this House or of Canadians as a whole, the government finds it necessary to continually abuse the democratic process, a process it pathetically claims to uphold. It waves the lure and privileges of cabinet posts around. It uses billions of taxpayer dollars to buy the support of an entire party, and now it has used dictatorial manoeuvres to eliminate opposition supply days, all in its unrelenting quest to hold on to power.

If this continues, I have deep concern for the future of our great country.

Liberal neglect and mismanagement is holding back eastern Canada. Liberal corruption in Quebec has caused a resurgence in separatism, and Liberal arrogance continues to fuel western alienation.

Before it is too late, let us reverse these alarming trends. Let us stand up for Canada and let us get rid of the Liberal government.

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CO-OP WEEK

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, this is Co-op Week and I am pleased to recognize the importance of co-operatives to the economic and social fabric of Canada and, indeed, the world.

An important part of the social economy, co-ops provide essential services in rural and remote communities, as well as other vital services such as affordable housing and child care. The 9,200 co-operatives in Canada contribute to local economic development and job creation with 70,000 volunteers and employing 155,000 people.

The co-operative development Initiative was launched in 2003 to help develop the co-operative sector. I am pleased to report that 87 innovation and research projects worth over $4.3 million have been approved under this initiative, as well as a further $5 million for co-op advisory services.

The Government of Canada looks forward to a continued fruitful partnership with co-ops and I encourage all members to be supportive of the co-op movement.

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● (1410)

GEORGE HISLOP

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, I rise today to pay tribute to George Hislop, a leader and activist in the gay community who passed away on October 8. I was blessed to be able to be with him hours before he went on his next journey.

George Hislop was a friend and mentor to many people in the gay community. George was a founder of the Community Homophile Association of Toronto in 1971, one of Canada's first gay rights organizations. In 1980, George was the first openly gay candidate for elected office in Canada when he ran for Toronto city council. Although he was not successful, George inspired gay and lesbian political activists across the country.

George was a key figure in the protests surrounding the Toronto bath raids of 1981. After the death of his partner, Ron Shearer, George led the ongoing fight for equal CPP survivor benefits for gay and lesbian couples.

I will miss George enormously. George first taught me about the lesbian and gay community. He explained the issues, introduced me to the people in the community and offered his insight, as he did to so many. His strength, humour and dedication to the fight for equality have been inspirational to me and all of us.

Canada has lost a leader in the passing of George Hislop.

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MINISTER OF CITIZENSHIP AND IMMIGRATION

Mr. Rahim Jaffer (Edmonton—Strathcona, CPC):

Mr. Speaker,
Pepperoni, meatlovers, vegetarian or Greek,
Stuffed full of pizza the immigration minister is too busy eating to speak.

He's had so much fun stiffing Canadians with his bills,
I had to see for myself, why so much overeating hasn't made him ill.

For example, at Cammara's where he's known as Pizza Joe.
To see for myself, to his favourite joint I had to go.

I invited three friends to join me to dine.
We ordered two pizzas, salads and some wine.

Attending were MPs for Simcoe—Grey, Edmonton—Leduc and Calgary Southeast.
It cost us only $134 for the entire feast.

Even with four we paid less than Pizza Joe did for two.
With a doggie bag in hand, how he spent so much...we haven't a clue.

We paid our own bill because that was our choice,
Unlike the minister who stiffed Canadians, with his invoice.

Is overindulging the life of this minister?
Or with the Liberals in government could it be something more sinister?

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[*Translation*]

WORLD MARCH OF WOMEN

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, today, the World March of Women will complete its relay of the women's global charter for humanity.

The relay will end in Ouagadougou, Burkina Faso, one of the poorest countries in the world. The women of this country will unite to remind the world that women are calling for the eradication of poverty and violence against women. Together, they will call for a world based on equality, freedom, solidarity, justice and peace.

The public is invited to take part in activities being held throughout Quebec and show its support for these five values.

The Bloc Québécois wants to pay tribute to the women behind the World March of Women for their determination to build a more egalitarian world for humanity.

[*English*]

NATURAL DISASTERS

Mr. Deepak Obhrai (Calgary East, CPC): Mr. Speaker, on Saturday, October 8, Pakistan was the centre of a devastating 7.6 magnitude earthquake. India and Afghanistan were also affected. Reports put the death toll are at over 50,000 lives lost, with Pakistan bearing the brunt of the disaster.

I was saddened to hear the government's initial reaction. It was only after pressure from Canadians, in particular, in communities affected by the earthquake, did the government increase its contribution.

All this highlights the need for Canada to be better prepared when it comes to reacting to natural disasters worldwide.

I was heartened by the tremendous outpouring of assistance by Canadians from coast to coast in coming to the aid of the people affected.

On behalf of my colleagues and myself in the Conservative Party, I send my deepest condolences to the people of Pakistan, India and Afghanistan for the loss of life in this tragedy.

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● (1415)

[*Translation*]

WOMEN'S HISTORY MONTH

Ms. Françoise Boivin (Gatineau, Lib.): Mr. Speaker, October is Women's History Month and an opportunity to pay tribute to the contributions of women in the development of our great country. This year, the theme is Women and War: Contributions and Consequences.

The role of Canadian women during wartime has changed considerably over the years. In 1885, women cared for the wounded; in 1991, during the Gulf war, women served in combat units. Today, women are an integral part of an army that recognizes the true value of their role.

Women have also held other important roles in times of war, such as maintaining production in factories, running the family farm or business, and raising their children alone. These women also endured terrible trials, including the loss of their loved ones.

We must never forget the extraordinary efforts of women during wartime. I invite all the hon. members to join with me in recognizing that their role has been priceless and their contributions quite simply exceptional.

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INTERNATIONAL DAY FOR THE ERADICATION OF POVERTY

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Mr. Speaker, in a report released this past summer, the United Nations singled out Canada as one of the developed countries in which the gap between rich and poor is widening at a rate that is cause for alarm.

Social development is often impacted negatively by international competition, because the decisions and actions required to enhance social policies are too often perceived as needlessly costly.

In addition, the hypothesis that increasing world wealth means decreasing poverty and inequality is not correct, according to the analysts, and they call upon the states to focus more on social development.

On this, the International Day for the Eradication of Poverty, the Bloc Québécois urges the federal government to heed the UN report, to have its heart in the right place and restore the transfer payments to Quebec and the provinces to enable them to continue their fight to eradicate poverty.

ORAL QUESTIONS

[*English*]

INDIAN AND NORTHERN AFFAIRS CANADA

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, reports today indicate that ethics in government now rivals health care as a public concern. I guess this is not surprising, since there are growing waiting lists for both.

As an example, in February of this year, the Indian affairs department awarded a contract to a company with instructions that there be no traceability for the work done. Why, nearly two years after the Auditor General condemned this practice in the sponsorship scandal, does the government still award contracts with no proper audit paper trail?

Hon. Andy Scott (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, INAC's audit evaluation branch is reviewing its operation. Some part of this review involves sensitive personnel information. We asked that the information be kept sensitive. In the vast majority of the report, there is a trail involved. The work that was asked to be done was done.

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DAVID DINGWALL

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, the government and the minister have had 12 years to complete these reviews. Their time is up.

For the second example, despite the misuse of money at the Mint and Technology Partnerships Canada, the Prime Minister is still negotiating a severance package with David Dingwall, this in spite of the fact that not a single expert has come forward to say that there is an entitlement to severance when one quits a job.

I ask the Prime Minister, why is it that Liberal insiders continue to get generous severance packages even when they are not entitled to them?

Hon. John McCallum (Minister of National Revenue, Lib.): Mr. Speaker, the government will pay Mr. Dingwall only what legal counsel advises us that we must. There is currently an independent audit re-examining his expenses. I am pleased to inform the House that the results of the audit will be released by Wednesday of this week.

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FISHERIES AND OCEANS

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, if the Prime Minister wants to pay severance to David Dingwall, he should be able to stand up and defend it himself.

In a third example, a newly released audit of travel expenses at the federal fisheries department has uncovered yet more horror stories. Unauthorized claims, vacations on the public dollar and luxury flight bookings are only some of the examples.

Why can the Prime Minister not get a grip on the pervasive misuse of tax dollars throughout his government?

Hon. Geoff Regan (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, in fact this audit was initiated proactively by my department to improve its management of hospitality and travel. In fact, the department has lowered its expenses in this area of travel and hospitality by almost 20% over the past three years.

This audit is valuable. It shows we have more work to do, but it is under way.

● (1420)

Mr. Loyola Hearn (St. John's South—Mount Pearl, CPC): Mr. Speaker, the recent audit of DFO travel and hospitality files has uncovered a litany of abuses involving the expenditures of taxpayers' money. Despite the examples of atrocious abuse that were provided, no individuals are being disciplined or investigated.

Will the minister explain why he continues the Liberal policy of ignoring scandals even though this one happened on the present Prime Minister's watch?

Hon. Geoff Regan (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, my hon. colleague is wrong. The first thing he should know, in fact, is that this report covers a period that ended on March 31, 2004, when this administration had been here for only three or four months. More important, let me assure my hon. colleague that where appropriate and required, moneys will be recovered and disciplinary action will be taken.

Mr. Loyola Hearn (St. John's South—Mount Pearl, CPC): Mr. Speaker, let me ask a more timely question, then. How can the minister explain his department spending $42 million on travel and hospitality while Coast Guard boats were tied up to wharves around this country because they could not afford fuel?

Hon. Geoff Regan (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, my hon. colleague is a member of the Standing Committee on Fisheries and Oceans, which recently met in St. John's and summoned Mr. Henry Lear from our science department here in Ottawa to appear before it. Is the hon. member saying this kind of travel that he asked for is inappropriate?

[*Translation*]

CHILD CARE

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, regarding the child care funding agreement, the Prime Minister promised during the heat of an election campaign that Quebec would receive its share of funding with no strings attached. But in an interview, he just said the exact opposite, namely that Quebec would have to account.

How can the Prime Minister justify so blatantly failing to keep his word? Can he explain the discrepancy between what he promised during the last election campaign and what he said just a few days ago?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, first, the Government of Quebec is accountable to its people. All we said was that the provinces would be accountable to their people, as Quebec already is.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, following the Prime Minister's logic, day care centres are of national interest because immigrants and Aboriginal people, among others, attend day care. Immigrants and Aboriginal people attend primary school. Does that make primary school a federal jurisdiction? Some of them get treated in hospitals. Does that make hospitals a federal jurisdiction? Perhaps this is something he does not know, but there are even some living in municipalities. Does that make municipalities a federal jurisdiction?

Does the Prime Minister realize that his logic is absolutely preposterous?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, no one said that child care centres were a federal jurisdiction. We are familiar with the different jurisdictions and we respect them.

Is the hon. member suggesting that our children are not of national interest? They are. They fall under provincial jurisdiction, yet are national interest.

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MUNICIPALITIES

Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ): Mr. Speaker, there is another area regarding which the Prime Minister really did not keep his word, and I am referring to municipalities. Just before the last election, on June 18, 2004, he said he had no intention of interfering in provincial jurisdictions.

How could the Prime Minister allow himself, just before the election, to make such a statement to please voters when, after the election, we are finding out in a document obtained by *La Presse*, that Ottawa wants to hold summits directly with municipalities? Is the Prime Minister not ashamed to say one thing before the election and to do the opposite after?

Hon. John Godfrey (Minister of State (Infrastructure and Communities), Lib.): Mr. Speaker, we have always respected provincial jurisdictions when it comes to municipalities. At the same time, since our cities and communities are the target of our social, environmental and economic efforts, we should work closely with Quebec departments to understand Quebec's priorities at the municipal level and support them in the area of infrastructure, among others.

● (1425)

Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ): Mr. Speaker, according to the same document, the government wants to avoid setting up merely a banking machine. It wants to have a say about the infrastructure. It also wants to get recognition and visibility.

Did this government not learn any lessons from the sponsorship scandal, which was a visibility scheme? Now, it intends to set up, through municipalities, its own visibility program, thus reneging once again on a promise made before the election.

Hon. John Godfrey (Minister of State (Infrastructure and Communities), Lib.): Mr. Speaker, our involvement in the infrastructure initiative is based on dividing up priorities into three groups, namely national, provincial and municipal priorities, in an attempt to find a common ground and to work together by uniting our efforts to achieve the same goal and the same objective.

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[*English*]

HEALTH

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, my question is for the Prime Minister, who once again last week showed us that he cannot face up to a problem without posturing. How Ralph Klein is responsible for the trade wars that George Bush has launched against our country is completely beyond me.

The Prime Minister has picked a fight with Ralph Klein before; it was on protecting public medicare. In fact, the Prime Minister called it the fight of his life.

Let us see if he meant it. What new conditions are Premier Klein and the other premiers now having to face to stop the privatization of our health care system?

Hon. Ujjal Dosanjh (Minister of Health, Lib.): Mr. Speaker, the fact is that the additional $41.3 billion that is going to the provinces over the next 10 years is going through the Canada Health Act.

Our differences are not with the NDP. The enemies of health care are across from us. Every one of their three leaders, including the current leader, has said they would gut the Canada Health Act and they would privatize health care.

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, that is an odd way to conduct a fight, have somebody else stand up when it is the fight of your life.

The Prime Minister promised. He said he would fix the wait times, that he would stop the privatization of health care, yet both are taking place at this very moment. In fact, he allowed the provinces to leave with $41 billion without a single string attached, without a single condition to stop the privatization of health care.

Will the minister now agree with the NDP that it is time for some new rules?

Hon. Ujjal Dosanjh (Minister of Health, Lib.): Mr. Speaker, the hon. member is wrong again. All of the conditions of the Canada Health Act apply to the $41.3 billion over the next 10 years.

What I really want to say is our difference is not with them. We share the same objective of actually strengthening the public health care system. The wait times are being reduced in every province across the country. That money is being utilized. We will have benchmarks by December 31, 2005.

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DAVID DINGWALL

Mr. Brian Pallister (Portage—Lisgar, CPC): Mr. Speaker, we have learned that the Prime Minister's Office spoke with David Dingwall before he submitted his letter of resignation. We also know that the Prime Minister knew that Dingwall's remuneration agreement did not include severance. Therefore, severance pay would be entirely at the discretion of the Prime Minister.

I would like to ask, when the Prime Minister spoke with David Dingwall who raised the issue of severance pay? Was it Mr. Dingwall or him?

Hon. John McCallum (Minister of National Revenue, Lib.): Mr. Speaker, the government will pay to Mr. Dingwall only what legal counsel says is required.

Moreover, a review is under way by PriceWaterhouseCoopers in terms of the expenses. The report will be made public on Wednesday of this week. We shall have a full accounting as to whether his expenditures were appropriate. Were they not appropriate, then those that are inappropriate would be deducted from any severance payments that he might receive.

Mr. Brian Pallister (Portage—Lisgar, CPC): Mr. Speaker, the Prime Minister began claiming that severance was an obligatory aspect of the government's obligations and that it be paid immediately following David Dingwall's resignation. Yet the Prime Minister could not provide us with a single legitimate reason, no contractual obligation, no legislation, no legal opinion.

The only possible reason for the Prime Minister to pay Mr. Dingwall severance is that he promised to pay Mr. Dingwall severance. Why did the Prime Minister promise David Dingwall severance pay?

● (1430)

Hon. John McCallum (Minister of National Revenue, Lib.): Mr. Speaker, sometime ago I said there would be two reviews conducted by the Mint. The first is the audit which I just mentioned a few moments ago. In addition, there is a review to examine the processes of the Mint with the possibility of improvements being recommended.

I am pleased to announce that the Mint has engaged Peter Dey, a well-known expert in corporate governance from the firm Osler Hoskin & Harcourt to undertake this review.

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CAMPAIGN FINANCING

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Mr. Speaker, the multiculturalism minister was accompanied on a Team Canada mission to China last January by Michael Lo and Queenie Tin, shareholders in the Kingston Education Group. Mr. Lo and Queenie Tin also appear to be investors in Grand Canadian Academy, the minister's own education company in China.

Is it not therefore the case that the minister has been using official Team Canada trade missions to promote deals which benefit his investment partners?

Hon. Mauril Bélanger (Minister for Internal Trade, Deputy Leader of the Government in the House of Commons, Minister responsible for Official Languages and Associate Minister of National Defence, Lib.): Mr. Speaker, as is the case with all ministers when they are sworn into the cabinet, they submit their situation for the advice of the Ethics Commissioner. In this case the minister did that. The Ethics Commissioner recommended that he divest himself of any shares that he had and the minister did just that in December 2004.

No, the minister is not in any conflict of interest.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Mr. Speaker, according to the *Vancouver Sun*, the minister failed to disclose to the Ethics Commissioner who owned the other 30% of his school at the time and the question is the interest of his partners.

The minister having failed to file a complete report leaves questions in our minds. The missing information which would either confirm that he has been using the trade missions inappropriately or clear his name could be presented to the House.

Will the minister tell this House whether or not investors in his own company have benefited from his recent trade trip to China?

Hon. Mauril Bélanger (Minister for Internal Trade, Deputy Leader of the Government in the House of Commons, Minister responsible for Official Languages and Associate Minister of National Defence, Lib.): Mr. Speaker, the member might be well advised to consult with the Ethics Commissioner instead of the *Vancouver Sun*.

The minister did exactly what he was advised to do by the Ethics Commissioner, which was to divest himself of any shares or any interest he might have had in these corporations. He did that in December 2004, way before the trips. No, the minister is not in any way, shape or form in any conflict of interest in this situation.

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[*Translation*]

BUDGET SURPLUSES

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, the government has just introduced a bill on the use of federal budget surpluses in the coming years.

How can the Prime Minister contradict himself so by denying the existence of any fiscal imbalance to the federal government's advantage and then confirming the anticipated existence of huge federal surpluses by introducing legislation on their allocation in the future?

[*English*]

Hon. John McKay (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, the government commissioned Dr. O'Neill to write a report with regard to the surpluses that occur from time to time.

Dr. O'Neill's findings were that the bias is always skewered to the positive and as a consequence, there should be some mechanism for dealing with that positive result that happens, and has happened over the last eight years. The tabling of the report, which is an equal division among tax relief, debt reduction and program initiatives, is our response to that report. I believe it is greatly supported by many Canadians.

[*Translation*]

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, Quebec and the provinces have all been complaining about the fiscal imbalance that keeps the money in Ottawa while the needs are in Quebec and the provinces.

Does the Prime Minister, who says it is in national interest each time he interferes in the jurisdictions of Quebec and the provinces, not realize that it is in the best interest of Quebeckers and even Canadians for him to recognize and resolve the sizeable fiscal imbalance, rather than turn the huge budget surpluses in Ottawa into something normal and accepted?

[*English*]

Hon. John McKay (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, the hon. member continues to work on an erroneous presumption. That erroneous presumption is that Quebec and the other provinces do not have access to revenue raising sources. They have as many revenue raising sources as are available to the federal government, and in some instances more.

In this particular instance, there cannot be any fiscal imbalance as each province has exactly the same revenue raising capacity as the federal government.

● (1435)

[*Translation*]

Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, by interfering in child care and municipal affairs, and by rejecting the Gérin-Lajoie doctrine on allowing Quebec to represent itself abroad on matters within its jurisdiction, the Prime Minister is saying one thing and doing another.

Did the Minister of Transport not best express the real feelings of the Prime Minister, who is using these surpluses to gain new powers at the expense of Quebec and the provinces? Say what you will, the federal government can do what it wants since it has all the money.

Hon. Lucienne Robillard (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, for more than a year now, we have been signing all sorts of agreements with the Government of Quebec. We have signed an agreement on infrastructure and fuel tax. We have signed an agreement on health and one on older workers. We have reached an agreement on New Horizons for seniors. Then there is housing and the homeless. We can give many examples of the agreements signed with the Government of Quebec in order to meet the needs of Quebeckers, which is our role.

Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, the federal government is causing numerous problems as a result of the fiscal imbalance. Then, it adds insult to injury by talking to us about social cohesion.

Does the Prime Minister not realize that, thanks to the fiscal imbalance, he is responsible for increasing and most certainly exacerbating the social imbalance?

Hon. Lucienne Robillard (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, the Prime Minister has always said that he would work very closely with all the stakeholders in society and, naturally, with the provinces, while respecting areas of jurisdiction, but also with everyone who plays an important role in Canada, because we are facing huge challenges, given the current global situation. If we all work together, we will succeed in meeting these challenges. That is the context in which we are continuing to work with our partners, the provinces.

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[*English*]

INDIAN AND NORTHERN AFFAIRS CANADA

Mr. Jim Prentice (Calgary Centre-North, CPC): Mr. Speaker, Canadians now see that the virus of Liberal entitlement, rot and corruption has spread into the department of unlimited spending.

The Minister of Indian Affairs has now been caught signing a major contract with an Ottawa consulting firm that demands verbal advice only and specifies that the consultant leave no paper trail for the Auditor General.

Canadians have seen these sorts of liberally sensitive gag order contracts before: the Earnscliffe contracts with the Prime Minister's former office, the Groupaction contracts, and now Indian affairs.

Who instructed the minister to avoid public accountability, to avoid the House, and to avoid the Auditor General?

Hon. Andy Scott (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, as I said, as part of an audit exercise within the department and following Treasury Board guidelines, the branch hired experts. The contract called for an oral presentation on the initial findings from confidential employee interviews. It was a small part of the contract. There is a contract. There is a statement of work. There is a clear audit trail which shows the department got what it paid for.

