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Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Monday, May 1, 2000

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

• (1100)

[*English*]

CULTURAL INDUSTRY

Mr. Nelson Riis (Kamloops, Thompson and Highland Valleys, NDP) moved:

That, in the opinion of this House, the government should give consideration to exempting up to \$30,000 of income from income tax as a gesture of support for those artists, writers and performers who work in Canada's cultural industry.

He said: Madam Speaker, I would seek unanimous consent of the House to share my time with the hon. member for Dartmouth.

The Acting Speaker (Ms. Thibeault): Does the hon. member have agreement of the House to share his time?

Some hon. members: Agreed.

Mr. Nelson Riis: Madam Speaker, I am pleased to rise today to begin debate on Motion No. 259, which speaks to tax fairness for the working creators of our country.

We will all recognize that the Molson's Joe Canadian phenomenon that was introduced a few weeks ago has touched a cultural nerve in the country, that people genuinely feel proud of their country. They feel proud of what we have accomplished. They feel proud about their culture and the fact that it is unique and different from others around the world.

• (1105)

Today we begin a debate to acknowledge those fundamental creators who make this Canadian cultural phenomenon possible. I would like to thank Joe Canadian for helping us out.

Today we recognize those who begin the creative process, those who are the pioneers, those who create something virtually out of nothing, and those who begin the process of our cultural industry,

the artists themselves. In other terms we would call them the loggers and the farmers.

I want to begin my presentation today by reading a poem from a professional cowboy poet in my community of Kamloops, British Columbia. His name is Mike Puhallo. His poem is entitled *Sage and Pine*.

I've traveled to your cities,
and for some they might be fine.
But I find myself amissin'
the smell of sage and pine!

Now I'm just a country poet,
Not prone to fancy verse.
My grammar is atrocious,
My spelling's even worse!!

But my tales are plain an' honest,
Like the children of the soil,
The cowboys, ranchers and farmers
Whose work is honest toil.

The urban crowd don't like my prose
they will pick at every line
my poems ain't read in fancy theatres,
where they sip champagne and wine,

and I sure ain't rich or famous,
But that just suits me fine,
'Cause you don't need fame or fortune
to smell the sage and pine.

That is a piece of work written by one of Canada's professional poets and one of Canada's official creators.

I believe it is the role of the legislator to put issues on the public agenda which will allow a healthy public discourse and hopefully add to the public's understanding of an issue. This is my hope, as we begin a debate on the tax status of Canada's creators in the year 2000, as they continue to seek fairness and consideration in our Income Tax Act.

A 1997 Price Waterhouse report done for the Department of Canadian Heritage found that an unfair level of tax is shouldered by cultural workers who are self-employed and who earn low, fluctuating incomes. According to their analysis, the Canadian who is most vulnerable under the present income tax system is the one who is an artist and self-employed.

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It is my belief that culture is the heart of a nation. As a nation, Canada has developed a vibrant cultural sector with numerous cultural institutions: a diverse publishing industry, a talented music industry, a dynamic new media industry, and critically acclaimed film and television industries.

Often we fail to recognize and appreciate that without the individual artists in our country there would be no film industry. There would be no television production. There would be no book publishing or sound recording industry. There would be no theatre productions or galleries and museums. Basically, the cultural industry would collapse.

The important point which this motion attempts to point out is that we must recognize those creators. If it was in a business sense, I would say those innovators and creators who develop the R and D of industry. We cannot have a dynamic industry in our country without the researchers and developers; those people who spend time in laboratories creating that first item.

What we are saying is that we need to apply this logic now to the cultural sector to acknowledge those men and women who are often investing vast amounts of their time and energy into training and education for their professions. They actually create something from which flows the theatre productions, the film industry, the television series and so on; the downstream sector.

I would point out in this very early stage of our debate that this is a growing sector of our community. Those who read David Foot's book *Boom, Bust and Echo* will remember that he said the cultural sector would be one of the booming industries in our country as a result of the demographic changes occurring.

We have also recognized that our cultural sector accounts for 5 per cent to 8 per cent of the Canadian labour force, larger than agriculture, logging, forestry and mining combined. It is only second to health and social services. This is a huge industry, but this industry and all those who participate in it, either as spectators or participants, depend upon those creators who start the industrial process.

• (1110)

Special treatment for artists exists in other countries, notably Ireland, where income earned by artists, writers, composers and sculptors from the sale of their work is exempt from income tax altogether. There is no cap at all. Of course we all know from our readings that the cultural sector of Ireland is alive, well and dynamic as a result of a number of initiatives, including this one.

Over the years we have spent a great deal of attention giving our efforts over to political sovereignty, the development of territorial sovereignty and our economic sovereignty. Now it is time to devote that same attention, that same consideration, to cultural sovereignty. As one music composer expressed in a fax to my office the other day "Our cultural identity is barely surviving the barrage from the American cultural industries. Anything that will make it easier to

be creative in Canada should be done, particularly if it comes at a reasonable cost to government".

I want to say at the beginning that this would come at a very reasonable cost to government, based on the Irish experience, where there is no cap. If we were to put a \$30,000 cap on it, it would therefore be very, very reasonable.

In 1982 Canada commissioned a study of our cultural sector called the Applebaum-Hébert report. One of its overall findings was that the largest subsidy to cultural life in Canada comes not from governments, corporations or other patrons, but from the artists themselves through their unpaid or underpaid labour.

As recently as last month renowned writer Margaret Atwood reinforced this conclusion by saying that the artist, by and large, does subsidize the rest of us. Even when the artist does make some money, others make a good deal more.

I am embarrassed to say that the average income of Canada's creators, the average income of an artist in Canada today, is about \$13,000. Hon. members know that no one can make ends meet on \$13,000 a year, yet that is a fact.

I have thousands of things to say in this discussion, but I want to share my time with our cultural spokesperson, the hon. member for Dartmouth. I hope that this will put the issue on the public agenda of the country and, perhaps more important from our point of view, on the political agenda of the country to ensure that we do whatever is possible as parliamentarians to ensure that our creators, those who begin the cultural process, are fairly rewarded. One of the things we can do is to consider this motion that looks to the Income Tax Act to enable those artists to exempt the first \$30,000 of income from tax.

Ms. Wendy Lill (Dartmouth, NDP): Madam Speaker, it is my pleasure to stand this morning and be part of this important debate put forward by my colleague from Kamloops, Thompson and Highland Valleys on the motion that, in the opinion of this House, the government should give consideration to exempting up to \$30,000 of income tax as a gesture of support for these artists, writers and performers who work in Canada's cultural industry.

I should start by saying that I have a direct interest in this subject matter. I made my living as a playwright for 15 years before becoming a member of parliament. Many of my friends are artists, actors, playwrights, directors, painters and sculptors. Most of them cobble together a living without one whit of financial security, but also with little real choice in the matter because they are driven to create. They are driven to express themselves. They believe that they have something to say, that they can bring some clarity to murky situations, that they can make people laugh or cry or feel deeply or change their course of action, that they can make people rage at injustice, cry out for more humanity, deepen their spiritual journey and strengthen their ties to kin and community. In a word,

they believe, rightly or wrongly, foolishly or not, that through their tiny contributions of creation they can have an impact, hopefully a positive one, on the human condition. For this faint hope they labour mightily in the field of culture, making on average, according to recent testimony from the chair of the Canada Council for the Arts, an income of \$13,000 a year. They give up a great deal.

People who have made the choice to be creators often find they have no choice but to live in poverty. To be an artist in this country means to concentrate on creating while worrying about paying the rent. It means struggling to focus on art while dealing with overdue bills and trying to practise a craft when the basic cost of the tools is sometimes too expensive.

• (1115)

It means trying to keep a creative spark alive, a creative work moving ahead over a period of years while working on other jobs to pay the bills. It often means forgoing family and children. It often means disrupting marriages, families and home life since people have to travel great distances to work as artists, directors and actors.

Unlike MPs who get travel points, they cannot go home on weekends. They do all these things year in and year out. We are tremendously richer because of their sacrifices. Our nation would be far worse off without the stout-hearted band of creators who chronicle its course, tell its story, shine light in the dark corners and provide the strength to face the uncertain future.

A couple of months ago I had the great pleasure to hear His Excellency John Ralston Saul speak in Halifax on the subject of culture. Mr. Saul is one of Canada's most respected writers and philosophers. He made the point that culture is one of the three pillars which provide a nation's strength in its relation to the world. Culture, trade and security are each as important as the other.

We are absolutely nothing as a country without our creators and our culture. That is why I take every opportunity to raise issues of culture and creation in the House. I am proud to say that the NDP read poems of Canadian poets from across the country last month in recognition of national poetry month. We speak out loudly on behalf of the CBC, our public broadcaster and our premier public vehicle for giving voice to the unique important ideas from our regions. We speak out about protection for the Canadian magazine and book industry so that the creators of Canadian culture will still be able to find markets and shelf space for their creations and that Canadians will be able to feast on them.

That is why I support media concentration legislation, for the very reason that allowing concentration of the means of expression in a few private corporate hands limits the numbers of voices which can speak out.

We need a noisy, raucous, exuberant, diverse and energetic marketplace of Canadian creations. We need a nightly slot on the national news, maybe right before the NASDAQ and the other

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stock exchanges, informing Canadians about the number of Canadian books sold, the number of paintings created and the number of Canadians who saw a Canadian film or play that day. We need some kind of measurement that will allow us to know the number of Canadians who invested in Canadian culture that day. Even as I say that, I want it very clear that I do not see culture as a commodity that is being traded on the stock exchange.

As Margaret Atwood eloquently states, and we seem to quote her quite a bit in the New Democratic Party, culture is not a soap pad. Nor can culture be defined by beer ads, nor by press barons who live in foreign lands, nor by national sports or Peter Mansbridge. It is defined by our creators.

If we believe that our creators are important then Motion No. 259, which recognizes the importance of their contribution and gives them a limited income tax exemption, is a simple and eloquent response. It is one way of saying that we value their contributions by giving them special status within one of the most all encompassing laws in Canada, the Income Tax Act.

This is certainly not a new response to recognizing the significance of an important activity in our country. Government often uses tax changes as a means to demonstrate a concrete expression of support for a specific economic sector.

How much will this change in legislation cost Canadian taxpayers? It would be no great loss to the federal treasury since, as I have said, the average income of artists in the country is \$13,000 a year. The motion is not primarily about money.

Ireland has an absolute exemption for income tax for creators. The total cost to its treasury is less than 10% of our expenditure on the Canada Council, a total of less than \$14 million or less than 50 cents per Canadian. I do not think the question is one of money.

I wish to address some of the strange misconceptions about support to our artists. Not long ago I heard another member of the House, a member of the Reform Party, proclaim that she did not believe we needed any support for cultural workers because Celine Dion and Shania Twain have been so successful. She had the audacity to say that members were being patronizing to our arts community by having public policies in place that offered support. This is clearly illogical. It presumes that all art in Canada can be judged by commercial success in the international market. It suggests that people who create outside the mainstream, which means less commercial success, are somehow less creative. It says that standards for success in art is only as a commodity.

• (1120)

History is full of great artists who died in poverty. If we stuck by the logic of commercial success as the only way to judge art then we would close our galleries, burn down our museums, shut the theatres and concert halls, and let the mighty dollar be our new art form. This mindset dictates that we should only honour and

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worship that which can be bought and sold, not that which can bring joy and sadness, provoke thought and enrich our soul, not our wallet. This barren view of the world is one which I trust will be held by a small minority in this place.

Instead I hope members of the House will see the motion as an important and constructive step in attacking the obstacles thrown into the way of our creators. I hope they will see it as a small way of relieving the economic grind facing them, perhaps allowing them to work in a more concentrated way on their art, perhaps allowing them to create a book or a play in one year instead of three or four years. It will give them some small financial relief, but it will also give them one big boost symbolically in terms of their importance to the country.

I strongly support the important motion put forward by my colleague. In it we are saying as a parliament and as a nation that what creators do is special to us. They provide the mediums through which the heart and soul of this great nation are expressed. With the motion we are collectively recognizing this contribution. We are saying that we support them and that we thank them.

Mr. Roy Cullen (Parliamentary Secretary to Minister of Finance, Lib.): Madam Speaker, the motion before us today, brought forward by the hon. member for Kamloops, Thompson and Highland Valleys, states that the first \$30,000 per year earned by artists, writers and performers be exempt from income tax.

I believe the intent behind the motion is very admirable. Supporting our remarkable and diverse community of artists such as poets, writers and visual performers is crucial to maintaining our identity as a nation. It is absolutely vital that we possess the necessary tools to safeguard our own culture and to tell our own stories.

[Translation]

As members know, the government is already devoting considerable resources to ensuring that our artistic and cultural industries remain prosperous and healthy, particularly as Canada enters a new millennium. These important resources are made available through a number of organizations and institutions and show the government's commitment to maintaining excellence in the arts.

[English]

I take this opportunity to highlight some of the main institutions, programs and policies available to help Canadian artists, writers and performers in pursuing their chosen craft.

For example, the government has implemented a considerable increase in the financial support for the Canada Council, adding \$25 million to its annual funding starting in 1997-98. A further \$10 million were announced in the budget presented to the House on February 28, 2000. In 1998-99 the council awarded nearly 5,700

grants for a total of \$112 million in direct support for Canada's artists and artistic organizations.

Our National Film Board is known throughout the world for its quality reputation. The film board is dedicated to producing and distributing films, audio-visual and multi-media works which reflect Canada to Canadians and to the rest of the world. For over 60 years the film board has played a very significant role in Canadian and international filmmaking.

The Department of Canadian Heritage also offers a number of important programs, including the cultural initiatives program which facilitates the involvement of artists from across Canada in over 150 national and international arts festivals and special arts events. Canadian Heritage also operates the national arts training contribution program, supporting national institutions that prepare young Canadians for professional careers in the arts.

• (1125)

Turning our attention to the tax system, I would note that it too already includes a number of favourable provisions targeted to Canada's cultural sector. For example, artists may deduct the cost of creating a work or art in the year in which the costs are incurred, instead of when the work is ultimately sold. Moreover, employed artists and musicians are entitled to deduct certain expenses against their employment income, deductions which are not available to other employees.

Other important tax provisions for Canadian culture include the tax credit for Canadian film and video productions, write-offs for Canadian art purchased by unincorporated businesses, flexibility in evaluation of charitable gifts from an artist's inventory, and the capital gains tax exemption on gifts of cultural property.

Turning to the motion before us today, I once again wish to applaud the member for Kamloops, Thompson and Highland Valleys for seeking to provide additional support to our cultural community. However, I feel that introducing a tax exemption for income earned by certain individuals such as artists may not be the most effective tool for achieving this result.

As I have already noted, the tax system recognizes the circumstances of artists and musicians in a number of ways. These special provisions ensure that such individuals are not penalized as a result of various circumstances unique to their professions, such as the necessity of maintaining valuable musical instruments or the difficulty in valuing art pieces donated from an artist's inventory.

However, outside these special cases which the income tax system already accommodates, it is not clear that artists, writers or performers have greater needs than other individuals with comparable incomes. The tax system should as much as possible treat individuals in similar circumstances in a similar fashion. Thus, to provide a special tax exemption to an individual simply because he

or she engages in artistic activities would be very difficult to defend on equity grounds. It would also lead to requests for similar treatment from other groups that also believe they are deserving of special status.

[*Translation*]

As to tax relief, I think that the government's approach of sustainable general tax relief is the right one. The five year tax reduction plan adopted by the government ensures real and significant tax relief for all taxpayers regardless of their chosen career.

Naturally, artists and writers will benefit from these historic tax reductions like all other taxpayers.

[*English*]

In conclusion, it is my view that the motion, well intentioned though it is, should not receive the support of the House at this time.

Mr. Inky Mark (Dauphin—Swan River, Canadian Alliance): Madam Speaker, it is with pleasure that I take part in the debate on Motion No. 259. The hon. member for Kamloops, Thompson and Highland Valleys has his heart in the right place in advocating a tax break for Canada's creators of culture.

As Canadians we are all indebted to our artists. The Canadian Alliance believes that all Canadians need tax relief from the government. We all know that Canadians are still the highest taxed in the G-7. Tax relief should be broad based and not be targeted.

I thank the Writers' Union of Canada for its correspondence regarding the bill. I agree with it that culture is not a partisan issue and that Canadian artists need a tax break. I also agree that professional artists are among the lowest paid workers in Canada.

That same message came out loud and clear during the public hearings conducted by the Standing Committee on Canadian Heritage during the winter of 1998. The committee travelled from coast to coast conducting meetings. Another recommendation that came out of these meetings was that income averaging be looked at.

• (1130)

Another issue addressed by the writer's union was that income averaging for artists be implemented so as to alleviate the unfair tax burdens. I agree that artists should be able to use income averaging to level the ups and downs from year to year.

It is also interesting that countries like Australia, Germany, Denmark, the Netherlands, Greece, France, the United Kingdom and Luxemburg all have some form of income averaging for artists. All members of this House should lobby the finance minister to

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implement this worthwhile option for artists. I would challenge all members of the House to do so by writing the Minister of Finance.

The Canadian Alliance has a solution that will not only help our artistic community but all Canadians. It is called solution 17, the single rate tax. All taxpayers will pay less. The single tax rate will have progressive deductions and our top personal rate will be 17%. In fact the total tax savings would amount to about \$34 billion over five years, as well as paying down our debt, \$10.22 billion over five years.

The advantages of the progressive average tax rate in solution 17 will be that it will first create a single marginal tax rate of 17%, 26% and 19%. Tax savings will total \$17.2 billion. It will also increase basic personal and spousal credits to \$10,000 from \$7,131 and \$6,055. Hence, the levels of credit will be protected from inflation once it is phased in. The tax savings would amount to about \$8.3 billion. When we increase the basic rate, we know that, because the earnings of artists are low, all artists would be exempt from paying personal income tax until they make over \$10,000 per annum.

Solution 17 would also introduce a \$3,000 per year per child tax deduction to recognize the costs and the value of child rearing. Tax savings there would amount to about \$2.4 billion.

A progressive average tax rate would decrease the EI rates to \$2 from \$2.40. It would also reduce taxes on employment. Tax savings would be \$2.7 billion.

The single rate would eliminate the 5% surtax which would again give a tax savings of \$762 million to all Canadians. It would also increase our RRSP and RPP contribution limits to \$16,500, which amounts to about 30% of average income from \$13,500, 18% of income, and allowable foreign content to 100% from 20% over the five year phase-in. This would improve the ability of middle income earners to maximize their contributions and better plan for their retirement. Tax savings would amount to about \$600 billion.

Our single rate would also reduce capital gains tax to about 20% from nearly 40%, encouraging success and risk-taking.

Our single rate reduces the general corporate tax rate to 21% from 28%, equal to that levied on manufacturing and resource firms. This would also eliminate discrimination against a new economy. Tax savings for Canadians would be about \$1.89 billion.

There is no doubt that solution 17 would reduce small business corporate tax rates to 10% from 12%, encouraging the start up of new firms. The tax savings would be \$340 billion.

In summary, these are the main advantages of the single rate tax plan. Everyone, including artists, would benefit from tax relief. It increases the disposable income for all Canadians, removes discrimination between Canadian families and 1.9 million low income

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taxpayers would be removed from the tax roll, of which many of them are currently artists. There is no doubt that success and risk-taking would be rewarded.

• (1135)

As I indicated earlier, increasing the base exemption would amount to \$10,000. There is no doubt that artists, certainly developing artists who make less than \$10,000, would not have to pay taxes on income earned below \$10,000. This would remove 1.9 million low income taxpayers from the tax role altogether. This would be a significant tax break for the working poor and would also increase disposable income, increase financial freedom, reduce child poverty and restore dignity by increasing self-sufficiency and lessening the welfare trap that we seem to be in today.

It is commendable that the member for Kamloops, Thompson and Highland Valleys brought this bill to the House. I am sure his message to all Canadians is that not only artists but all taxpayers need a tax break from the government's tax policies. There is no doubt we are in debt. We know how fortunate we are to live in a country where our artists are very successful not only in Canada but throughout the world.

Even though the bill is commendable, we in the Canadian Alliance Party certainly cannot support a \$30,000 exemption for artists. We believe the solution is to give all Canadians broad based tax relief. Canadians certainly deserve it at this time.

[Translation]

Mr. Gilles-A. Perron (Rivière-des-Mille-Îles, BQ): Madam Speaker, I wish to salute the workers of the entire world, and the working men and women of Quebec and of Canada, on this May 1, International Workers Day.

I appreciate the opportunity to be able to debate the motion by my colleague from the New Democratic Party, the hon. member for Kamloops, Thompson and Highland Valleys.

Motion No. 259 reads as follows:

That, in the opinion of this House, the government should give consideration to exempting up to \$30,000 of income from income tax as a gesture of support for those artists, writers and performers who work in Canada's cultural industry.

The objective of this motion by the hon. member for Kamloops, Thompson and Highland Valley is certainly most praiseworthy. We in the Bloc Québécois made the same comment, moreover, in the dissenting Canadian heritage committee report.

It is true that the financial situation of creative people, regardless of their level of education, is precarious, indeed very precarious.

We are all aware that, according to Statistics Canada, 58% of our artists need an income supplement in order to survive.