[*Translation*]

Mr. Jim Prentice (Calgary Centre-North, CPC): Mr. Speaker, that is verbal notice of a dirty Liberal agreement. Two weeks ago, the President of Treasury Board confirmed that he does not know how much the Liberal government is spending on aboriginal programs. What a surprise. Even consultants working for the department are doing so in secret. The Auditor General made this same criticism about the sponsorship scandal and the Earnscliffe contracts.

Why is the minister hiding the truth from Canadians?

[*English*]

Hon. Andy Scott (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, clearly the member did not listen to the answer in the first instance. There is a contract. It is very transparent. It shows the department got what it paid for.

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SOFTWOOD LUMBER

Mr. James Rajotte (Edmonton—Leduc, CPC): Mr. Speaker, Canada needs leadership in the softwood lumber dispute, not the pre-election posturing we have seen from the government.

The legal victory for Canada for this dispute was over two months ago, but it took the Prime Minister 65 days to phone the U.S. President. Instead of being decisive, the Prime Minister and other ministers have sent conflicting messages about Canada's position on this issue. Conflicting messages will not resolve the softwood lumber dispute and will not help our forestry workers.

Why did the Prime Minister wait so long to phone the U.S. President? Why this lack of leadership on such an important issue?

Hon. Jim Peterson (Minister of International Trade, Lib.): Mr. Speaker, throughout this government has spoken with one voice on the softwood lumber dispute and that is that the NAFTA must be respected. We have continuously put this point before the United States. We will continue to do so.

● (1440)

Mr. James Rajotte (Edmonton—Leduc, CPC): Mr. Speaker, he is the minister who stood up and said we should negotiate after we in fact won the decision.

The fact is the softwood lumber industry has carried the burden of this dispute with only lip service and token support from the government. The industry, which is paying billions of dollars in duties and tens of millions of dollars in legal fees, has very reasonably proposed EDC backing in the interim for the return of its cash deposits.

When will the government cover the legal fees of this dispute and extend the loan guarantees to the industry until the dispute is resolved?

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, we have been meeting with the forestry industry off and on all summer. We continue to develop a forestry sector strategy for the industry, recognizing the issues of the softwood lumber industry and recognizing the difficult adjustment that is going on throughout the forestry sector in North America.

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SOUTH ASIA EARTHQUAKE

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, Pakistani authorities estimate that the number of people killed in last week's earthquake is now more than 40,000. Millions have been made homeless and there are fears about potential health risks that threaten stranded survivors.

In the midst of this human tragedy, will the Minister of Foreign Affairs outline what Canada is doing to help the people of Pakistan?

Hon. Pierre Pettigrew (Minister of Foreign Affairs, Lib.): Mr. Speaker, within hours of this tragedy I convened an interdepartmental task force, including CIDA, defence, immigration and, of course, foreign affairs. We quickly announced a $20 million contribution, including 21 tonnes of blankets and two helicopters. We established a fund to match the private donations. We waived immigration processing fees. Over the past weekend we deployed DART.

Our timely and targeted response has been acknowledged by the international community and the government of Pakistan.

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LOBBYISTS

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

The minister said on the weekend that he would take into account the NDP seven point proposal for ethical and accountability reform. I have sent him a copy. My question is about what he can do today.

Will he put an end to the David Dingwall lobbyist loophole? Specifically, will he bring in a measure that will make it illegal for a lobbyist to accept contingency fees? Will he accompany it by a requirement that if this happens, there will be a $35,000 fine and a sentence of up to two years in jail? Will he take some action?

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, I thank the hon. member for the question and I thank the hon. member for giving me the document, of which he spoke, on the weekend. I have not read the document yet but I certainly intend to after question period.

We are dealing very aggressively with the issue of contingency fees. The taxpayers are not out a penny. We are cleaning up all of that and will continue to do so as we go forward.

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HEALTH

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, maybe this will stir the Prime Minister.

Today, avian flu has spread to Greece and today is the 20-month anniversary of the outbreak of avian flu in B.C.'s Fraser Valley. It ended after 17 million birds were killed, almost every bird there. Quarantine lines were breached twice through incompetence. We waited one week for test results when death rates were increasing 800% every 24 hours.

We need a public inquiry to know what went wrong and fix it now. No more delays. Why the cover-up around the screw-up on avian flu?

Hon. Ujjal Dosanjh (Minister of Health, Lib.): Mr. Speaker, I believe the WHO has said that Canada, by far, is the best prepared country in the world on this issue.

We can never be fully prepared for these kinds of eventualities. We continue to work hard. In fact, the U.S. is modelling its own plans based on our plans in terms of preparedness.

I want to tell members that all the jurisdictions are working together under the leadership of David Butler-Jones, our chief public health officer, and we will do the right thing. There is no need to cause alarm among Canadians.

Mr. Steven Fletcher (Charleswood—St. James—Assiniboia, CPC): Mr. Speaker, early last week the top wait time bureaucrat admitted evidence-based benchmarks would not be in place by the year-end deadline. In response, government spin doctors were climbing over each other to change the message. By the end of last week the top wait time bureaucrat had retracted his comments.

Will the minister admit that his own government clamped down on its wait time official because he highlighted the government's incompetence?

● (1445)

Hon. Ujjal Dosanjh (Minister of Health, Lib.): Mr. Speaker, that is strange coming from that party whose last three leaders, including the current one, always wanted to gut the Canada Health Act and end the federal role in health care.

The fact is that we will get benchmarks by December 31, 2005. I am meeting with the other health ministers at the end of this week and I will make sure, we will make sure from coast to coast to coast and Canadians will make sure that we have the benchmarks because we all signed a deal to do that.

Mr. Steven Fletcher (Charleswood—St. James—Assiniboia, CPC): Mr. Speaker, the government knows nothing about accountability which is why we need to throw it out.

The government's solution to the wait time crisis is more talk, more study and more waiting. We now know that the government will not have meaningful, measured benchmarks established by the deadline.

Will the minister admit that his government has created the wait time crisis and that Canadian patients will continue to wait as long as the Liberals are in power?

Hon. Ujjal Dosanjh (Minister of Health, Lib.): Mr. Speaker, obviously the hon. member finds it very hard to go off the script. Obviously he did not hear what I just said in the House.

The fact is there is a developing consensus across the country under the leadership of all the provinces and Dr. Brian Postl. We will have benchmarks by December 31. We do not have an option. Canadians will not give us an option to do otherwise.

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, CPC): Mr. Speaker, avian flu is continuing its deadly march around the world. All parts of Canada are susceptible to the threat.

During SARS, it became apparent that Canada was not prepared to handle a pandemic.

Could the health minister explain why Canadians cannot see the government taking any concrete action to prevent the spread of avian flu to Canada?

Hon. Ujjal Dosanjh (Minister of Health, Lib.): Mr. Speaker, let me repeat. WHO, on its own, after assessing the plans across the world, has said that we are by far the best prepared jurisdiction in the world, bar none.

The fact is I agree that we can never be fully prepared for these kinds of eventualities. Therefore we continue to work hard to ensure we are more prepared than ever before.

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, CPC): Mr. Speaker, the government continually says that it is ready to handle a pandemic but Canada has never really put its paper plans to a test. In fact, bureaucratic paperwork prevents medical personnel from assisting across provincial lines.

When will all doctors and nurses be approved to work in all provinces under a declared emergency?

Hon. Ujjal Dosanjh (Minister of Health, Lib.): Mr. Speaker, all jurisdictions are working on those very issues and we have had a great deal of success in working those issues out.

There is no need to cause alarm among Canadians. Canadians from coast to coast to coast, including those in government, are worried about these issues. We will have all the plans in place to ensure all the people who need to work across borders in this country are able to do so.

* * *

[*Translation*]

SOFTWOOD LUMBER

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, the incomplete action plan the federal government has announced today leaves the entire softwood lumber industry wholly at the mercy of the American rulings, by denying loan guarantees which would enable these businesses to cope with this crisis.

How can the government have neglected these companies this way, when they have had to pay more than $5 billion in countervailing and antidumping duties imposed upon them illegally by the United States?

Hon. Jacques Saada (Minister of the Economic Development Agency of Canada for the Regions of Quebec and Minister responsible for the Francophonie, Lib.): Mr. Speaker, I would invite the hon. member to have another look at our press releases. Today's announcement has nothing to do with softwood lumber. It is specifically intended as a response to Quebec's request for assistance in connection with the reduction in wood supply legislated by Quebec's Bill 71.

I think it is interesting that the Bloc Québécois is questioning this after voting against Bill C-9 and a budget increase.

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, Quebec businesses have so far had to pay out close to $1 billion in illegal customs duties, which have been frozen by the U.S., thereby paralyzing their operations. Tembec alone has paid $300 million.

Does the government realize that loan guarantees could help businesses by giving them the leeway they need to survive the present crisis? Is it going to act?

● (1450)

Hon. Jacques Saada (Minister of the Economic Development Agency of Canada for the Regions of Quebec and Minister responsible for the Francophonie, Lib.): Mr. Speaker, the sector in which we intervened this morning in reaction to Bill 71 relates specifically to resource reduction. It is intellectual dishonesty to link the two things.

The purpose of our announcement this morning was to provide a response to the Government of Quebec's request for assistance in managing the resource in keeping with the fundamental principle of sustainable development. There is no connection whatsoever with softwood lumber.

* * *

[*English*]

NATIONAL DEFENCE

Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC): Mr. Speaker, the minister has authorized the purchase of 77 add-on armour kits for the LAV IIIs located in Afghanistan. They are available at three different levels of performance, with the third generation being the latest and the best. Incredibly, the minister has chosen to provide our troops with 10 year old, first generation protection, not the latest and safest version.

The Prime Minister said that he would not put our military in harm's way without giving them the best of equipment. Generation one protection is not the best equipment.

Why is the minister prepared to put our troops at unnecessary risk with outdated protection?

Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.): Mr. Speaker, we take the protection of our troops extremely seriously which is why the Minister of National Defence has authorized the purchase of brand new vehicles with up to date protection for those troops.

We recognize that the threat is an evolving threat, changing all the time, and first and foremost is the protection of those troops. That is why we authorized the production and delivery of those vehicles as soon as possible.

Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC): Mr. Speaker, that answer is nonsense. It is just rhetoric that adds nothing to the security of our troops.

Joint Task Force Two is buying 40 millimetre grenade machine guns, which are definitely required by the army to replace protection previously provided by antipersonnel landmines. Unfortunately, they are not buying grenades that self-destruct. Unexploded grenades can maim and kill innocent people just like mines.

Is the minister prepared to contravene the spirit of the Canadian sponsored treaty to ban antipersonnel landmines by leaving unexploded grenades littered throughout Afghanistan?

Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.): Mr. Speaker, the member points out one of the threats there, and that is unexploded devices, not only those but the IEDs that we have seen being used with such deadly effects in Iraq. We know this and that is why the minister and all of our defence colleagues are working very hard to ensure our forces personnel are protected.

I might say that it is well known that our forces in Afghanistan are some of the best protected forces there on the ground. We will do no less for our CF members who work so hard to ensure peace and security will come to the beleaguered country of Afghanistan.

* * *

SOCIAL DEVELOPMENT

Mrs. Susan Kadis (Thornhill, Lib.): Mr. Speaker, my question is for the Minister of State for Families and Caregivers.

Like all parliamentarians, I am very aware of the important contribution made by our caregivers to Canadian society. Would the minister provide an update on the government's efforts and initiatives on behalf of caregivers?

Hon. Tony Ianno (Minister of State (Families and Caregivers), Lib.): Mr. Speaker, I thank the hon. member for her concern for our three million Canadians, our unsung heroes, who give of themselves 24 hours a day, 7 days a week, with little at their behest.

What we are saying is that we are having a national conference today and tomorrow. We brought together Canadians from across the country to ensure that cooperatively with the provincial and territorial governments we will find a long term solution to help those who are our heroes.

* * *

FIREARMS REGISTRY

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, provincially, Manitoba reported the highest homicide rate in Canada for 2004. Just last week an innocent bystander, 17-year-old Philippe Hayart, was shot to death in a gang crossfire while walking down the street.

The government has sunk more than $1 billion into the gun registry, money that could be spent on front line police officers to make our streets safer in Manitoba.

When will the government realize that criminals do not register their guns? When will the government shut down the gun registry and put those resources toward front line police officers?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, the only people who do not get the importance of gun control in this country appear to be members of the opposition. In fact, front line police use this system over 35,000 times a week. The chiefs of police endorse this system and describe it as an ever increasingly important tool in our fight against crime.

I find it amazing that the opposition would suggest that a comprehensive approach to gun control is not absolutely key to keeping our families, streets and communities safe.

● (1455)

Mr. Colin Carrie (Oshawa, CPC): Mr. Speaker, the only people who do not get it are those in the Liberal government.

Over the weekend a TTC bus driver was shot in the head after getting caught in the middle of a dispute during his shift. Just hours before the shooting, I attended a crime and justice forum in Scarborough where constituents were in unanimous agreement that mandatory prison sentences were needed to control the recent wave of violent crime. The Liberal government has opted for throwing money at an ineffective gun registry instead of investing in front line policing to keep our communities safe.

When will the Liberals start listening to Canadians and institute mandatory prison sentences for violent offenders?

Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I think everyone in the government is concerned about our communities and the violence that is being demonstrated in those communities.

Clearly this is a complex matter that requires a number of steps to be taken. One of those is dealing with legislation, which we already have on the books, another one is working with the community groups to educate the public, and the third one is to make sure we work with those other community groups that are interested in keeping these young people employed in other aspects of their lives and not to participate in this sort of activity.

* * *

[*Translation*]

CANADA POST CORPORATION

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, the government has to understand that Canada Post closing down the Quebec City sorting station without providing a satisfactory explanation is wrong. Canada Post has to make its intentions known, not only for the Quebec City sorting station, but also for the other sorting stations elsewhere across Canada.

Will the government admit that the best, and the only, way of knowing what Canada Post's true intentions are is for the corporation to table its plan for its entire network? We want to see the plan; it is as simple as that.

Hon. John McCallum (Minister of National Revenue, Lib.): Mr. Speaker, there is one very simple point that the hon. member does not seem to be grasping: no jobs will be lost. I have repeated several times that no jobs will be lost. That is an extremely important point. Another important point is that, if we do not want it to go back into deficit, Canada Post has to be efficient.

* * *

ST. LAWRENCE SEAWAY

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Mr. Speaker, my question is for the Minister of Transport.

Given the critical importance of the St. Lawrence Seaway, can the minister give us details of the investments made by the government to maintain the St. Lawrence Seaway infrastructure, and of the positive economic spinoffs for the Quebec economy?

Can the minister also give us his vision for the future, to ensure that the St. Lawrence Seaway remains a key component of shipping trade in our country?

Hon. Jean Lapierre (Minister of Transport, Lib.): Mr. Speaker, current activities on the St. Lawrence Seaway in Quebec represent about $2 billion and 20,000 jobs. The St. Lawrence Seaway is investing about $34 million annually.

We are currently conducting a study with the Americans. The Bloc Québécois is engaging in scaremongering, but the purpose of the study is to improve the flow of traffic and navigation on the St. Lawrence River.

Over the past few weeks, I met with officials from the St. Lawrence Economic Development Council and the St. Lawrence Shipoperators, and with shippers, and we are going to work, particularly in the area of transport—

The Speaker: The hon. member for Beauport—Limoilou.

* * *

SERVICE CANADA

Mr. Christian Simard (Beauport—Limoilou, BQ): Mr. Speaker, true to form, the government has presented Parliament with a fait accompli and announced the creation of service Canada, which will consolidate the services provided by a dozen or so departments. The government has allocated $500 million to set up this project, yet no bill for its implementation has been introduced.

What is the government waiting for to be transparent and democratic and to present this House with a bill to create service Canada?

[*English*]

Hon. Peter Adams (Parliamentary Secretary to the Minister of Human Resources and Skills Development and Minister responsible for Democratic Renewal, Lib.): Mr. Speaker, service Canada is committed to continuous improvement and reports regularly to Canadians. Its service charter describes the commitment of service Canada. I am very pleased to announce that we have appointed an office of client satisfaction to allow Canadians to judge the performance of service Canada.

● (1500)

HEALTH

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, the people of Kashechewan First Nation have been under a boil water advisory for eight years. This past weekend an E. coli outbreak hit the community. The school is closed, the health centre is closed and a Health Canada official told the people that it was perfectly safe to bathe their children in E. coli contaminated bathwater. That is like telling those Cree people to bathe their children in toilet water.

Would the health minister or any of his staff be willing to come up to Kashechewan and bathe their children in this kind of water?

Hon. Ujjal Dosanjh (Minister of Health, Lib.): Mr. Speaker, obviously that is a very serious issue. I will look into it and I would be happy to provide an answer to the hon. member.

The Speaker: I just want to point out that we have gone through the entire list of questions today because members were so restrained. They had short questions and there were short answers. We did well.

ROUTINE PROCEEDINGS

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I am happy to table, in both official languages, the government's response to eight petitions.

* * *

INTERPARLIAMENTARY DELEGATIONS

Hon. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, pursuant to Standing Order 34, I have the honour to present to the House reports from the Canadian branch of the Commonwealth Parliamentary Association concerning three events: first, the bilateral visit to the Falkland Islands from January 15 to 22; second, a report on the seminar on corruption, human rights and party politics, which was held in London, United Kingdom from January 23 to 29; and third, the 17th CPA seminar report which was held in Cape Town, Republic of South Africa from May 29 to June 4.

* * *

● (1505)

[*Translation*]

PETITIONS

OLDER WORKERS

Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ): Mr. Speaker, I am pleased to table two petitions today. The first one is an initiative from workers in the shoe industry, in my riding. They strongly ask the government to create a POWA to help their fellow citizens who work in soft sectors of the economy and who too often pay the price for globalization and lose their job at an age where they are too old to get new training and find a job. This first petition, which is signed by about 1,000 people, follows the initiative of workers in the shoe sector in my riding, whom I want to congratulate.

CANADA POST CORPORATION

Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ): Mr. Speaker, my second petition also comes from my riding. It asks the Government of Canada, and particularly Canada Post, not to proceed with the closure of the sorting station in Quebec City, because it is an essential station and its closure will lead to the loss of well paying jobs in the Quebec City area.

This shows once again the lack of interest of this government for the national capital region of Quebec. This petition is thus used as a pressure tactic against the closure of this sorting station.

[*English*]

MARRIAGE

Mr. Gurmant Grewal (Newton—North Delta, CPC): Mr. Speaker, I am pleased to rise today on behalf of the constituents of Newton—North Delta to present a petition. The petitioners call upon Parliament to pass legislation to recognize the institution of marriage in federal law as being a lifelong union of one man and one woman to the exclusion of all others.

The petition is signed by over 1,000 people from Newton—North Delta and the neighbouring ridings.

PUBLIC BROADCASTING

Ms. Nancy Karetak-Lindell (Nunavut, Lib.): Mr. Speaker, I would like to present a petition from my riding of Nunavut asking that the Government of Canada help protect the future of public broadcasting in Canada. It was signed by many people in Nunavut.

CITIZENSHIP AND IMMIGRATION

Mr. Jay Hill (Prince George—Peace River, CPC): Mr. Speaker, as I have been doing at virtually every opportunity over the last number of weeks since Parliament reconvened this fall, it is my pleasure to present yet another petition, this one signed by residents of Nepean and Orléans, Ottawa, Port Colborne, Welland and Grimsby, Ontario and points west as well.

The petitioners wish to draw to the attention of the House that on average 2,000 children are adopted from other countries and are brought to Canada by Canadian families who welcome them into their lives.

Whereas biological children of Canadian citizens born abroad receive automatic Canadian citizenship at birth and other countries as well provide this for foreign adoptees, they call upon Parliament to immediately enact legislation to grant automatic citizenship to minors adopted from other countries by Canadian citizens, with citizenship being immediately granted upon the finalization of the adoption.

POLISH ALLIANCE OF CANADA

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): Mr. Speaker, pursuant to Standing Order 36 I have the pleasure to present a petition signed by 30 people from my riding of Etobicoke Centre.

In recognition of the 100th anniversary of the Polish Alliance of Canada in 2007 and the contribution of Polish Canadians to the building of our great country, the petitioners pray and request that Parliament encourage Canada Post Corporation to issue a commemorative stamp on the organization's 100th anniversary in December 2007.

KIDNEY DISEASE

Hon. Peter Adams (Peterborough, Lib.): Mr. Speaker, tens of thousands of people have signed petitions in recent years expressing their concern about kidney disease. The petitioners know that progress has been made in the treatment of kidney disease in improved dialysis, for example, and in research to prevent and cure kidney disease. They know a great of that work has been done by the Canadian Institutes of Health Research.

These citizens call upon Parliament to make research funding available to the Canadian Institutes of Health Research for the explicit purpose of conducting bioartificial kidney research as an extension of the research being successfully conducted and tested at several centres in the United States.

CRIMINAL CODE

Mr. James Moore (Port Moody—Westwood—Port Coquitlam, CPC): Mr. Speaker, I have two petitions to table in the House today.

I am pleased to present a petition signed by hundreds of Canadians from across Ontario, Nova Scotia and New Brunswick. The petition recognizes the growing threat posed by date rape drugs, GHB and rohypnol, when used in the commission of sexual assaults.