Although Motion No. 259 is most praiseworthy, the Bloc Québécois will not be able to support it in its present form, for the following reasons.

We are of the opinion that it is inadequate and liable to lead the people and the taxpayers of Quebec and of Canada to believe that there are two classes of people as far as income tax is concerned.

We also feel that the measure proposed is not targeted sufficiently, and will be hard to apply. For example, who will be able to claim the status of artist?

This motion is unfair toward certain other workers who would not have the opportunity to have an automatic exemption on \$30,000 of their income.

• (1140)

Moreover, this motion leads us to believe that this measure will also benefit the small proportion of artists whose incomes are very high.

The Bloc Québécois would be prepared to support this motion if it were amended to include the following, for example: harmonization by the federal government of its tax system with that of the Government of Quebec, which provides that royalty income of less than \$15,000 is not taxable; action by the government on the recommendation by the Standing Committee on Finance that income averaging be permitted for cultural workers, a measure that existed in the 1970s and exists today for professional athletes; equity for all taxpayers, with an increase in the level of tax threshold. In Quebec, the tax threshold is a lot higher than at the federal level.

I would like to give you a few examples. In the case of a two income couple with two children, the tax threshold for 2000 at the federal level is \$14,392 and in Quebec it is \$31,677. In the case of a single parent with one child, the federal tax threshold is \$14,124, whereas the Quebec threshold is \$21,764. For a senior less than 65 years of age, the federal figure is \$7,464 and the Quebec one is \$10,884.

By adjusting its tax threshold to that of the Government of Quebec, the federal government would promote a situation that would benefit artists and all of the people of Quebec and Canada.

I invite my colleague from Kamloops, Thompson and Highland Valleys to amend his motion in the way I have set out, and the Bloc Québécois will be proud to support it.

[English]

Mr. Scott Brison (Kings—Hants, PC): Madam Speaker, it is with pleasure today that I rise to speak to Motion No. 259, a votable motion put forward by the hon. member for Kamloops, Thompson and Highland Valleys.

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It is very important to recognize, going back to Pericles and ancient Athens, that civilized societies have always supported the arts and culture. It is a tradition that has been valued throughout history. We should seek to maintain and improve this with policies, not specifically tax policies, but policies that support and encourage culture and the development of the arts in Canada, which has had a long and diverse history.

As an Atlantic Canadian from Nova Scotia, one of the most culturally diverse and productive regions of the country, we value a tradition of excellence. In fact there are economic opportunities for all Canadians in recognizing and harnessing the power of the arts and culture community, whether it is the *Lion King* in Toronto, or musicians like the Rankin Family in Atlantic Canada who started from very humble means and have done extremely well, to artists who have reached international acclaim, like Dr. Alex Colville who is a resident of my riding. These types of success stories are worthy of recognition. However, we have to do more to help artists when they are starting off.

• (1145)

This legislation is very sound from the perspective of the hon. member's desire to help. However there are some difficulties in its implementation and I would like to point out a couple of them.

It is very nebulous in terms of describing who qualifies and how the term "artist" fits a specific individual and whether or not that can be defined and the definition defended effectively.

Also, the hon. member points out the financial roller coaster artists are on. An artist may go for several years without payment and then receive a lump sum payment recognizing contributions made over a period of time. The best way to address that would be through income averaging. This would also address other people who are similarly predisposed through the nature of their business to receive a lump sum payment in recognition of work completed over a period of several years. Income averaging would be the best way to address that.

The average income of an artist in Canada is currently estimated at about \$13,000. The issue raised by the hon. member can be addressed in a more broad based way by significantly raising the basic personal exemption for all Canadians. The Progressive Conservative task force which reported in January recommended an increase to \$12,000. This would help significantly. That being the case, we should move over a period of time to raise the basic personal exemption higher.

The hon. member also recognizes that tax relief can play a very important role in helping artists pursue their chosen field and that of culture and art and keeping them in Canada. That is important because it indicates that he also recognizes the importance of lowering taxes for all Canadians to ensure that Canadians regard-

less of their career or life pursuits can choose to stay and prosper here in Canada. Whether it is in dot-com, e-commerce, biotech or traditional industries, Canadians can have a future right here.

The hon. member has demonstrated clearly that he recognizes the important role that tax policy plays in encouraging or discouraging pursuits of particular activities. I think in that vein he would agree with me, that we should continue to be vigilant in ensuring that the tax burdens of Canadians are not excessive when compared to those in other countries.

Clearly whether Canadians wish to pursue careers in the arts, the new economy or the traditional economy, we want them to be free to do so right here in Canada. I am sure he would share with me the need to reduce taxes for all Canadians based on his basic premise that decreasing taxes can help encourage people, this case artists, to pursue and maintain a certain level of activity.

The issue of capital gains taxes needs to be addressed as well. In Canada we currently tax at 50% of the regular inclusion rate for donations of publicly traded or listed securities to charitable foundations or institutions. Whether it is a hospital, a university, an endowment fund or a cultural activity we tax 50% of capital gains. Inclusion rates are taxed in Canada for donations of publicly traded or listed securities. In the U.S. there is absolutely no capital gains taxes on contributions of listed securities.

That has led over the years to a significant disadvantage for Canadian universities, Canadian hospitals and the Canadian arts community. It has created a disincentive for high net worth Canadians to contribute listed shares of publicly traded companies to the cultural and health foundations and universities.

• (1150)

I propose what we proposed at the time of the prebudget report. The Progressive Conservative dissenting report recommended the elimination of capital gains tax on gifts of listed securities. That would go a long way to encourage high net worth individuals in Canada and Canadians of relatively modest means who may have done very well in equity investing in recent years to help foster a greater environment for cultural activities in Canada. That is one way this could be addressed.

I would also be interested in exploring the examples of other countries relative to special tax exemptions for those engaged in the arts. Some special tax treatment is available to those in the arts in Ireland. We heard earlier today of the tax treatment of artists in the province of Quebec. It would be interesting to note the success of that over a period of time.

By and large there is only one party in the House of Commons that consistently opposes any support for the arts in Canada. I expect it would probably kick out a member of its caucus if it were discovered he or she had gone to live theatre. It is important that

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there be an almost all party commitment to the arts and cultural community in the House of Commons.

While I may disagree with the particular vehicle set forth by the hon. member to help create a better environment for culture and artistic diversity in Canada, I can assure him that the Progressive Conservative Party remains committed to work with altruistically oriented parties in the House. We must seek better ways to support and encourage the arts and all types of creative endeavours for Canadians whether they be involved in graphic arts, the dot-com universe, weaving, painting, dancing or play writing. One of the things that defines us as Canadians is our unique cultural vibrancy from coast to coast to coast and which we shall continue to have with the proper support and encouragement of all Canadians.

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Madam Speaker, I rise with great pleasure in this valuable debate in Canada's history. I thank my hon. colleague from Kamloops for bringing this debate to the forefront. As he mentioned, this is the third largest industry in Canada and one that defines us as Canadians around the world.

There is a reason Canada is rated the number one country in the world in which to live. When people in other nations around the world have been asked if they had to live somewhere else where it would be, unanimously over the last five years Canada has been the answer.

The member for Dauphin—Swan River said that his party has a 17% solution to all the tax problems in Canada. There is one problem he forgets to tell Canadians which I wish he and his party would start telling Canadians about in more realistic terms. I agree with the member, his party and other parties that we should be looking at tax reform for all sectors of our society.

However, the member forgets to mention the greatest avenue in Canada for many artists from all mediums to bring their issues and ideas to the forefront. It is through what I consider to be one of the greatest things this country has, CBC television and radio. His party proposes to get rid of the CBC. In our debates in 1997 the person who ran against me specifically said that that party's priority would be to privatize and eliminate the CBC. Once that is found out by Canadians, they will look seriously at what the Canadian Alliance really means by its 17% solution.

• (1155)

If the government is looking for any avenues of advice, it can look at what is done in Quebec. In the Quebec version of the copyright income deduction, individuals can deduct the first \$20,000 net income earned from material for which they hold the first copyright. The next \$10,000 net income is also partly deductible.

The provision applies to all writers, artists, filmmakers, musicians, performers and anyone who produces copyrighted material that generates income. Since copyright is clearly defined through the Copyright Act, such a provision is very easy to administer. There can be no argument as to who the first copyright holder is. It is the creator, exactly the person we must encourage throughout our country.

The copyright income deduction requires almost no calculation and fits easily within the existing framework of the income tax form. There are many precedents already on the form, such as the deduction for employment income earned outside Canada or the deduction for employees of certain international organizations, such as the United Nations.

The member for Dauphin—Swan River mentioned that many countries in Europe give generous allowances to their cultural communities. May I add that most of them are social democrat countries. This shows once again that social democrats in the House of Commons and throughout the country take culture very seriously.

A few years ago one of the greatest Canadians in the history of our country, Stompin' Tom Connors from Skinners Pond, P.E.I. said "Ladies and gentlemen, boys and girls, there are a million Canadian stories out there that need to be told". The question is, does the government have the political will to get those stories out into the forefront? He was a starving artist. He starved literally. He travelled the back roads and brought great songs to Canada, such as "Hockey Night", who could ever forget that one, and "Sudbury Saturday Night". I cannot think of one member of parliament who could not name a couple of his songs. Stompin' Tom Connors is what starving artists strive to be, to bring our country together from coast to coast to coast.

One of my favourite artists of all time was the incomparable late Stan Rogers. His stories not only of Nova Scotia but of the entire country were brought to the forefront on stage by his band, his brother Garnet and their guitars. Their music brought out the essence of what it is like to be a fisherman, a farmer, a miner, a woman, a young person, a player in sports. Stan Rogers brought to the forefront what it is to be Canadian in French and English Canada as well as in our aboriginal communities.

I have heard many times in the House of Commons and in other areas that the country is based on two founding cultures: French and English. I remind the House one more time that the country is actually based on three founding cultures: the aboriginal community, our francophone community and our anglophone community. Three cultures define and have founded this great country of ours, not two.

Margaret Atwood was quoted earlier as saying that it is really the artist who subsidizes the nation and many other businesses. How many times have we used aboriginal art and culture for our own

means to an end for profit making? It is a disgrace how we treat our aboriginal people when it comes to their arts and culture. I cannot help but notice in the last few years that aboriginal culture throughout the country has started to expand. Many people around the world come to Canada for that very reason.

I cannot help but think that after careful consideration members throughout the House, especially the member for Parkdale who is smiling back there, will say that this is a great initiative. I am sure she will support the party and get the rest of the Liberal Party to understand the importance of this initiative to our artistic community.

The other day I was at the Twin Oaks Memorial Hospital fundraiser at the Petpeswick Yacht Club. This absolutely outstanding event raised a lot of money for the Alzheimer's society. The five best items for sale were original watercolours by local artisans. I want to thank those artisans in Musquodoboit Harbour, West Petpeswick and the entire area of the Eastern Shore and the riding I represent very much for donating their time and genius to this very worthy cause.

• (1200)

If the people of my area understand quality art when they see it in its original form, imagine what the rest of the country must have in areas such as British Columbia, Yukon, Ontario, Quebec, the prairies and Newfoundland, for example, where the culture comes out of everyone's pores. It is absolutely fabulous.

I cannot help but notice that one of the greatest cultural icons in the country, Mr. Greg Malone, has now dedicated his time to run for the New Democratic Party in the riding of St. John's West. He is bringing culture to the forefront and showing Newfoundlanders and Labradorians how proud they can be of their culture. They do not have to move away for a job. They do not have to move away to other parts of the country, which might not be as receptive as their own communities, homes and families.

If we can initiate this kind of action, then we would have more success stories like the Rankins, the Barra MacNeils and all those beautiful musical bands and the Natalie McMasters of the world who do tremendous work bringing forward Celtic music and the Cape Breton tradition, the Nova Scotian tradition and the maritime tradition right across the country. It is absolutely fabulous.

I want to give a final plug for a couple of artisans in my riding. Brenda Huddinnott does wonderful prints and pictures. Lily Snow does great work in photography. Brenda Anderson, from Eastern Passage, does absolutely wonderful work in watercolours and acrylics. My wife does wonderful artwork herself, along with our neighbours. They get together once in a while to do wonderful watercolours. They do not do it for profit. They do it because of their love for culture, their environment. This is the type of nurturing that needs to grow.

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Is there a kindergarten class that does not experiment with fingerpainting? We would love those five and six year olds right across the country to expand their ideas to enliven all of us. Many times we can learn from children and artisans, regardless of the medium.

After careful deliberation, I know that this hallowed House of Commons and all the provincial houses across the land will carefully consider this very important bill and move it quickly through the House so that we can give our artists from coast to coast to coast the opportunity they need to expand, to reside in their own communities and to nurture them so that we can grow in the 21st century.

[*Translation*]

The Acting Speaker (Mr. McClelland): 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.

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[*English*]

IMMIGRATION AND REFUGEE PROTECTION ACT

Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.) moved that Bill C-31, an act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger, be read the second time and referred to a committee.

She said: Mr. Speaker, I am pleased to present Bill C-31, the immigration and refugee protection act, to the House for second reading. This bill is the product of extensive and substantial consultations. It follows on a series of government commitments to modernize Canada's immigration and refugee protection systems to better enable us to meet the challenges and take advantage of the opportunities that the new century holds for our country.

Bill C-31 is a tough bill, but here I want to be quite clear. It is tough on criminal abuse of our immigration and refugee protection systems, but not on the great majority, like those immigrants and refugees who built this country and who will continue to do so in the years ahead.

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This bill creates severe new penalties for people smuggling and those caught trafficking in humans. Fines of up to \$1 million and sentences of up to life imprisonment are included in this bill.

• (1205)

It will also allow our courts to order the forfeiture of money and other property seized by the traffickers. It will clarify our existing grounds for detention to make exclusive provisions for those whom we have reason to believe have arrived in Canada as part of a criminally organized smuggling or trafficking operation.

Bill C-31 also clarifies the criteria for inadmissibility to Canada. It will provide immigration officers with the tools they need to see that serious criminals, terrorists, threats to national security, violators of human rights, participants in organized crime, and members of terrorist organizations are barred entry to Canada.

Criminal abuse of the refugee system will be countered with front-end security screening of all claimants, fewer appeals for serious criminals, and suspension of claims for those charged with crimes until the courts have rendered a decision.

Bill C-31 will also streamline the assessment of claims. Referrals to the Immigration and Refugee Board will proceed within 72 hours of a claim being made, rather than the current timeframe of one to six months.

By consolidating several current steps and protection criteria into a single decision at the Immigration and Refugee Board, and moreover by combining increased use of single member panels at the board with an internal paper appeal on merit, we will see faster but fair decisions on refugee claims.

In consolidating grounds for protection at the IRB, Bill C-31 will maintain due process and fair hearings for all claimants while providing fewer opportunities for protracted judicial reviews.

Contrary to certain uninformed reports, Bill C-31 does not expand the current grounds for protection. It simply consolidates several current protection criteria and corresponding protection decisions into a single step. Grounds for protection will remain the same as is currently the case, in accordance with Canada's international obligations and our humanitarian traditions.

Bill C-31 also strengthens our ability to manage repeat claims by barring access to the IRB to those who return to Canada within a year of their removal after a failed claim. These people will be entitled to seek protection at any of our missions outside Canada. If after one year they return to Canada seeking protection, they will be given a pre-removal risk assessment to determine whether circumstances relevant to their previous claims have changed, but

they will not be granted a new claim at the Immigration and Refugee Board.

With these steps, Bill C-31 will prevent the revolving door syndrome which has become associated with repeat claims.

Bill C-31 will also strengthen the integrity of our immigration system. It will tighten up sponsorship provisions to ensure that those who sponsor new immigrants are both able and willing to meet the financial obligations they undertake.

In particular, Bill C-31 will deny sponsorship to those in default on spousal or child support payments and to those on social assistance.

Bill C-31 will also establish a new inadmissibility class for those who commit fraud or misrepresentation on immigration applications, and it will create a new offence for those caught assisting someone to gain status in Canada through fraud or misrepresentation.

To maintain immigration status in Canada, permanent residents will be required to demonstrate a reasonable attachment to our country. Bill C-31 will require physical presence in Canada for at least two of every five years for new immigrants to maintain their permanent resident status.

These changes are important ones for a very simple reason. It is about respect. In all of my many discussions with individuals and organizations across the country, I can assure the House that this is the point which has been made abundantly clear. Canadians want a system based on respect, both for our laws and for our traditional openness to new immigrants, to newcomers. That is why Bill C-31 is also drafted to improve our ability to attract more skilled workers, speed up family reunification and honour Canada's proud humanitarian tradition of offering safe haven to those truly in need of our protection.

• (1210)

Let me take a moment to outline the key provisions that will apply to each of these areas.

Bill C-31 will modernize our selection system for skilled workers in order to see that Canadian employers have easier access to the best and the brightest from around the world. At present, an occupation-based model is used to select skilled immigrants, with points awarded for training and experience tied to a specific occupation. Under the new system immigrants will be selected for their adaptability, their level of education and training, their language skills and their general level of employability.

In today's rapidly evolving labour market we need people who are best able to adapt to the new occupations as the needs of our labour market shift over time. These are people who will thrive,

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contribute and prosper, and who will contribute to our prosperity in the emerging knowledge based economy.

Bill C-31 will also provide easier access to highly skilled temporary foreign workers so that Canadian businesses can stay competitive and seize every opportunity for expansion. Many skilled workers who come to Canada on a temporary basis are subsequently offered permanent positions. Bill C-31 will allow these workers to apply for landing from within Canada under certain conditions, just as it will allow foreign students who have graduated and worked in Canada and who have an open-ended job offer to apply to stay as well.

Bill C-31 also recognizes that family reunification has always been a cornerstone of Canada's immigration policy. Canadians know that new arrivals establish themselves more quickly in Canada when they have the support of their extended families.

Bill C-31 and its supporting regulations will allow spouses and dependent children to apply for landing from within Canada provided that they are here legally and that they meet appropriate admissibility provisions. The bill will shorten the period during which sponsors and sponsorship provisions apply to spouses from ten years to three. It will eliminate the bar on admission for sponsored spouses and dependent children who may be considered to impose excessive demands on health and social services. The bill will extend the definition of dependent child to include unmarried children under the age of 22. It will also include common law and same sex partners in keeping with the recent legislation passed in the House.

Bill C-31 will also strengthen Canada's selection and resettlement of refugees overseas. Selection will proceed so that protection considerations will take precedence over capacity to settle in Canada. Family units will be kept together wherever possible. Those in urgent need of protection will be attended to and helped as quickly and as efficiently as possible. Our work with refugee settlement groups overseas will be enhanced and expanded and refugees in genuine need of protection will no longer be barred owing to concerns about their potential demand or need for health care.

I have made it clear on many occasions that I want to see Canada's immigration levels increased. With our aging population, our declining birth rates and with skilled shortages in key sectors, we need to step up our efforts to bring the world's best and brightest to Canada and to see that all regions of Canada benefit from the prosperity that immigrants bring. This is precisely the point of Bill C-31.

Closing the back door to those who would abuse our system will allow us to open the front door more widely, both to genuine refugees and to the immigrants Canada will need to grow and prosper in the future. That is the dual mandate of my department

and that is the balanced approach to immigration and refugee protection policy that Canadians want and need to guide us well into the new century.

Since the initial passage of the current immigration act in 1976, the world has changed dramatically. More than ever before people are on the move, for trade, tourism, investment and education, to develop their skills, to share their knowledge and to pursue their dreams.

• (1215)

Canada has been an enormous beneficiary of this global movement of people. Immigration is a continuing source of our social, economic and cultural richness. We celebrate diversity.

Administrative changes are under way in my department to provide overdue support to key offices at home and abroad in our efforts to improve client service, reduce backlogs, minimize litigation and confront every and any grievance or allegation of malfeasance quickly and fairly.

New funding for my department announced in the recent federal budget will provide for strengthened overseas interdiction, more immigration officers at our ports of entry, better medical and security screening of applicants, and an improved capacity for the timely removal of inadmissible persons from Canada.

These steps, the new funding, and above all the swift passage of Bill C-31 into law, will allow us to modernize our immigration and refugee protection system and enable Canada to both meet the challenges and take the opportunities that lie ahead. We want to take advantage of those opportunities.

The bill is the result of extensive consultations with Canadians, provincial and territorial ministers and officials, and countless non-governmental organizations. I assure the House that regulations in support of Bill C-31 will be developed in an equally open and consultative manner that will give members of the House, key immigration stakeholders and individual Canadians ample opportunity to express their views.

Issues of immigration and refugee protection are very important to the country. They represent many of the core values that we share. An open and transparent regulatory process will ensure that Canadians support and understand the new rules.

I also assure the House that Bill C-31 recognizes that immigration is an area of jurisdiction which the federal and provincial governments share. The bill commits the government to continue consulting and working with the provinces in these important matters.

The government is committed to the social union framework agreement and recognizes that immigration impacts on areas of provincial jurisdiction such as health care, education and social services. Immigration also brings enormous social, cultural and economic benefits to Canada and to its provinces and territories,

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benefits that must be weighed against any short term costs. Indeed, this is one of the reasons so many provinces are currently looking to attract more immigrants. I am working very closely with those provinces.