The petitioners call upon Parliament to amend the Criminal Code to create a separate schedule for specific date rape drugs, establish a national initiative to educate women on the dangers of date rape drugs and establish a national task force to develop new guidelines in the collection and documentation of evidence in sexual assault investigations to facilitate investigations so we can fight those who are abusing women with date rape drugs.

● (1510)

AGE OF CONSENT

Mr. James Moore (Port Moody—Westwood—Port Coquitlam, CPC): Mr. Speaker, in my second petition the petitioners wish to draw the attention of the House to the fact that our children need protection from sexual exploitation.

The petitioners therefore call upon Parliament to protect our children by taking all necessary steps to raise the age of sexual consent.

CRIMINAL CODE

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, I am pleased to table pursuant to Standing Order 36 a petition signed by many residents of Edmonton, many of them in the constituency of the Deputy Prime Minister.

The petitioners ask Parliament to amend section 83 of the Criminal Code. This is the section with respect to the definition of a prize fight. The petitioners wish an exemption for all martial arts and martial arts contests. I am happy to present this petition in the House.

The Speaker: I am sure the hon. member from Beauséjour will be able to arrange a quick response from the government to that petition.

Hon. Dominic LeBlanc: Mr. Speaker, you are aware, as are all hon. members, that the government responds quickly and in a timely way to all petitions. You will not be surprised that this one is very much in the ordinary course of our business as well.

* * *

QUESTIONS PASSED AS ORDERS FOR RETURNS

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if Question No. 174 could be made an order for return, the return would be tabled immediately.

The Speaker: Is that agreed?

Some hon. members: Agreed

[*Text*]

Question No. 174—**Mr. John Cummins**:

With regard to the anthropological and historical study undertaken by Professor Alexander von Gernet for the Department of Justice entitled, "The Early History of Lobster Harvesting Among Natives and Newcomers in Atlantic Canada", and the transfer to aboriginals in the Maritime Provinces access to lobster for food, social and ceremonial purposes (Sparrow) and commercial purposes (Marshall): (*a*) what year was identified as the year of first contact between Mi'kmaq and Europeans; (*b*) does the report find evidence or come to a conclusion that lobster was important to the Mi'kmaq prior to contact or at the time of contact with Europeans; (*c*) does the report find evidence or come to a conclusion that lobster was important to the Maliseet prior to contact or at the time of contact with Europeans; (*d*) does the report find evidence of significant lobster harvest by the Mi'kmaq during the first three centuries after contact with Europeans and, if so, what was the evidence or indication of significant harvest or reliance on the harvest of lobster; (*e*) does the report find evidence of a significant Mi'kmaq reliance on lobster as a food source prior to contact or at the time of contact with Europeans; (*f*) does the report find evidence of a significant Mi'kmaq reliance on lobster as a food source in the first three centuries after contact; (*g*) does the report conclude that either individual bands or the Mi'kmaq as a whole relied on lobster for food at this time, and, if so, which bands; (*h*) does the report conclude that there was a significant difference between the reliance of Fraser River aboriginals on salmon and that of the Mi'kmaq on lobster and, if so, what was the difference; (*i*) does the report find evidence that the Europeans were harvesting lobster immediately following contact; (*j*) which Mi'kmaq and Maliseet bands have received licences to harvest lobster for food, social and ceremonial purposes and how much was harvested in each year by each band following the Marshall decisions; (*k*) which Mi'kmaq and Maliseet bands have received licences to harvest lobster for commercial purposes and what was the amount harvested in each year by each band following the Marshall decisions; (*l*) is the decision to provide these food and commercial licences consistent with the findings of the report and, if so, in what way is it consistent with the historical evidence outlined in the report; (*m*) following a review of the report, what action did the Department of Fisheries take to revise its plan to implement the transfer of lobster licences and vessels to aboriginal organizations; and (*n*) how many licensed lobster fishermen (other than aboriginal organizations) were engaged in the public fishery in 1998, 1999, 2000, 2001, 2002, 2003 and 2004 in (i) New Brunswick, (ii) Nova Scotia, and (iii) Prince Edward Island?

(Return table)

[*English*]

Hon. Dominic LeBlanc: Mr. Speaker, I ask that all remaining questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

CANADA ELECTIONS ACT

The House resumed consideration of the motion that Bill C-63, An Act to amend An Act to amend the Canada Elections Act and the Income Tax Act, be read the second time and referred to a committee.

The Speaker: Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the yeas have it.

And more than five members having risen:

The Speaker: Call in the members.

And the bells having rung:

The Speaker: At the request of the government, the vote will be deferred until tomorrow at the conclusion of government orders.

* * *

● (1515)

CRIMINAL CODE

The House proceeded to the consideration of Bill C-49, An Act to amend the Criminal Code (trafficking in persons), as reported (with amendments) from the committee.

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.) moved that the bill, as amended, be concurred in at report stage.

The Speaker: Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

The Speaker: When shall the bill be read the third time? By leave, now?

Some hon. members: Agreed.

Hon. Irwin Cotler moved that the bill be read the third time and passed.

The Speaker: Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

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

CRIMINAL CODE

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.) moved thatC-65, An Act to amend the Criminal Code (street racing) and to make a consequential amendment to another Act, be read the second time and referred to a committee.

The Speaker: Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

The Speaker: I declare the motion carried. Accordingly, the bill is referred to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness.

(Motion agreed to, bill read the second time and referred to a committee)

* * *

[*Translation*]

CRIMINAL CODE

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.) moved that Bill C-64, An Act to amend the Criminal Code (vehicle identification number), be read the second time and referred to a committee.

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I am pleased to speak to Bill C-64, an act to amend the Criminal Code in relation to vehicle identification numbers. The Bloc is in favour of this bill, which will provide the police with an additional tool in the fight against networks active in the theft, appearance alteration and resale of motor vehicles. Those networks, too often, enable criminal organizations to finance other criminal activities.

Obviously, changing the appearance of vehicles and reselling them is often made possible through the existence of a network that is involved in other criminal activities. So, this bill aims at giving the police more powers. The Bloc always strives to defend the interests of Quebeckers and of Canadians.

In fact, too often, criminal organizations operate in several areas, hence the name “networks”. In this way, through such methods as tampering with identification numbers, altering the appearance of cars and reselling them, they can sustain a network which later branches out into the sale of drugs, guns and other illicit products. So, all that is connected. This position by the Bloc certainly comes as no surprise. It has consistently opposed those activities and has always denounced the way in which the networks of those dealing in drugs as well as in other criminal products are allowed to sell their goods far too easily. Vehicles that are stolen, disguised, and so forth often represent a significant component in the network of organized criminals who are rampant in Quebec and elsewhere in the other Canadian provinces.

Bill C-64 amends the Criminal Code to make it an offence to alter, remove or obliterate a vehicle identification number on a motor vehicle. In Canada, every vehicle has to have an identification number to clearly differentiate one vehicle from another. Anyone who has a car or any other mobile equipment understands that every vehicle is identified by a serial number. Those involved in auto theft rings obliterate and change serial numbers. They take legally tagged vehicles that have been in an accident, remove their identification numbers and put them on stolen vehicles. So far, this had escaped the Criminal Code, in the sense that obliterating, altering or removing an identification number on a motor vehicle was not an offence under the Criminal Code.

Bill C-64 will make it possible to charge anyone involved in this kind of trafficking, that is, individuals who know full well that there did not use to be a criminal offence associated with taking the serial number off one vehicle to put it on another vehicle. It is well known that what we are really talking about is organized auto theft rings. These are traffickers who often deal other things, such as drugs and weapons. These rings made windfall profits by taking the serial numbers off damaged vehicles and putting them on stolen ones, which were often in very good condition and were used to earn profits from illicit trafficking.

As far as the Bloc Québécois is concerned, this bill is telling anyone who is involved in this kind of trafficking and thought that, because it was not a criminal offence, it was okay to take the serial number off one vehicle and put it on another, that what they are doing is now a criminal act and that the police will be allowed to stop them and charge them with an offence under the Criminal Code.

At present, under the Criminal Code, there is no specific offence for those who alter a vehicle identification number to hide the identity of a stolen vehicle. As we speak, that is not a criminal act.

● (1520)

However, once Bill C-64 is passed, it will be a criminal offence to tamper with or to alter the identification number on a motor vehicle.

The Bloc Québécois feels that this is another way to target organized criminal networks that are active in a number of areas, including car theft and the trafficking of licence plates or serial numbers that often come from stolen vehicles. Later on, these numbers are often put on vehicles that were not stolen, but that have been involved in an accident.

Until now, we had to rely on section 354 of the Criminal Code, which Bill C-64 seeks to amend, to prosecute individuals found in possession of vehicles whose serial number had been altered or obliterated. The Criminal Code currently has no specific provision making it an offence to alter, obliterate or remove a vehicle identification number. Bill C-64 will fill that void.

The new offence will be added to section 377, which deals with the offence that consists in damaging documents through destruction, defacing, obliteration or injury. A person found guilty of the new offence will be liable to imprisonment for a term not exceeding five years. The Crown may also opt for an offence punishable on summary conviction, which carries a fine of a maximum of $2,000, a prison term of six months, or both.

For the benefit of Quebeckers who are listening to us, I will read the wording of the new offence that has been included:

> (1) Every one commits an offence who, wholly or partially, alters, removes or obliterates a vehicle identification number on a motor vehicle without lawful excuse and under circumstances that give rise to a reasonable inference that the person did so to conceal the identity of the motor vehicle.
>
> (2) For the purposes of subsection (1), "vehicle identification number" means any number or other mark placed on a motor vehicle for the purpose of distinguishing the motor vehicle from other similar motor vehicles.

Of course, motor vehicles include snowmobiles, motorcycles and all-terrain vehicles. So, we are talking about all motor vehicles whose identification numbers are tampered with. Those individuals who will engage in this type of trafficking or tampering will now be found guilty of that offence under section 377.1 of the Criminal Code. The offence is defined as follows in paragraph (3):

> Every one who commits an offence under subsection (1)
>
> (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
>
> (b) is guilty of an offence punishable on summary conviction.

For these, sentences go up to five years. The people who watch us, men and women, old and young, often think that we parliamentarians are here to make their lives miserable. Indeed, we are often told that there are too many laws and regulations. The Bloc Québécois wants to send a message to our youth, to the young men and women who are watching. In some circumstances, you might want to help someone buy a small motorcycle, a moped or some other vehicle like that. You must be careful because serial numbers can be changed on vehicles that have been in accidents. So, we may buy a motorcycle at a very low price, thinking that we have just found the deal of the century. When someone offers to sell something expensive at a very low price, there is something wrong. That is how stolen vehicles are sold.

And that is in a way the message we want to send: one must be careful not to be dragged into shady deals. When something is sold at a certain price, it is because it is worth that price. When someone says that he or she is doing you a favour, you think that you have found the perfect deal. However, oftentimes, when you find the perfect deal on a motor vehicle, it is because there is something wrong with that vehicle. Often, it is a practically new vehicle to which the number of a damaged vehicle has been attributed by tampering. People should avoid that kind of deal.

Bill C-64 tells the people, the young men and women from Quebec who listen to us, that we must really prevent criminal gangs from entering all sectors of our economy.

● (1525)

Automobile theft is one of the major activities of criminal gangs. One of their methods was to alter identification numbers. They would take the numbers of vehicles that had been in accidents and that they had often bought at very low prices. Then they put these numbers on stolen vehicles of the same make that were virtually new. This enabled the gangs to sell these vehicles at very attractive prices to citizens who thought they had just discovered the bargain of the century.

In the end, the gangs would be dismantled. And often, honest citizens who had purchased a vehicle thinking they had discovered the bargain of the century saw the police arrive a few months or years later and inform them that there had been trafficking in identification numbers. Most of the time, these people had bought their vehicles from individuals who told them that it was legal and that taking the registration from one vehicle and putting it on another was not a criminal offence.

Now Bill C-64 makes it clear that motor vehicle theft is a criminal offence. It is clear that both vehicle theft and taking the registration or serial number of one vehicle and putting it on a stolen vehicle are criminal offences. It is also clear now that the simple act of transferring the registration and serial number is a criminal offence. I would like to read this criminal offence for you and the citizens listening to us:

> Every one who commits an offence under subsection (1)
>
> (*a*) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
>
> (*b*) is guilty of an offence punishable on summary conviction.

This really is a criminal act.

Once again, there are those who will say that vehicle theft is not as serious as all that and it is not necessarily criminal gangs who are involved. I would like to provide just one statistic. Motor vehicle theft is becoming increasingly widespread. In 2004, nearly 170,000 vehicle thefts were reported in Canada.

It is obvious that when 170,000 vehicles are stolen, the purpose is to re-sell them. When the number of vehicles is this high, it is because criminal gangs are behind it. They are very well organized. Often they take advantage of young people who need money and get them to commit criminal acts. They have them commit thefts first, and then have them take the legal identifications from vehicles involved in accidents and get them to put the identifications on stolen vehicles. Often the young people are told that this is not a criminal offence, there is no problem, because no crime was committed and they will not get a criminal record.

We want to send a message that such trafficking is illegal. This is part of an organized criminal network involved in other types of criminal activities, often drug or arms trafficking. These networks must be dismantled. One way to do that is to tell those who assume that there are no consequences for taking the licence plate from one vehicle to use on another that this is a crime that carries a prison sentence like other crimes do.

The Bloc Québécois supports Bill C-64, which is before us today. The men and women in our political party strongly believe that this is a step in the right direction in the fight against organized crime.

Finally, it is all here. The aim of this bill is to discourage people who are sometimes short of funds and who are often honest, but who are asked to do something dishonest. They are being told that they can do it because such activities are not punishable under the Criminal Code.

All we are telling organized crime networks is that they should no longer use young people or others for this, because it is a crime. We are telling people that, from now on, we will no longer tolerate this.

All we want is for the bill to come into force as soon as possible and for the Criminal Code to be amended in consequence. Organized crime networks often have fingers in a number of different pies, including auto theft—170,000 vehicles were stolen in 2004 as I said. These networks take advantage of the high demand for stolen vehicles trafficked with licence plates from legal vehicles.

From now on, trafficking in such vehicles would also be a crime. Consequently, everyone involved in this activity would be considered a criminal, including the organizers of such activities within the network.

● (1530)

Thus, the government has understood that the Bloc Québécois is in favour of Bill C-64. We are in favour of this legislative change. We want these offences to be included in the Criminal Code as quickly as possible.

I will conclude by reading once again this clause 377.1 that will be added to the Criminal Code through Bill C-64. It says:

> 377.1 (1) Every one commits an offence who, wholly or partially, alters, removes or obliterates a vehicle identification number on a motor vehicle without lawful excuse and under circumstances that give rise to a reasonable inference that the person did so to conceal the identity of the motor vehicle.
>
> (2) For the purposes of subsection (1), "vehicle identification number" means any number or other mark placed on a motor vehicle for the purpose of distinguishing the motor vehicle from other similar motor vehicles.
>
> (3) Every one who commits an offence under subsection (1)
>
> (*a*) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
>
> (*b*) is guilty of an offence punishable on summary conviction.

We are thus telling Quebeckers that, as soon as Bill C-64 is implemented and comes into force, a person who alters, removes or obliterates the serial number of a motor vehicle—and I repeat, a motor vehicle, that is a car, a truck, a motorcycle, a snowmobile, a boat, in short, everything that functions with a motor—will be committing a criminal act. Let us stop thinking that this only applies to cars. Indeed, all those who altered serial numbers would be committing a criminal act.

Once again, the Bloc Québécois supports Bill C-64 in order to counter organized crime, which, on top of all its other activities, was responsible for the theft of 170,000 cars in 2004. We clearly want to deal with organized crime, which, in addition to stealing cars, is often into the illegal sale of drugs and firearms.

* * *

[*English*]

BUSINESS OF THE HOUSE

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I rise on a point of order. Discussions have taken place between all parties concerning the bills listed on today's Projected Order of Business.

Mr. Speaker, as you noticed, there was perhaps a bit of confusion on all sides of the House with respect to participating in different debates following routine proceedings a few moments ago, in particular the third reading of Bill C-49 and the second reading of Bill C-65.

Mr. Speaker, I believe you would find consent in the House to return to third reading of Bill C-49 in order for members to participate in said debate, and that at no later than 6:30 p.m. today, the motion for third reading of this bill would be deemed carried.

Should Bill C-49 conclude before 6:30 p.m. today, the House would immediately return to the second reading of Bill C-65 for the same reasons I noted above.

● (1535)

Mr. Jay Hill (Prince George—Peace River, CPC): Mr. Speaker, I certainly concur with my hon. colleague across the way in the sense that there was some confusion immediately following routine proceedings today that allowed these two bills to slip by. I think there were members from all parties who wanted to speak to them. I certainly would concur with my colleague.

I would like further clarification. If Bill C-49 carries the day until 6:30 p.m., would it be the intention following debate that the question would be put and deemed carried and we would then return to second reading of Bill C-65 either tomorrow or at some future date?

Hon. Dominic LeBlanc: Mr. Speaker, I appreciate the opposition House leader's comments. The same confusion which reigned in the House perhaps reigned when I was trying to describe what we understood the consent to be.

The opposition House leader is exactly right. It would be our intention, if we could, to return to second reading of Bill C-65. If, however, we went until 6:30 p.m. with Bill C-49, we would return to Bill C-65 at a later date.

The Acting Speaker (Mr. Marcel Proulx): On the same point of order, the debate on Bill C-64 had just started. Presumably Bill C-64 would be pushed back so that we could deal with Bills C-49 and C-65 first.

An hon. member: Yes.

The Acting Speaker (Mr. Marcel Proulx): Is there unanimous consent?

Some hon. members: Agreed.

* * *

● (1540)

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-49, An Act to amend the Criminal Code (trafficking in persons), be read the third time and passed.

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I rise today to speak to Bill C-49, an act to amend the Criminal Code (trafficking in persons). Bill C-49 realizes a commitment made by the government in the Speech from the Throne. It reflects a continuing priority not only for the government but for me personally as Minister of Justice and Attorney General of Canada, namely the protection of the vulnerable.

[*Translation*]

It is a matter of protecting the most vulnerable among us.

[*English*]

No less important, this third reading debate on Bill C-49 is a reflection of all-party support for the bill, which I hope is a reflection of the broader support for the work of the government and indeed the international community in combating this scourge upon humanity, what I have referred to elsewhere as the new contemporary global slave trade.

[*Translation*]

I have always been concerned with promoting and protecting equality, and continue to do so as Minister of Justice and Attorney General of Canada. It has always been my belief that the true measure of a society's commitment to the principles of equality and human dignity is taken by the way it protects its most vulnerable members.

[*English*]

This is really what Bill C-49 is all about. It is about more clearly recognizing and denouncing human trafficking as the persistent and pervasive assault on human rights that it is. It is about providing increased protection for those who are most vulnerable to this criminal violation of human rights, namely women and children. It is about bringing the perpetrators to justice and ensuring that human traffickers are held to account fully for this criminal conduct.

[*Translation*]

Trafficking in humans is considered to be the most rapidly growing criminal industry in the world. It is estimated that it generates $10 billion in annual profits for organized crime, thus ranking second after drug and firearms trafficking.

[*English*]

Although the clandestine nature of human trafficking makes it impossible to know the real magnitude of the tragedy, the United Nations estimates that more than 700,000 persons are trafficked across international borders each year. Others put it higher. UNICEF for example estimates that 1.2 million children alone are trafficked globally each year.

In May of this year the International Labour Organization released a global report on forced labour. This report estimates that approximately 2.5 million persons are currently in situations of forced labour as a result of having been trafficked. Of these 2.5 million persons, approximately one-third are estimated to have been trafficked into situations of forced labour and just under one-half are estimated to have been trafficked for commercial sexual exploitation purposes. This is the important point. Almost all of these victims, 98% of them, are the most vulnerable, women and children. The remaining one-third are believed to have been trafficked for mixed or undetermined reasons.

If we take as our starting point that one person trafficked is one too many, that this is not just a matter of abstract statistics, but behind every statistic is a trafficked human being and a tragedy of that trafficking, these estimates surely must underscore the importance of measures such as Bill C-49. Indeed this should strengthen our resolve to do all that we can domestically and internationally to combat human trafficking.

Moreover, although anyone can be a victim of human trafficking, the numbers show that women and children are the primary victims of such trafficking, a reflection of their social, economic and legal inequality, indeed of their differential vulnerability. In fact, this is how many human traffickers achieve their aims, by exploiting the hopes and fears of their victims by offering them false hope and the promise of a better life.

[*Translation*]

Most of the time, women and children are trafficked for purposes of sexual exploitation and forced labour. They end up as servants, baby sitters or drug mules, for instance. Men, on the other hand, are generally trafficked for forced labour in illegal sweatshops, or to work on farms, in abattoirs or in the construction industry.

[*English*]

● (1545)

But no matter for what purpose they are trafficked, all trafficked persons: men, women and children suffer deprivation of liberty, physical, sexual and emotional abuse, including threats of violence and actual serious harm to themselves and/or to their family members.

This is why human trafficking is so often described as today's global slave trade because it is about the bonding and bartering of human beings, and battering as well, and indeed, the commodification of human beings which constitutes a pervasive and persistent assault on the most fundamental of human rights, the right to life, liberty and security of the person.