Immigrants and refugees built the country. Under the new provisions of Bill C-31 immigrants and refugees will continue to do so for many years to come. This is an important piece of legislation. I hope it will receive the support of all members of the House, and I am proud to move adoption at second reading of Bill C-31.

Mr. Leon E. Benoit (Lakeland, Canadian Alliance): Mr. Speaker, I am pleased to rise to speak to Bill C-31, the new immigration and refugee protection act.

The minister in her brief comments pointed out some of the things that are in the act. I want to talk a bit about what is in the act. Today is second reading debate. We like to talk about legislation in very general ways at second reading debate. My comments will be general by and large, but I will point to specifics in the act to reinforce some of the things I say.

Today I will talk about what Canada's immigration act should deliver. It is important to think about that as a starting point before we get into discussion on what is and is not in the new immigration act.

Second, I will comment on the minister's talk on the act and how it actually relates to what is in the act. That is important because the minister made some statements that make it sound like she has dealt with the problem of people smuggling and illegal immigration in a tough way, which is what Canadians want to hear. Does the act deliver? That is the question I want to talk a bit about today.

• (1220)

The minister said as well that the act would close the back door to those who are not wanted and who would abuse the system. At the same time it would allow Canada to open the front door, as the minister puts it, to immigrants who will benefit the country. Those are good sentiments which the minister has expressed. I will throughout my presentation today talk about whether or not the legislation delivers that.

As well I want to talk about, again in a general way, what has been improved and what is positive in the bill. I will start by talking about what is positive in terms of the minister's message because a lot of what is out there is the minister's message rather than what is in the bill. I will talk about that because I think it is encouraging that her message has changed. In fact, it sounds a lot like the message that the Canadian Alliance Party has been presenting for some time now. That has to be encouraging, but will the act deliver? That is the question.

I will talk also about some particular sections in the act which are good. Will these changes which are positive really lead to a better immigration policy? That is the bottom line. If the changes will not improve the system they are not of much benefit. Even if they are in the legislation and things do not change to allow their application to improve things, what has been gained? I will talk about that today as well.

I will also talk about some things that are clearly negative in the act and things which I think are so negative in some cases that we cannot expect a lot of improvement in most areas of the act. I will get to that.

I want to talk about what the immigration act should deliver. The immigration act is made up of three separate streams. The first stream is economic immigrants, people who are chosen to come to Canada because they should benefit our economy quite quickly. In the economic stream there are several different categories. For example, there is the investor class, the entrepreneur class, and several other classes in which people are chosen for their special skills and education. That is a very positive part of the immigration act. The focus on that clearly must be the improvement of the immigration system. That is the first stream, the independent stream.

When we look at the number of people who are actually chosen under the independent stream based on their judged ability to positively affect our economy, unfortunately we find that only 15% of all people immigrating to Canada fall into that category. Statistics on the economic immigrant stream are much higher because included in the statistics are dependants and others brought in under the independent stream who are never judged, even though they may qualify, based on the potential to add to the economy very quickly. That is the first stream.

The second stream is the refugee stream. Refugees are to be chosen not based on what they will add to our country or what they will add to the economy but supposedly based on their need for protection. Canadians welcome genuine refugees. From what I have heard across the country over the past year and a half since I have become the immigration critic, Canadians are quite happy and quite proud to be able to accept people in need of protection, genuine refugees.

• (1225)

The concern about the refugee system is that many people who enter the country as refugees are not genuine refugees. The minister talks about that in her presentation, but the question is what has been done about it. I will get into that as I go along.

Canadians are quite happy to accept the current number of approximately 23,000 refugees. I have not heard a great many people express concern about those numbers. I think we should have some discussion across the country about what is an appropri-

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ate number of refugees. I think debate on the immigration system is necessary and I hope the legislation will provide that. That is the second stream, the refugee stream.

The third stream in our immigration system is the family reunification stream, the families of people who qualify under the economic category and the families of those who come as refugees under the family reunification stream. Some different rules apply but basically it is the same process.

The idea is to reunite dependants, including dependent children and the spouse of the individual who has been accepted as a refugee or as an independent immigrant, to allow for family reunification of these people. It is certainly clear that our system does not do a good job of that right now.

If we were to ask any member of parliament in the House how well our system is working in that third stream of reuniting families, I think we would find they would say it is not working well at all. Every one of us has in our constituency people who have come to us looking for help in reuniting their families, often families that have been kept apart for three to five years or more in some cases. The system is badly broken and the question as I present my debate today will be whether this new act helps to solve that problem. Those are the three streams.

I will examine the act based on how well the system works to accept independent immigrants, to accept genuine refugees while keeping out people who are not refugees and people who may harm our country, people who are a threat to national security. There has been a lot of talk about that lately. In her presentation the minister talked about from her point of view what she thinks the act has done in that regard. My point of view is slightly different, but I will talk about that.

It has been an interesting process watching the minister and listening to what she said since the new bill was tabled in response to the leaked draft of the act which I received over a month before Bill C-31 was tabled in the House. There was much debate about the act long before the bill was officially tabled.

Many of the minister's statements reflect what Canadians feel and what Canadians want on the issue. If what the minister says the legislation will do and if what the minister says is in the new legislation is accurate, it can be nothing but positive in terms of the particular areas that are reflective of what Canadians want.

As I go through my presentation today I think Canadians will see that what the minister says and what is actually delivered in Bill C-31, the new immigration act, are not the same at all. I will talk about that in a few minutes, but before I get to it I would talk in a general way about what is in the act.

The new immigration act deals with the non-administrative aspects of immigration. I am not talking now about how effectively

it deals with that. It provides legislation but it does not talk about the administration of the act. It talks about the selection of immigrants, and I will talk about what it does and does not say in that regard. It talks about who is admissible and who is inadmissible to Canada. It talks about the enforcement of the law to some extent. It talks about detention and release of people who come to Canada claiming refugee status or coming under some other category. It talks about appeals. It talks about refugee protection. It talks about the IRB, the new division and the reworking of the Immigration Refugee Board. It talks about immigration offences, probably in a way that is easier to understand than the current act does. It also talks about other technical matters.

• (1230)

It does encompass many different areas but let us have a look at what is provided in the bill, which is, I think, a key to this whole thing. Let us look at the independent categories. What is an immigration system about? More than anything else, an immigration system should allow Canada to choose people who will benefit our country as much as possible. I have no doubt that immigration has been a very positive influence in this country generally.

I come from east-central Alberta and over the last century it has been immigrants who have developed the area to make it a very prosperous part of Canada. If we looked at any part of the country we would see that it has been immigration which has developed and built the country into one that provides us with a good standard of living. That is important.

What was the purpose of immigration in my area of east-central Alberta? How were immigrants chosen and what process took place? I would suggest that several times in Canada's history our immigration system has been well focused and the people administering the system knew what type of people we needed and wanted in our country. That was one of the times I believe when the immigration department was very effective in attracting people who could develop the agricultural areas of western Canada.

The Lakeland constituency that I represent, which is east of Edmonton over to the Saskatchewan-Alberta border, is an agricultural area, and immigrants in different flushes, we could say, have come and developed the area. The British people were the first immigrants to begin farming in our area. Small groups of Ukrainian and German settlers and small groups from the Scandinavian countries also developed the country. As time went on, throughout the early part of the last century, large numbers of Ukrainians, Germans and others settled down and develop agriculture in that part of the country and made it a very prosperous part of the country generally speaking.

We all know that things are not always good for agriculture. Right now things are not very good in the grain farming sector but if we look at the long run it has been a very prosperous business

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thanks to immigrants. I know every member of parliament could talk about their constituencies and about immigrants who have come to their part of the country and have built Canada into a country for which we can all be proud. That is what should happen and what has happened in the past. The question is, will this bill allow that to happen again?

Not many would argue, including the minister herself, that the system is not working well in terms of helping and choosing people who will add to our economy very quickly. A large number of people who do come under the independent categories are very successful but it is not because the system is accommodating them. I would suggest that there are large numbers of people who would add to our economy very quickly but they are just not allowed to come to Canada. They usually give up after a couple of years of trying and go to another country. They have choices now. Canada is not the only choice. Our system has failed us in that regard.

• (1235)

I will now talk about some of the positive changes that I see in Bill C-31. Throughout our time in parliament we in the official opposition have been very careful to not only oppose and criticize legislation but to offer what we believe are positive alternatives to what is being proposed. This is important because if we only dwell on the negative I do not think people across the country would see that as what they want. They want the opposition, particularly the official opposition, to talk about what is working as well as what is not working and what is good in the proposed changes as well as what is not.

A positive thing about the new immigration act is that it is written in much simpler language than the current act. It is also much easier to read and thinner than the current act, which is a hodgepodge. The current act was originally designed in 1975. Many changes have been made since 1975, with some very substantive changes in 1989 with the development of the IRB. Some major changes were made in early 1993 to that enacting legislation in 1989. Substantive changes have been made throughout the past 25 years so the current act is not really the 1975 act.

Unfortunately, the changes have not worked very well. I would suggest that our immigration system really does not work as well now as it did back in the 1950s and 1960s. I do not think many people in the House would argue with that, including the minister herself. I am sure that is why she has tabled new legislation.

Unfortunately, there are some negative aspects to the bill being much thinner. One of the key negative aspects is the number of different areas that have been left to regulation.

The legislation is extremely vague on the independent categories, the whole positive side of immigration. I do understand that many refugees add to our economy quickly, but they are not chosen or I think they are not chosen for that reason. Currently, refugees

are chosen based on their expected ability to adapt to life in Canada. Generally speaking, the refugee system is meant to provide refuge for people who need it.

Let us look at the whole independent category, which is really the backbone of our immigration system. How much deals with that in Bill C-31? Would it be a third of the act? Would it be half the act because it is an extremely positive side of immigration? No. Two short paragraphs in this entire act deals with the independent categories, or the economic categories which is the term used by the government and the immigration industry. The rest is left to regulation. That is one example of why the act is so thin.

However, looking at the positive side, it is easier to read and has been organized much better but there are a lot of holes in the legislation.

Because of the amount in this new act that has been left to regulation, the government is really asking us to take a blank cheque, sign it, say that we approve of it and allow the department officials and the minister to fill in the blanks later. That is completely unacceptable. On the one hand, the bill is easier to read and it is shorter, but the reasons for it being shorter are not very positive.

• (1240)

We applaud the government for cutting out the right of appeal to the IRB's appeal division for serious criminals. Many people in the country, including many people who work in the immigration system with refugees, have complained that people who are clearly identified as serious criminals are allowed an endless stream of appeals. There is at least one level of appeal in the act that is cut out for serious criminals, although I would suggest that all the levels that are added for most applicants and most refugee claimants will slow the process down.

The next positive thing in the act is that Canada will for the first time have a definition for people trafficking. It has never really been defined in the past. It is good to see that clause 111 actually defines what people trafficking is. We have heard the terms "people smuggling" and "people trafficking". We often use them interchangeably but there are definitions that are pretty widely accepted by countries around the world. Much of that definition will still be determined by the regulation which will be added later.

When it comes to regulation, it is unacceptable to leave so much to regulation that when we examine a new piece of legislation to determine what it does or does not say we really cannot determine with any kind of certainty what is really in the act because so much is left to regulation. That the definition is there is a positive. However, we will not know how positive it is until we see what exactly the regulation will mean and how helpful it will be in terms of dealing with the system.

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Another positive feature is clause 114 which will, we hope, give the courts clear direction in the prosecution of people traffickers by listing aggravating factors. In other words, there is a list of things which, if they apply, will determine how tough the penalty will be, how long the sentence will be, how big the fine will be and those kinds of things. This is important, somewhat helpful and does improve on the current act, but I would suggest there should be much more in the legislation itself than there is. It is a positive move but it unfortunately only goes part way.

We do not always agree with the direction in which the government is going as our philosophies are quite different on most issues. However, for the first time in a long time in the House of Commons, it is good to have clearly different philosophies as to how the country should be run and in what direction it should go.

I believe that for the first time in the next federal election we will see an election that is based on the philosophical differences of two parties. I have no problem with the Liberals. They have a majority government and it is fair that their philosophies show up in legislation. However, the problem is that there is so little actually defined in the legislation. While they go part way, which they often do, they really do not go far enough to clearly define what they want.

It concerns me and the members of the Canadian Alliance when we see the government laying out a little more detail but we still really do not know where it will end up until we see the regulations. That is a problem throughout the bill, as members may have guessed. I will talk about this in a more comprehensive way later because I think it is a key issue.

• (1245)

Another positive I want to mention is that the provision to go to one member panels in the IRB should allow the IRB to handle more cases, at least in the first round of appeals, and that is good. It is fine to have a one member panel as long as there is some reasonable way to appeal if a decision is in question. The appeal does not necessarily have to be an appeal to the courts.

I would argue that what we should have in our system is an initial hearing, an appeal right at the IRB, by a very experienced, well trained individual or panel. In some cases I think we would want a panel of two or three persons to hear an appeal. My concern is that this is already in the system to some extent, but appeals to the federal court and to the judiciary are still allowed. This results in even more appeals than in the past. If the one member panel is put in place, that should speed up the process. Then we would have the second level of appeal to the IRB, which would slow it down quite dramatically, but there would still be the appeals to the courts.

While this is positive when put together with everything else contained in the act, it really will not help very much. Unfortunately,

even the positive moves in the bill really will not do a lot to help make things work better. As we see the debate progress throughout the day, I think that some of the reasons for that will become clear.

There are some changes which are clearly negative. I have already talked about the first one, one of the key ones, quite a bit already, but I think it is something that has to be talked about more. I am referring to the fact that there is so much in this legislation that is left to regulation.

I have already used the example of the independent categories. There are only two short paragraphs in the whole bill defining who should be included and how the system will work. That is not enough to bring to the House of Commons, expecting our support for the legislation. I would hope that Liberal members would not support it without more detail and more of the basic principles that are to be applied being included in the legislation. Too much is left to regulation.

Landings have been returned to our system. In other words, people already in Canada could apply from within for landed status. I think in some cases this would be positive and would make sense.

For example, let us look at foreign students who have studied in Canada, who have done very well and who have a degree or degrees in a certain area or some very high level of expertise in a technological area. These students have studied in Canada and have adapted to life in Canada, and maybe, to some extent, the workplace. At the present time they have to leave the country to apply for landing. They may never come back. That is not the intent. The intent of these foreign students is to return to their country of origin, in many cases to help that country move ahead.

Immigration in Canada should benefit Canada. What we want to do is attract the very best of these students and encourage them to stay. By allowing them to apply for landed status from within Canada is positive. This may result in having more of the very best of the foreign students decide to stay because they can apply for landing from within the country. That is to be applauded.

The whole idea of generally accepting far more people within Canada is a real concern. This is something that happened in the past which proved to be disastrous. People who clearly did not qualify applied, resulting in a continually building number of people in the country with no status.

• (1250)

What happened in the past was that we had general amnesty for tens of thousands of people because the system could not handle the growing numbers. What governments have done on at least a couple of occasions in the past 30 years was to provide a general

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amnesty, whereby anyone who was here under certain circumstances was allowed to stay.

Our system is accepting people who have not been screened. They have not really been chosen based on their ability to add to the country. They are still waiting for that to happen, but the backlog has become so large that we have had these general amnesties. From what I have heard from people who have been in the system, general amnesties have caused a lot of problems.

I believe that is a concern. Clearly in certain areas it is a good thing, but overall it will not work. It has been demonstrated that it will not work. It is important that we do not allow that to find its way into legislation. I hope the government will see that it will not work.

Along the same line is the dual intent clause, which states that a person may be granted a visitor's visa when that person clearly plans to immigrate to Canada, which is not allowed under the current system. It would cause the same kind of problem. We would have people coming as visitors and then saying "We are applying for landed status. We want to immigrate", and they will stay here throughout the process.

Of course the process already has a terrific backlog. Under the independent categories people can expect an average wait of two years. Many times, if the wait becomes too long, people give up. But in the meantime what we will find are either continual extensions of visitor visas or people with no status in our country. That number will build and build until we will end up with an even longer backlog in the system, leading to a complete state of collapse. I would suggest that we are almost there with the current system and that this new immigration act will not fix the problem in general. Those are some of the negatives.

The regulations are very important. We have to have a lot of what has been left to regulation put in legislation so that all Canadians, when they are giving advice to their members of parliament on what they want in the immigration act, know what is being proposed, because it is in legislation.

Another underlying change has been made which will cause a general breakdown of the immigration system, and that is the implementation of the Singh decision. The Singh decision was a supreme court decision of 1985 which stated, I believe, that people who are in Canada are entitled to a hearing and an appeal before they are deported if they are applying to immigrate.

Governments, the previous Conservative government and now the Liberal government, have taken the interpretation of the Singh decision and broadened it very substantially. They say that the Singh decision means that everyone, even non-citizens who have come to Canada, even if they have come illegally, is entitled to the full protection of the charter of rights and freedoms.

That is the way it has been interpreted. That interpretation found its way into the current legislation, but only in the general information at the beginning. This new legislation has expanded that charter protection for everyone in the application clause.

What does it really mean to have it in the application clause of the bill? It means that there is no doubt that this interpretation will apply to all areas of the legislation. That is a real concern because it clearly expands section 4 of the act to include people who are not citizens of Canada, who have no status in Canada, who are not even physically present in Canada, and it will include people who may have applied to come to Canada from somewhere outside the country.

• (1255)

I do not know if people will believe what I am saying, but it is true. It is in section 4 of the act. It is absurd. No other country in the world would give that kind of protection to people whose only connection with Canada is that they want to come to our country, either as visitors or as immigrants.

The people who are expert in the immigration system, who have given me advice on this legislation, say that it will do exactly that, that it will cause a backlog in the system, and that it really could cause almost a complete breakdown of the system as we get legal challenges and the expensive process of giving people who are not Canadian citizens, who are not present in the country, access to our judicial system.

That underpinning factor which is now in the application clause will cause long term problems. If this legislation goes ahead, no matter what is done with the regulations, we will have an immigration system which will function less well than the current immigration system.

I started my comments by saying that most people in the House would acknowledge that the current system does not work well. People who would benefit our country soon after their arrival, who would help our economy grow and fulfill a need that Canada has, often give up and go to some other country like the United States, Australia or New Zealand, countries very similar to Canada. Many others are left in a state of limbo for years as they try to come into our system. This bill will not help those people.

Will the bill help genuine refugees? No, it will not. There is nothing in this legislation which will cause the government to choose more people from refugee camps overseas.

If Canada wants to help genuine refugees, should we not choose people who have been designated to be refugees from camps overseas? Does that not make sense?

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The United Nations has a body that is quite capable. I do not always give a lot of credit to the United Nations. I have concerns in many areas. However, in the area of refugees it has people and a system that is quite capable of choosing who is a refugee, and in particular people who are in refugee camps.

To Canada's shame, of the 23,000 refugees who were chosen last year, probably fewer than 3,000 came from camps overseas. About 7,000 came from overseas, but more than half of them were people who had been rejected by European systems and Canadian officials picked them up and brought them to Canada as refugees. I am not saying that is bad because it makes sense in a lot of cases, but what about the people in the camps, the people like those in camps in Bangladesh who have been there for more than 50 years?

If the government is compassionate, why does the legislation not provide for those people? It does not work for genuine refugees. Does it improve things for people who come illegally and does it improve things in terms of protecting Canada from organized crime, terrorists, serious criminals or from people who come to Canada with the help of people smugglers and traffickers? No. There are some things in the bill which look good, such as tougher penalties, which will help, but when we look at the whole picture the legislation will not protect Canada better than the current act.

Will the bill help to reunite families? It tears my heart out, and I am sure it is the same for every member of parliament, seeing so many situations in our constituencies where families are waiting for years to be reunited. They are waiting two, three, five years and longer because our system is so badly broken. I would suggest there is nothing in the new legislation to deal with that problem.

Overall the bill will not improve the system; it will slow it down. I encourage the government to seriously consider substantial amendments to the bill, and we could provide them.

• (1300)

[*Translation*]

Mr. Bernard Bigras (Rosemont, BQ): Madam Speaker, I am pleased to address Bill C-31 on immigration and the protection of refugees.

Bill C-31 was introduced on April 6, 2000. It replaces the current act, which dates back to 1976 and which has been amended over 30 times.

When the minister made her announcement on this long awaited bill, she called it a tough piece of legislation. She said that the bill sought to close the door on illegal migrants, in order to fully open it for immigrants. Indeed, a large part of the bill puts the emphasis on closing that door by strengthening the measures designed to fight fraud, false statements and abuse, prohibiting criminals and those

who present a security risk from entering Canada, imposing harsher penalties and so on.

When we read the bill, we notice that while it includes several measures to close the door on illegal migrants, as the minister said, most of the measures announced to fully open the door for immigrants are merely proposals to change the regulations. As pointed out by the Canadian Alliance member earlier, many of our questions are left unanswered, because a fair number of measures which we thought would be included in the bill will have to be included in regulations. We do not really know what is really in the bill.

With this bill, the minister is seeking among other things to respond to a strong current of public opinion in the United States which feels that Canada has become a kind of Club Med for terrorists and that the United States should tighten up its border controls, which is liable to be harmful to trade between the two countries.