The daily reality of trafficked victims is difficult if not impossible to comprehend, but it is perhaps just as difficult to comprehend that trafficking in human beings is even an issue today in the 21st century, and in a country such as Canada, where the constitutional protection of fundamental rights and freedoms is at the very heart of how we seek to define ourselves as a people and a society.

[*Translation*]

Bill C-49 addresses the protection of vulnerable persons and the protection of fundamental human rights only.

[*English*]

Bill C-49 is organized around the three key objectives identified by the international community or what we call the three *P*s: prevention of human trafficking, protection of its victims, and prosecution of the traffickers themselves.

Currently, the Criminal Code addresses human trafficking through existing offences that apply to trafficking related conduct such as, kidnapping, forceable confinement, aggravated sexual assaults and uttering threats. Although these existing provisions have been successfully used in trafficking cases, Bill C-49 proposes the creation of three new specific indictable offences to more effectively and comprehensively address all forms of trafficking in persons, irrespective of whether it occurs wholly within Canada or involves cross-border movement.

The main offence of trafficking in persons would prohibit anyone from engaging in the acts therein specified, such as the recruitment, transportation, harbouring or control of the movements of another person for the purpose of exploiting that person or facilitating the exploiting of that person. This new offence would carry a maximum penalty of life imprisonment where it involves kidnapping, aggravated assault, aggravated sexual assault or causes the death of a victim. It would carry a maximum penalty of 14 years imprisonment in all other cases.

The second proposed offence would apply to persons who seek to profit from the trafficking in persons, even if they do not actually engage in the act specified in the main trafficking in persons offence. It proposes to prohibit any person from receiving a financial or other material benefit knowing that it results from the trafficking of another person. This offence would be punishable by a maximum penalty of five years in prison.

The third new offence would prohibit the withholding or destruction of documents such as a victim's travel documents or documents that establish the victim's identity or immigration status for the purpose of committing or facilitating the trafficking of that person. This offence would carry a maximum penalty of five years in prison.

Bill C-49's innovation applies not only in the proposal to create three new specific indictable offences to address all aspects of trafficking in persons, but also in the fact that these offences are built on the very essence of trafficking in persons. No matter what form the conduct may take, human trafficking is always engaged for the purposes of exploiting its victims, whether it is by forcing them to provide labour services, including sexual services, or services as a drug mule or human organ or tissue. Everything and all of it is for the purpose of exploiting that victim.

Accordingly, Bill C-49 includes a specific definition of exploitation that reflects this reality as well as the reality that victims may be forced to engage in such conduct, not only because they fear for their own safety but because they may fear for the safety of others such as members of their families.

However, we believe there is much to be gained by creating new Criminal Code offences that specifically target this conduct and that broaden the reach of our existing prohibition to comprehensively respond to all forms of human trafficking, whether they occur wholly within Canada or whether they involve some cross-border or international dimension.

Bill C-49 will more clearly and broadly define and address the type of conduct in question that we seek to prevent and we will more clearly and strongly denounce all forms of human trafficking. Bill C-49 will enable us to more clearly and directly name and respond to this heinous crime for what it really is, namely, human trafficking. Anyone who has ever heard victims of this tragedy speak of their experience will appreciate just how important this is to them, and so too it is an important and welcome innovation.

Bill C-49 will significantly enhance Canada's domestic laws against human trafficking. This will in turn support the broader international effort to combat trafficking. On that point, on the international scene, I am pleased to note that Canada, together with the international community, continues to support and enhance international collaboration in response to human trafficking.

Canada was among the first nations to ratify the UN convention against transnational organized crime and its supplemental protocol to prevent, suppress and punish trafficking in persons, especially women and children. These two instruments provide the widely accepted international framework for addressing the contemporary manifestation of human trafficking.

International protections against trafficking in persons offered by these instruments are themselves supplemented by numerous other international instruments, including the optional protocol to the UN convention on the rights of the child, on the sale of children, child prostitution and child pornography that Canada ratified last month on September 14.

I note this instrument in particular because it is focused entirely on children, the most vulnerable of the vulnerable who are trafficked. While any form of human trafficking is incomprehensible and condemned, this is particularly true in the case of children. Behind each one of UNICEF's estimate of 1.2 million trafficked children is a child, a human face, an individual with a name and an identity, a vulnerable person who is completely dependent upon us, upon the global community, for protection of the most profound of rights, the right to life itself.

Bill C-49 is an important step forward in strengthening Canada's overall response to human trafficking. We recognize that more is required than just a strong legal framework and we are working to address the three *P*'s, to which I referred, across the whole of the federal government.

Over the past year, for example, a lot has been done to address the principle of prevention, including training for police, prosecutors, immigration, custom and consular officials on human trafficking. We held seminars in this regard in March 2004 and 2005, one of them being an international seminar itself, round tables involving government and non-governmental organizations to discuss prevention and best practices to address human trafficking, conferences in which I myself have participated, both nationally and internationally, and the development of public education materials including an anti-trafficking poster that is available in 17 languages and a pamphlet available in 14 languages. Both of these have been widely disseminated within Canada and through our embassies abroad through the internationalization prevention effort.

As well, we are continuing to work to provide better support and protection for the victims, including through Bill C-2, the protection of children and other vulnerable persons, which received royal assent on July 20, 2005. Bill C-2 enacted criminal law reforms that will facilitate the receipt of testimony by child victim witnesses and other vulnerable victim witnesses, including women. Once enforced, these reforms will significantly enhance the ability of the criminal justice system to respond to the unique needs of vulnerable victims, including trafficking victims.

Lastly, I would note that the federal interdepartmental working group on trafficking in persons, co-chaired by the Departments of Justice and Foreign Affairs, continues to coordinate efforts to address human trafficking and is currently developing a comprehensive federal anti-trafficking strategy.

● (1550)

[*Translation*]

I believe that this interdepartmental working group, composed of representatives of 17 federal departments and agencies, is a clear illustration of how difficult it is to come up with a complete response to human trafficking, as well as a clear indication of how committed the federal government is to beefing up its overall response to this problem.

[*English*]

In conclusion, Bill C-49 will significantly improve our ability to address all forms of human trafficking, including trafficking that has international dimensions, as well as trafficking that occurs wholly within our country. It proposes, as I mentioned, the creation of specific offences prohibiting human trafficking, the imposition of severe penalties to better reflect the serious nature and impact of this form of criminal conduct on its victims and on Canadian society.

Together these new offences clearly and strongly denounce trafficking in persons and send a strong signal with regard to governmental, parliamentary, domestic and international condemnation of this global slave trade. Clearer and stronger prohibitions will mean greater protection for those who are the most vulnerable to being trafficked: women and children.

I appreciate and wish to emphasize the support that all members have expressed for Bill C-49 to date. I hope we can continue the spirit in common cause and commitment to expedite Bill C-49's passage because this is not a matter for a particular party or partisan cause. This is something in which we have united together on behalf of the trafficked victims and the most vulnerable, to provide for them the prevention and protection they deserve, and the accountability in terms of bringing the perpetrators to justice where warranted.

● (1555)

Mr. Myron Thompson (Wild Rose, CPC): Mr. Speaker, I think it is quite clear that I will be joining the majority of the House in supporting this piece of legislation.

The minister made a couple of comments that I found pretty intriguing, especially when he emphasized the importance of prevention. Prevention is a big thing in fighting crime. I do not think anybody will disagree with that. However, part of preventing crime is to make certain that the penalties for the crime committed are significant and will send a clear message to any perpetrator that it is not going to be accepted and the penalties will be rather severe.

I want to refer to the United States Congress passing the trafficking victims protection act, which created new laws criminalizing trafficking with respect to slavery, involuntary servitude and forced labour. It increased prison terms for all slavery violations from 10 years to 20 years and added life imprisonment where the violation involved the death, kidnapping or sexual abuse of the victim.

It is important to note that without serious penalties for these serious crimes, the exploitation and abuse may continue to happen. There would be no deterrent. In this legislation, I do not see any mandatory prison sentences which would send a clear message for human slavery, one of the worst crimes among all human rights that is occurring.

The minister says he truly believes prevention is a big thing with the government. I have a hard time believing that when the government would not support raising the age of consent. It makes absolutely no sense to me to say that we still allow grown men to have sex with 14-year-old children. That is not preventing problems; that is allowing problems to continue. Why are there no mandatory prison sentences and should there be, in his view? In my view, there definitely should be.

Hon. Irwin Cotler: Mr. Speaker, I concur with the member about the importance of the severity of the punishment and in terms of his referencing the American legislation, which we examined, with regard to the sentencing principles that we follow.

I might add that three new indictable offences to address human trafficking would be created by the legislation. The main offence, which is trafficking in persons, would prohibit anyone from engaging in specified acts for the purposes of exploiting or facilitating the exploitation of a person. The key things to that would be that it would carry a maximum penalty of life imprisonment where it involves kidnapping, aggravated assault or sexual assault, or death, or 14 years in all other cases.

On the matter of giving expression and reflection to this global slave trade when it is dealing with the kidnapping, aggravated assault, sexual assault, things short of murder, when that is involving that kind of exploitative trafficking, the maximum penalty here is life imprisonment.

The second offence would prohibit anyone from receiving a financial or other material benefit resulting from the commission of a trafficking offence and they themselves are not the perpetrators of that offence, that would be punishable by a maximum penalty of 10 years' imprisonment.

The third offence would prohibit withholding or destroying documents, such as identification or travel documents, for the purpose of committing or facilitating the commission of a trafficking offence and would carry a maximum penalty of five years' imprisonment.

We have created a framework for severe punishment to reflect the gravity of the offence to which we have referred as a global slave trade. We did consult the American legislation. I met with the former attorney general, Mr. Ashcroft, on a number of occasions with regard to this legislation. We held inter-ministerial meetings not only in Canada but between our two countries. We believe we have an appropriate and proportional sentencing and punishment structure for this most heinous of crimes.

● (1600)

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, like the other parties, the NDP will be supporting the bill. We are pleased to do so because of the signals that it would give and some expansion of legislative authority for police officers who would be enforcing it.

However one of the reservations we have with the bill is that, as we know, a good number of the individual criminals, as well as the victims, are coming from other countries, that the source of the problem is coming from a country offshore and is coming through our territory often times for these people to be trafficked into Canada, but more often to be trafficked into the United States with us being a conduit. The real problem in the vast majority of cases is that we need to get back to those countries of origin and press them to do more to regulate this crime and prohibit this crime in those countries.

I wonder if the minister could address what we are doing as a country to in fact try to press those countries to have a better performance.

Hon. Irwin Cotler: Mr. Speaker, the hon. member's question identifies the international dimension of trafficking and it highlights the importance of prevention, to which reference was made by the other hon. member as well. For that reason, we have made prevention a component of our overall anti-trafficking strategy outside a legislative framework. The reason all our embassies abroad have been provided with pamphlets in 14 languages is to provide that kind of sensibilisation internationally with regard to the prevention aspect.

Those things are brought up at meetings of the G8 ministers of justice and at international fora. We now have, which has been accentuated over the last number of years, a series of international conventions on protocols, which have received an increased number of ratifications, so as to better involve and coordinate the prevention and protection aspects. We are looking at this from a threefold aspect: the prevention of trafficking to begin with; the protection of victims, in this instance, those who are the tragic outcomes of this process we are seeking to prevent where we are unsuccessful in doing that; and then bringing the perpetrator to justice and providing severe penalties for that purpose.

However our involvement here is at the law enforcement level. The RCMP have developed their own international protocol with which they work with law enforcement officers in other countries. We are working informationally and educationally with other countries. We have civil society involved, again, internationally in this regard. We trust that kind of approach will bring about the results that we all collectively seek.

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Mr. Speaker, this is an issue of great importance and I predict that most members on this side of the House will be supporting the legislation because it is going in the right direction. However we could probably support it with enthusiasm if it had some real teeth in it.

The minister is quite happy to talk about these sentences but he uses the words maximum sentences which means that a judge cannot exceed that amount. For example, if the maximum time of incarceration were five years that would mean it could actually be four years, or three years, or two years, or one year, or less. The sentence cannot be over five years.

We believe certain criminal offences should carry minimum sentences. In other words, discretion should be taken away from the judge so that he or she has to impose a minimum sentence of at least two years, or three years or something of that nature. This is a grave problem.

Why does the minister have the aversion, in this act and other acts that are so important to Canadians, to putting into the bills minimum sentences?

● (1605)

Hon. Irwin Cotler: Mr. Speaker, I have no aversion, neither personally nor professionally, with regard to mandatory minimum penalties.

I have studied the evidence both domestically and internationally and, as I have said, I am always open to any other evidentiary appreciations that I am not aware of. I have done a very comprehensive study of the evidence domestically and internationally which shows that mandatory minimum penalties serve neither as a deterrent nor are they effective.

I found that counter-intuitive. I thought when I looked into it that mandatory minimums would work but the evidence has shown that they do not. The evidence has shown that mandatory minimums have outcomes for the criminal justice system that are prejudicial to the very purposes we are seeking to bring about, namely that they tend to bring about lower imprisonments. In other words, mandatory minimums become the maximum rather than the minimum. We have protracted cases where less people enter guilty pleas.

That is why, for example, the American Bar Association in 2004 called for the repeal of all mandatory minimum sentences in the United States. The United States Supreme Court, during a case in 2005, said that it would be unconstitutional to require mandatory guidelines and said that it should look to sentencing in terms of an advisory approach.

A comprehensive study done in Canada looked at the situation internationally as well as domestically and came to the conclusion that mandatory minimum sentences were neither effective nor deterrents. If it can be shown that they would be deterrents, that they would be effective and that they would not be prejudicial to our shared objectives in the criminal justice system of deterring crime I would have no aversion to it.

Our approach is based on the proportionality principle in sentencing namely, that the sentence should reflect the gravity of the offence and the responsibility of the offender. I want to state something that I think on this point the courts appreciate with regard to this offence. A review of Criminal Code cases from March 2004 to February 2005 identified at least 31 individuals who were charged with traffic and related offences. This resulted in 19 convictions and the remaining 12 cases are before the courts. In all cases, sentences were imposed of up to 9.5 years imprisonment, and I am talking about before this legislation with its maximum life imprisonment and the signal that sends to would-be offenders.

Mr. Mark Warawa (Langley, CPC): Mr. Speaker, it is an honour to stand in the House of Commons to speak to Bill C-49, a very important bill. We do have unanimous consent that this move forward to protect the most vulnerable.

I will start off by addressing some of the comments made by the justice minister. He made the comment that mandatory sentencing results in lower sentencing. Canadians are frustrated that the sentencing the courts provide for very serious offences result in conditional sentencing, meaning offenders are serving their sentences at home. Canadians are not confident that the sentencing is adequate, which is why there is an outcry to have mandatory minimum sentencing so there will be at least jail sentences for these heinous crimes.

We had a recent announcement regarding crystal meth which is now a schedule one drug. Traffickers in this drug would receive life imprisonment. The typical sentence for that type of offence is three and a half years. The government comes out with these proclamations, these phony bills saying that it will get tough on crime. Every member of the justice committee wants to make sure that these victims are protected, that this does not happen any more in Canada and that there is a serious message.

As a Conservative, I believe that mandatory minimum sentencing has to be part of the bill. We support having the bill go ahead. Why? I would like to go back to the late 1700s. There was a man by the name of William Wilberforce who was known as the conscience of Parliament. He fought against slavery.

It came to the attention of the United Nations that trafficking in people was still going on, primarily of women and children being drawn into the sex trade. It is offensive, it needs to be dealt with and it is a world concern. As we have heard, $10 billion U.S. a year is what organized crime is reaping in benefits from this. It is a very big problem and we need to deal with it.

William Wilberforce in the late 1700s stood against slavery and yet it is still happening today. We need to come up with legislation that deals with this modern day form of slavery.

Trafficking in persons has been described, as I said, as human slavery in this year. The United Nations reported that trafficking is the fastest growing form of transnational organized crime. Local crime organizations are drawn to this industry because of the relatively low risk of being caught and it is run by multinational criminal networks that are well-funded, well-organized and extremely adaptable to changing technologies.

The United Nations estimates that 700,000 people are trafficked annually worldwide and most of them are women and children. Most victims are forced into commercial sexual exploitation as well as involuntary servitude or debt bondage. Others may be exploited through hard labour and, in some countries, children are trafficked to work even as soldiers.

Trafficked persons are often duped into their new profession, deceived with seemingly legitimate employment contracts or marriage abroad. Others are simply abducted.

People are being told they can come to Canada and get a job and that it is a wonderful country. It is a wonderful country, but they are brought into Canada under false pretences. When they arrive here they are told that the job they were promised is no longer there but that they do have another job, which turns out to be that of a sex trade worker. It is terrible to trap people into that. The visas and passports are seized and taken from these people. These people are afraid to go to the police in case they will be deported from Canada, so they keep quiet and they are trapped.

The government is right that it is an abhorrent crime against humanity, against human rights and we need to stand against it as a country.

● (1610)

In dealing with victim protection, international attention to the issue of trafficking is very important. The status of the victim is often very complex. Although there are some universally recognized victims such as, for example, children who are exploited through the sex trade, others often are perceived as illegal migrants and criminals.

Women trafficked into the sex trade are sometimes seen as simply violating immigration or criminal laws relating to prostitution. Because of these perceptions and because of threats from traffickers, many victims are reluctant to turn to the police for protection.

The social stigma from prostitution is also a problem. Women who have been trafficked internationally and who are returned to their home countries may be ostracized within their communities and their families. It is a very big problem.

In Canada there are no hard statistics, but the RCMP estimates that 600 women and children are smuggled and coerced into the Canadian sex trade every year. If we include in that figure people who are forced into other forms of labour, it numbers about 800 people a year. This should not go on.

Canada has a relatively good record on the international stage in terms of efforts to stem this trade. In June of last year, the U.S. state department reported that British Columbia has become an attractive hub for East Asian human traffickers, who smuggle South Korean women through Canada and into the United States. In large part this is attributed to the fact that South Koreans do not need a visa to enter Canada.

The only thing these thugs understand is the full force of the law. We must have legislation. Bill C-49 must have teeth. We need to involve heavy prison time and confiscation of all profits. As a Conservative government, we would want to have Bill C-49 amended to deal with things properly.

The proposed amendments to the Criminal Code in Bill C-49 would create three new indictable offences that specifically address human trafficking. The first contains the global prohibition on trafficking persons. The second prohibits a person from benefiting economically from trafficking. The third prohibits the withholding or destruction of identity, immigration or travel documents to facilitate trafficking in persons.

The legislation also ensures that trafficking may form the basis of a warrant to intercept private communications, to take bodily samples for DNA analysis and to permit inclusion of the offender in the sex offender registry. Bill C-49 also expands the ability to seek restitution to the victims who are subjected to bodily or psychological harm.

Again, without serious penalties for these very serious, abhorrent crimes, the exploitation and abuse will continue. In this legislation, there are no mandatory minimum prison sentences. We need to send a clear message that slavery is wrong.

About five months ago, the justice committee passed Bill C-2, the child pornography legislation. It received third reading and went to the Senate and received royal assent, but Bill C-2 is sitting on the Prime Minister's desk. As well, Bill C-13, the DNA legislation, passed through this House, went to the Senate and received royal assent, but it also is sitting on the Prime Minister's desk, waiting to be enacted. These are very important pieces of legislation and I would like the justice minister to answer us as to why Bill C-2, the child pornography legislation, and Bill C-13, the DNA legislation, are sitting on the Prime Minister's desk waiting to be enacted.

Bill C-49 is such an important bill. There is a will in this House to see it go on to the Senate and receive royal assent. Is it going to sit on the Prime Minister's desk, just like Bill C-2 and Bill C-13? I hope not.

We also have heard of the Liberal-NDP coalition's plan to legalize prostitution solicitation. We have heard that there is a report coming, which has been made public. This is a very serious problem. If we go down the path of legalizing prostitution solicitation, it will exacerbate the problem.

● (1615)

We already know that the government wants the age of sexual consent to be 14, one of the lowest in the world. It causes us problems. We have pedophiles looking at our children. They lure them through the Internet. Now there is a plan from the government to legalize prostitution and solicitation. With a low age of consent and the plan regarding prostitution, we must have multiple types of legislation to protect our vulnerable children and our women.

This is what I want to know. We need to know from the justice minister what kind of legislation we are going to have. Are we going to have Bill C-49, which is what Canadians want, with some teeth? Would he accept amendments?

We have other pieces of legislation in our Criminal Code that have mandatory prison sentences. Is not trafficking in persons one of the most abhorrent crimes in the world today? I would argue that it is.

If we have mandatory minimum sentences for these other violent offences, why not for trafficking in persons? Are the minister and the government saying that it is really not as bad as some of these other offences? I would argue that it is. I think it is one of the worst and I think the United Nations acknowledges that it is one of the worst. If we have mandatory minimums for other criminal offences, why not for this?

I do support Bill C-49 going ahead, but we have to toughen it up.

● (1620)

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Mr. Speaker, my colleague gave a very good speech and argued very forcefully for the idea of minimum sentences. In his previous comments, the Minister of Justice said that the evidence is counterintuitive, in his words. We would expect that minimum sentences would act as a deterrent, and yet, he said, the evidence does not show that. Yet my colleague said that the minimum sentences do show some change in the behaviour of those who would be criminals.

I would like to ask my colleague what he thinks of the minister's aversion to the use of minimum sentences.

Mr. Mark Warawa: Mr. Speaker, the question is an important one: what is the government's aversion to mandatory minimum sentences?

We know that mandatory minimum sentences are effective in that they set a benchmark of what society accepts as a minimum sentence for a crime. We trust the courts to have discretion on the vast majority of criminal offences, but on the most heinous crimes we need to have a direction for to the courts. It has been the history of soft-on-crime Liberal governments to tell the courts that we do not want offenders locked up, that we want to provide conditional sentencing and to have conditional sentencing used, that is, the least restrictive type of sentencing for offenders.

Now we have car racers who kill citizens. What sentence do they receive? They serve their sentence at home under conditional sentences. We know that conditional sentencing has been abused.

Mandatory minimum sentences for the most heinous crimes would give a clear message to the courts that the crimes are heinous. Maximums do not give that message, but mandatory minimums would. Dangerous offenders and repeat offenders who put Canadians at risk by the most heinous of crimes need to have mandatory sentencing. It will give the message to the courts. It will give the message to the offenders that if they offend in Canada there will be a consequence.

The message that is there internationally is that Canada is a wonderful country, but there also is the reputation that Canada is soft on crime. We need to change that. How do we do that? We would do it through mandatory minimum sentences. There is evidence that they work. We need to look at them.

Mr. Myron Thompson (Wild Rose, CPC): Mr. Speaker, it appears to me as though it is not what it is in the law that is the problem; it is what happens in the courts that seems to be a serious problem.

I have a difficult time understanding why our justice minister does not understand that when there is violent crime, particularly against children, or when there are crimes of a sexual nature, we are hearing about sentences of house arrest and community service.

Recently there were 15 counts of fraud against a certain government official and he was found guilty. I think this official has to be home by nine o'clock every night and has to teach proper business ethics in colleges. That is his sentence.

One day I stood in court and watched farmers being shackled, chained, handcuffed and hauled off to jail for selling their own product. They took it across the border. They broke the law.

What the Minister of Justice fails to understand is that there does not seem to be any match in penalties fitting the crime. The government hauls off farmers in shackles and chains in front of their families for selling their product across the border without a permit from the Wheat Board while letting an individual who defrauded the government of somewhere in the neighbourhood of $1.5 million have house arrest. He is guilty on 15 counts of fraud and he is under house arrest and has been ordered to teach business ethics. Then we also have violent offenders doing house arrest and community service.

Does the member not agree with me that this whole big picture looks really sick and needs repairing? We do not have a Minister of Justice who is willing to repair it. We have a Minister of Justice who continually supports it. That is my whole grievance in this issue.

● (1625)

Mr. Mark Warawa: Mr. Speaker, my hon. colleague from Wild Rose says it from the heart. Canadians are frustrated with the sentencing that dangerous offenders are receiving in Canada.

The member sits on the justice committee, as do I. Canadians are asking for appropriate sentencing. Canadians are asking for sentencing to change. They are asking that we have consequences for dangerous and repeat offenders. Canadians want there to be consequences for those actions.

In my riding of Langley, a young man sexually assaulted two young girls. What sentence did he receive? He received conditional sentencing. It was house arrest. He served out his sentence at home. His victims lived on each side of him.

There has been an actual abuse of discretion. Canadians are calling out for change on how we sentence criminals. Canadians are calling for mandatory minimums because they do not have confidence in this government. Canadians do not have confidence in the weak legislation. They do not have confidence in the phony announcements.

Earlier I brought up the fact that we have Bill C-2, Bill C-13 and now Bill C-49 dealing respectively with child pornography, DNA and trafficking in people. What happens to those bills when there is unanimous consent within this House to have them move forward? Why do these bills sit on the Prime Minister's desk? Why are they not signed and enacted? We have heard about how important these bills are. Why are they not enacted?

What will happen with Bill C-49? Will this bill pass through this process? Will it receive immediate attention and then sit on the Prime Minister's desk? Canadians are asking for a change. The change starts with mandatory minimum sentences for dangerous and repeat offenders.

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I have been listening to the comments of the hon. member and I will refrain from any ad hominem personal approaches because they are simply unproductive and inappropriate in a Parliament that should have civil debate. I will address the issue on the merits and with respect to the evidence.

I first want to reaffirm what I said before. I have no personal nor professional aversion with regard to mandatory minimums. If it could be demonstrated to me on the evidence that it would work, then I would be prepared to be responsive. All the evidence that I have studied domestically and internationally says the opposite.

Second, with regard to this bill, which is the subject of our debate, it contains some of the most stringent penalties in the whole of criminal law with regard to this type of criminal activity. Because references have been made to other countries, as I indicated earlier, not only does it compare with respect to the sentencing in the U.S. anti-trafficking legislation, but the United Kingdom, for example, has up to 14 years imprisonment on indictment. Australia has up to 25 years imprisonment for a slavery offence and up to 19 years imprisonment for sexual servitude in matters which we are providing for life imprisonment. New Zealand has up to 14 years imprisonment. Even on a comparative basis, this is not only one of the most stringent penalty frameworks in the whole of our criminal law domestically but it also compares favourably internationally.

In the matter of conditional sentences, the hon. member opposite said that it was the nature of the conditional sentences which had been handed out that developed the groundswell for mandatory minimums. The hon. member knows I have given notice to this Parliament that we will be introducing legislation to reform the conditional sentencing regime, legislation that I trust will have the support of all members of Parliament so that conditional sentencing will be used for the purposes for which it was specifically intended and not to be used for purposes of providing house arrest or any other penalty of that kind where a serious and violent criminal offence has occurred. We will be reforming the conditional sentencing regime.

Finally, when the hon. member says that there is a call of Canadians for mandatory minimums, I would not purport to speak in the name of all Canadians. If he wishes to speak in the name of all Canadians, he can choose to do so. All I am saying is I seek to legislate in the interest of all Canadians and I am doing so on the basis of the best appreciation we can make on the domestic and international evidence as to what will work as a deterrent, what will be effective and what will be helpful for our criminal justice system and which will best protect Canadians and their security and safety.

That is our objective, an objective which we know is shared by members opposite. We do not need to get into ad hominems to make our point. Let us look at the evidence and make our case on the evidence.

● (1630)

Mr. Mark Warawa: Mr. Speaker, I appreciate the comments of the justice minister. I believe he honestly means well, but I do not believe his paradigm is in line with what Canadians want. They want justice. They want appropriate sentencing where there is a consequence for the crime. They do not believe in dangerous offenders serving their sentences at home.

Twice, at the beginning of my speech and also at the end, I talked about Bill C-2 and Bill C-13 and why they were sitting on the Prime Minister's desk without being enacted. When we come up with legislation, why does it sit on the Prime Minister's desk? Unfortunately, the minister did not answer those questions.

I think Canadians want conditional sentencing. We support Bill C-49 going ahead, but I am hoping we will get mandatory minimums added at committee stage.

[*Translation*]

The Acting Speaker (Mr. Marcel Proulx): 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 Calgary Centre-North, Aboriginal Affairs; the hon. member for Elgin—Middlesex—London, Government Aircraft; the hon. member for Edmonton—Strathcona, Citizenship and Immigration.

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I thank my colleagues who spoke before me on this issue. Let me begin by thanking the Minister of Justice and Attorney General of Canada, who introduced this bill that we debated and passed unanimously at the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness.

I am pleased to rise in this House for the first time to speak to a bill that was referred to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness, where I began to sit only a few weeks ago. We studied this bill very carefully.

I knew the hon. Minister of Justice in another life when he was a law professor at a famous university in Quebec, since he was one of my professors. The hon. minister could not possibly remember that, as it was a few decades ago.

His great sense of justice allows us to debate today a very important bill that will end modern-day slavery. This type of slavery is practised throughout the world, but in Canada in particular. This bill could provide us with arguments, elements and possibilities to at least deter this modern-day slavery.

I do not want to rehash the debate on whether we should impose minimum sentences or not, or what type of sentence the courts will hand down in light of the bill before us, that I hope will be passed very quickly. No, I do not want to do that.

I have a 30-year career in criminal law behind me. I worked as a defence lawyer over the past 20 years or so. It is now known that minimum sentences have not resolved anything. The minimum sentence for importing narcotics was seven years. That never stopped narcotics trafficking whatsoever.

Traffickers formed groups and we saw the arrival of the Hells Angels and other such criminal gangs. I do not have any statistics before me, but in my career, five or six of my clients were charged, but never sentenced to seven-year minimal sentences. Every possibility was explored, bargaining was used, cases were argued and nothing was resolved.

Under the bill before us, we will be eliminating modern-day slavery by creating "an offence of trafficking in persons that prohibits a person from engaging in specified acts for the purpose of exploiting or facilitating the exploitation of another person". This bill will put an end to all of that.

This bill will "create an offence that prohibits a person from receiving a financial or other material benefit that they know results from the commission of the offence of trafficking in persons".

It will "create an offence that prohibits concealing, removing, withholding or destroying travel documents or documents that establish or purport to establish another person's identity or immigration status for the purpose of committing or facilitating the offence of trafficking in persons".

Then, as if that were not enough, it will create an offence of causing another person "to provide, or offer to provide, labour or a service by engaging in conduct that, in all the circumstances, could reasonably be expected to cause the other person to believe that their safety or the safety of a person known to them would be threatened if they failed to provide, or offer to provide, the labour or service; or cause them, by means of deception or the use or threat of force or of any other form of coercion, to have an organ or tissue removed."

● (1635)

To paraphrase that, which is not complicated, from this evening on —it is the hope of us all—anyone who causes another person from any country whatsoever to believe she can come to Canada and work as a babysitter or something else, and then takes away that person's passport and other papers and forces her into prostitution, will be punished. Those who do such things will have to realize that, starting this very night, the game is all over. Unless they take their business elsewhere, they are at risk of some serious jail time. We will make sure that their offences are heavily punished.

I think it is important to underscore this point: forcing someone to work or to provide services, sexual services for example, through behaviour that leads the victim to fear for his or her personal safety, or that of a loved one, if the demands are not met, is the definition of exploitation as far as human trafficking is concerned.

The legal roadblock over the years consisted in defining what constituted exploitation as far as human trafficking is concerned. That is exactly what it is.

This bill contains an important clause dealing with causing a person "by means of deception or the use or threat of force or of any other form of coercion, to have an organ or tissue removed". It is not true that, in the future, someone who comes to our country can have a kidney removed for any reason. With this bill, this falls under human exploitation. I think it is important to emphasize that. It is one of the key points of this bill, which, as I said, will put an end to modern day slavery.

The victims are often deceived into or forced to work in the sex industry or to perform other kinds of forced labour. That will stop. It is unacceptable that, in Canada alone, more than 800 people are the victims of this new kind of slavery every year. This bill will put an end to that, starting tonight. We believe that it is essential that it be passed, and passed as soon as possible.

There have been reports and studies. The first report, the UN report on trafficking in women published in 2000, indicates that Canada is among the top 30 destination countries for human trafficking. Starting tonight, Canada, Quebec and the other provinces could be taken off that list. It sends a chill up my spine to think that Canada could be one of the top 30 destination countries for human trafficking in recent years. We do hope that this bill will be given quick passage.

Among the issues raised in this 2000 report was the fact that, more often than not, the victims do not expose their employers because, for one thing, once identified by the authorities, they will not be allowed to remain in their country of adoption in order to seek protection or demand redress.

Based on the information provided to us in committee, we believe that this bill will ensure that steps are taken so that the victims of trafficking—and I am addressing my remarks to them—are no longer afraid to expose those who have been holding them hostage or maintaining them in forced slavery for far too long.

● (1640)

As if this were not enough, the International Labour Organization produced a report in which it was estimated that there are at least 2,450,000 people in the world who are kept in situations of forced labour. These people are forced under physical and psychological threats to prostitute themselves or to work for little or no pay in the construction or agricultural sectors.

As of this evening, this will be a thing of the past in Canada. We hope this bill will be passed at the earliest opportunity, and we feel there is a consensus among members of the House to put an end to this exploitation, to this modern day slavery.

Indeed, the United States did pass the Trafficking Victims Protection Act, which created new offences, but it was time for us to do the same. This is very important legislation. Bill C-49 is a major piece in the puzzle to fight organized crime. It is a good start and it has the great merit of adding to the tools needed to prosecute individuals involved in the trafficking in persons.

However, since this human trafficking is often run by criminal organizations, it becomes just as urgent to amend the Criminal Code so as to create a reversal of the burden of proof as regards proceeds of crime. This will be another issue, another piece of the puzzle. The House will deal again with this issue very soon. I am referring to Bill C-53, which we also want to be passed at the earliest opportunity. Once it is passed—and here it is the defence lawyer who is speaking—it will give police officers other means to fight organized crime, which has made too many victims in this country, particularly in Quebec.

If I may, I would like to pay tribute to the hon. member for Charlesbourg—Haute-Saint-Charles, who is the Bloc Québécois critic on justice, human rights and public safety. My colleague has done a tremendous job regarding the two issues relating to Bill C-49 and Bill C-53. He has been working on these two issues for close to two years. At last, we will begin to move forward, one step at a time. This evening we will be making a step forward with Bill C-49.

Bill C-49, which is before us, will say three things when it is passed by the Senate and ratified by the Governor General. We know that there are two bills currently on the Prime Minister's desk that have yet to come into force. It is probably because there is a shortage of funds somewhere. However, I think that this is a false pretext. Given the budgetary surpluses of this government, the hon. Minister of Justice will be able to argue that the fight against organized crime is essential and important. We must give our police forces the means to implement the fight against organized crime.

As a result of amendments to the bill, human trafficking or profiting from human trafficking will be illegal. This affects all those involved directly or indirectly in such trafficking.

● (1645)

I am thinking of agricultural workers who are brought over and exploited on farms. This would carry a prison sentence. We will punish and launch legal proceedings against anyone who destroys or conceals identity documents in order to facilitate human trafficking.

In conclusion, I was extremely pleased to have taken part in the debate on this bill. The Bloc Québécois will support it without reservation. However, it will ask the Minister of Justice to ensure that this bill comes into force as soon as possible, so that we have the means to effectively and radically fight this crime.

I come from a region called Abitibi—Témiscamingue, where admittedly there is little to no human trafficking. In any case, I have not heard a great deal about it in the last 50 years. However, this phenomenon exists not only in mid-size and large urban centres in Quebec and Canada, but throughout the world.

Canada must be a leader and a model in this area. This evening, we have the opportunity to adopt a bill that will put Canada in the position to call upon other nations to follow our lead and put a stop to this unacceptable form of modern slavery in our world today. So I am calling on the House to pass this bill as soon as possible.

● (1650)

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I remember the hon. member as one of my top students, and later an excellent criminal lawyer prior to becoming an MP. His knowledge and expertise in this area are without question. He has shown that today.

He has addressed a point I had neglected and I thank him for that. This bill is important because it concerns organized crime. I support everything the hon. member has said about the importance of combating organized crime and the importance of having resources for that fight.

I would also like to indicate that I endorse his comments with respect to the hon. member for Charlesbourg—Haute-Saint-Charles and his commitment to certain other bills in addition to this one. Like him, I hope to see it passed and implemented as promptly as possible.

Mr. Marc Lemay: Mr. Speaker, I thank the hon. Minister of Justice. When I was one of his students, I would have liked to have seen my marks reflect the kind of praise he has just given me. I was not that bad, but there were others better than me, or so it seems.

That said, I want to pay tribute to the hon. Minister of Justice. He was, in my opinion, one of the best law professors his university ever had. I hope that the university will waste no time in acknowledging that. We are, nevertheless, on opposite sides politically, but we both believe in one thing: organized crime has been rampant for far too long in Quebec. In fact, it has made a lot of money for a certain category of publication.

People must not assume that we will just sit on our hands and wait, once this bill is passed. We will be demanding, insisting—the minister can count on it—that the government come up with the means for putting it into application and thus ensuring that organized crime will find obstacles in its path for what I call modern day slavery.

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I would like to congratulate my hon. colleague from Abitibi—Témiscamingue on his excellent speech on this bill. I totally agree that human trafficking is a scourge.

I would like him to provide us with some guidance. Often, our listeners include young people, and a word of caution would be in order. The bill deals with white slavery, but without specifying how contacts are established. The Internet has become a scourge. Internet chat groups are one approach that organized crime can use to attract young people from abroad, just as our young people could be attracted abroad.

I would just like my hon. colleague to put into perspective the new ways organized crime has to attract the victims, especially younger ones, of human trafficking.

Mr. Marc Lemay: Mr. Speaker, I would like to thank my colleague. I was not expecting this question, which makes me think about one of the matters for which I am responsible. I do not have it with me, but I know it by heart.

It is true that people operate now using all these chat rooms on the Internet. You go to these sites and you chat, as it is called, by typing messages with someone on the Internet.

One of my clients was victimized by this kind of thing. She found herself in one of the countries of the Maghreb, which I will not name in order to avoid any possibility of her being recognized, washing dishes when she had been promised that she would be a hostess for a so-called prince or oil minister. To get her out of that country took us more than two years of activity. What she told us after getting out was truly incredible.

We hope that this bill will make it possible for victims to complain, for their complaints to be heard and analyzed, and most importantly, for victims to be protected.

Organized crime today uses many systems, especially the Internet. People from Australia, Denmark, Finland, the former eastern bloc countries, people from all over the world, can chat in the space of a minute. Dates are arranged that way. The government has to find ways to intercept these wrongdoers or, at the very least, when a complaint is filed, trace the steps back to the person who set the trap. There is no other word for it; it is a trap set for victims.

I personally doubt very much that Internet dates are so productive. Even though it has been confirmed that extraordinary encounters have taken place over the Internet, unfortunately many bad encounters have ended in the death or serious injury of one of the participants.

I will touch briefly on an incident that occurred in New York. A man ended up in a hotel room at a wild party with some people. Three days later, he was missing a kidney. He does not know who took it. This all came about because he responded to an invitation on the Internet to go to a party at a certain location.

We have to be extremely careful. I want to thank the hon. member for Argenteuil—Papineau—Mirabel for this question. By all accounts, having legislation in place will not resolve the problem. However, we are going to provide the tools for attacking this problem, but we still must be careful and pay attention to meetings that may be arranged over the Internet.

● (1655)

Mr. Guy André (Berthier—Maskinongé, BQ): Mr. Speaker, first, I want to congratulate my colleague on his remarks on Bill C-49. He knows this subject well, and that knowledge will be an asset to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness.

Like all the members of the Bloc Québécois, I support Bill C-49, which will give the justice system better tools with which to deal with the problem of human trafficking.

I want to ask my colleague two questions. First, is Bill C-49 sufficient in order to improve the human trafficking situation in this country? Could we do more to fix this problem with regard to modern slavery? Second, does this bill provide greater protection for those who are victims of trafficking and sexual exploitation, who are forced to work and provide sexual services?

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I thank my hon. colleague for his very interesting question. It may not be a cure-all, but it is a good part of the solution. Bill C-49 is a good step in the right direction. But we must also give quick passage to Bill C-53, providing for the reversal of onus. This bill will be debated in this House very shortly.

If we want to fight organized crime, this bill will enable us to go after those who traffic white slaves or workers, or those currently involved in modern day slavery, as I said earlier.

This kind of slavery is a lucrative business, the proceeds of which are often used to buy big mansions, snowmobiles and what not. When the time comes to convict the offenders, we will need the last piece of the puzzle, namely Bill C-53, to reverse the onus of proof. It will require offenders who have been convicted to prove that the money is not the proceeds of the crime they committed, more specifically trafficking in persons.

I hasten to conclude by answering the second question. Indeed, police protection could be provided to witnesses. What is commonly known as witness protection, more specifically in connection with organized crime, will be available.

● (1700)

[*English*]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, Bill C-49 would make as crimes three additional provisions. First, it would make trafficking in human beings a crime. It is amazing that it is not one already. Second, it would be a crime if anyone were to profit from trafficking. Third, it would be a crime to withhold documents, such as travel documents or identification documents.

The bill is designed to deal with what can only be classified as a horrendous crime and a horrendous set of circumstances that is besetting us worldwide. We are being told, particularly by the United Nations, that crimes of this nature are growing in number.

Until a few years ago when this became very apparent, we had believed that slavery in all of its forms had been eradicated. We certainly think of the steps that were taken back in the 1800s and the role Canada played in outlawing slavery in Canada.

I was recently at a testimonial for a husband, who was an escaped slave from the United States, and his wife. We unveiled a plaque in the west end of the city as a testimony to the work they had done around that period of time, that their predecessors had done in Canada and the work that they had done in the United States to bring what we believed was an end to slavery on this continent.

We were all shocked when we found out that there are all too many cases of people being indentured in one form or another, intimidated, threatened, assaulted, and in some cases even killed, as part of this type of crime. The incidents are largely generated by organized crime operating in gangs right around the globe.

We are late in terms of responding to this. We are doing so as a result of the protocol which we along with a large number of other countries signed at the UN in 2000, and which was ratified in 2002. The protocol is to prevent, suppress and punish trafficking in persons, especially the trafficking in women and children. It is accurate that women and children are mentioned because they tend to be victims of this crime in significantly larger numbers than men are. We are responding to that finally in this bill.

As we heard in the debate so far, all parties will be supporting the bill. It may be one of the few bills that gets through this House with unanimous support, and rightfully so.

I want to address most of my comments today to what the bill does not do and what we as a legislature have to look to do.