Among the measures aimed at discouraging illegal border crossings, the bill includes the imposition of heavy penalties, namely fines of up to \$1 million and a life sentence for human traffickers and smugglers.

Revision of the act, as well as cracking down on illegals, is also intended to lighten the load on a system that for several years has not allowed Canada to attain its annual objective of 300,000 newcomers. I might point out that, paradoxically, at this time there are more than 400,000 people within Canada and elsewhere who are awaiting word on whether they will be able to settle in Canada.

Clearly, the present system shows that increasing numbers of people wish to enter Canada, but also that the process and procedure in place for examining both applications for refugee status and for permanent residency are flawed and that there is room for improvement in the way these are processed.

The need to speed up the refugee determination process is one of the most positive measures contained in this bill. The minister has, in fact, indicated that in future the time limit will be 72 hours instead of 3 months for a refugee claim to be filed with the Immigration and Refugee Board, and it must bring down its decision within six to nine months.

The minister also pointed out that her bill would significantly simplify refugee claim processing in order to reduce the maximum time frame from five to two years. New measures will be put in place to modernize the procedure for selecting skilled immigrant workers and temporary workers.

These measures, it should be pointed out, would not apply to Quebec, because under the Canada-Quebec agreement of 1991, Quebec chooses its own economic immigrants. Refugee selection and family reunification remain under federal jurisdiction.

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In terms of Canada's human rights obligations, as a signatory to international human rights documents, Canada has certain human rights obligations. This new bill must take account of the standards established in these documents. Unfortunately, despite a few references, the bill does not incorporate the relevant texts.

• (1305)

For example, in the case of the 1951 refugee convention, although the mandate of the high commissioner for refugees is to protect refugees, this responsibility also falls to the contracting countries.

The basic instrument, indeed the cornerstone of the international refugee protection system, is respect for the principle of no return recognized by the member states and enshrined in article 33, which provides, and I quote:

No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

At clause 90(2)(a), the bill refers to the Convention Against Torture and provides for the protection of persons threatened with torture within the meaning of article 1 of the convention.

However, the bill does not fully respect the provisions of article 3 of the convention, which prohibits the return of anyone to face torture. In fact, according to the bill, the prohibition does not apply to people considered inadmissible on grounds of criminality or security, as in clause 108(2).

Article 3 of the Convention on the Rights of the Child requires governments to give the child's best interest primary consideration in all actions that concern him or her. However, the bill proposes only that the best interest of the child be taken into account.

The bill provides for the automatic detention of any person entering Canada as part of an organized operation, but gives no special status to refugee status claimants who are minors. However, article 37(b) of the convention that:

—States Parties shall ensure that:

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

The convention also provides, in article 22, that:

States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in

the present Convention and in other international human rights or humanitarian instruments.

As for the third instrument, which the bill does not address, the Inter-American Commission on Human Rights published a report on the Canadian refugee determination system a few months ago.

Bill C-31 before us today addresses two of the report's recommendations by including an appeal on the merits for refugee status claimants and by making the pre-removal risk assessment part of the decision taken by the Immigration and Refugee Board of Canada.

In the opinion of the Bloc Quebecois, however, there are many other recommendations which the bill completely fails to address and which aggravate the existing situation. For instance, the report recommends that the decision as to admissibility should be the responsibility of the Immigration and Refugee Board of Canada.

In this regard, the bill, on the contrary, widens the categories of people whose claims will be deemed inadmissible and who will therefore never have an opportunity to be heard by the Immigration and Refugee Board.

• (1310)

The whole issue of detention is another component of the bill. In Canada, we have had an extensive debate on this issue, a debate that began, among other places, at the Standing Committee on Citizenship and Immigration and which, I am convinced, will continue during the review of Bill C-31. The debate is primarily on clauses 50 to 55.

The Bloc Quebecois is particularly concerned by the fact that the bill provides for the automatic detention of any person who arrives in Canada in the context of an operation organized by traffickers. More specifically, the Bloc Quebecois opposes the fact that the bill does not grant any special status to refugee claimants who are minors, in spite of the fact that the UNHCR recently pointed out to Immigration Canada that it was opposed to the international rules governing the imprisonment of young refugees, except in certain cases and for very short periods of time, as provided by the Convention on the Rights of the Child.

Therefore, the Bloc Quebecois will continue its fight to ensure that refugee claimants who are minors be exempted from the detention rules. In addition to clandestine immigration, the bill mentions three main reasons for detention, namely the risk that the person will flee the country, the fact that the person may be a danger to public security, or cases where it is not possible to establish the person's identity. These three reasons are already included in the current act. However, in several respects, the bill broadens the scope of the provisions on detention.

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In addition, the bill accords new powers to immigration officers to detain individuals at points of entry for purposes of “administrative expediency” in order to complete an examination, for example. The officers may also detain people when they have reasonable grounds to suspect that they are inadmissible on grounds of security or of having violated human rights. In this regard, we wonder whether it was really important to add the new grounds for detention based on expediency and doubt, reasons of danger to the public or the risk of failure to appear covering already all the situations requiring detention.

The bill broadens the measures pertaining to detention without warrant. At the moment, arrest without warrant is permitted only in rather limited circumstances. Under the bill, immigration officers will be able to arrest and detain without warrant an individual they consider inadmissible, even if they are not about to be returned. This gives a lot of power to these officers, who, in many cases according to the report of the standing committee lack the training to make the necessary decisions on, going as far at times as, the merits of the applicant.

We are therefore basically concerned about the increased powers given the immigration officers in decisions on detaining individuals and the assessment of very specific applications.

In addition, the bill expands the measures pertaining to detention for reasons of identity. Any requirement for pieces of identity is a threat to refugees. In fact, these people are often required to flee the country without documentation because their identity is precisely what exposes them to persecution.

At the present time, detentions for lack of identification can only take place at entry points. Under the bill, a person will now be able to be detained within the framework of any procedure covered by the law if he or she does not establish identity. This means that refugee claimants could be detained if they do not establish their identity at the hearing to determine refugee status.

The bill also envisages regulations including special considerations for the detention of minor children. In our opinion—as I have already stated clearly before—the principle is fundamentally sound. What remains to be seen, however, is what these regulations will comprise.

• (1315)

It is no secret that, as far as the detention of refugee claimants is concerned, our preference would have been to have the main principles set out in the legislation rather than in regulations. Clearly, amendments will have to be introduced to clarify this situation, so this clarification will not be through regulations. Instead, it ought to be enshrined in the law.

As for claims for protection, they are primarily governed by clauses 89 and 90.

Under Bill C-31, what are presently two distinct decisions, refugee status determination and review of the risk of removal, will be a single decision made by the Immigration and Refugee Board.

For every claim for refugee protection, and every application for examination of risk of removal, the board will decide whether the claimant is a Convention refugee as defined in 1951, amended in the 1960s. It will also determine whether the claimant is a person in need of protection, that is to say a person who would be subject to a danger of torture within the meaning of the Convention Against Torture to which I referred to a moment ago, listing it among the three major conventions: one against torture, one on the rights of the child, and the UN convention relating to the status of refugees.

It will also be necessary to determine whether the claimant’s life would be in danger or whether he could be subjected to cruel or unusual treatment or penalties, but only if the person is unable or unwilling to avail himself of the protection of the state, if there is no possibility of haven in that country, if the risk is not related to legitimate sanctions that meet international standards, and if that risk does not have to do with the unavailability of medical care.

We will also have to establish that the claimant is a member of a category of persons whose need for protection is recognized through regulations.

The important change is that when a claim is reviewed, a single ruling will integrate two decisions, namely the one on the determination of refugee status and the one on the risks involved in sending the claimant back to his or her country of origin.

I believe this will significantly speed up the review of these claims, since both elements will be integrated. That will certainly help us alleviate the human suffering when we review each of these claims.

It is to be noted that the exclusion clauses of the refugee convention, namely sections E and F, apply to refugees as defined in the convention and to persons to be protected. These exclusions include, among others, criminals, those who committed a serious crime outside the country of refuge, and any person found guilty of actions that are contrary to the goals and principles of the United Nations.

I have two comments to make in this regard. Unifying the decision making process at the Immigration and Refugee Board will undoubtedly have the effect of making the process faster and more effective.

As I said earlier, there were often cases involving a refugee claim, where the claim would be reviewed and a ruling made. At times, perhaps often, the ruling was negative. That was followed by a review of the risks involved if the claimant was sent back. The process was considerably longer.

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This process created human suffering and certainly did not make it easier to accept or reject the claim. In fact, it slowed down or even blocked the whole process. I believe that grouping these two rulings will speed up the review process.

• (1320)

The reference to the convention against torture is new in the bill, and we are delighted by it. It is new, and I would say it is important. However, the definition of a person in need of protection found in the bill is not entirely consistent with the convention against torture, which, unlike the refugee convention, contains no exemption clause.

Article 3 of the convention against torture prohibits the return of anyone who may face torture, regardless of what the individual may have done in the past or could do in the future. In this regard, what is contained in the bill by no means reflects the provisions and articles of the convention against torture.

When this bill is studied, things will have to be levelled out. If it is really the intention of this government to draw on the convention and reflect the spirit of it in the bill, amendments will certainly be necessary in order to regularize the situation.

Another important aspect is the matter of claims for protection and, more importantly, their determination, as covered in clauses 94 to 96. Under the bill, only refugee claims deemed admissible by Citizenship and Immigration Canada will be heard. This is the present state of affairs under the current legislation. However, the bill provides that an examination of the criminal record of a claimant that might result in an ineligibility ruling will now be conducted as soon as the claimant has entered the county and obtained refugee status and no longer at the end of the process.

The bill also broadens the categories of persons whose claims will be ruled ineligible, which means that they will not be referred to the Immigration and Refugee Board for a hearing. At the present time, claims are ruled ineligible on criminal grounds only if the minister issues a public threat certificate. They will now be ruled ineligible if the claimant:

(a) [has been] convicted in Canada of an offence under an Act of Parliament that may be punished by a maximum term of imprisonment of at least 10 years and for which a sentence of at least two years was imposed; or

(b) [has been] convicted of an offence outside Canada that, if committed in Canada, would constitute an offence under an Act of Parliament that may be punished by a maximum term of imprisonment of at least 10 years.

In this regard, I wish to make a comment. Automatically excluding persons convicted of offences outside Canada poses a particular threat to refugees. Too often, the criminal law system is used as a means of persecution. It is not unusual for victims of

persecution to be sentenced on the basis of false accusations manufactured in order to convict them of crimes they did not commit.

As for the first paragraph—having been convicted in Canada of an offence that may be punished—we agree that, at that stage, an assessment should take this factor into account. As for the second paragraph, I think some caution is in order. The evidence must be thoroughly verified and the claim assessed more flexibly.

As for an asylum claim, and more specifically the process of claiming asylum, this has been the subject of heated discussion in recent years. There is no denying that the process is slow and difficult to comprehend.

If I take the example of an office covering the territory of my riding in Montreal, there is a wait of over 12 months for a ruling. It cannot be said that this is an adequate refugee determination system and process.

• (1325)

This cannot be described as stringent and making it possible for decisions to be reached within a reasonable length of time, on the contrary. Not only does it have the impact of creating personal dramas, as I have already said, by delaying, deferring a decision made by an Immigration Canada office, but it also does not allow a fair review, within a reasonable length of time, of the cases of those who are awaiting rulings. This therefore creates a dual problem with a dual impact.

When, as I have already said, we know what the objectives of immigration are, and when we can see how long the wait is, there are grounds for concern. It is therefore obvious that we must make a commitment to work toward a renewed refugee determination process because people are having to wait too long and this creates serious personal dramas.

According to the bill, applications for protection will be heard by the Refugee Protection Division. At the present time, this is done by the refugee status section, as we know. This is a change in Immigration and Refugee Board terminology. Applicants will have a hearing before a board member, whereas at present a panel of two hears the case. Appeals against a decision by the Refugee Protection Division may be submitted to the Refugee Appeal Division by the applicant or the minister. This division will not hold a hearing but will base its decision on written submissions.

In that regard, the bill does not include any change to the appointment process of board members. Over the past several years, the Bloc Québécois has repeatedly criticized the Liberals for constantly making political appointments to the Immigration and Refugee Board. We believe it is essential that any change in the asylum claim process should seek to guarantee the integrity of the refugee status determination system.

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In order to achieve that, it is critical to put an end to political appointments to the board and to establish a transparent process—and I mean transparent—to appoint and replace IRB members, so as to ensure full impartiality and selection based on the candidates' qualifications and professional experience, and not, as is often the case now, on their political affiliation.

Since the bill provides that the decisions will be made by a single member, it becomes even more important and in fact essential that all the decision makers have the highest qualifications. This goes without saying. I even think that some Liberal members might agree with that statement. Several political appointments were made to the Immigration and Refugee Board.

With this new legislation on immigration and refugee status determination, the Liberal government opposite has a unique opportunity to show transparency and good will and to clearly demonstrate that the government will set up an appointment process that is not based on partisanship or on services rendered to the Liberal Party of Canada, but on people's professional experience and on their ability to make informed decisions.

Unfortunately, when it introduced its bill, the government missed the opportunity—and so did we—to establish a clear process. We will review this issue in committee and I hope the government will look at the auditor general's report and set up a clear process that is not merely based on the experience and expertise of people in certain political parties, but on professional experience.

• (1330)

Another important factor is the introduction of appeals on the merits. Clauses 105 and 106 address one of the fundamental weaknesses of the present refugee determination system. The absence of an appeal mechanism was very recently criticized by the Inter-American Commission for Human Rights in its report on the Canadian refugee determination system. It should be noted, however, that the proposed appeal provides only limited protection to refugee claimants because it is based on written submissions only.

A large percentage of claims are ruled ineligible on grounds of credibility. It will therefore be extremely difficult to challenge such rulings of non-credibility in writing. Furthermore, written submissions also raise the problem of claimants without representation, which is often the case because of the inadequacy of legal aid.

Another comment I would have with respect to this paragraph and this part of the clause is that the bill provides no guarantee of the independence of the Refugee Appeal Division or of the greater expertise of its members with respect to refugee determination. If an appeal is to adequately correct the errors of the first level, the appeal division must obviously be a distinct and higher level.

In fact, it seems hard to guarantee the impartiality or appearance of impartiality of the process when the members of the Appeal Division are called upon to judge decisions made by their own colleagues in the section of first instance. Such a structure, in which members of the division are required to review themselves, does not imply a critical eye, and cannot therefore in our opinion present the necessary guarantees of independence.

As for the whole issue of family reunification, I will make a small comment if I may. There is very little in the bill on family reunification, with the exception of certain measures which are to come in the regulations. This is the problem with this bill—the one to which my colleague from the Canadian Alliance referred just now. The bill refers to principles only, and makes several references to the regulations.

I believe it is the fundamental right of parliamentarians to be able to examine a bill that includes a certain number of clauses instead of one that merely refers them, and to a certain extent the general public, to subsequent regulatory amendments.

As far as the entire issue of family reunification is concerned, the bill has very little to say, referring instead to provisions which are to come in the regulations once they are added. The government has, however, announced certain measures relating to family reunification. It would, in our opinion, be advisable for the promised measures to be integrated into the bill, as I have said, rather than just restating some old principles.

As parliamentarians, we would like to study the provisions, debate them and discuss them in committee. The problem is that we do not have the regulations before us. We cannot make a proper decision on this bill, because many of the measures are to come, many will not be incorporated in the bill. In the end, I think that each parliamentarian is entitled to examine the merits of this bill in terms of its provisions and not in terms of future regulatory measures.

The bill proposes to prevent people on welfare from sponsoring members of their family, including spouses and minor children, unless they have special permission from the minister. In our opinion, this is interference in the right to family unity because of economic status. At the moment, spouses and minor children are the only members of a family that may be sponsored by a recipient of welfare. We believe this represents serious interference, and it is clear that we will never agree to two people having different privileges.

• (1335)

There cannot be a double standard based on economic factors, on whether a person is on welfare or is working. I think that the right is fundamental, and in this regard, we will clearly be moving amendments.

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As my time is running out, I will conclude by saying that the Bloc Québécois regrets the harsh tone adopted by the minister in her speech, in her presentation, the hard words chosen by the government to introduce the bill and the accompanying press releases. From the way it addresses the question, we think that the government, which seems to be trying to reassure the Canadian right, is reinforcing prejudice against refugees and immigrants. It is thus encouraging division.

In recent years, the Bloc Québécois has said on several occasions that Canada's refugee determination system should have two essential features: it must be quick and fair to a person who is legitimately seeking asylum and it must deter those who overburden the system with unjustified claims. This slowness in processing claims results in unacceptable human dramas and puts people and families in extremely difficult situations.

For example, the average time to process a claim at the IRB's Montreal office is ten months. Moreover, at the end of December 1999, there were over 7,000 asylum seekers in Montreal who were waiting for a hearing. That is one third of all cases in Canada. Indeed, one third of all such cases in Canada are handled by the IRB's Montreal office. Is this not evidence of the laxness of the refugee determination system?

We also believe that the new bill on immigration does not reflect explicitly enough the actual scope of all the powers gained by Quebec in this area. According to the Quebec Minister of Relations with the Citizens and Immigration, Robert Perreault:

The act will have to include firm commitments in that respect . . . Provisions will have to be added to the current bill to ensure, among other things, the respect of Quebec's powers regarding the selection of temporary workers or the maintaining of a distinct program for investor immigrants.

That statement was made by the Quebec minister of citizenship and immigration. Clearly we will have amendments to clarify these two aspects, which are not included in the bill.

The bill—I have mentioned this many times since it was introduced—does not clarify Quebec's jurisdiction in this regard. As we know, Quebec is responsible for independent immigration. We would therefore have liked to see this mentioned in the bill. But the bill does not make this clear. There must be clauses spelling out Quebec's jurisdiction in this area.

In addition to the issue of Quebec's jurisdiction, it is important to mention that, although the bill proposes amendments with respect to refugee claims, nowhere does Ottawa undertake to assume the costs resulting from its handling of those claims. In fact, if the federal government believes in the effectiveness of the measures proposed in its bill, it should be able to undertake to assume these costs, and to do so until those affected have been granted refugee status, have been granted permanent residence, or have left the country.

Last February, it will be recalled, Quebec joined with Ontario and British Columbia in criticizing the federal government's handing of the movement of asylum seekers, calling for major changes, and demanding that the federal government, which is responsible for the entire refugee determination process, assume all the costs of providing services to these individuals, including social assistance, legal aid and education.

I would remind members that, right now, it is costing Quebec over \$80 million annually to look after people waiting for a ruling from the federal government's Immigration and Refugee Board.

• (1340)

Clearly, the Bloc Québécois is greatly concerned by the fact that many crucial points are relegated to the regulations—and I do not believe I am the only one to have said so today—rather than being part of the bill itself.

At the present time we cannot be totally in favour of the bill, obviously. Too many measures, too many provisions, are part of the regulations, preventing us from giving our support at second reading.

What we can do is to state that, at most, we are in favour of the principle behind the bill, but we cannot come out in favour of the bill at this point with our eyes closed. We are going to look at it in committee, propose and debate amendments, and then bring it back to the House for third reading. That is when our decision will be made. I must say, however, that it is disappointing that some of the measures are contained, not in the bill, but in the regulations.

[English]

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Madam Speaker, I will be sharing my time with the member for Regina—Lumsden—Lake Centre. Both he and I will be speaking to the bill. We want the House to know that at the next opportunity the NDP critic, the member for Winnipeg Centre, will be speaking in greater detail about some of our concerns about the bill and our general attitude toward it. Unfortunately he was unable to be here today.

There probably is not a more appropriate time for members of parliament to be debating amendments to Canada's immigration legislation than after a two week parliamentary recess. If other members' recesses have been anything like mine, I spent a fair amount of time meeting with people who have problems of one sort or another with immigration.

Over the course of the two weeks I met with a woman who fled Liberia on a moment's notice in the middle of conflict and in the middle of great confusion. She left behind some teenage children and is now trying to get them into the country but is having a very difficult time doing that.

Government Orders

I met with a young man who wants to get his pregnant wife in Romania to Canada before the baby is born in September. I met with people who applied for refugee status from Bangladesh and are scheduled to leave the country in spite of the fact that there appears to be documentation that was unavailable to the refugee board when it made its decision.

I met with a family from India who would like relatives to be able to come to Canada to attend a wedding. I met with another family who wanted relatives to come from Chile in order to attend a graduation. In both these cases the problem was visitors' visas and sometimes the very difficult process that attends people being able to get these visas. In these cases I know both families. They are long established members of their respective Sikh and Chilean communities. Yet they are having a difficult time getting someone to Canada to be present at these important family events.

These are just samples of the kinds of things MPs have to deal with all the time. It is very frustrating for us not to be able to immediately solve the problems people bring to our attention. Not all problems are solvable but some of them could be solvable if there were more resources dedicated to resolving them.

One of the messages I would like to leave with the minister and the government at this time is that the process for these things needs to be speeded up. It should not be speeded up in a way that makes it sloppy or unfair but it should be speeded up. It is a form of cruel and unusual punishment for a lot of people that they cannot get the kind of resolution to their problems as quickly as I think fairness would dictate.

• (1345)

I think of the many times I have met with people in my office for whom the refugee process has been very long and prolonged. People have been here for many years in some cases. What has happened often is that children have been born and the children are actually Canadians. The only country they know is Canada yet if the refugee process takes so long and in the end they fail, the children can actually be sent away from their country which is Canada. It is very important to deal with these matters expeditiously so that children particularly are not put in that position.

Those are some of the things I found particularly trying over the years as an MP. People find themselves in a lot of very difficult situations. I say it is trying for me, but of course it is much more trying for them. What is trying for me is that I cannot always do for them what I would like to do in the time they would like me to do it.

All this relates to the bill in the sense that as MPs we are dealing with people who are not in the country who are trying to get into the country by way of the rules. Nothing makes that interview more difficult in the constituency office than when people point to the

fact that other people get into the country by breaking the rules. They say "We are trying to observe the rules and we are doing everything that is required of us but it takes forever". Yet there are examples of illegal immigration which for obvious reasons people find quite frustrating.

The minister has said that the purpose of the bill is to close the back door to Canada while opening the front door wider. This is certainly a principle and an intention of the bill that we support. It is why we would like to see the bill go to committee and be examined more thoroughly.

The point had been made earlier about the fact that so much is left up to regulation. We do not know what those regulations will be. We do not know whether those regulations will in fact be consistent with the spirit of the bill. One of the things that might be looked at in committee is how much more can be specified in the bill so that less is left up to regulation.

We are concerned about the penalties with regard to people making refugee claims who have been convicted of an offence punishable by 10 years or more and have received a sentence of two or more years, something which I believe all Canadians support. We do not want an immigration system which allows criminals into the country. However, we must also take into account the fact that not all offences which are defined as criminal activity in all the countries from which people seek refugee status is in fact criminal activity. Sometimes the very thing that has made them a refugee is political activity.

In my opinion, one of the things to be worked on in committee is the need to be more articulate about what is a criminal offence in the strictest sense and what it means to be a criminal. What can sometimes be defined as criminal by a country that uses the criminal code of the country to inhibit, punish or intimidate political activity thereby creates the very refugees who are coming to Canada with this alleged criminal record. That is a concern we have about the bill and something which the committee could very well look at.

With respect to family reunification, I understand one of the other intentions of the bill is to broaden the notion of family reunification. That is certainly something I think all Canadians would support.

Again, referring to my own experience as an MP and I am sure that of many other members, many times we have had people in our offices who have one child remaining in a country but because the child is now 19 or because of making the mistake of getting married, the child no longer qualifies and cannot be reunited with the family. There are many ways in which the current family reunification rules need to be improved in order to address some of the anomalies that exist. I would certainly urge that.

Government Orders

• (1350)

I would also urge a more open and trusting attitude on the part of Immigration Canada toward people who are seeking visitors visas for relatives who are coming to attend special events, in particular when these applications are being made on behalf of families who have been in the country for a long time. I do not think that how long they have been here has all that much to do with it, but certainly it is a fact that many people who have been Canadian citizens for a long time and want people from their country of origin to attend special events are now finding that very difficult to do.

I would urge the minister to see what she could do about that. If that is not within the purview of the bill then perhaps she could find another way.

Mr. John Solomon (Regina—Lumsden—Lake Centre, NDP): Madam Speaker, I am very pleased to join with my colleague the member for Winnipeg—Transcona, and our immigration critic, the member for Winnipeg Centre, in saying a few words on Bill C-31, the immigration and refugee protection act.

In general this bill toughens the law with respect to illegal immigrants. It streamlines the laws and regulations which would facilitate easier access to our country by immigrants who wish to come to our country through the front door or through the regulatory process.

Immigration is very important. Practically all of our grandparents, parents or members themselves immigrated to this country from other countries in a process set out in previous legislation in the House of Commons. All of Canada is much stronger and is viewed as the best country in the world because we have been very supportive and embrace new Canadians coming to Canada to help build this great country.

My paternal grandfather came to this country in 1897 from Ukraine. He was recruited by Mr. Sifton of the CPR to go to a place called Fork River, Manitoba. He and many other Ukrainian settlers were given a quarter section of forest in which they were to carve out a living for their families, which he did.

My grandfather, Panko Solomon, went to the Fork River district. Over a period of years he cleared a quarter section, or about 160 acres of land, out of the forest. He cleared about 10 acres of trees with an axe, a saw, chains and a horse. To this day the farm exists as a tribute not only to him and other Ukrainians and settlers who built our country, but to all of our forefathers and foremothers who came here to make a better life for us all.

As an aside, my uncle still owns the property. He has a larger property but he has planted around the home quarter over 100,000 trees. My grandfather would probably turn in his grave if he knew this to be the case, but it is a very nice shelter built around the home quarter.

Bill C-31 tightens laws as they apply to the abuse of immigration. It creates severe penalties for those who smuggle people into Canada with fines up to \$1 million and life imprisonment for those who illegally bring in immigrants to the country.

In essence, I think the tough on crime, tough on the causes of crime as it applies to immigration is a very good approach. It is one I personally support and I think most Canadians would support. Public reaction to illegal aliens has been largely negative. Some people have indicated they would halt virtually all immigration. Some people feel deeply for refugees who are following the rules. Those consigned to wait for years in camps until Canadian law affords them the chance to come legally to this country are looking to this bill with some interest.

The bill also increases the number of immigration control officers abroad. I guess what has always been a problem with Liberal legislation is that Liberals always introduce legislation which makes people feel good, but they never back it up with resources to actually implement the laws.

We have seen this for example in the smuggling of cigarettes. Rather than toughen up the laws and introduce resources to hire more customs officers to nail the smugglers, the Liberals passed feel good legislation saying they are going to reduce taxes on tobacco which will take the product off the smugglers' priority list.

• (1355)

Of course smugglers will move from smuggling cigarettes to smuggling guns. Rather than commit resources of our country to stop the smugglers of guns, the government passed the gun registration law which does nothing to affect it. It makes people feel good because the Liberals are doing something about the problem, but nothing ever happens because there are not the resources to back it up.

I am worried that there will not be resources. I would like to see the minister's projections with respect to the number of dollars and immigration officers the government is going to commit in our consulates and embassies around the world to actually undertake to enforce Bill C-31. I would like to see it not only abroad but in Canada as well.

We have had some experiences in Regina—Lumsden—Lake Centre with respect to immigration which are worrisome. Saskatchewan is a landlocked province in the centre of our country. People who come to our country wishing to immigrate or to bring in family members always have to go back to the country of origin or go to Seattle or Buffalo to the nearest Canadian consulates in the U.S. to apply for immigration. That has been a travel hardship for many people. I hope that the new rules will allow students easier access to our country, those who have proven to be good citizens while they were here.

The family reunification challenge has always been complex. In Saskatchewan we have been very troubled with the lack of speed to reunify families. As the minister has indicated, family reunification is very beneficial. When their families are here immigrants tend to work harder to make sure that their families have a solid economic base. I am very concerned that this sort of streamlining occurs in particular for the family reunification process.

The bill has many parts. It provides things such as security checks for persons making refugee claims. It bars access to the refugee determination system and eliminates appeals for serious criminals, security risks, organizers of criminal operations or violators of human rights.

I wonder if the minister could tell us if this bill will address the issue that appeared on the front page of the *Globe and Mail* on Saturday dealing with Chinese triads.

The Speaker: I see that my colleague is getting into a new thought with regard to his speech and I thought this might be a good time to interrupt. He has over three and a half minutes remaining and then questions and comments after that.

STATEMENTS BY MEMBERS

[Translation]

RÉFAP GALA EXCELLENCE

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Speaker, on April 15, the Réseau des femmes d'affaires et professionnelles de l'Outaouais celebrated the vitality of its members at its Gala Excellence 2000.

This first major celebration of the millennium for the RÉFAP provided an opportunity to honour the efforts and determination of two important women in the Outaouais, Ginette Chassé-Séguin, who was recognized as businesswoman of the year, and France Gagnon, recognized as professional woman of the year.

More than ever, their success in undeniable proof of the place and growing vitality of Outaouais women. Such examples of success can only encourage more women to take an active part in our community.

I take this opportunity to congratulate once again Ms. Chassé-Séguin and Ms. Gagnon and to wish them good luck in their future endeavours.

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[English]

GRAIN TRANSPORTATION

Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance): Mr. Speaker, this year Canadian farmers will have to pay \$44 million more to haul their grain because the Liberal government refuses to reform the grain transportation system.

Last week the CTA announced that regulated freight rates will be going up 4.5%. This is the latest graphic demonstration of the failure of the status quo.

A reformed system could save farmers \$300 million each year in lower freight rates. Yet instead of going down, freight rates will be going up.

The government's own experts have recommended a clear path to reform. Give farmers a contractual driven system and remove the Canadian Wheat Board's total control over grain transportation. However, defending pet Liberal causes like monopoly control by the Canadian Wheat Board is more important to the government than improving the farmers' bottom line.

If the Liberals really cared about the plight of farm families, they would stop defending the current broken system and immediately give farmers the reforms they so desperately need. Where is the transportation minister on this issue?

* * *

• (1400)

VIETNAM

Mr. John McKay (Scarborough East, Lib.): Mr. Speaker, Vietnam has been in the news lately: 25 years since the end of the Vietnam war, the execution apparently of an innocent Canadian, and the recall of ambassador.

What has not been in the news is the routine way in which Vietnam abuses religious rights. Religious rights do not get much play in the news here, in part because we take them for granted and in part because of journalistic apathy toward people of faith.

It does not much matter whether they are Catholic, Buddhist, Muslim or Evangelical. If they do not worship at a state sanctioned patriot facility, they are abused, arrested or imprisoned. Religious rights are like the proverbial canary in the mine shaft. If they have no religious rights, they probably have no right to a fair trial, no right to freedom of assembly, and certainly no contractual rights.

Two years ago I met with the minister of justice for Vietnam. The bottom line was that he did not believe in the rule of law. If one does not believe in the rule of law, certainly religious rights are an easy abuse, as are other civil rights and contractual rights. As long as Vietnam is stuck in a time warp, it will not enjoy these kinds of rights.

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[*Translation*]

MENTAL HEALTH WEEK

Mr. Yvon Charbonneau (Anjou—Rivière-des-Prairies, Lib.): Mr. Speaker, it is my pleasure to tell the House and the people of Canada that the week of May 1 to 7 is mental health week. This year's theme is "Workplace stress can throw you off balance."

Given that 43% of Canadian adults aged 30 or over feel overwhelmed by their work, their family responsibilities or their financial obligations, it is clear that reducing work related stress will have a positive impact on thousands of people.

Statistics Canada estimates that \$12 billion is the cost of work time lost annually due to stress.

[*English*]

The Canadian Mental Health Association has created activities across the country to promote wellness in the workplace. I ask the House to join me in wishing the Canadian Mental Health Association a very successful Mental Health Week.

* * *

ARMENIA

Mr. Sarkis Assadourian (Brampton Centre, Lib.): Mr. Speaker, I rise in the House today to commemorate the memory of victims of the Armenian genocide of April 24, 1915.

The Canadian government has yet to recognize in an official way the reality of the genocide committed against Armenians by the Ottoman Turks. However, in answer to my question in the House of Commons on June 10, 1999, the then Parliamentary Secretary to the Minister of Foreign Affairs said:

On behalf of the Minister of Foreign Affairs I wish to inform the House that together with all Canadians we remember the calamity afflicted on the Armenian people in 1915. This tragedy was committed with the intent to destroy a national group in which hundreds of thousands of Armenians were subjected to atrocities, which included mass deportations and massacres.

May the memory of this period contribute to healing wounds as well as to the reconciliation of present day nations and communities and remind us all of our collective duty to work together toward world peace.

The recognition of Armenian genocide is not complete yet.

* * *

HEPATITIS C

Mr. Grant Hill (Macleod, Canadian Alliance): Mr. Speaker, the hepatitis C victims of tainted blood are still waiting, waiting for promised compensation if they were infected between 1986 and 1990; waiting in fact over two years while their lawyers have already been well paid; waiting for help with 40 page forms that are

complex beyond belief; waiting for an explanation about why U.S. prison blood came undetected into Canada; waiting for a clear explanation from the ethics counsellor for a report that supposedly cleared the finance minister of conflict of interest but quietly admitted that the appropriate CDC minutes had mysteriously vanished; waiting without hope if they were infected prior to 1986, except that Ontario and Quebec provincial governments have given them some compensation; waiting, except for those who are no longer with us.

* * *

BIOTECHNOLOGY

Mr. Lynn Myers (Waterloo—Wellington, Lib.): Mr. Speaker, over the past several months members of the House have raised questions and concerns over food safety as they relate to foods derived from biotechnology. Some have even suggested that the foods we eat are untested. This is simply untrue.

Foods derived from biotechnology must go through a very stringent regulatory process to ensure that they are safe for humans, for animals and for the environment before they are approved.

Canada has the best food safety regulations in the world. Our regulatory and approval processes are based on the best science available. Canadian regulations are in sync with standards set by the World Health Organization, food and agricultural organizations, and other international bodies.

● (1405)

Opposition members are simply trying to scare the Canadian public into thinking that the food they eat is not safe. Quite frankly Canadians deserve better than this. They deserve the facts. Canadians should be proud of our regulatory system and our world class food supply.

* * *

[*Translation*]

JEAN-CLAUDE MARCUS

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, after 20 years at the National Arts Centre, Jean-Claude Marcus will be leaving his position as artistic director of the NAC's French theatre.

During his stint at the NAC, Mr. Marcus has been both an innovator and a pioneer. Among other initiatives, he created the NAC's youth theatre program, Grands-Galop et Petits-Trot, the program to promote theatre in the regions, including La Quinzaine, which we are all familiar with, and the specialized B.A. in theatre at the University of Moncton's department of performing arts.

Jean-Claude Marcus was very involved at the international level and his efforts to promote arts and literature in France and

throughout the world were recognized when he was bestowed the insignia of Chevalier des Arts et Lettres.

All of us who have been moved, touched and even shaken by the various NAC productions during the Marcus years—the last of these productions is to be announced this week—say thank you to Mr. Marcus and wish him and his wife a most pleasant time in France.

* * *

[*English*]

HUMAN RIGHTS

Mr. Werner Schmidt (Kelowna, Canadian Alliance): Mr. Speaker, the gratuitous execution of Canadian Nguyen Thi Hiep by the Vietnamese government has shocked Canadians. The execution violated basic principles of human rights by failing to provide Nguyen with a fair trial and by carrying out the execution before investigations were complete.

With such blatant disregard for human rights one can only imagine the dreadful fate Ms. Nguyen's 74 year old mother faces as she serves a life sentence in a Hanoi prison.

Canadians in their outrage are calling on the government to exact a severe price and to review its co-operative agreements with Vietnam. On behalf of the Canadian Alliance, we extend our sympathies to the family of Ms. Nguyen. We call on all Canadians to continue to fight against human rights violations.

Canada must send a clear message to international governments to abandon such atrocities if they wish to carry on co-operative relations with our country.

* * *

[*Translation*]

THE LATE JACQUES BEAUREGARD

Mr. Robert Bertrand (Pontiac—Gatineau—Labelle, Lib.): Mr. Speaker, a few weeks ago, the mayor of Ferme-Neuve, Jacques Beauregard, who was working as an ambulance attendant at the time, lost his life in a tragic road accident.

I had the privilege of meeting the former mayor of Ferme-Neuve on a number of occasions. He was very involved in his municipality at a social, economic and community level.

Jacques Beauregard leaves a son, Martin, his spouse, Nicole Sarrasin, his father, Roger Beauregard, his mother, Madeleine, and three brothers.

Ferme-Neuve lost a mayor but, above all, a friend and a citizen who was deeply involved in his community. I wish to offer my sincere condolences to his family, his friends and the residents of Ferme-Neuve in their great loss.

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Thank you Jacques for all your work. You will always be remembered in Ferme-Neuve and in the beautiful region of Labelle.

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LAVAL UNIVERSITY

Ms. Hélène Alarie (Louis-Hébert, BQ): Mr. Speaker, every day, globalization creates new challenges for workers and business leaders. Everyone must develop new skills. In this context, I pay tribute to an excellent initiative—the creation of a chair in international affairs management at Laval University in my riding.

The chair will help train qualified managers through support to regular programs and through the development of ongoing training activities tailored to the needs of companies. It will offer the services of trainees specializing in international management and student trade missions to explore international markets in partnership with industry.

Initial efforts will focus on the internationalization of technology-oriented SMEs, management of virtual enterprises, economic intelligence, and international marketing of educational products and services.

Congratulations to the founders and partners of this new institution.

* * *

[*English*]

HUMAN RIGHTS

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, May 1 is hepatitis awareness day. I extend my personal thanks and my party's thanks to Mr. Joey Haché of Ottawa and Mr. Bruce DeVenne of Nova Scotia for bringing this very serious issue that affects over 300,000 people to the forefront in the country and for putting pressure where it belongs.

It is also international workers day. I remind the House that workers rights are human rights, from those of the rural route mail couriers throughout Canada fighting for collective bargaining, to the families of miners fighting for proper compensation from events such as the Nova Scotia Westray disaster.

● (1410)

It is time that the House recognizes the hon. leader of the federal New Democratic Party and support her Bill C-259 in order to lay corporate responsibility precisely where it belongs.

On behalf of New Democrats across the country, federally and provincially, I wish to thank all those workers who put in a hard day's work every day of the year.

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[Translation]

INTERNATIONAL WORKERS DAY

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, the Bloc Québécois is proud today to mark International Workers Day.

In 2000, 39.5% of workers in Quebec and 32.2% of workers in Canada are unionized. In Ontario, 28% of workers are unionized and in the United States fewer than 15% are.

It should be noted that it is often the people who are not unionized and who are working in difficult conditions who are most vulnerable to various forms of abuse.

In addition, workers who lose their jobs have an increasingly difficult time qualifying for employment insurance, since the reforms of the Liberal government.

Finally, the new reality of the job market means that many workers are without union or legislative protection.

The Bloc Québécois therefore promises to continue its fight to defend the rights of workers in Quebec and in Canada.

I wish everyone a Happy International Workers Day.

* * *

OCCUPATIONAL HEALTH AND SAFETY

Ms. Raymonde Folco (Laval West, Lib.): Mr. Speaker, April 28 was the National Day of Mourning, a day set aside annually to remember workers who have lost their lives or been injured in the course of their employment in Canada.

The main purpose of this day is to show Canadians' concern about occupational health and safety.

The day is commemorated around the world. Although it began in Canada, the Day of Mourning is now marked in more than 70 countries.

The reality is of great concern. In Canada, it is estimated that 1 out of every 16 workers is injured on the job. This means someone is being hurt every 9 seconds. Every year, over 800,000 work-related injuries are reported. Most at risk are the young and the inexperienced.

Our thoughts and prayers are with the families and friends of victims. We too feel the loss of their loved ones.

* * *

[English]

THE ENVIRONMENT

Mr. John Herron (Fundy—Royal, PC): Mr. Speaker, the Liberal government has the most dismal environmental record of

the past century. In fact the Prime Minister has overseen Canada's worst environmental legislative agenda. His government has not introduced a single environmental initiative in the past seven years.

When it comes to species at risk Canadians want legislation that works. With no environmental bills to its credit, the Liberal government is in no position to deny input from stakeholders offering legislative advice on a plan to protect species at risk. This unprecedented consensus developed by environmentalists and industry stakeholders is known as the species at work working group. The government has ignored its recommendations.

The Progressive Conservative Party supports the recommendations put forward by SARWG and believes the legislation should provide for scientific listing and account for socioeconomic considerations when designing the recovery plan.

In addition, we believe the bill should apply to all lands except where equivalent provincial legislation exists. Equivalency would be negotiated on a species by species basis utilizing the framework—

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

* * *

CANADIAN EXECUTIVE SERVICE ORGANIZATION

Mr. John Harvard (Charleswood St. James—Assiniboia, Lib.): Mr. Speaker, I rise today to extend congratulations to two of my constituents who recently donated their time and talent overseas in the service of the Canadian Volunteer Advisors to Service, also known as CESO.

John Goodes volunteered in Ostra, Romania, where he developed a strategic economic development plan for this economically depressed community.

Bob Harvey went to Jelgava, Latvia, where he used his expertise to advise on the management of health insurance companies as Latvia implements a national health insurance program.

CESO is in its 33rd year of sending Canadian volunteers overseas. Last year the organization provided over 23,000 days of volunteer assistance.

Mr. Goodes and Mr. Harvey typify the many highly skilled Canadian volunteers who donate their time and talent to help around the world. It is because of the efforts of people like them that our country enjoys such a strong international reputation.

*Oral Questions***ORAL QUESTION PERIOD**

• (1415)

[English]

HUMAN RESOURCES DEVELOPMENT

Mr. Chuck Strahl (Fraser Valley, Canadian Alliance): Mr. Speaker, it is good to be back. People around the world are especially glad to see the Prime Minister back from the Middle East where his foreign affairs expertise can be contained within our own borders.

Four full months have passed since Canadians learned that the government bungled \$1 billion. There has not been a resignation. There has not been a shuffle. There has not even been an admission of guilt.