The protocol I mentioned a few moments ago does not talk just about defining the crime, condemning the crime, and putting in place enforcement to fight the crime. It also talks about our responsibility as a nation to deal with the victims of the crime. We have not done that in this country up to this point.

The primary thing we have to be looking at, and it is really the Minister of Citizenship and Immigration who has to take on this responsibility, is what we do with the victims of this crime who have come in from offshore. We are a focal point to some degree for these victims to be used in Canada in this way. However, Canada is also used as a conduit and probably larger numbers of people are trafficked through Canada into the United States.

● (1705)

On a regular basis we do catch some of the criminals and a significant number of victims. Our pattern now is to deport the victims back to their country of origin, oftentimes into a set of circumstances that have not changed at all since they were first victimized. They are threatened and intimidated again and the same thing happens to their families and friends because of the strength of the organized criminals in those countries and the lack of proper law enforcement to protect them.

I recently saw a documentary from England on this point. England is beginning to identify repeat victims. The victims are found and the criminals are charged. As is done here, the victims are sent back to their country of origin and go through the same thing. The victims are brought back into the criminal system, smuggled back into England and the victimization continues.

We should not be part of that. We need amendments to our immigration legislation to deal with victims whom we have identified clearly as victims. If they are to continue to be victimized, we should not be sending them back to that country. As I said earlier, the protocol which we have ratified calls on us as a nation to take steps to prevent that from happening and to bring our laws into line with humane treatment of those victims.

The protocol also recommends that we provide proper benefits. This would be for the victims in the country who are generated from within this country. There are a significant number. Particularly within the sex trade, victims are not voluntarily recruited, but are recruited in a non-voluntary forceful fashion. They are recruited into the system by the gangs and are victimized in this country.

We need to have in place regulations and resources to deal with the situation when they are identified as victims. This oftentimes means extensive counselling because of the great deal of physical and sexual abuse they have suffered. The legislation does not address that point. It is one which the government should address.

My final point and something on which I believe we should be working is a more forceful position on the international scene. It is beyond our immediate control, but it is almost a moral obligation that we should say to the countries that do not have sufficient law enforcement that they have go begin to do that. We are conveying a message. We are saying to the international community that we will meet our responsibilities, but we also have to say to the international community, specifically to those countries that are not carrying out their responsibilities, that are not protecting their own citizens from this type of abuse who are being recruited non-voluntarily into the system that they have to start doing that.

We may have to move to an even stronger position and in some cases suggest sanctions. Do we reduce our cultural ties or our trade ties with some of these countries until they respond and prevent their own citizens from becoming victims?

We have taken a step forward. I have to say perhaps with some cynicism that it is not nearly as big a step as we have heard from some of the other speakers particularly on the government side, but it is a step forward. It is one that is a bit late. We probably should have done this several years ago in order to meet our responsibilities internationally. We have now accomplished part of the goal that has been set in that protocol, but we are not all the way there. There is still a substantial amount of work that has to be done, particularly in the immigration area.

I would encourage the government to say that we have made the first step, and let us move to fully protect the victims of those crimes.

● (1710)

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, I want to express my appreciation to the hon. member for his comments and highlight two important points that he made.

We see the legislation as a first important step, but as I indicated in my remarks at third reading of the bill, a larger and more comprehensive strategy is needed. We have therefore set up an interim ministerial committee with representatives from 17 departments and agencies. The committee will develop a comprehensive domestic and international strategy which will include the important component of prevention along with protecting victims and bringing perpetrators to justice.

On the second point he mentioned, I want to highlight the importance of protecting victims. We cannot find ourselves in the situation where victims are victimized again through the process of deportation rather than through the domestic processes of protection.

I concur that this effort must be international. It cannot be addressed only at the domestic level. We need to engage the international community and look to countries as demonstrating their responsible global citizenship by how they are treating global slave trade.

I want to commend the hon. member for making these remarks. We will seek to incorporate them in our strategy as well.

Mr. Joe Comartin: Madam Speaker, at the committee when we were doing what was a brief review of the legislation, because it had such overwhelming support, I asked a couple of questions. I was a bit disturbed at the lack of knowledge in responding to them. We have not identified the size of the problem in Canada in terms of criminal activity. I think this is problem because of the way we go about enforcing our laws.

We have this image that this is all about victims and the sex trade. We hear more about this from the Conservatives than from anybody else. I have looked at figures in the United States and less than half of the victims of this crime are being victimized in the sex trade. The majority of the victims are being used on farms in that country, in the garment trades and other types of trades where people are working in horrendous conditions in small out of the way factories with no protection. I am concerned about this. However, the witnesses who appeared at committee were perhaps unable to give us a clear picture of the situation in Canada.

I would encourage the minister, in the ongoing cross-ministerial investigation, to get a better handle on the nature of the problem rather than just concentrating on sex trade victims as much as that is important.

● (1715)

Hon. Irwin Cotler: Madam Speaker, I tried to give some data in my remarks today. I acknowledged that because of the clandestine nature of the trafficking phenomenon, we did not always have the data we would like to have and that there were differences with regard to the data itself. The United Nations will identify some 700,000 persons as being trafficked every year. UNICEF will tell us that 1.2 million children alone are trafficked every year. The International Labour Organization will tell us about those who are trafficked into forced labour and the likes.

This is not just a matter of sexual exploitation. It is a phenomenon and we need to get as much data about it as possible so we can address it effectively and properly. Any assistance that could be provided for that purpose from the hon. member would be welcomed as well.

Mr. Joe Comartin: Madam Speaker, I do not want to suggest that I am an expert by any means, but I agree with the minister that there is a problem with definition.

For instance, the UNICEF figures include a good number of children who are being used as child soldiers, almost always domestically but sometimes transported over international boundaries. There is a problem with that and I understand. However, that should not give us any reason not to get full control on what the situation is in Canada.

I have the sense, from everything I have investigated, that there is minimal work being done around farm labour. We have international agreements with a number of countries, Mexico and the Caribbean in particular, where we have a regulated system for workers to be brought in, so there is no particular incentive in that area of the economy for us to be seeing people victimized as part of gangs.

However, the department needs to work on this. The government overall needs to work on this more. We will be unable to effectively enforce this legislation unless we know with what we are confronted.

Hon. Judy Sgro (York West, Lib.): Madam Speaker, I am very pleased to join in the debate on Bill C-49 and to see that this is third reading. Hopefully, with the help of everyone in the House, the bill will be passed and quickly pushed into law.

I also would like to congratulate the minister for his hard work on something that is extremely important.

I will be sharing my time, Madam Speaker, with the member for Esquimalt—Juan de Fuca this evening.

The important part of Bill C-49 is the government's commitment to the protection of vulnerable persons and the ongoing strategy to combat human trafficking, something that all of us in the House deplore.

Currently, the Criminal Code does not specifically prohibit trafficking in persons, although a number of offences, including kidnapping, uttering threats and extortion do play a significant role in targeting this crime. Bill C-49 would strengthen this legislation by going beyond the focus on immigration and making trafficking in persons a criminal offence.

Victims are often women and children being forced into the sex industry, but at times also include men, women and children exploited through farm, domestic and other labour opportunities. In some countries, trafficked children may be forced into work as beggars and as child soldiers.

Trafficked persons are often duped into their own new professions, deceived with possible dreams in a rich land, with seemingly legitimate employment contracts or marriages abroad. These vulnerable people are too often fleeing poverty and poor living conditions, only to be enslaved in what they thought was going to be their country of opportunity on their arrival in Canada.

Upon arriving at their destination, many of these individuals are put to work, subject to debt bondage which they can never pay back because it increases on a weekly basis. They can spend years and years trying to repay their bondage to be free. Victims of trafficking are often subjected to physical, sexual and emotional abuse.

Although some are universally recognized as victims, for example children who are exploited through the sex trade, others are often perceived as illegal migrants or criminals, people who should be persecuted and prosecuted. Women trafficked in the sex trade are sometimes seen as simply violating immigration or criminal laws relating to prostitution, rather than looking at the seriousness of the big picture.

Because of these perceptions and because of the threats from traffickers, many victims are reluctant to turn to the police for protection. Those of us who come from large urban centres frequently hear that as a concern that they have. The social stigma of prostitution is also a factor. Women trafficked internationally who are returned to their home countries may be ostracized within their communities and their families, again becoming a victim.

We need to ensure in this legislation that we provide strong criminal and witness protection measures backed by the necessary resources in order to ensure effective prosecutions and the real deterrent against trafficking.

We also need accurate statistics concerning the scope of trafficking at home and abroad, a difficult thing at times to achieve.

Although there are no clear statistics, the Royal Canadian Mounted Police estimate that 600 foreign women and girls are coerced into the sex trade in Canada every year with a promise of a better life. This number would probably rise to approximately 800 if it were to include those trafficked into Canada for other kinds of forced labour. Estimates also indicate that approximately 1,500 to 2,200 people are trafficked from Canada into the United States every year.

Bill C-49 promises a series of criminal law reforms which will enable us to better address human trafficking. Specifically, it would create the three new indictable Criminal Code offences, providing our law enforcement officials with additional tools to address the full range of behaviour often associated with this terrible crime.

Human trafficking involves the recruitment, transportation, concealing and harbouring of a person in order to exploit the person. The main offence proposed by Bill C-49 would target exactly this behaviour and specifically prohibit it.

● (1720)

This offence would carry a strong penalty, indeed, the strongest penalty our criminal law provides: life imprisonment where the offence involves kidnapping, aggravated assault, aggravated sexual assault or the death of the victim. In all other cases, the penalty would be 14 years' imprisonment. This sends a very strong message that such conduct will not be tolerated in Canada and, in my opinion, rightfully acknowledges the terrible impact this activity has on its victims, their families and society in general.

Bill C-49 also proposes to define exploitation as central to the main offence. This is very important, because we know that the crime of human trafficking is always about exploitation of the victims. Bill C-49, in my opinion, properly defines the most reprehensible aspect of this crime. Whether victims are exploited for forced labour, for sexual services or for human organs or tissue, traffickers exploit the lives and the souls of their victims for profit.

And profit they do. By all accounts, human trafficking is big business, generating an estimated $10 billion annually for its perpetrators. That is why Bill C-49 also proposes to create another offence that would target those who would profit from the exploitation of others. Specifically, it would prohibit anyone from receiving a financial or material benefit knowing that it results from the trafficking of persons. This offence is punishable by up to 10 years' imprisonment.

I support this approach because it specifically addresses one of the primary factors fuelling the demand for this type of labour, that is, the ability to make huge profits from the buying, selling and reselling of human beings. Moreover, it provides law enforcement with an improved ability to get at those who would economically benefit from this crime, those who may not actually engage in the physical act of trafficking in persons but who clearly benefit.

Finally, Bill C-49's proposed third offence would prohibit the withholding or destroying of travel or identity documents in order to commit or facilitate the trafficking of persons. This offence would be punishable by a maximum of five years' imprisonment.

Bill C-49 will help to ensure the protection of society's most vulnerable people. I want to say thanks to all members of the House for supporting it. I again congratulate the minister and the government for moving it forward.

● (1725)

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Truly, Madam Speaker, trafficking in human beings is a deplorable crime that needs to be addressed. It is gratifying to see in this House the concern about helping to stop this horrendous crime.

The bill put forward has many merits. However, earlier today we talked about police resources. No matter what bills we have, we need the resources to carry out those bills. We need the political will in terms of judges who give hard sentences to people who traffic and we need the joint police forces that are needed to find these people. Trafficking in persons internationally and nationally is something we have to come down on hard and fast.

Could the member opposite please comment on the issue of the lack of police resources and joint forces units and on taking the resources from the gun registry, the over $1 billion that we talked about today, and putting the resources into police forces?

We can sit here in the House of Commons and talk about stopping trafficking in humans, and we need to do that, but how are we going to put the resources on the street with front line police forces to make sure these criminals are apprehended and this terrible practice of trafficking in human beings, nationally and internationally, is stopped and stopped now?

Hon. Judy Sgro: Madam Speaker, clearly these are issues that we all care very passionately about and want resolved. Bill C-49 is only one part of a multi-faceted approach that the government has taken to deal with the whole issue of crime and how much more closely we can work with international communities. Bill C-49 is one instrument. It is one tool. It is only one part of the fight to eradicate crime and protect the most vulnerable people in our society.

We are going to continue to move forward with a variety of pieces of legislation, working together to ensure the safety of people who live in Canada as well as the safety of people in other countries who clearly want to come to Canada. Some are led to believe that this is the land of luxury for everyone and they simply are brought here to be exploited. Bill C-49 will bring an end to that because we are going to be working closely with the international community on how we can make our laws that much stronger.

Mr. Gary Goodyear (Cambridge, CPC): Madam Speaker, I would like to ask the member a question about this bill and some of the multi-faceted approaches to fighting crime that the member talks about.

The member spoke about sex crimes, particularly those involving young women who are lured into the sex trade. I have a question for the member, who is so concerned about sex crimes, the sex trade and this human trafficking issue, and let me say now that the House should be concerned about those things.

If the member is so concerned about the crimes against these people and if her party claims to be so concerned, how could the member and her party possibly not vote for raising the age of consent from 14 to 16 years of age? That is not about puppy love, as we have heard. This is another way in which young women are picked on and abused. How could we not support adding another measure of security for these people?

● (1730)

Hon. Judy Sgro: Madam Speaker, we have already dealt with that issue and have made it very clear where the government stands. We are going to continue to work with all our partners in fighting crime, in how we are going to turn around and protect those who are most vulnerable in society, and in seeing what other things we can do to ensure that we are going after the culprits, not innocent children who are finding themselves in a given situation.

Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.): Madam Speaker, it is an honour today to speak on this particular bill, which addresses an often under-reported plight, a virus and a cancer that has spread across the world, affecting some of the most underprivileged and vulnerable souls in some of the poorest countries of the world.

The bill is actually one of international leadership, because in addressing the challenge of trying to help prevent trafficking of these people, often into conditions of sexual exploitation, we find that most of the countries involved in it do not have the legislative framework upon which to address the problem. Our government has put together this particular bill in a legislative form that can be used by other countries so they can adopt similar legislation in their countries to address this plight.

In a nutshell, the bill, which I hope will be passed forthwith by all members of the House and all parties, has three primary components.

First, it deals with the aspect of introducing three new indictable offences. The main offence is the trafficking in persons. The bill would prohibit anyone from engaging in specific acts involved in this type of activity. In fact, the penalties would be hardened and increased so that the maximum penalty would be life imprisonment.

The second aspect is a second offence that would prohibit anyone from receiving financial benefits from the trafficking of people. In this case, the maximum penalty is raised to 10 years.

The third offence relations to prohibiting the withholding or destroying of documents, which is an integral part in trapping people in this sad situation.

I want to talk for a moment about the scope of the problem to begin with. The U.S. government estimates that between 600,000 and 800,000 men, women and children are trafficked every single year across borders. This does not take into consideration the large numbers of individuals trafficked within borders. We could add at least another million people in regard to that.

These areas and people involve some of the poorest countries in the world. The economic benefit is about $10 billion. The benefits accrue to those individuals who are often involved in drug trafficking and money laundering and to individuals who are involved in the sex trade, essentially as pimps. They abuse these individuals in a heinous way, with women comprising 80% of the people trapped into this. The bulk of them are under the age of 25. We can see that we are dealing primarily with youth and that 80% of them are females.

The countries involved are some of the poorest countries in the world. I will get to a list of them in a moment. There is something that I wish to say above all else about the trafficking of human beings. It is not the same as migrants. Trafficking in migrants brings people to a country, but then they are free to go.

In this case, in the trafficking of human beings, people are lured to another country, usually with the offer of employment, often to work as au pairs or to work in manufacturing jobs, to work simply so they can provide money for themselves and their families. A lot of them have families in their home countries. They wind up going to a country with the hope of work, arranged beforehand, and meet people who promise them work, but then they are taken and often forced to engage in sexual acts. Often what they get in return is abuse and sometimes even death.

Sadly, as I said before, many of the countries in which this happens do not have the legislative framework to deal with these people, or they have the legislative framework but are not willing to actually implement legislation. This is a profoundly sad and tragic thing.

The most vulnerable people are the young and those who come from poor countries. They are often used as cheap labour. I received from an international database information about the countries that are most affected. They are as follows: Moldova, Romania, Mali, Ukraine, Belarus, Bulgaria, Uzbekistan, Colombia and Kyrgyzstan. We can see that what ties together all those countries is the fact that they are extremely poor.

Essentially, those exploiting these individuals are exploiting people who are simply trying to find a place where they can work and provide for themselves. Instead, they often are met with circumstances that can be truly horrific. In fact, today's trafficking of people is really another form of slavery.

● (1735)

A risk factor we see primarily is poverty at home. Children are often affected, but it is often an under-reported and under-documented group. The traffickers often know the families, at least at arm's length. They find a vulnerable group. They convince the families to give up their loved ones, who are often children, saying that the children will work for the financial benefit of the families. The families may not see their children perhaps ever again, because those children were drawn into the sex trade and were forced to engage in sexual activity against their will.

In addressing the problem, a large number of protocols can be used. These include the Convention on the Rights of the Child, the optional protocol on the sale of children, child prostitution and child pornography, and the Slavery Convention of 1926 to name just a few. The international framework is there. The legislative framework is there internationally, but what it lacks is teeth. As a government we have put teeth into domestic legislation that can be applied here at home in order to go after the pimps and the people attached to organized crime who often are the ones who profiteer from the vulnerabilities of the poor. I hope that we will be able to export this knowledge and this legislative framework abroad. We need more though.

We have to work together and with other countries to develop a framework of knowledge and the sharing of information. We must do a better job of assessing vulnerable groups that we are not too aware of, such as children. We also have to look at different regions. For example, in West Africa slavery and the exploitation of people are widespread. Some 200,000 children in West Africa alone are trafficked in this fashion. They largely go unreported, unrecognized and forgotten. The fate that awaits them is often truly horrific.

Some work is being done. The Organization of American States, the UN and UNICEF have all done some very good work in this area, but there is much more internationally that could be done. There are a few complementary solutions that might be helpful.

One is to have better cross-border collaboration. We as a government are working very strongly with other countries to push this. At the Organization of American States, with the U.S. south of the border and with European countries, Canadian law enforcement officials are working very hard to help coordinate this type of activity.

Model legislation has been seen in other countries. Again, using the Canadian model, this bill, as an example for other countries to adopt would be useful in trying to help other countries adopt the legislative framework.

Minimum standards of health care would also be required. When the people who have been sold as slaves are found, they need access to proper health care. Particularly if they have been involved in the sex trade, they bring back to their country of origin a host of medical problems which sometimes they pass on. An example would be HIV-AIDS. In eastern Europe and southern Africa HIV-AIDS is a terrible problem that is ripping through entire societies. It is sad that people who are trafficked into these environments, who are forced to engage in sex slavery, sadly and tragically have a death sentence because they pick up the HIV virus.

Capacity building of NGOs and law enforcement officials is also required for them to be able to identify the vulnerable groups, identify the people involved in trafficking, and apprehend the individuals involved in the trafficking, but also separate and identify those individuals who have been sold into the sex trade. Telephone hotlines would help, as would witness protection programs for those involved.

I want to close by saying that the trafficking of individuals is a human catastrophe. Our government has put forward this landmark bill. I hope it will be adopted by other countries. I hope that in addressing this profoundly tragic international humanitarian catastrophe, it will bring it to an end.

● (1740)

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Madam Speaker, we in the House of Commons have all agreed that human trafficking has to be stopped.

A few short days ago we had a vote in the House where members opposite refused to support raising the age of sexual consent. A child in Canada at 14 years of age right now can legally have sex with an adult. Even part of the Criminal Code states that if the child turned out to be 12 years of age and the perpetrator thought the child was 14, the perpetrator could still get off the hook.

How can we talk about being serious about stopping this horrendous trafficking of human beings, when in the House the members opposite would not even agree to raise the age of sexual consent from 14 to 16 years of age?

This is a travesty in Canada. It just does not wash. We need the police resources and we need the laws to make sure that the bill is implemented in the way it should be implemented.

Could the member comment on that, please?

Hon. Keith Martin: Madam Speaker, all of us share the hon. member's concern which is how to protect children from sexual exploitation. That is the nub of the matter.

The question the member is really posing is whether raising the age of consent from 14 to 16 would actually protect children in that vulnerable age group. It may seem on the surface that it would do the trick, but in fact it would not. The member cited the example of a 14 year old having sex with an adult. That is called pedophilia and that is illegal.

I would strongly recommend that the member look at the initiatives the Minister of Justice has put forth to actually strengthen the protection of children, not just between the ages of 14 and 16, but between the ages of 14 and 18. The initiatives the Minister of Justice has put forth go a lot further than actually raising the age of consent from 14 to 16. I think that is the issue we should be grappling with.

I have to confess that I looked at this very closely. It sounds on the surface that it might do a good job. However, it would criminalize a 15 year old having sexual relations with a 17 year old and we do not want to do that. We want to make sure that children, not just from 14 to 16 years, but children from 14 to 18 years are protected.

The range of measures and initiatives the Minister of Justice has implemented will protect children from 14 to 18 years from exactly the type of abuse and sexual exploitation that the member is referring to, and which all members of the House find reprehensible.