Canadians are dropping their tax returns in the mail today and they want some answers.

Why should Canadians continue to send their hard earned tax dollars to the government when the Prime Minister has done absolutely nothing about the \$1 billion boondoggle at HRDC?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the people of Canada are very pleased to see that the Canadian economy is working very well at the moment.

The people of Canada are extremely pleased that we have created more than two million jobs since we formed the government.

The Canadian people are very pleased that we took a deficit of \$42 billion and turned it into a surplus of more than \$10 billion.

The Canadian people are very happy that we are not obliged to change the name of our party.

Mr. Chuck Strahl (Fraser Valley, Canadian Alliance): Mr. Speaker, the system does seem to be working very well for Liberals at least.

On February 4, 1997 a company called Mode Conili Star was incorporated. Three weeks later the member of parliament for Ahuntsic wrote a letter to the human resources minister lobbying for government grants for that company. On April 10 the company received three-quarters of a million dollars. Less than a month later and in the middle of an election campaign, Mode Conili graciously donated \$7,000 to the member who helped them get the grant.

At what point does Liberal fundraising involve using Canadian tax dollars?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, everybody in Canada knows that when we have a campaign people contribute to political parties.

I discussed this issue in the United States last weekend when people were asking how campaign funds were raised in Canada. Everything is public. Everybody knows that any contribution above \$100 has to be reported. When people have a good member of parliament, they are always happy to help that member of parliament.

Mr. Chuck Strahl (Fraser Valley, Canadian Alliance): Mr. Speaker, this is certainly out in the public and this is exactly what happened. The member for Ahuntsic personally lobbied the minister to give a grant to a company in her riding. That company then turned around and donated \$7,000 to her election campaign. Mode Conili got \$750,000 and the member for Ahuntsic got the single largest political contribution of her entire campaign. This is just another happy coincidence.

Why is it that when it comes to government grants Liberal candidates have found a gold mine while Canadian taxpayers get the shaft?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, members of the Reform Party do the same thing in their ridings. They try to help their constituents and when election time comes they ask these people to help them get re-elected.

What is happening at this time in the Reform Party, or whatever its name is today, is that its members are for sale and Bay Street is buying them.

Mr. Jay Hill (Prince George—Peace River, Canadian Alliance): Mr. Speaker, I would like to reiterate my hon. colleague's sentiments. I am sure I speak for all Canadians when I say that I hope it will be a very long time before we see a sequel to the new show, Mr. Bean goes gaga in Gaza.

Some hon. members: Oh, oh.

The Speaker: Order, please. I ask the hon. member to go to his question.

Mr. Jay Hill: Mr. Speaker, the member for Ahuntsic raised nearly 10% of her election funds from Mode Conili. The Liberal Party also received donations totalling \$2,000. The company had no history of donating to the member or to her party in the years leading up to the election. It just happened to donate after it got \$750,000 in grants.

Are taxpayers to believe that this is just the latest in a long string of Liberal coincidences?

The Speaker: Order, please. The first couple of questions were getting a little bit close. We must go to the administrative responsibility of the government. I will permit the Right Hon. Prime Minister or the government House leader to answer the question if he so desires.

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, as the hon. member across will know, he and his party have contributed to the process. We all know that the electoral law applies to all members of parliament, to all

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Canadians contributing to political parties and even to candidates during an election campaign. He should not try to portray this in any way that suggests that this law is designed in any way to favour anyone over anyone else. It is a fair law and it applies to everyone right across the House of Commons.

• (1420)

Mr. Jay Hill (Prince George—Peace River, Canadian Alliance): Mr. Speaker, what we are talking about here is the awarding of grants by this government. If that is not government business, I do not know what is.

Mr. Speaker, listen to this list: Confections St-Élie, Aérospatiale Globax, Placeteco, Fermco Industries and now Mode Conili. The list goes on. All these firms received HRDC grants and then donated cash to the Liberals. A full 33% of donors to the Prime Minister's campaign somehow got grants, but now we learn that backbenchers are just as lucky.

Why has taxpayers' money now become just another tool for Liberal fundraisers?

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the hon. member knows, as we all do, that Canadians are free to donate to political parties during election campaigns. They are free to donate to political parties between elections and to candidates during election campaigns. This is the law of Canada. This is the law of the land.

I remind hon. members that Bill C-2 will be approved by the Senate, hopefully within a few weeks, and it even improves on the excellent law that we have already.

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[Translation]

COUNCIL ON CANADIAN UNITY

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, for a number of months, we have been asking to have the Council on Canadian Unity audited so taxpayers can find out how public money is spent there. The government refuses, even though the council is on the list of agencies to be audited.

How does the government explain its decision to exclude the Council on Canadian Unity from audits?

Mr. Mauril Bélanger (Parliamentary Secretary to Minister of Canadian Heritage, Lib.): Mr. Speaker, that is not the case at all.

The Council on Canadian Unity will have some of its programs audited shortly, some funded by the Department of Human Resources Development and some by the Department of Canadian Heritage.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, we are talking about all the programs and we wonder if the

council is not to be audited in connection with all the money accorded it by the government because a few Liberal buddies are benefiting.

If they really want some programs examined, will Option Canada be one of them? It would be interesting, as about \$4.8 million has disappeared to date.

Mr. Mauril Bélanger (Parliamentary Secretary to Minister of Canadian Heritage, Lib.): Mr. Speaker, the people who benefit from the programs managed by the Council on Canadian Unity are the young people of Canada, primarily.

There is the Canada student exchange program in which 89 MPs took part. All political parties were represented there. Over 50,000 young Canadians participated in the programs of Encounters with Canada, and there was an Experience Canada program, which will be interrupted between now and the fall.

Those are the programs and the young people are the ones who benefited from them.

Ms. Caroline St-Hilaire (Longueuil, BQ): Mr. Speaker, this morning a spokesperson for Heritage Canada was quoted in a newspaper report as saying that her minister was waiting for the Council for Canadian Unity's programs to be running smoothly before any audit of its financial activities.

Will the Minister of Canadian Heritage acknowledge that the Council for Canadian Unity, which was founded in 1964, has had ample time to get its programs in working order and that it is high time they were audited?

Mr. Mauril Bélanger (Parliamentary Secretary to Minister of Canadian Heritage, Lib.): Mr. Speaker, we have already answered that question. The programs I mentioned will be audited. These are the programs administered by the Council for Canadian Unity to which the Government of Canada contributes, for the benefit of the young people of Canada and the future of Canada.

Ms. Caroline St-Hilaire (Longueuil, BQ): Mr. Speaker, may I remind the hon. parliamentary secretary that, in 1997, the director general responsible for departmental audits at Heritage Canada reported that, as far as Option Canada was concerned, 20 of the 22 criteria required by the standard procedures for obtaining grants had not been met, nor had even the Treasury Board requirements for the payment of grants.

Above and beyond what the parliamentary secretary may say, can we expect the government to commit to finally administering public funds properly and to finally putting an end to doing favours for its friends?

• (1425)

Mr. Mauril Bélanger (Parliamentary Secretary to Minister of Canadian Heritage, Lib.): Mr. Speaker, the friends to which

Oral Questions

the hon. member refers are the 89 members of this House who last summer were involved in the Interchange Canada program, which benefited over 700 young Canadians.

Every year 3,000 students, totalling over 52,000 to date, have benefited from the Encounters with Canada program.

That is who the government's friends were: young Canadians who benefit from such programs.

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[English]

HEALTH

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, my question is for the Minister of Health.

Unfortunately, over the last week's recess in Alberta the premier of Alberta has not had a change of mind and bill 11 is set to go forward. When I last asked the minister about this he said that the government was studying the implications for NAFTA.

Can the minister report on what is the federal government's judgment with respect to the NAFTA implications of bill 11? What is it going to do about it? Time is even more of the essence. Will the minister be going to Edmonton tonight to the rally sponsored by the Friends of Medicare to indicate what the government intends to do to stop Premier Klein from putting medicare for all Canadians at risk through NAFTA?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, we raised NAFTA concerns in our initial reaction to the Alberta government's proposal back in November. Since that time, various legal opinions have been received.

We have raised more than NAFTA concerns. We have expressed the view that this is bad policy and it will not solve the problems that Mr. Klein thinks it will. We have asked him to make specific changes in the legislation now before his legislature.

We are watching with interest as the public of Alberta expresses their own displeasure at this legislation. We will see whether the legislature actually adopts the bill, and in what form, in the days ahead.

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, the time has passed for watching with interest. The time has come for action on the part of the minister. Will he go to Edmonton tonight to join the leader of the NDP? If it is a matter of money, we have a ticket here bought and paid for—

The Speaker: Order, please. The hon. member knows better than to use props. If the hon. minister wishes to respond I will permit him.

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, I went to Calgary a few weeks ago and expressed in some detail the

reasons why this government thinks bill 11 is not in the public interest and expressed the concerns we have with the bill. Since then I have given detailed requests to the minister that the bill be amended to accommodate the real concerns we have.

The bill is before the legislature. There are amendments before that body and the debate continues. We do not yet know the final form the legislation will take when it emerges from the Alberta legislature.

One thing that is clear is that we will focus on and protect the five principles of medicare.

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VIETNAM

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, last week a Canadian citizen was tied up, gagged and shot by the Government of Vietnam. While the family of Ms. Nguyen Thi Hiep continues to grieve over her horrific death, the Liberal government continues normal trade relations and aid programs to Vietnam.

Canada has taken minimal action, simply boycotting this weekend's Vietnam memorial and withdrawing support for Vietnam's efforts to join the World Trade Organization. This is weak. Canadians expect more.

My question is for the Prime Minister. What concrete steps have been taken by the government to demonstrate Canada's outrage over this execution?

Hon. Maria Minna (Minister for International Cooperation, Lib.): Mr. Speaker, Canada condemns the execution of Ms. Nguyen Thi Hiep and extends our deepest condolences to the family.

The Vietnamese authorities have not responded to any of the concerns that have been raised by the government and we remain completely unsatisfied with the public renouncement. Therefore, the Minister of External Affairs has suspended all ministerial level contact between Canada and Vietnam, other than the contact that occurs in the context of multilateral meetings.

I am also postponing indefinitely upcoming consultations on existing development assistance and future programming in Vietnam. The Minister of Foreign Affairs has also requested that our ambassador to Vietnam, who is currently—

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

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, despite assurances from the Vietnamese authorities to put the execution on hold while reviewing fresh evidence from Canada, Vietnam proceeded with the shooting of a Canadian woman who may have unwittingly been duped into carrying drugs.

Oral Questions

On the heels of a disastrous trip to the Middle East, where the Prime Minister's ineptitude with regard to foreign affairs was evident, the Prime Minister remained completely silent on this international tragedy.

• (1430)

While playing golf again this weekend with the President of the United States, did he enlist the support of the United States in condemning this injustice? This is a woman's life.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the decisions and interventions of the government were made last week. As the minister said, we deplore this absolutely unacceptable conduct of the Government of Vietnam. We have taken all possible steps to make sure it understands that such action cannot be accepted and that the Canadian government absolutely condemns it.

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TAXATION

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, thousands of Canadians are lining up today to send their tax returns and personal cheques to Shawinigan. There are going to be a lot more than three coins in that fountain.

Can the finance minister tell us why Canadians should literally and figuratively send record high taxes to Shawinigan to fund fountains and private businesses?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, three and a half months after the budget I would like to congratulate the hon. member for his first question.

I would point out to him, three months later, that in the budget the government brought down \$58 billion worth of tax reductions over the course of the next five years. We have reintroduced indexation of the tax system to protect low and middle income Canadians. We have cut the middle tax rate from 26% to 24%, and it is on its way to 23%. I shall continue.

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, it goes to show that if they torture numbers enough they will confess to anything I guess.

The finance minister overtaxes Canadians by billions of dollars a year in order to fund boondoggle spending. Yet, before the budget, he was running around telling journalists that the government cannot pick winners in the private sector, but losers sure can pick governments.

When did the finance minister change his mind and decide that it was the role of government to fund fountains in the Prime Minister's riding and private businesses?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, if the hon. member wants to see losers all he has to do is look in the mirror. He looks a little fried.

The member only has to look at the government's industrial policy in terms of our support for research and development, our support for education and our support for the Canadians who will build the economy of the future. If the hon. member would look at our infrastructure program, which will be signed by the President of the Treasury Board with the provinces and municipalities across this country, he would see that the government is laying the climate and creating the basic structure that will give us the best economy we have ever seen.

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[Translation]

CINAR

Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ): Mr. Speaker, we know that the RCMP filed an affidavit in the Court of Quebec to the effect that it has evidence that CINAR used other people's names.

Obviously, Revenue Canada's voluntary disclosure program therefore does not apply in the case of CINAR. But negotiations between CINAR and Revenue Canada under this program continue nonetheless.

Will the Minister of National Revenue assure the House that he is not in a race to save CINAR before the RCMP has completed its investigation and reported to the Attorney General of Canada?

Hon. Martin Cauchon (Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.): Mr. Speaker, as I have said on numerous occasions, first, under the law, with respect to questions on specific files, this is confidential information that I may not comment on.

Second, Canada has something called the Income Tax Act. It applies to all Canadians, both individuals and corporations.

Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ): Mr. Speaker, without going into the details of the particular case of CINAR, will the minister admit that, when the RCMP has evidence of apparent tax fraud in a particular instance, his department's voluntary disclosure program by its very description is no longer applicable?

Hon. Martin Cauchon (Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.): Once again, Mr. Speaker, first, I cannot provide any specific information; second, the law applies to everyone; and third, I wish to repeat what I have already said in the House—there is excellent co-operation between the RCMP and the Canada Customs and Revenue Agency.

Oral Questions

• (1435)

*[English]***HUMAN RESOURCES DEVELOPMENT**

Ms. Val Meredith (South Surrey—White Rock—Langley, Canadian Alliance): Mr. Speaker, according to senior civil servants who run job creation partnerships, the majority of funds for this program are supposed to go to salaries.

However, in the Deputy Prime Minister's riding over 80% of \$1.6 million went to buy materials like trees and toilets for a waterfront park.

Would the minister not agree that this is the latest example of flushing taxpayers' money away just to provide a Liberal member of parliament with a photo opportunity?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, I certainly would not agree with the comments of the hon. member.

If we look at this project, it was brought forward by the city of Windsor as part of its strategic plan. In partnership with the Human Resources Development Canada people in that area, they identified 37 men and women who were on employment insurance, who did not want to stay at home collecting benefits, but wanted an attachment to the workplace, to get experience in landscaping, in laying bricks and in planting trees.

What we now have is a vast majority of those 37 people working, and we have a legacy in the city of Windsor of which all are proud.

Ms. Val Meredith (South Surrey—White Rock—Langley, Canadian Alliance): Mr. Speaker, I think Canadians want to know, if this program is so good in providing these jobs skills for people, why did only 20% of the funds go to job creation and preparing for jobs? Why did 80% of those funds go to something else?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, let me confirm that this project was fully in compliance with the terms and conditions of the job creation program.

I would ask the hon. member, if we want to provide 37 men and women with the skills and experience they need to get full time jobs in landscaping, how would they do that if they did not have bricks, if they did not have trees, if they did not have resources?

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*[Translation]***CINAR**

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, one cannot talk about voluntary disclosure in the case of

CINAR, since it was the Bloc Québécois' questions that brought the issue brought to the government's attention.

Under the circumstances, could the Minister of National Revenue assure us, beyond any doubt, that no arrangement will be concluded under the voluntary disclosure program with CINAR or with any of the bogus companies involved with CINAR, since whistle blowing was required to bring the whole issue to light?

Hon. Martin Cauchon (Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.): Mr. Speaker, again, at the risk of repeating myself, I cannot make specific comments on CINAR. However, I wish to refer to the fairness initiative put forward by the Canada Customs and Revenue Agency of which I am very proud and which includes several points.

That initiative includes what is called voluntary disclosure. It goes without saying that the notion of voluntary disclosure implies an initiative, a positive action taken by an individual or a corporation.

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, the minister is using confidentiality to avoid answering, but is he not using it to protect CINAR and put a lid on the whole issue?

Hon. Martin Cauchon (Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.): Mr. Speaker, again, as I said, the Income Tax Act applies to all Canadians, it applies to all individuals and corporations.

People clearly understand and support the principle of confidentiality, a principle which I will uphold as Minister of National Revenue.

Also, as I said before, voluntary disclosure is a positive action. The government or any other entity must not have already taken measures to recover funds belonging to the state.

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*[English]***HEALTH**

Mr. Bob Mills (Red Deer, Canadian Alliance): Mr. Speaker, in a Montreal hospital a wealthy Moroccan patient was able to buy heart surgery for \$60,000. At the same time, 635 Canadians were on the waiting list for the same surgery at the same hospital in Montreal.

Why does this rich foreigner get to jump the queue while Canadians die waiting for the same surgery?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, the member will know that the management of hospitals is in either regional or provincial hands.

Oral Questions

The member should also know that if the question of money were the only issue, we should remember that the Government of Quebec has some \$800 million from last year's budget still sitting in a bank account in Toronto.

If money were the only answer, then that problem would be solved.

Mr. Bob Mills (Red Deer, Canadian Alliance): Mr. Speaker, obviously that money was for five years and it is just using prudent management in terms of spending.

The member constantly hides behind the Canada Health Act. At the—

Some hon. members: Oh, oh.

An hon. member: That is pretty rude of that bunch over there.

• (1440)

The Speaker: Order, please. I agree with the hon. member. There is a bit of rudeness on both sides.

Mr. Bob Mills: Mr. Speaker, the minister hides behind the Canada Health Act. At the same time, the government has cut funding, it has failed to modernize the decaying system and it has forced hospitals to look at alternate types of funding.

Again, why is the government letting foreigners jump the queue to buy complex surgery while Canadians are forced to wait on the sidelines?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, if this hon. member is to be the critic for the Canadian Alliance, he had better do his homework. He would find out that over the last 14 months the government increased by \$14 billion the amount available to the provinces for health. This government has health as its priority.

The Reform Party would insist that we respect provincial jurisdiction, and indeed we do. When the provinces come to us to talk about improvements to the health care system, it means more than just more money; it means better management. We are prepared to work with our provincial partners to make sure that happens.

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[Translation]

CANADA LABOUR CODE

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, in the case of pregnant women's entitlement to preventive withdrawal from the workplace, women covered by the Canada Labour Code do not have the same rights as those under the Quebec Labour Code. This injustice can be promptly remedied if the minister has the political will to do so.

Will the Minister of Labour commit to entering into an administrative agreement with her Quebec colleague, as soon as possible, so that all women workers in Quebec will have the same entitlement?

Hon. Claudette Bradshaw (Minister of Labour, Lib.): Mr. Speaker, the Quebec Minister of Labour and myself are still at the stage of discussing conditions, particularly the working conditions of the women of Quebec and of Canada. I will be delighted to sit down with her to discuss this situation.

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[English]

CANADIAN BROADCASTING CORPORATION

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, my question is for the Minister of Canadian Heritage. Can she inform the House whether she intends to make representations to CBC-Radio Canada so as to ensure the retention of its local and regional programs?

[Translation]

Mr. Mauril Bélanger (Parliamentary Secretary to Minister of Canadian Heritage, Lib.): Mr. Speaker, I believe my hon. colleague will acknowledge that the CBC is an independent body. It would be inappropriate for the government to tell it what to do. This would, essentially, be interfering.

Moreover, CBC President Rabinovitch acknowledged during his appearance before the Standing Committee on Canadian Heritage in February that the corporation had a mandate to represent the country's regions.

Canadians are free to contact Mr. Rabinovitch, or members of the board, to voice their concerns about future decisions.

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[English]

ORGANIZED CRIME

Mr. Jim Abbott (Kootenay—Columbia, Canadian Alliance): Mr. Speaker, operation sidewinder revealed that the Chinese government and Asian criminal gangs have been working hand in hand to set up shop in Canada. Their goals were to influence Canadian politicians, steal high tech secrets, launder money and gain control of legitimate Canadian companies.

Canadians want to know why CSIS shut down operation sidewinder in 1997.

[Translation]

Mr. Jacques Saada (Parliamentary Secretary to Solicitor General of Canada, Lib.): Mr. Speaker, my colleague seems to forget a little too quickly that the report released after this affair

was released jointly by the RCMP and CSIS. Therefore, this is an illustration of the co-operation between these two agencies.

I must also point out that the Security Intelligence Review Committee, SIRC, is currently reviewing the matter. Once it hands in its report, we will be delighted to examine it together.

[English]

Mr. Jim Abbott (Kootenay—Columbia, Canadian Alliance): Mr. Speaker, the sidewinder report obtained by the *Globe and Mail* called this one of the greatest ongoing threats to Canada's national security and Canadian industry. The parliamentary secretary is correct in that it was a joint task force of the RCMP and CSIS. They recommended expanding it to include the Departments of Foreign Affairs, International Trade and Immigration. Instead of expanding it, CSIS shut it down and we want to know why.

[Translation]

Mr. Jacques Saada (Parliamentary Secretary to Solicitor General of Canada, Lib.): Mr. Speaker, I thank my colleague for his question. It gives me the opportunity to say something I have wanted to say for some time.

• (1445)

On the subject of international co-operation to protect the security of Canadian territory, Janet Reno, the United States attorney general, contacted our solicitor general to congratulate him on the co-operation she received from the RCMP and CSIS in resolving problems of international terrorism.

Sometimes, perhaps it is worth seeing the glass as half full.

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[English]

POST-SECONDARY EDUCATION

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, Canadians value and believe in our universal health care system and the right to education. Day after day we have taken this government to task to stand up for medicare and to stop privatization. Now Canadians are facing not just the threat of a two tier health care system but two tier education.

I want to ask the Prime Minister is he going to stand by and do nothing or will he say loud and clear that this government will not allow private universities and that funding will be restored for our public institutions to make sure that there is accessibility for students? Will he do that?

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the Government of Canada is always working together with its provincial counterparts on a variety of issues involving education and anything else. The hon. member opposite will know that we have increased the government

transfers under CHST. Contrary to the allegations made by several members, including those in her caucus, the amounts received by the provinces are not less now; they are greater than what they were when we came to power in 1993.

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[Translation]

ECONOMIC REGIONS

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, on April 27, in the Gaspé Peninsula, the Minister of Human Resources Development said that her department was considering granting the status of distinct economic region to the region of Gaspésie—Les Îles, to better reflect employment insurance needs in the area.

My question is for the Minister of Human Resources Development. Is her department considering making changes to its economic regions in all the regions of the country affected by seasonal work, such as the Acadian Peninsula?

[English]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, every five years the economic regions have to be reviewed right across Canada. We are in the middle of that process as we speak. The economists who are associated with the Employment Insurance Commission will be looking at the statistics and making recommendations for change as appropriate.

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TRANSPORTATION

Mr. Norman Doyle (St. John's East, PC): Mr. Speaker, my question is for the Minister of Transport. Marine Atlantic recently announced an increase in ferry rates between Newfoundland and the mainland of Canada. However the Minister of Veterans Affairs announced a couple of days ago that the ferry rates would be placed on hold, I guess until the St. John's West byelection is over.

Can the Minister of Transport indicate how long these ferry rates will be placed on hold?

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, there has been no announcement and no approval of ferry rate increases for Marine Atlantic. There have been consultations between the management of Marine Atlantic and the trucking industry in Newfoundland about the costing regime, given the fact that there has not been an increase for about four or five years. There has been no approval granted. Therefore my colleague the Minister of Veterans Affairs was entirely correct.

Mr. Norman Doyle (St. John's East, PC): Mr. Speaker, we know no approval has been given. This summer we expect a big tourism season because of the Viking millennium celebrations. Stable ferry rates can only help make this summer a great success.

Oral Questions

Given the importance of that very link to the survival and the continued growth of our tourism industry, will the minister agree to freeze the rates indefinitely?

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, I cannot believe the hon. member stands in the House with a straight face asking for a freeze indefinitely. There is no freeze on any rate increases or any taxes or any guarantee that could be made by any government. What I have said is that there have been no increases that have been approved.

For the very reasons the member has outlined, we want to make sure that we have extra capacity on the gulf run this summer to deal with the burgeoning tourism industry. We will make that commitment. It will be a good service and will provide all the capacity for everyone in Newfoundland.

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AGRICULTURE

Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.): Mr. Speaker, the Minister of Agriculture and Agri-Food has just returned from a trade mission to China and the Philippines. Could the minister inform the House as to the trade benefits for Canadian farmers resulting from this mission?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the delegation was very successful on two accounts.

I had the opportunity to meet with Vice Premier Weng Giabao in China and the president of the Philippines and their respective ministers of agriculture to stress the importance of all of us working together to eliminate domestic and export subsidies around the world.

• (1450)

In China I was able to sign a protocol that will allow the Canadian pork industry to now ship pork into China, and also another protocol that will allow Canada to be the first and only country at this time to sell seed potatoes into that market.

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ORGANIZED CRIME

Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance): Mr. Speaker, my question is for the solicitor general and is with regard to operation sidewinder.

We are talking about a massive international criminal organization that is looking to win influence with U.S. and Canadian politicians. It is looking to steal high tech secrets, launder money and to use legitimate Canadian companies as shells for its criminal activities.

Can the solicitor general explain to the House why and what was behind the decision to abolish operation sidewinder?

[Translation]

Mr. Jacques Saada (Parliamentary Secretary to Solicitor General of Canada, Lib.): Mr. Speaker, based on what the hon. member said, I think he will support our bill on money laundering.

I understand the member supports our allocating moneys to fight organized crime, particularly the \$115 million for the CPIC, the \$78 million for the anti-smuggling initiative, the additional \$810 million, over a three year period, for the solicitor general, the elimination of the \$1,000 bill, and the establishment of 13 joint units to prevent crime.

I could go on for three hours. This is what the member does not want to recognize.

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BILL C-3

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, the Minister of Justice is still refusing to let Quebec continue to enforce the Young Offenders Act, even though all of Quebec's stakeholders still say that the approach in her Bill C-3 is at odds with Quebec's approach.

Does the minister not understand that a law cannot be enforced on a regional basis and that, as a result, since her new law would not exclude Quebec from its application, it must be concluded that the Quebec model will disappear in favour of the rest of Canada's punitive and repressive approach?

[English]

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, far from having the Quebec model disappear, the proposed new youth justice act will enhance and encourage many of the strategies that the province of Quebec and agencies and programs supported by it have in place.

I continue to ask the hon. member for identification of any programs or initiatives presently undertaken in the province that would not be continued under the proposed law. He has not gotten back to me yet.

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GRAIN TRANSPORTATION

Mr. Dick Proctor (Palliser, NDP): Mr. Speaker, western Canadians are completely shocked with the 4.5% hike in freight rates announced for grain last week.

Short weeks after the wheat board minister promised more than 1,000 SARM delegates that they could expect \$150 million in reductions this year in freight rates, the rates are actually going up by \$44 million. It is unfair, unwarranted, unbelievable and the

reaction across the prairies and in Saskatchewan particularly is unprintable.

Will the transport minister tell the House why he has not already ordered a suspension of this outrageous increase?

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, the hon. member should know that it is the statutory responsibility of the Canadian Transportation Agency to take into account all the costs that railways are bearing in their operations. Therefore it was fully entitled to make the judgment it made some weeks ago.

I realize it has caused some concern with respect to people on the prairies, but as the hon. member knows we are working hard on a package to improve the competitive position of the grain farmers in the prairies. I hope that some of those savings my colleague talked about in the media some weeks ago can indeed be passed on to producers.

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NATIONAL DEFENCE

Mr. David Price (Compton—Stanstead, PC): Mr. Speaker, the Minister of National Defence has been quite open to Canada's involvement in a North American continental defence system. Our wannabe minister of the Nobel peace prize would rather have us as sitting ducks. Since the Minister of Foreign Affairs is inactive, is the Minister of National Defence looking at an amendment to bring the Russians on line or are we looking at the death of NORAD?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the Minister of Foreign Affairs has raised some valid questions with respect to the proposal that is now before the United States administration.

We are all concerned about these matters both from a defence perspective and also from a perspective of international peace and security. The right questions are being asked.

The United States has not made any decision with respect to the matter. It has not asked Canada to participate. Canada will in due course look at the matter very seriously and the Government of Canada will make a decision on it.

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• (1455)

ORGANIZED CRIME

Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance): Mr. Speaker, in regard to the solicitor general's answer last time, this side of the House supports the bill on money laundering. It was this side of the House that brought the bill in on organized crime. It was this side of the House, not that side of the House.

Oral Questions

If his government was not behind the destruction of the sidewinder file, why will he not tell the House why the sidewinder file was destroyed?

Mr. Jacques Saada (Parliamentary Secretary to Solicitor General of Canada, Lib.): Mr. Speaker, I answered this question in French a few times already and apparently there is a problem. Let me say it again in English this time.

Number one, sidewinder was not shut down. Number two, the report which came out of the sidewinder operation was jointly produced by the RCMP and CSIS. Number three, SIRC, the Security Intelligence Review Committee, is looking at this report and is going to produce its own findings.

Instead of basing my assessment on speculation as those members would like us to do, I would rather base it on facts.

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[Translation]

GENETICALLY MODIFIED ORGANISMS

Ms. Hélène Alarie (Louis-Hébert, BQ): Mr. Speaker, despite the Minister of Agriculture and Agri-Food's claim last April that there was no problem exporting GMOs, his secretary of state took the opposite view in the fall of 1997, citing the example of the ban on exporting transgenic canola to Europe.

How can the minister continue to deny the export problems, when our producers are suffering the consequences of his failure to take action?

[English]

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, I will report again that this government is involved very much with the Canadian standards board, with the industry, with the Consumers' Association of Canada, with several ministries of this government and the provinces in working toward a set of criteria that could be used in order to label products. There must be criteria. This is where other countries have found a problem. They cannot get a set of criteria that is meaningful, enforceable and credible.

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NEWSPAPER INDUSTRY

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, my question is for the Prime Minister.

On February 15 of this year the Prime Minister said the government would study the concentration of newspaper ownership in response to Thomson's announcement that it would sell off most of its newspapers. Given that Hollinger announced last week that over 300 community papers and over 50 daily papers could now be up for sale, can the Prime Minister inform the House of the

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progress of his study? Will he use this unique opportunity to bring in a newspaper act as the royal commission on newspapers recommended?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I think what the hon. member is talking about is not concentration. It is the people who had concentration who want to sell their newspapers. That is a different problem from the question that was asked before.

If Mr. Black is selling his newspapers, someone else will buy them and there will be less concentration rather than more concentration. It is better to wait and see what he will do with his newspapers.

* * *

FOREIGN AFFAIRS

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, given the earlier answer about the assassination of a Canadian citizen in Vietnam and the Prime Minister's non response, I want to ask him again, did he take the time during a four hour golf game with the President of the United States to even raise the issue? The President of the United States took the time to personally intervene to try to save this Canadian's life. Why did the Prime Minister not do the same thing, pick up the phone and extend a life line to a Canadian citizen?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I explained clearly the position of the Canadian government on that. I do not have to ask the President of the United States to state the position for Canada. Canada can state its position on its own.

On the other hand I used the occasion of my talk with the president. Last week I talked with him on the telephone and I talked with him privately about the situation in the Middle East. Not only that, Mr. Berger, the person looking after security, came on Saturday morning to discuss for an hour and a half with me the report of the Canadian mission in the Middle East. He was very happy with the trip and what the Canadian government has done.

* * *

ORGANIZED CRIME

Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance): Mr. Speaker, I want to thank the Parliamentary Secretary to the Solicitor General for his answer in both languages. I understood it in both languages. He did not answer the question.

• (1500)

Let me ask him a simple question. Why did the government shut down the sidewinder investigation when the RCMP wanted it expanded?

Mr. Jacques Saada (Parliamentary Secretary to Solicitor General of Canada, Lib.): Mr. Speaker, the sidewinder was not shut down. It is as simple as that.

ROUTINE PROCEEDINGS

[English]

ORDER IN COUNCIL APPOINTMENTS

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I am pleased to table, in both official languages, a number of order in council appointments made recently by the government.

Pursuant to the provisions of Standing Order 110 these are deemed referred to the appropriate standing committees, a list of which is attached.

* * *

GOVERNMENT RESPONSE TO PETITIONS

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 36 I have the honour to table, in both official languages, the government's response to 13 petitions.

* * *

PETITIONS**NATIONAL HIGHWAY SYSTEM**

Mr. Nelson Riis (Kamloops, Thompson and Highland Valleys, NDP): Mr. Speaker, it is an honour to present a petition from tens of thousands of petitioners from my riding and throughout British Columbia.

• (1505)

The petitioners point out the need for a national highway system and that an improved national transportation infrastructure would lead to improved quality life for Canadians through greater productivity, trade opportunities, job creation and tourism.

They call upon parliament to do whatever it can to encourage the government to adopt a national highway system, to put into place a national highway policy and to provide adequate funding for highway development.

BREAST CANCER

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am pleased to present a petition signed by a number of Canadians including from my riding of Mississauga South.

The petitioners would like to draw to the attention of the House that Canada has the second highest incidence of breast cancer in the

world, second only to the United States; that the United States has had mandatory mammography quality assurance standards since October 1994; and that Canada has no legislation for mandatory quality assurance standards.

Therefore the petitioners ask parliament to enact legislation to establish an independent governing body to develop, implement and enforce uniform and mandatory mammography quality assurance and quality control standards.

MARRIAGE

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, I have two petitions to present today on the issue of marriage. One calls on the government to adopt Bill C-225 to define in statute that a marriage can only be entered into between a single male and a single female.

The other petition calls on parliament to withdraw and overturn Bill C-23, to affirm the opposite sex definition of marriage in legislation and to ensure that marriage is recognized as a unique institution.

BREAST CANCER

Mr. Ovid L. Jackson (Bruce—Grey, Lib.): Mr. Speaker, I have a number of petitions to present today. In the first one the petitioners ask that parliament enact legislation to establish an independent governing body to develop and implement uniform mammography testing.

MARRIAGE

Mr. Ovid L. Jackson (Bruce—Grey, Lib.): Mr. Speaker, the second petition asks that we withdraw Bill C-23, reaffirm the opposite sex definition of marriage in legislation, and recognize marriage as an institution.

YUGOSLAVIA

Mr. Ovid L. Jackson (Bruce—Grey, Lib.): Mr. Speaker, the third petition is with regard to Yugoslavia. The petitioners ask that we put in some funds to help rebuild the entire country.

CHILD POVERTY

Mr. Ovid L. Jackson (Bruce—Grey, Lib.): Mr. Speaker, in the last petition the petitioners ask that the government reaffirm its 1989 resolution to eliminate child poverty by the year 2000. They suggest that the federal government introduce a multi-year plan to improve and establish legislation for children.

[Translation]

GENETICALLY MODIFIED ORGANISMS

Mr. Yves Rocheleau (Trois-Rivières, BQ): Mr. Speaker, I have the pleasure to table a petition signed by about 75 people of the

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Saint-Maurice Valley, in the ridings of Champlain and of Saint-Maurice, the Prime Minister's riding, and of Trois-Rivières of course.

The petitioners call on parliament to quickly pass legislation making it mandatory to label foods containing, partially or totally, genetically modified organisms. I call the attention of the House to the fact that hundreds of citizens from the Saint-Maurice Valley have already made such a request.

[English]

NUCLEAR WEAPONS

Mr. John Harvard (Charleswood St. James—Assiniboia, Lib.): Mr. Speaker, I have a petition that is reflective of the concerns of many Canadians pursuant to nuclear weapons.

The petitioners point out that over 30,000 nuclear weapons exist around the world and that this huge stockpile of nuclear weapons poses a threat to the health and survival of human civilization and the global environment.

Therefore they pray and request that parliament support the immediate initiation and conclusion by the year 2000 of an international convention which will set out a binding timetable for the abolition of all nuclear weapons.

[Translation]

GENETICALLY MODIFIED ORGANISMS

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, the day before an opposition day on GMOs, I have the pleasure to table a petition signed by 108 people, mainly in my riding, calling on parliament to quickly pass legislation making it mandatory to label foods containing, partially or totally, genetically modified organisms.

[English]

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I also rise to present a petition with respect to genetically engineered foods.

These citizens call upon parliament to legislate clear labelling on all genetically engineered seeds, foods and their byproducts available in Canada and, further, that these products be banned from the market until they have been rigorously tested.

● (1510)

GASOLINE PRICES

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I have another petition from a very large number of citizens in Peterborough who point out that increases in gas prices far exceed what we should be paying based on current prices for crude oil at the

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wellhead, resulting in the gouging of consumers at the gas pumps and negatively affecting the economy of Canada.

The petitioners call upon parliament to enact legislation to regulate standard gasoline prices across Canada.

MARRIAGE

Mr. Werner Schmidt (Kelowna, Canadian Alliance): Mr. Speaker, I have two petitions to present, both of which are on the same subject but were sent on different days. There contain well over 400 names.

The petitioners are asking the government to recall Bill C-23, to affirm the opposite sex definition of marriage in legislation and to ensure that marriage be recognized as a unique institution.

BREAST CANCER

Ms. Aileen Carroll (Barrie—Simcoe—Bradford, Lib.): Mr. Speaker, I am submitting three petitions to the House of Commons.

The first is signed by 236 individuals who are concerned about the high incidence of breast cancer in Canada. They are petitioning parliament to enact legislation to establish an independent governing body to develop, implement and enforce that uniform and mandatory mammographies meet quality assurance and quality control standards in Canada.

CHILD PORNOGRAPHY

Ms. Aileen Carroll (Barrie—Simcoe—Bradford, Lib.): Mr. Speaker, the second petition is signed by 298 members of the Highway Pentecostal Church in my riding who are concerned about child pornography.

They are petitioning parliament to take all measures necessary to ensure that possession of child pornography remains a serious criminal offence.

MARRIAGE

Ms. Aileen Carroll (Barrie—Simcoe—Bradford, Lib.): Mr. Speaker, the third petition is signed by 174 constituents in my riding who are petitioning parliament to withdraw Bill C-23.

HOUSING

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I am pleased to rise today to present a petition signed by over 3,000 Canadians who are desperately concerned about the lack of affordable and safe housing in Canada.

They call upon the federal government to recognize housing as a human right and to work with the provinces to ensure that 1% of the federal budget and the provincial budgets is dedicated to this most basic human right.

CHILD POVERTY

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I am also pleased to present a petition signed by over 600 petitioners who draw attention to the fact that in 1989 the House of Commons unanimously passed a resolution to eliminate child poverty. Regrettably we are further from that decision today.

They call on the government to ensure that there are budgetary measures to meet the goals of ending child poverty in Canada.

MARRIAGE

Mr. Reed Elley (Nanaimo—Cowichan, Canadian Alliance): Mr. Speaker, it gives me pleasure to rise in the House to present a petition on behalf of some constituents in my riding.

They ask that parliament withdraw Bill C-23, affirm the opposite sex definition of marriage in legislation and ensure that marriage is recognized as a unique institution.

CHILD PORNOGRAPHY

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, we add yet 27 more names to over 500,000 on the issue of child pornography.

These people are mostly from my riding. They are concerned that the government seems to be paralyzed into inaction in its failure to take action on the issue of child pornography. The petitioners urge the government to do something.

NATIONAL HIGHWAY SYSTEM

Mr. John Solomon (Regina—Lumsden—Lake Centre, NDP): Mr. Speaker, pursuant to Standing Order 36, I am pleased to present a petition on behalf of western Canadians who are disgusted with the lack of a national highway program.

Canada is the only country out of the 28 OECD countries in the world that does not have a national highway program. We have experienced very significant problems in western Canada such as deaths on the roads where we have not been able to twin them.

The petitioners are calling upon the House of Commons and the Liberal government to establish a national highway program which the federal government could fund to help build our country from coast to coast to coast. They are calling upon the government to do something quickly with respect to an action plan on building a national highway system.

MARRIAGE

Mr. Scott Brison (Kings—Hants, PC): Mr. Speaker, I rise today to present a petition from my constituents. The petitioners ask that parliament withdraw Bill C-23, affirm the opposite sex definition of marriage in legislation and ensure that marriage is recognized as a unique institution.

PAY EQUITY

Mr. Norman Doyle (St. John's East, PC): Mr. Speaker, I have a petition signed by approximately 300 people on behalf of the staff at the taxation centre in St. John's East-Stafford.

They are looking for equity in the issuance of pay equity cheques. More specific, term casual employees and casuals who have not been on current pay since July 1998 will not get their pay equity cheques until the fall, while other employees received their retroactive pay equity payments in April. All employees are due these retroactive payments and I do not see why they cannot all be paid at the same time.

• (1515)

PORNOGRAPHY

Mr. Norman Doyle (St. John's East, PC): Mr. Speaker, I have a petition signed by 45 residents of Newfoundland who wish to call the attention of the House to the degrading nature of pornography to individuals and to society as a whole.

They further call upon the House to urge the government to enact legislation with a view to curbing the production and distribution of pornographic materials.

CANADA POST

Mr. Norman Doyle (St. John's East, PC): Mr. Speaker, I have a petition signed on behalf of the rural route mail couriers of Canada.

The petition draws the attention of the House of Commons to the following: that rural route mail couriers often earn less than minimum wage and have working conditions reminiscent of another era; that rural route mail couriers have not been allowed to bargain collectively to improve their wages and working conditions; that private sector workers who deliver mail in rural areas have collective bargaining rights, as do public sector workers who deliver mail for Canada Post in urban areas; and that section 13(5) of the Canada Post Corporation Act prohibits rural route mail couriers from having collective bargaining rights.

Therefore, the petitioners call upon parliament to repeal section 13(5) of the Canada Post Corporation Act.

* * *

QUESTIONS ON THE ORDER PAPER

Mr. Gar Knutson (Parliamentary Secretary to Prime Minister, Lib.): Mr. Speaker, I ask that all questions be allowed to stand.

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

Some hon. members: Agreed.

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GOVERNMENT ORDERS

[English]

IMMIGRATION AND REFUGEE PROTECTION ACT

The House resumed consideration of the motion that Bill C-31, an act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger, be read the second time and referred to a committee.