Mr. Gurmant Grewal (Newton—North Delta, CPC): Madam Speaker, I wanted to participate in the questions and comments but I was not recognized even though I stood five or six times to ask a question of the Liberals. However, I am pleased to rise on behalf of the constituents of Newton—North Delta to participate in the third reading debate on Bill C-49, an act to amend the Criminal Code in respect to trafficking in persons.

The proposed amendments would create a few new indictable offences to specifically address human trafficking.

The first offence, trafficking in persons, prohibits a person from engaging in specified acts for the purpose of exploiting or facilitating the exploitation of another person. This offence would carry a maximum penalty of life imprisonment where it involved kidnapping, aggravated assault, sexual assault, or even death.

The second offence would prohibit anyone from receiving financial or other material benefits resulting from the commission of a trafficking offence. It would be punishable by a maximum penalty of 10 years in jail.

The third offence would prohibit the holding or destroying of documents, such as identification or travel documents, for the purpose of committing or facilitating the commission of a trafficking offence. It would carry a maximum penalty of five years' imprisonment.

Human trafficking is a growing problem that demands urgent and substantial action from the government, which we have not seen for the last 12 years.

According to the United Nations, over 2.4 million people, the vast majority of them women and children, are victimized each year. Human trafficking is now the third largest illegal trade in the world behind weapons and drugs. The penalties have been minimal so this trade has been growing. With annual profits of close to $12 billion on average, organized crime has moved into the trade and has become a dominant force.

Canada is not immune to human trafficking and in fact has been identified as a major transit point and destination for human trafficking. Last year the RCMP estimated that at least 800 people are trafficked into Canada annually, and that an additional 1,500 to 2,200 people are trafficked through Canada into the United States. Some experts believe that the actual numbers are much higher, but the nature of the crime makes it impossible to say definitively how many people are involved. We can say, however, that it is a serious problem.

One of the major root causes has been ignored in the debate that I have listened to today, and that is that the immigration system in this country is in a mess. There are long delays. There is a long queue of people waiting. Some of these people have been waiting for up to eight years to be interviewed and have their cases processed.

For example, in the independent category, in some countries the waiting period is 66 months before someone can be first interviewed. Married couples are separated for a long time before they are reunited. Similarly, parents and other family members have to wait a long time. Visitor visa cases are not being dealt with properly.

The system is being abused. I am not saying the system encourages human trafficking, but why are we letting this happen? It is occurring because the system itself is flawed and is not working the way it should. As a result, the system is vulnerable to abuse because the front door of our immigration policy is not open and therefore people are coming in through the back door. The Liberal government has made promises to address the problem, but for the last 12 years it has not been able to keep any of them.

● (1745)

I would say that these legitimate people, who the system was meant for, are given the run around, are not allowed to come through the proper channels and are being abused by those people.

My province of British Columbia is particularly vulnerable to human trafficking. The United States state department identifies British Columbia as an attractive centre for East Asian traffickers who smuggle South Korean woman through Canada to the United States. Organized crime groups have targeted Vancouver because of our immigration laws, benefits available to immigrants and the proximity to the United States border.

According to the state department, at least 15,000 Chinese entered Canada illegally over the last decade, many of them paying thousands of dollars to smugglers only to end up working as indentured servants or even as prostitutes. Asian women and girls who are smuggled into the country are forced into prostitution regularly. Traffickers use intimidation and violence, as well as the illegal immigrant's inability to speak English, to keep victims from running away or informing the police.

Bill C-49 is not entering into a legislative vacuum. In June 2002, a specific offence against human trafficking came into force under section 118 of the Immigration and Refugee Protection Act. The current law provides for fines of up to $1 million and life imprisonment. Section 118, however, deals with human trafficking across our international border from a border integrity angle.

In contrast, Bill C-49 would deal with trafficking both within Canada and across Canadian borders. Although anti-trafficking legislation has been in place for three years, the first ever charge under the law did not occur until this past April. A Vancouver businessman faces human trafficking charges after police answered a call about a violent incident at the businessman's massage parlour. One charge in three years is a rather meagre result.

Detective Constable Jim Fisher, with the Vancouver police intelligence section, confesses that Canada has not come to grips with what it takes to properly police this human trafficking that has been happening for so long. We can have the best laws in the world but if we do not place enough resources into enforcement the laws will mean nothing. That is the case with human trafficking. Our enforcement of the current law is weak, as demonstrated by this one charge.

Canada is struggling to identify its trafficking victims inside secret migrant smuggling operations.

We will remember that the Auditor General's report seriously criticized this particular instance: 36,000 illegal entrants into this country are missing in action and cannot be traced; and 60% of the people who come to our ports and apply for refugee status go before our refugee officers without any documents and no identification but we all know that when they boarded their plane for Canada they had some sort of document. However once they land in Canada and appear in the lineup applying for refugee status they have no documents.

We must use anti-trafficking laws to vigorously increase investigations, arrests, prosecutions and convictions of traffickers. However that will not happen with the government which insists on starving our law enforcement agencies of the resources they need to do their jobs effectively.

As a member of the Subcommittee on Organized Crime, as well as a member of the citizenship and immigration committee in the past, I became familiar with many of the problems facing our country. It has become clear to me that the Liberal policies are undermining the credibility of the criminal justice system. The government has given us a system in which even soft sentences are only partly served and that fails to protect citizens from crime.

● (1750)

The human trafficking aspect is a lose-lose situation for everyone except the human traffickers who are making a profit. It is bad for our country, bad for our society, bad for our communities and bad for newcomers who could have used the front door rather than using the back door and paying huge amounts to the snakeheads or to the human smugglers.

Who is responsible? The weak laws that are not being enforced by the government.

The recommendations of my colleagues and myself on the committee were essential for tackling organized crime but were ignored by the government and are gathering dust somewhere on a bureaucrat's desk.

The Liberal government has had 12 years to deal with this issue and it has failed. It is the Liberal record of all talk but no action that has put us in this abysmal situation. It is essential that we have tough laws. We need to give the police and law enforcement agencies what they need to carry out their jobs.

The amendments contained in Bill C-49 are comparable to laws passed recently in other jurisdictions.

In July 2004, the United Kingdom passed a new law clamping down on traffickers by introducing a new offence of human trafficking for non-sexual exploitation with a maximum penalty of 14 years and making the offence of knowingly employing an illegal worker a "triable either way" offence subject to unlimited fines.

In 2000, the U.S. Congress passed the trafficking victims protection act which, among other things, created new laws that criminalized trafficking with respect to slavery, involuntary servitude, peonage or forced labour, and increased prison terms for all slavery violations from 10 to 20 years and added life imprisonment where the violation involves the death, kidnapping or sexual abuse of the victim.

In this situation, the victims need protection from the government. Our laws should be such that they should prevent these things from happening, there should be enough deterrents in place and there should be enough resources for the law enforcement agencies to carry on with their jobs but, at the same time, the victims must be protected so that we are fair to all aspects of the law.

Surveying the international scene, it is clear that the time is ripe for tough new human trafficking legislation.

Trafficking in persons has been described as a modern form of slavery. It is a serious human rights violation and is the fastest growing form of transnational organized crime. The profits are huge and the penalities are minimum. It is imperative that Canada acts to stem the growth of this serious crime.

I therefore welcome Bill C-49. It is a small step in the right direction. The bill would bring Canada into line with the international commitments. The bill would address a serious global issue. However the government must not sit on its laurels. Without serious penalties for these serious crimes, the exploitation and abuse will continue.

Bill C-49 speaks of tough maximum sentences. The serious problem with the government is that it talks about tougher maximum penalties but it means nothing because the judicial system, the lawyers, will never hand out those penalties.

Bill C-49 says nothing about mandatory minimum sentences. We need mandatory minimum prison sentences so that those who violate the Criminal Code should be behind bars, should suffer, or at least serve some time and minimum penalties should be imposed.

As we have seen with this existing law, the resources must be available to enforce the law. Only then will Canada be able to start to effectively stamp out human trafficking in this country.

As a nation, it is our responsibility to seek a solution to this problem in order to protect the human rights of all people, from all backgrounds, no matter what their nationality might be.

● (1755)

As lawmakers in this country, it is our responsibility to clean up the system which the government has failed to do for the last 12 years. Our immigration system should be our economic backbone, as well as supporting growth in this country. The immigration system is supporting the manpower needs and the skilled labour that we need. The system is so polluted that it is working only for the human traffickers and not for the legitimate immigrants who want to come to this country and make significant contributions in many ways.

The question of the recognition of foreign credentials did not come to the floor of this House until I brought forward a motion many years ago which the Liberals failed to support. We have qualified people coming to this country to serve, contribute and make positive economic contributions in socio-cultural ways but instead are being employed in menial jobs. Would we expect someone with a Ph.D. or another degree to work at a gas station or drive a taxi? We allow loopholes in the system that have not been taken care of in the past.

On the weekend I attended a wedding reception. Many of the guests who were supposed to join the family on that auspicious occasion could not get their visitor visas. When we inquired about the situation we found out that there were bogus reasons. No legitimate reasons were given and even the income of the sponsors was not properly entered into the system. Some zeros were missing in the income figures. Naturally, the arbitrary criteria did not allow the respectable family members to join the celebration.

We hear similar stories from members of Parliament from all parties. They hear these stories when it comes to funerals.

What do those people do when they are barred from attending family events? They naturally will find some other means to come to this country, such as abuse their ministerial permit or use political influence.

Bill C-49 is a step in the right direction. All the law enforcement agencies must be given enough resources. The laws should be tougher so that we can curtail the violations to the system and the abuse of the system, but on the other hand open the front door to immigration so that legitimate people can come through the front door.

I remember an interesting story. When I was a member of the immigration committee I mentioned this concept of the front door and back door. I said that the back door was closed long ago. When the former minister of immigration was speaking to Bill C-11 in the House at that time, she looked at me and said that the bill would close the back door but that it would open the front door. Neither the front door nor the back door is open now. Instead, the government has installed a revolving door.

I urge the government during the short time it will be in office to clean up the system. The government needs to do whatever can be done to make the immigration system work and stop human trafficking forever.

● (1800)

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Madam Speaker, the hon. member has given many insightful comments in terms of immigration.

Here in the House of Commons we are the highest court and this is where the laws are made. We have the power to implement those laws. We have all recognized that the bill has a lot of merit and we all recognize that human trafficking has to stop.

In my view, it is a question of credibility. This year, when we tried to raise the age of sexual consent from 14 to 16, it was defeated. There are many excuses for why it was defeated.

We also heard in this House that the gun registry, which has eaten up more than a billion dollars, is continuing but the money is not being put into the much needed police resources.

Earlier on in the year we had immigrants jumping the queue. We found out that people in the sex trade had preferential treatment on at least one occasion, if not more.

Would the member please comment on the immigration side of this? We have migrants, the most vulnerable people, coming from abroad hoping to have a new life, hoping to have an opportunity to become educated and better themselves. Would the member please comment on the credibility of the Liberal government on Bill C-49?

● (1805)

Mr. Gurmant Grewal: Madam Speaker, I knocked on a lot of doors during the summer break and I heard the question consistently. People do not trust this government any more. They think the government is adrift and going in the wrong direction.

The criminal justice system protects the criminals but not the victims. It fails to protect our children to the extent that when a motion and a bill was presented in the House recently, all Liberals shamelessly stood to oppose the bill for the age of consent to be raised from 14 to at least 16. They did not do it, so what do I conclude? The government lacks the political will. It is out of focus, tired and has become arrogant. It does not have the steam any more to address some of these issues.

Naturally when Canadians look at these things, they find the government is not credible on this issue. An example is Bill C-49. After 12 years, the government came up with this bill.

We will remember a few years ago when a lot of illegal Chinese immigrants or entrants into the country landed on our shores. What did the government do? It did absolutely nothing. The victims who landed on our shores paid huge amounts of money to snakeheads in two provinces in China. The parliamentary secretary at that time went to China and visited those two provinces. The government wanted to solve the problem over there, but did absolutely nothing within its own power to make effective laws in Canada and provide enough resources to law enforcement agencies.

This is the knee-jerk approach of the government. It is too little too late. It came up with Bill C-49 when it noticed that our allies in other countries, the United States and Great Britain, had came up with legislation. It has done this to catch up with the other countries, but it has not made effective laws in our country to protect Canadians.

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): Madam Speaker, I thank the member opposite for his support for Bill C-49 and his great concern for human trafficking. He also has a private member's bill, Bill C-283, which proposes bonds for people wishing to come to Canada. With his new found interest in human trafficking and support for this bill, I am curious whether he would consider withdrawing his private member's bill.

As many analysts have said when they have looked at the details of the private member's bill, in the best case scenario bonds posted for people wishing to come to Canada would limit visitors to those who are very rich or have very well off families. In the worst case scenario, there are many potential visitors from countries where, unfortunately, circumstances are such that these source countries have large numbers of people willing to take risks and perhaps to take on loans required to pay for these kinds of bonds.

The illegal trafficking in human beings and women in particular is a multi-billion dollar business, a business that can provide financing in these poor countries to people who perhaps would not otherwise have a way of coming to Canada. Analysts are saying this and logic seems to say that this kind of bill would allow and help in the trafficking of human beings, particularly women.

With his support for Bill C-49, will he be withdrawing his private member's bill?

● (1810)

Mr. Gurmant Grewal: Madam Speaker, I thank the member for at least remembering I have a bill in the House which would solve the problems that the Liberals created with visitors' visas. My bill has tremendous support across the country, in all provinces and in all segments of the population. In fact all parties in the House have members who support my bill. That is why the bill has passed from this House and has gone to the committee. It is a good bill.

The problem and the tragedy are that the Liberals sometimes have difficulty understanding that their minds are working on only the wrong side of the equation. Let me put it this way. If we looked seriously and carefully at the bill, we would see that it would curtail human trafficking. Why? Because legitimate people who are not allowed to come to Canada based on arbitrary excuses would at least have the front door opened for them to come to Canada. We would monitor that front door and they would enter into Canada legitimately and then leave.

On the other hand, the political involvement in the visitor's visa process has further muddied this issue. We have asked many times, and I again ask the Liberal members, if they can table in the House how many minister's permits have been issued to members of Parliament from all parties. We will find out that it is the Liberal members who have been given the most minister's permits on a per member basis, not the opposition members. They are abusing the system by politicizing it. If the system is fair, there should be a homogeneous distribution of minister's permits in the House, and I challenge that this is not the case.

I came up with a positive solution to put a deterrent in place so that wrongful people would not abuse the system, but rightful people, such as close family members who wanted to attend a marriage ceremony or a funeral, could come to Canada.

Hon. Hedy Fry (Parliamentary Secretary to the Minister of Citizenship and Immigration, Lib.): Madam Speaker, I am pleased to stand in the House today to support Bill C-49 and to echo some of the strong support from members on all sides of the House for the bill.

In 1997 I attended, on behalf of the Government of Canada, the first World Conference on the Commercial Sexual Exploitation of Children and Youth in Stockholm, Sweden. What I heard was appalling. It was the place where work began to be formalized for dealing in the trafficking in women and children. Since then, it has become a cause for me. It is something about which I feel passionate. I have worked closely with my colleagues over the years to bring us to the point where we have now many policies and pieces of legislation. We are working internationally with the United Nations and other countries to deal with trafficking.

For me the bill is one more piece in that armamentarium of all the tools that we can use to deal with trafficking.

The United States Department of State in its 2004 annual report stated that 600,000 to 800,000 persons are trafficked around the world each year; 47% of those are women and 50% are children. We do not have to be a mathematician to know that that makes up 97% of the total people being trafficked around the world.

UNICEF estimates that about 2.1 million children are trafficked each year and that it is worth $10 billion to organized crime.

Trafficking in human beings is not something is new. It is as old as time. Those of us who have read history know about slavery in ancient Rome. We also know about the 60 million Africans who were trafficked as slaves during the colonial era. We know that trafficking has been with us for a long time. It does not make it acceptable however.

Yet today trafficking is carried out in a very different series of ways than we used to read about in history. The new realities of different types of trafficking is reflected in this bill which is very important. We have to use new tools to deal with modern day problems.

The reality today is that victims can be trafficked through many different means: by being kidnapped, by being lured, by being given false promises of legitimate jobs or by being given false promises of all kinds of opportunity to people who are desperate and wanting to find some way out of the hopelessness of their lives.

The bill also reflects the reality that persons can be trafficked for different purposes: for being forced into the sex trade, for being forced into some form of labour whether it be in sweat shops or otherwise, or horrendously to have to donate a human organ or human tissue as part of what they are trafficked to do.

The bill reflects a reality that no one can ever validly consent to this kind of dehumanization.

At the same time Bill C-49 reflects the reality that human trafficking can involve global dimensions and local dimensions. Trafficking can occur within one country either from rural to urban, urban to rural areas or region to region. We know that it goes on in Canada.

Ultimately it does not really matter what form of conduct it involves or to what purpose the trafficking occurs. Bill C-49 has proposed a package of criminal law reforms that will deal with many of those new ways of trafficking.

This is tough legislation. I know some people do not think it is tough enough, but it is. It is tough enough hopefully to prevent trafficking. It is tough enough to protect the vulnerable victims. It is tough enough to prosecute offenders whether local or international and to make them fully and completely accountable.

However, that is not all. Bill C-49 is only one part of an array of tools, policies and legislation to protect the vulnerable in our society which is a priority for our government. For instance it links with Bill C-2 which was passed in July of this year and it builds on, IRPA, the Immigration and Refugee Protection Act, to protect persons who may be trafficked as refugees. It builds on our existing Criminal Code protections against behaviours associated with trafficking, by creating three new indictable offences.

● (1815)

The first, trafficking in persons, is a specific prohibition against any person engaged in the exploitation of a person or facilitating the exploitation of a person. This new proposal identifies the acts in question such as recruiting, transporting, transferring, receiving, holding, concealing or harbouring a person, exercising control, and direction or influence over the movements of another person. That is a pretty broad definition. That includes all of the many different players. It does not only include the person who started the movement from country *A* but it could also be the person who played a role somewhere along the chain of events. They too would be indicted under this bill.

This legislation expands the definition of our criminal law responses. For example, the Criminal Code offence against kidnapping is also expanded in this particular bill. With this new offence, it is proposed that the maximum penalty for any of the trafficking to be life imprisonment if it involves the kidnapping, aggravated assault or aggravated sexual assault or death of the victim, and 14 years imprisonment in other cases.

These maximum sentences send a strong message that this government denounces and deters this kind of criminal conduct. If it were to pass with the agreement of other members of the House, it would send a strong message that the Parliament of Canada denounces and deters this kind of criminal conduct.

The second part of the bill that I like is the proposal to create another indictable offence specifically targeting those who seek to profit from human trafficking and from the exploitation of others, even if they do not engage in the physical acts set out in the main trafficking in persons section. It would specifically prohibit any person from receiving a financial or other material benefit when they know that it results from the commission of the trafficking of another person. That offence would carry a maximum penalty of 10 years imprisonment.

The third part of the bill also sends a strong message. This legislation would create another new offence to prohibit anyone from concealing, removing, withholding or destroying another person's travel documents or identification.

● (1820)

Hon. John McCallum (Minister of National Revenue, Lib.): Madam Speaker, I rise on a point of order. I informed the House during question period that the audit report concerning Mr. Dingwall would be released this Wednesday. However, having just spoken to the offices of the Mint, I am now informed that this will not be possible. The date of the release will instead be October 26.

Hon. Hedy Fry: Madam Speaker, the offence of removing, withholding or destroying a person's travel documents, identification or immigration documents for the purpose of committing or facilitating the trafficking of that person carries a maximum penalty of five years imprisonment. If we add to that the consequential amendments that adds a new trafficking in persons offence to the existing DNA databank in Canada, to the sex offender registry provisions, and to all the wiretap provisions that facilitate police investigations, we have covered a whole enormous range of areas in which there could have been loopholes.

I am especially pleased with the bill which improves the proposed offences over the clear definition of exploitation for the purposes of human trafficking. Under the proposed offences, individuals are exploited where they are forced, out of fear for their own safety or that of someone known to them such as a family member, to provide labour, a service, such as sexual services or an organ/tissue.

We know that there are stories of people who have been trafficked here who have been terrified to speak out because their families back home were threatened or they believe that someone back home would be hurt if they ever spoke out. This takes care of that component.

At the very core of trafficking is the exploitation of victims and I think all members in the House would agree to this aspect which makes this particular conduct so morally repugnant to all of us here. Furthermore, in a case where everyone has said that victims have consented to come because someone paid their way and they signed some sort of bogus document, that we know is never valid because it exploits the fear and the need of a person to leave or to come to another country.

Status of Women Canada did a survey I recall when I was the secretary of state which talked about women who came to Canada specifically to work at promised legal jobs only to find themselves forced into prostitution. Sadly, these women were so desperate to leave the terrible conditions back home that a majority of the women in the survey responded that they would rather stay in prostitution rather than go back home because going back home left them with absolutely no hope. This is not consent. It is exploitation of human misery, human poverty and human fear, and we have to abhor that as a Parliament.

I am also on the solicitation subcommittee of the justice committee. We heard from women who are at greatest risk, Canadian women who are exploited and trafficked within Canada, who are moved out of rural areas into cities, who are moved out of reservations into cities, and who are moved around the country, especially young people. They are afraid, terrified sometimes, to go back home but also being trafficked because of their fear, because of their poverty, and exploited because of their addiction to substances. We know that there must be zero tolerance for that kind of trafficking of human beings into prostitution in this country.

We know of young people, children and youth, who are trafficked and exploited for commercial sexual favours on the Internet. We must also have zero tolerance toward those who exploit our children and youth.

This brings me full circle to where I initially talked about going to Sweden to talk at the first world conference against the commercial sexual exploitation of children and youth. This brings us right back to where we started and it kind of makes a circle of Canada's very beginnings on this issue and how Canada has since begun to work with the United Nations to build bridges with other countries and to sign on to the United Nations convention against trafficking and the United Nations conventions against prostitution and pornography, so that working together with other countries we can stop organized crime who are better organized than we are and who have been so successful at doing this.

I am very proud of this bill because it strengthens Canada's contribution to the global efforts, one that is already very strong and it also deals with the terrible problem of trafficking in vulnerable persons here in Canada.

● (1825)

Mr. Rob Anders (Calgary West, CPC): Madam Speaker, we hear a lot of talk about how this bill is getting tough. Why is it not as tough as the U.K. and the United States? If somebody violates the law in the U.K., there are unlimited fines. I do not see any mention of fines here in this bill. I would think that Canada should be just as tough as the United Kingdom when it comes to fines. In the United States, instead of putting in penalties like Canada has here of 5 or 10 years, the Americans are talking about 20 years imprisonment.

Why is Canada not as tough as the U.K. and the United States on traffickers? Why does the bill have such a light touch on human traffickers as compared to those jurisdictions?

Hon. Hedy Fry: Madam Speaker, this bill is very consistent with what is being done in the United States at this point in time and its legislation. The hon. member talked about 20 years as being tough. Life imprisonment is pretty tough as far as I am concerned.

Mr. Rob Anders: Yes, that is right, but we do not have it.

Hon. Hedy Fry: Madam Speaker, perhaps the hon. member would allow me to answer the question he asked. Did he really ask a question or was he merely being rhetorical? I would like to answer the question, so I would like the member to allow me to do so.

Mr. Rob Anders: Life is not in Canada. It is in the U.S.

Hon. Hedy Fry: Madam Speaker, the member had the opportunity to ask his question. The hon. member speaks of fines in the U.K. If human trafficking is run by organized crime and it is a $10 billion industry, tell me what fines will do. Imprisonment is better than fines for people like that, so I think this bill is very tough.

Mr. Rob Anders: Then let us use life imprisonment.

Hon. Hedy Fry: The member should learn some manners next time.

The Acting Speaker (Hon. Jean Augustine): It being 6:30, pursuant to order made earlier today, the motion for third reading stage of Bill C-49 is deemed carried.

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

ADJOURNMENT PROCEEDINGS

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

● (1830)

[*English*]

ABORIGINAL AFFAIRS

Mr. Jim Prentice (Calgary Centre-North, CPC): Madam Speaker, the purpose of the proceedings at present is to make inquiries of the Government of Canada with respect to the residential schools matter and in particular the progress which the government has made in the time since May when an agreement, in a tentative way, was struck with the Assembly of First Nations.

It also worth noting that this matter was in fact before the House of Commons by way of a motion of the House some time ago. At that time, which was mid-April, the following resolution was adopted by the House: "That the government take all of the actions recommended" by the Indian affairs committee and by the House of Commons "on an urgent basis, with consideration for the frailty and short life expectancy" of the residential school survivors, pointing out that the residential school survivors are dying at the rate of approximately 5 per day, or approximately 1,000 Canadians per year.

In addition, at that time the House of Commons accepted the following recommendation of the committee:

> That the Government engage in court-supervised negotiations with former students to achieve a court-approved, court-enforced settlement for compensation that relieves the Government of its liability for those former students who are able to establish a cause of action and a lawful entitlement to compensation.

It was also recommended that the existing ADR process be amended or, more properly speaking, brought to a close, and, quite significantly, that the Government of Canada undertake an initiative to ensure that the former students have the opportunity at some sort of "truth and reconciliation process" to speak to all Canadians about this matter.

In the time since, it has been very difficult for Canadians to ascertain what has been happening. The government announced in May of this year that a full settlement had been arrived at with the Assembly of First Nations. At that time, former Justice Iacobucci of the Supreme Court of Canada was appointed as the Government of Canada's lawyer.

Since that time, further court cases have been filed, giving proof, really, to what the committee had recommended and what the committee had forewarned the government about. At the present time there are class action lawsuits commenced by some 13,000 individuals. In addition, the Assembly of First Nations commenced a $12 billion class action against the Government of Canada. Over the course of this past summer, three claims were filed on behalf of Inuit Canadians, on behalf of Métis Canadians and, as I recall, on behalf of Canadians in Ontario, Saskatchewan, the Yukon in particular, and Alberta. There is a wide-ranging array of court cases that have been undertaken.

Regrettably, the government seems not to have moved forward on the truth and reconciliation process but appears to be mired down in discussions and not proceeding on that process even though aboriginal Canadians who are former students are dying even as we speak.

Moreover, the ADR process continues to be remarkable in its inefficiency and wastefulness, even by the standards of this arrogant and worn-out Liberal government. Since May of 2004 there have been 368 ADR decisions issued. Of the $100 million that has been spent on administration, only $17 million went to settlements; that is less than 17¢ on the dollar making its way to the victims.

Today I ask for a response from the Deputy Prime Minister explaining this dire situation.

Hon. Roy Cullen (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, Lib.): Madam Speaker, I rise today in response to the question put to the House by my hon. colleague, the member for Calgary Centre-North, regarding the resolution of residential school claims.

Bringing closure to the legacy of residential schools lies at the heart of real progress toward reconciliation and renewing relationships between the government and aboriginal peoples who attended these schools and their families and communities.

● (1835)

[*Translation*]

Over the last year, advocacy from many sources, most notably from the Assembly of First Nations, has brought into focus the need to recognize the adverse impacts of Indian residential schools.

On May 30, the Government of Canada appointed a federal representative to lead discussions with legal counsel for former students, the Assembly of First Nations, legal counsel for the church entities and other involved parties.

[*English*]

Reaching a timely, lasting and fair solution of the legacy of residential schools is our goal. The federal representative is working on an expedited basis with legal counsel for former students, the Assembly of First Nations and legal counsel for the churches. These discussions are exploring ways to recognize the residential school experience of all former students, monetary or otherwise, including support for the healing that needs to continue to take place.

The Hon. Frank Iacobucci is to provide recommendations as soon as possible, but no later than March 31, 2006, on a settlement package that will address payments to former students, a truth and reconciliation process, and community based healing and commemoration, as well as the continuation of an appropriate alternative dispute resolution process to address serious abuse.

[*Translation*]

I am sure that the hon. member for Calgary Centre-North must have been pleased to learn of Mr. Iacobucci's appointment, and of the mandate given to him.

On April 11, 2005, the hon. member spoke in this House of the need for restorative justice and the need to work with legal counsel for former students to address the legacy of Indian residential schools. These are, in fact, key components of the government's approach, as was announced on May 30.

[*English*]

More troubling, however, is the hon. member's ongoing preoccupation with the dismantling of the ADR process, the alternative dispute resolution process. The government cannot and will not abandon those former students who have chosen the ADR process to pursue their abuse claims. During the period of the discussions led by Mr. Iacobucci, the ADR process will continue to operate for those former students who have chosen that option to pursue their claims for physical and sexual abuse and wrongful confinement.

Clearly this government is committed to the fair and timely resolution of residential school claims and to implementing the necessary changes to its approach to engender broader reconciliation with aboriginal people.

Mr. Jim Prentice: Madam Speaker, in the time since May of 2004, this government has managed to produce only 368 ADR decisions in total. The program has been running for two years and has spent more than $100 million, with only $17 million going to the claimants and a grand total of 368 cases. This system was designed, in the hearts and minds of the government, to accommodate 18,000 cases. It is not working. Everyone knows that. It is the government that will not admit it.

More to the point, why is this government not explaining to Canadians today what is happening with the negotiations that are under way? The reports in the newspapers say that the government is preparing to table a proposition of approximately $4 billion. No one has said where that money is going to come from.

Why will the government not tell us today what is going on in its process, where it intends to take this matter, how it will be accountable to aboriginal Canadians, and how it will be financing all of this?

Hon. Roy Cullen: Madam Speaker, I am not sure where the member gets his information. There is a process under way. Justice Iacobucci is consulting with the stakeholders at large.

I should point out that we have made considerable progress in the rollout of our response to this tragic legacy and in particular with the ADR process. Since the beginning of the year, we have seen a significant rise in the movement of cases.

The ADR process is a culturally based and holistic way of providing additional choices to former students seeking compensation for sexual abuse, physical abuse and wrongful confinement. It is a voluntary process that provides former students with a fair, timely and supportive option to settle claims outside of the courts.

The ADR process will continue to operate for those students who have chosen that option to pursue their claims, and participation in the ADR process will not prejudice the ability of former students to take advantage of benefits which may arise from the discussions being led by the Hon. Frank Iacobucci.

This government is committed, as I said, to finding fair solutions for resolving the legacy of residential schools. We will continue to make refinements to the ADR process and to our overall approach.

● (1840)

GOVERNMENT AIRCRAFT

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Madam Speaker, the government each day and every day continues to show the Canadian taxpayer that it does not care. It believes it is entitled to a level of spending, a level of lavish living that just does not exist in the real world of hard-working Canadians.

One of the most recent examples of this is the use of the Challenger jets as flying limos, as party taxis, as a way of not having to sit with the regular folk.

It is reported to cost $11,000 per hour to fuel, operate and staff one of these jets. In just a few hours of travel the government has spent the annual earnings of a family in Canada. That is an average Canadian, the same average Canadian the government would rather spend thousands not to have to sit beside.

Let us discuss the guidelines for the use of these Challenger jets. The guidelines are that they only to be used for government business and only under the following circumstances.

Guideline one: “Flights to a point where there is no commercial service available”. Air Canada, WestJet and others still strive to fly across this nation and with some pretty good schedules.

Guideline two: “When there is no space available on commercial service”. Although I have seen some crowded planes, people can usually get on one.

Guideline three: “Because of difficulties in routings or timetables”. On whose authority? Who decides what difficulty is? That is a great guideline.

Guideline four: "Substantial savings of time can be made by using the aircraft in place of commercial airlines". Again, whose definition is it of "substantial"? Hopefully it is not the person making the request to use the aircraft.

Guideline five: "When sudden changes in plans require emergency air transportation and no commercial air service is available". Again, who defines the term "sudden"? Is that today, is it 48 hours ago or a week ago? Where is the suddenness?

Guideline six: "When official parties of some size need to travel together and significant advantage can be gained by using a government aircraft". Again, remember the first restriction is it must be for government business.

The Department of National Defence is the sole approving authority for flights conducted under the government guidelines. I wonder how often it says no.

If, as stated in the guidelines, and the first clearly states "used only for government business", it is extremely challenging, pardon the pun, to think that many flights back to a minister's riding are for government business.

An emergency flight from the home riding at a time of a national crisis I could understand. However, I find it unbelievable that just by coincidence many ministers find government business that meets all these other restrictions and yet gets them home in time for dinner.

I am sure Canadians are astounded by this coincidence also. This is one of the most common flights, the going home emergency flight.

Ministers of the government may feel they are entitled to this level of pampering, but let us ask the average Canadian, who cringes each times he or she fills the car just to get back and forth to work, if a year's salary spent on these flights home is okay. Let us ask seniors or farmers who just had the oil tank filled for the winter if these flights are okay.

I think I know the answer, but those ministers never fly with the real Canadians and so they may not hear it.

Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.): Madam Speaker, there is nothing like parking one's brain at the door and ignoring the facts. It would probably be a prudent thing to deal with the facts. The only thing the member got straight was the fact of the guidelines. There is nothing like playing politics with reality. Let us deal with the facts. I would ask the member to look at them in the context of what he said.

First, there is a total fleet of four Challenger jets. Two jets are on reserve all the time, one for the Prime Minister and one for the Governor General. For security reasons they cannot travel by regular commercial flights. There are two jets available for ministers, and the member got the guidelines correct. They are available for travel by ministers, members of the opposition, VIPs and senior public servants for use in government business. For example, a Challenger was used a year ago to shepherd a number of members of Parliament, including members of the opposition, to attend the funeral of Lieutenant Saunders who died on the HMCS *Chicoutimi*.

Canada is a vast country and this kind of transportation guarantees that MPs and ministers can rapidly reach every corner of the country when they need to do government business. They use the Challenger fleet under very well defined Treasury Board guidelines, which are as follows: first, they are only used for government business; second, when savings of essential time can be made; third, when sudden changes of plans are required; fourth, for emergency air transportation; and fifth, when official parties of some kind need to travel to distant parts of the country or internationally for government business.

Indeed we do say no. I looked at the facts on this. There were about 150 applications to use the Challengers and they were used about 120 times. That was over a period of about three years. We can see that the number of times the Challengers are used is actually quite infrequent. Members of Parliament and indeed ministers travel together on most commercial flights. Frequently the minister says no to the use of the Challengers.

Our policy is very clear. Ministers must justify the use of the Challengers. This information is a matter of public record. Challenger use is scrutinized very publicly. It is also carefully controlled. It is a use of last resort.

Just for the member's information about travelling for the rest of us, I happen to travel economy class. The same cannot be said for many of his colleagues.

● (1845)

Mr. Joe Preston: Madam Speaker, I wish that the facts were all the gentleman had wrong. It was great that he was able to listen to the guidelines. Maybe now they are ingrained.

Let us talk a little about the going home emergency. In the examples that we have read here, why are so many of the abuses of the $11,000 an hour Challengers—and please correct me if they are not abuses—for the minister to return home? Where is the emergency back at home?

Mr. Gary Goodyear: The pizza is getting cold.

Mr. Joe Preston: The pizza is getting cold. That is a great one.

The gentleman opposite said he looked into it. I would ask him then to please table for me the information he looked up on the number of times the answer was no and the number of times the answer was yes, and all the circumstances surrounding those. That would be just fantastic for us to hear. We do not have the same luxury as he has, and he certainly knows that the average Canadian taxpayer does not have the same luxury as he has stated.

Hon. Keith Martin: Madam Speaker, anyone who was paying close attention to the member's comments would have to say that they are allegations completely not supported by any facts.

I would be happy to provide the member with the facts about how many times the Challengers have been used. For the record, there were roughly 150 applications and they were used roughly 130 times over a period of two years. That is for two Challenger jets. Given the size of cabinet, after doing some elemental math, one can see that the Challengers are used very infrequently. Two Challengers are used for the entire cabinet. In total all four were used roughly 120 times. The Governor General and the Prime Minister use two. Two are available for cabinet and indeed for other members across the way and for senior officials.

In total, we can see that the use of a Challenger is a very infrequent event. It is subject to public scrutiny. The results are open to public scrutiny. We do release that information so that all members of the public can appropriately, as the member mentioned, see where the Canadian taxpayers' money is going.

CITIZENSHIP AND IMMIGRATION

Mr. Rahim Jaffer (Edmonton—Strathcona, CPC): Madam Speaker, I rise today to follow up on my questions of the Minister of Citizenship and Immigration regarding the great pizza caper. I have asked him numerous questions on the subject. I would like him to comment specifically on our exchange during question period on October 5, 2005.

I was questioning the minister on his out of control spending on pizza and other food at Camarra's Pizzeria in Toronto, specifically about him spending $207 on a meal for himself and two guests on August 20. I have some specific follow-up questions to which I would like the minister to respond, but first here is some background for interested Canadians.

It came to light in the September 20 edition of the *Journal de Montréal* that in the 78 days between March 2 and May 18, the immigration minister had taxpayers pay for 30 different meals in various restaurants, occasionally with one or two other guests, racking up nearly $6,800 in hospitality expenses. When expenses claimed by his staff are added in, the total rises to 43 meals costing taxpayers $12,343.

If this is not enough, the minister and his staff have been double billing taxpayers for meals. According to various disclosures from the minister and his staff, he seems to have attended two breakfasts on March 22, two lunches on March 3 and two dinners on March 21. Either he is very hungry or he does not know which restaurant to go to.

On October 3 the immigration minister's latest expenses were released showing that he charged taxpayers for another $3,700 in meals between June and August, plus $1,500 in meals by his staff.

In the last six months the minister has billed taxpayers for 68 meals at a cost of $17,500. At that rate the minister is spending an average of $258 per meal with Canadians picking up the tab. He is spending more per meal than an average family of four spends on groceries in two weeks. Based on the cost estimated by Canada's national nutritious food basket, a family of four in Toronto, where the minister comes from, should spend $128 per week on groceries. That is $256 for two weeks, $2 less than what the minister spends on one meal.

These facts raise troubling questions. What was the purpose of these meals? For meals prior to the confidence vote, were they really planning sessions for a possible spring election? Was the minister using taxpayers' money to plan Liberal political activities?

All of those questions need answering by the Minister of Citizenship and Immigration. However, they are not the only ones. I was never given a satisfactory answer as to how he could spend $207 at Camarra's for three people. He did not answer the question on what was the purpose of the meeting. Was it for regional issues as he first claimed, or was it for immigration matters?

Additional questions arise out of these expenses. Who attended the meetings with the minister? Were they lobbyists, registered or otherwise? Were they for his political staff planning election activities? Did he take his family? What did he order that ended up costing taxpayers so much money?

I went to Camarra's with three of my colleagues on October 7 and spent $134 for four people, which is less than what the minister spent for two people on July 4. Simply put, why are his expenses so high?

● (1850)

Hon. Hedy Fry (Parliamentary Secretary to the Minister of Citizenship and Immigration, Lib.): Madam Speaker, I would like to thank the hon. member for his keen interest in the minister's consultations with partners and stakeholders at every available opportunity, including mealtimes.

The hon. member's math is a bit interesting. I suppose one could average out meals as one wishes and say that if one had 25 meals over *x* months, that it must be so much for one particular meal. That does not take into consideration whether one meal was for 12 people and the other meal was for 2 and the other meal was for 8. Of course we know, Madam Speaker, as people who often have to feed our families that the number of people around the table can increase the cost substantially.

However, the hon. member knows of the demands on the time of a minister for discussions with interested parties, with groups and colleagues who are interested in citizenship and immigration or other things like that. It often means informal gatherings over lunches and dinners. This is especially true of course for this particular minister and his staff.

In such cases Parliament has decided on a series of guidelines that individual servants of the crown or their superiors use to claim for expenses associated with carrying out duties of the Government of Canada. They are called Treasury Board guidelines. I think these guidelines are fair, reasonable and open and I think the minister followed all of these guidelines.

● (1855)

[*Translation*]

The Treasury Board guidelines indicate that hospitality activities can include meals or similar activities when the government is honouring an outstanding Canadian or organizing official conferences. Such activities can also take place during a visit to Canada by representatives of national or international agencies, who are involved in activities like those of the government or who want to learn more about and enjoy life in Canada, or during official discussions with persons other than government employees. This also applies when other officials meet for the first time.

The expenses in question were incurred within the framework of these guidelines, and more specifically within the guidelines on maximum deductible expenses. The minister and his staff fully complied with the Treasury Board guidelines.

[*English*]

The government is fully committed to accountability and transparency. That is why all of these costs must be fully accounted for and disclosed to the public on each departmental website on a quarterly basis within 30 days following the last day of the quarter. In fact this was done.

I want to assure the House that the minister and his staff as in the past will continue to be open and accessible, and will meet with colleagues and members of the opposition parties to listen to their concerns, to try to find mutual solutions to their problems.

If the minister's schedule, as we well know ministers' schedules are, is so busy during the day that very early in the morning, very late in the evening, or over mealtimes are the only times the minister has to conduct these meetings, then so be it. I do not think it is fair to ask people to pay out of their own pockets in order to have a meal with the minister and talk to him.

Mr. Rahim Jaffer: Madam Speaker, I find it hard to believe that there is a parliamentary secretary in this place who would actually stand up and defend those kinds of expenses.

I look in front of me and I see the different expenses of various political ministers. They are fractions of what the immigration minister has spent in the same period of time. I believe, if I am not mistaken, that the parliamentary secretary to the minister of immigration used to be a minister herself. I am sure she had the prudent ability to watch her own expenses. I am not going to go back and dig out her own expenses, but is she really standing up in the House today and saying that if she were the Minister of Citizenship and Immigration that she would rack up the same sort of expenses and try to justify them?

I somehow do not think so. I think she would show much more prudence. I think she did when she was a minister. How can she stand up today and defend the actions of her minister that are obviously outrageous and three times the amount that Canadians in his own riding would spend when it comes to groceries? How can she stand and defend that?

Hon. Hedy Fry: Madam Speaker, it is very easy to defend it because the nature of the portfolio of the Minister of Citizenship and Immigration means that the minister travels across the country to meet with various groups and organizations with regard to refugee issues.

We know that the majority of immigrants and refugees go to Toronto, which is the largest city in Canada. When I was secretary of state for multiculturalism I knew full well that Toronto had the largest number of groups that were interested in integration, in settlement, in issues such as language, et cetera. The minister meets with people regularly because of the very nature of his work.

The hon. member said that he ate at the same place, he ordered food and it did not cost him as much. First, it is my understanding that the restaurant does not only serve pizza so maybe the minister did not have pizza. Second, I would love to know how much it cost the hon. member to fly to Toronto to do his bit of analytical work.

The Acting Speaker (Hon. Jean Augustine): The motion to adjourn the House is now deemed to have been adopted. Accordingly the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 6:59 p.m.)

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