Mr. John Solomon (Regina—Lumsden—Lake Centre, NDP): Mr. Speaker, I was asking the minister at that time how Bill C-31 would impact on closing the door to criminal elements and gangs.

For example, on the front page of the *Globe and Mail* on the weekend there was an article about the Chinese triads who are infiltrating our country, or who have infiltrated our country, and are establishing a very complex criminal process which is taking advantage of our citizens, and certainly taking advantage of being allowed to operate in our country as citizens.

I would hope that this bill would stop these sorts of very terrible organizations from forming in our country. We have enough crime as it is without having to import it from China and other places.

We have some reservations about this bill. It is essential that the rules apply in the name of fairness and justice and do not result in a travesty of justice. The best example is that we will not allow people who have been convicted of crimes to enter our country.

I think that is a good standard; however, I do not think we should be totally inflexible about it, because a person convicted of a crime punishable by more than 10 years, and who has served more than two years, someone like Nelson Mandela, would not have qualified as a refugee to Canada under the proposed bill. I think we have to look at what sort of criminal records these individuals have and whether they were standing for human rights in their country, charged and put in jail. We have to look at those on a case by case basis.

Other examples are the people who hid Anne Frank and the brave Canadians who helped build the underground railway for American slaves. They would have qualified for stiff criminal penalties under Bill C-31. We believe that there are some problems with that, and I hope that in committee we would be able to resolve some of those issues.

We also look forward to the minister's invitation to review and have some input into the regulations. She indicated in the House earlier today that all stakeholders, caucuses and political parties would have an opportunity to mould the regulations of this bill. I am looking forward to having our critic, our caucus and our party

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make recommendations with respect to streamlining the regulations, making them as fair as possible.

In summary, we in the NDP believe that the Immigration Act has to be modernized. It has to be toughened up. The two approaches this act takes, being tough on crime and tough on the causes of crime, are important elements, but we should also open the door for those who legitimately have grounds for immigrating to our country to allow those people in.

• (1520)

We have to have the resources backed up by the treasury of Canada to allow that to happen. This means more resources in the consulates and embassies of Canada around the world. One of the biggest problems we have had, for example, is with our embassy in Beijing. We cannot talk to people there. We only get a recorded message. Anybody who wishes to make application from China to Canada has to go through a very complex and frustrating process. We are hoping that because of the increased resources that will be provided with the bill this will allow the process to be streamlined and allow potential new Canadians to actually talk to existing Canadians on a one to one basis.

[Translation]

Mr. David Price (Compton—Stanstead, PC): Mr. Speaker, I am pleased to rise today in support of Bill C-31, the Immigration and Refugee Protection Act.

We have been asking the government for a long time to introduce this new immigration legislation, which was supposed to have been introduced last year. Whether it is late or not, this bill comes at a time when a lot of flaws and chronic problems are surfacing at Citizenship and Immigration Canada.

Today I will talk about several issues regarding immigration and the proposed new bill. I will also touch on the auditor general's report on immigration issued a few weeks ago. It has brought to light problems that the government has been aware of for some time.

I would like to set out the recommendations I have brought before the committee. The minister has stated that the bill would be tough on criminals, but I am not so sure. The clauses of Bill C-31 on security are inadequate.

Before dealing with these issues and the bill itself, I want to remind the House that the Progressive Conservative Party of Canada is the party of immigration. In the 1980s, under a Conservative government, the number of immigrants had skyrocketed. In 1984, the last year of the Liberal government, Canada had admitted 88,239 immigrants. In 1993, the last year in office of the Conservative government, it had welcomed 255,919 immigrants. We know the value of increasing the number of immigrants. Figures do not lie.

[English]

However, we are also aware of the flip side: the abuse of the system that occurs all too often.

In the 1980s we introduced two controversial bills to deal with imperfections in the system. These bills, one of which was emergency legislation, were totally opposed by the Liberals. That is hardly a surprise. The Liberal theory is all about ignoring issues and letting them fester. Liberals do not take a stand on issues out of fear of losing the next election.

When dangers arose we took action. I can assure the House, during the course of this debate on the immigration bill, the PC party will continue its tradition of fighting for an efficient and effective immigration system.

We are familiar with the immigration system. That is why this party is looking forward to debating the clauses and provisions found in Bill C-31.

Just three weeks ago the auditor general released a damning report of the department. Chronic problems exist therein, problems the Liberal government has not addressed. Even worse, there are problems the auditor general had discussed before. Allow me to expand on these serious issues.

All newcomers to Canada must pass a medical test to protect Canadian society from the risk of disease. Criteria for medical tests are next to nil and have been standard for quite some time; 40 years. No testing exists for new diseases like HIV or hepatitis. Even more, physicians do not determine medical admissibility; officers do. Approved doctors carry out examinations and forward their advice to the officers. What medical risks are posed to Canadians? What new diseases are routinely transported to Canada?

• (1525)

Just this past weekend the American president announced that he had declared HIV as the number one security risk for the U.S.A., and we are not really even looking at it.

Sadly, the auditor general underlined deficiencies in medical examinations 10 years ago.

The Liberals need to get off their hands and address potential medical risks to Canadians. How could they possibly delay this?

Reading through the immigration bill does not provide any reassurances that the health of Canadians will be protected any time soon. Medical tests and health provisions are given very little space in Bill C-31. I am not satisfied that sufficient preventive measures are taken in the new bill. When will the criteria for medical admissibility be updated? What health conditions are

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considered to be a danger to public health? What diseases will excessively burden the health care system? These are only a few questions that the minister should address in this new piece of legislation.

The auditor general also addressed the department's computer systems. The systems are outdated and not integrated. Are these the kinds of computer systems that aid in determining medical and criminal admissibility to Canada?

The minister has announced a new global case management system which she says will cost \$200 million. The department has received \$575 million in new funding, but \$209 million has been spent now. This new funding will be eaten up very quickly. Where does the minister expect to find the extra funding that will be required for the case management system and the increased administration brought about by Bill C-31?

No one will ever know how many criminals are admitted to Canada. Foreign police records may not be updated or reliable. Some countries cannot provide the information due to internal turmoil. The department's solution to this is to simply not require police certificates from 40 different countries. This is a preposterous means to deal with criminal admissibility to Canada.

That is not all. In 1998 over 1,300 ministerial permits were issued to people with criminal convictions. What kinds of people are routinely coming to this country?

Stiffer fines and longer jail terms may help in keeping criminals out of Canada, but we need to start at the source. We need to have a better detection strategy in place abroad to screen criminals. Simply not requiring certificates from unreliable countries does not take care of the problem.

I hope the minister sees fit to take an introverted look at her department and fix it on the inside. I hope the new global case management system will soon be up and running. I am not satisfied that the new bill adequately addresses the holes in the internal administration at the Department of Citizenship and Immigration.

As the standing committee discussed its draft report on border security I was able to secure two amendments in the final report. That amendment was the requirement for all refugee claimants to be fingerprinted and photographed at first point of contact in Canada.

It often happens that refugee claimants disappear and do not show up for their hearings. One statistic from the Immigration and Refugee Board in Vancouver shows that 71% of claimants did not show up for their hearings. Where are these people going? How many criminals are passing through? What threats and risks are posed to Canadians as these unknowns walk our streets?

As a party we are concerned about these potential criminals. That is why identifying these individuals at first contact is of prime

importance. As a sovereign nation we have a right and a duty to know who is entering our country. In such a large country as Canada it is hard to keep track of every single person, but we must make some attempt to be familiar with who is coming in.

This resolution passed unopposed at committee. Members were supportive that it be included in the bill. Members can well imagine my astonishment that the minister did not include the fingerprint and photograph recommendation in Bill C-31. When I asked officials about this they told me that it would be carried out by way of regulation. This does not suffice.

• (1530)

Fingerprints and photographs must be provided for in the new bill. We should not allow such an important provision, unopposed by the standing committee, to be carried out only at the whim of immigration officials. To have teeth, this needs to be written into Bill C-31.

A second resolution I proposed at committee involves safe third countries. A safe third country is one a potential refugee to Canada has passed through on his or her way here. Safe third country provisions would be an efficient and fair means to deal with undocumented refugee claimants. These individuals would have a safe haven in a safe third country.

The thinking behind the safe third country provision is that it is mutually beneficial. More important, the refugee claimants are given a safe haven in a country they pass through on their way to Canada. Second, Canada is able to control its borders from undocumented arrivals.

I am pleased that Bill C-31 makes provisions for safe third country negotiations in clause 95. The government is willing to pursue the idea of safe third countries, but why has it not taken any action? Over the past seven years the Liberals have negotiated safe third country provisions with only one country, the United States. They spent one and a half years at negotiations with no success. That is strange since it is beneficial to both countries.

The minister must have an idea of what other countries are seen as potential partners. I would ask if she would provide the House with such a list and when negotiations will start.

One of the biggest fears of this party is the entry of foreign criminals. As we heard from members of the NDP, Canada has enough crime of its own. We do not need to start importing it. Though the new bill purports to toughen our present stance on criminals, much more can be done.

In the new legislation provision is made to bar individuals from the refugee determination system in clauses 31 and 32. Clause 31 deals with those inadmissible on the grounds of having violated human rights. Clause 31 refers to representatives "of a government against which Canada has imposed or has agreed to impose

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sanctions in association with the international community". Would the minister please clarify a representative? Is it a government official or a national of that country?

Clause 32 of Bill C-31 sets out criteria for serious criminality. I do not understand why a serious criminal is only deemed to be someone who has been convicted of a crime punishable by 10 years or more in Canada. Why these numbers? Is the minister telling us that offences for which someone could serve only nine years are not serious? What does she mean by serious criminality? I am baffled at why the minister would not take all crime seriously.

Even more, there is not necessarily consistency between the justice systems of two countries. An offence punishable in Canada by 10 years may not be punishable in another country at all. I am not comfortable with these numbers. As they are set out in the bill I do not see how these provisions will be effective in keeping criminals out.

In the PC Party's platform for the 1997 election we spelled out our commitment to end patronage appointments to the Immigration and Refugee Board. In keeping with good Liberal traditions, part 4, clause 150, states in black and white that members of the IRB will be appointed by the governor in council. No means of ensuring meritorious appointments are outlined in the new bill. This party and numerous witnesses at committee, including the Canadian Council for Refugees and the Canadian Bar Association, have called on the government to end patronage appointments. The government has again cast aside this recommendation in favour of its own partisan interests.

I believe an effective and representative opposition will criticize the governing party when necessary but will also give it a pat on the back if it does something right. I am pleased that the minister has changed the provisions and requirements for in Canada processing. Spouses, students and temporary workers will now be able to apply for permanent residency from right here in Canada. They will not have to uproot themselves and go through the delays in the immigration system once they have settled in.

• (1535)

[Translation]

This is important for me because I come from Lennoxville, a university city whose population increase in September with the arrival of students who come from all over the world to go to Bishop's University.

I have met many bright, talented, and ambitious students from abroad who would have liked to stay in Canada to start a new life. Unfortunately, I have also met some who did everything they could to stay in Canada, but who had to interrupt their courses or their work program to go abroad in order to apply for permanent residence. This is one measure that will be beneficial to those young people who are brilliant and full of energy.

Recently, a woman from my riding was a victim of the flaws in the current landing provisions. She moved to Canada two years ago to live in the Eastern Townships with her husband, who left her shortly thereafter. Since she had asked to come to Canada under her husband's name, she found herself in a critical situation. She must now leave Canada to be able to apply for permanent residence.

This is all the more difficult since she has four young children, two of whom go to school. That family has begun its integration into Canadian society, but the mother is now forced to leave Canada with her family to apply for permanent residence in Canada. On top of all the trouble this is causing her, she does not even know how long she will have to wait before being granted permanent resident status.

I congratulate the minister for the measures she is taking in that regard. It is a step in the right direction that will open our front door a little wider.

I am happy to express my point of view and that of my party on Bill C-31, an act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger. Members of the Progressive Conservative Party will be at the forefront of this debate. As I said at the beginning of my remarks, we are the immigration party. We took the necessary measures to correct, as much as possible, the flaws in our system.

We have a good knowledge of the subject and, as we have done in the past, our party will see to it that Canada and its borders are well protected.

[English]

I will talk about a couple of cases which may illustrate why I feel a lot of things have not been addressed in the bill.

I had the opportunity to sit in on some interviews, the first one being an immigration case involving a young gentleman and his wife. The gentleman was an aeronautic engineer with six years university in another country which he knew from previous experience was not recognized in Canada. By the way, aeronautic engineers were being given high marks on our points system.

He was applying as an aircraft mechanic since he also had experience in that field. Unfortunately our points system had not caught up and he was not recognized as being in demand in Canada. He spoke both of Canada's official languages. He had a young family and a good background and was willing to establish in Canada. Yet, because of the problem with the points system and with not recognizing certain educational certificates from other countries, we are having to refuse people like him. That is one point where our system is missing out, and it is not being addressed in the new bill.

Since I do not have much time I will go directly to the problem of border security. Customs officers in many cases are our first line

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immigration officers. Unfortunately they have very limited powers, resources and training. This is being looked at.

In my riding I have seven border crossings. The government has decided that at one of these border crossings it will be training people and giving them the required power they need and everything that goes along with it. However, that is one border crossing. It makes absolutely no sense at all. That leaves six other crossings in the riding for which there are absolutely no plans for changing the people, giving them proper training and equipment and everything that goes along with it. Therefore there will not be a problem with any criminals who want to come across the border. They will just pick another border crossing.

• (1540)

That is not directly related to immigration but yet it attacks immigration all along the line. I will leave it at that and I will say that I look forward to bringing forth some amendments and having some good discussion and debate in committee.

Mr. Leon E. Benoit (Lakeland, Canadian Alliance): Mr. Speaker, it was interesting that a member of the Conservative Party pointed out that the Liberal government was not quite the party of immigration it claimed to be.

That is a good point. The Liberals always talk like they care about immigration, but they have let the system decay to a state of shambles. It is not working for economic immigrants who would help our country quite quickly. It is not working for genuine refugees. It is working all too well for bogus claimants, for people who come here illegally and for people smugglers. I do not believe the legislation will help the government deal with it.

At the same time the Liberals have allowed the numbers of immigrants to decline every year since they were elected to office in 1993. That party claims to be the party of immigration. It has allowed the numbers of immigrants coming to the country to decline every year since it has gained power. It is not what it says it is.

My greatest concern is not the number of immigrants so much as the fact that the system has collapsed so badly it just cannot deal with the problem of proper screening and attracting the people whom we need to help us build our country. We are at a stage where our country needs rebuilding.

It is very interesting that the Conservative member talks about the Mulroney Conservatives as having been the party of immigration. It is true that the Conservatives allowed the numbers in, but they were the ones following on the heels of the Trudeau regime who allowed our immigration system, which once was an excellent system, to collapse. They were the ones who allowed that to happen. They allowed many people to come in under a general amnesty. The numbers are there but there was absolutely no

screening of people allowed in under the general amnesty. That is the way they allowed high numbers to come in.

The issue is how we help people who will benefit our country most quickly to come to our country and how we keep people out that we just do not want. The hon. member is not looking at the Mulroney record very realistically if he considers that the Conservatives had a good record on immigration.

Hon members should go to the 1990 auditor general's report. They were in office three years after that. The auditor general pointed out just a couple of weeks ago that exactly the same problems are still there in 2000 which were there in 1990. The Mulroney Conservatives did nothing to fix that up in the three years they had to work on the system. Their record is no better and I think the hon. member should acknowledge that.

My question for the member is about the issue of a safe third country. I have heard people who have worked in the immigration system at very high levels say that the reason our refugee system is working so poorly, if we wanted to find one reason, is the issue of a safe third country where refugees are allowed to make claims, even if they come from a country that is considered to be a safe country of origin. I have had more than one person who is very knowledgeable about the system, having worked in the system, tell me that had this issue been dealt with when the IRB was put in place under the Mulroney regime our refugee system would be working quite well right now. Because that was not done, the IRB has been a failure from the start.

• (1545)

How important does the member think this issue is of a safe third country and not allowing people to make refugee claims if they come from a country that is seen to be a country that respects human rights and is a signatory to the United Nations convention on refugees?

Mr. David Price: Mr. Speaker, I am happy to answer the member's question. The safe third country is something that has been bugging me all along.

I have no problem saying that the safe third was brought in by our government in 1988 but, unfortunately, was never acted upon. When we talk to the people in immigration now they tell us that all they have done so far to the existing law that is on the books is spend a year and a half negotiating with the United States. No other country has been looked at so far, which is really very unfortunate because a lot of countries are out there.

We have seen cases recently, such as the group that came through India last summer from Tibet. We know for a fact that some of those people spent several years in India and others spent several years in Germany. They could easily have applied through those countries. Since we know that they came from those countries, had we had agreements with them, they could have been sent directly back there to apply.

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I do agree with the hon. member on that. It was one of the recommendations I made in committee and one that was unanimously accepted by all members. One of the items I had asked for, and which was accepted, was that at the end of each year the minister would bring a report to the House stating how many countries with which they had been negotiating and how far the negotiations had gone. Doing that on a yearly basis would probably push things a little more to get this into the system.

[Translation]

Ms. Raymonde Folco (Laval West, Lib.): Mr. Speaker, I would like to comment on the speech of the hon. member of the opposition.

I wish to remind him that the vast majority of refugees do not immigrate to Canada to settle here. On the contrary, they choose to go to what they call a third country, the second or third country they move to, namely neighbouring countries to their country of origin. In other words, those who want to leave Rwanda will first go by the thousands if not by the millions to countries next to their own, rather than come to Canada.

When we talk about the few thousands of refugees who wish to come to Canada, I think we must consider the issue in its true perspective and consider the responsibility we have, as Canadians, to accept them.

But most of all, I would like to ask my hon. colleague a question. How can he reconcile what he said with the facts? The fact is that when the Liberals formed the government in the 1950s and 1960s and even during the 1940s, immigrants came to Canada from Italy, Germany, Greece, and we also welcomed Jews who left Europe after the war. We welcomed them by the thousands and they became the very backbone of our immigration. Today, their children and grandchildren are Canadian citizens.

Therefore, when the hon. member says that the Liberal government of the day never championed immigration, I would like him to explain how, in the face of evidence to the contrary, he can reconcile his comments with the facts?

Mr. David Price: Mr. Speaker, the answer to this question will be very short. There were not only Liberal governments at the time; there were two governments, the Conservative and the Liberal. Both accepted immigrants during the years the hon. member mentioned. I should know, because my wife is from Germany and was a member of this group of immigrants during the 1950s.

• (1550)

Times have changed a lot, needs have changed as well, and the Liberal government did not respond. We responded to these problems.

The Liberal government talks about 300,000 people. This is an approximate number. I have just asked the committee to examine

this issue, and I believe it has agreed to examine the number of people we would need now, because the figure is not known.

When we ask the minister, she tells us the figure of 300,000 comes from the red book. I do not think so. The last study was done in 1980. There has been nothing since then.

[English]

Mr. Rick Borotsik (Brandon—Souris, PC): Mr. Speaker, I thank my colleague for the very thoughtful, balanced and wonderful position that he put forward on Bill C-31. He mentioned that he had suggested a fingerprint-photo ID with respect to the policy we are now developing for immigration but that the bureaucrats decided that it would best be done through regulation as opposed to legislation. For my purposes, it is always better to have it in legislation so that legislative rule is in place for people to work with that type of photo-fingerprint ID.

Can my hon. colleague tell me why it is that the bureaucrats are so insistent that it be in regulation as opposed to legislation, such as Bill C-31?

Mr. David Price: Mr. Speaker, unfortunately, it is more than just bureaucrats. The bureaucrats want to make the regulations but they are being pressured by the minister. It becomes a budget problem. The fact is that to do fingerprints and photos requires equipment. Equipment is available in most of the places but not everywhere. The problem is dollars. The only way we to ensure we have a system like that is for it be in the bill. We will then be guaranteed that the money will be there.

[Translation]

Ms. Raymonde Folco (Laval West, Lib.): Mr. Speaker, from time to time, immigration makes the headlines. This is especially true lately. Whenever this happens, there is always someone to say that Canada should amend its immigration laws to fix the problem of the day.

Since I came here, we have all heard this on various occasions in the House. However, the time comes when we have to look at the whole picture. Instead of asking for a particular amendment to fix a particular problem, we must overhaul the whole legislation. We have to rethink the way we do things.

Essentially, this is what the government has done with Bill C-31. After extensive consultations, the Minister of Citizenship and Immigration recommended that we, parliamentarians, approve a new legal framework for immigration and the protection of refugees in Canada. We are not talking about tinkering. We are talking about a whole new act in tune with today's needs and realities.

[English]

I want to spend a few minutes today covering some of the fundamental reasons that Canada needs Bill C-31.

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I will be sharing my time with the member for Chatham—Kent Essex.

I want to talk about why the very structure of the act should be changed. Much has changed over the almost 25 years since parliament passed the current Immigration Act and over that time there have been many amendments to the act. In fact, parliament has amended the Immigration Act more than 30 times since the late 1970s. Even with all those changes, we still have issues to address, issues that the bill does address.

Changing attitudes and changing court decisions have obliged governments to see family relationships in a broader light.

• (1555)

In fact, we in the House passed a law not long ago which recognized our view of how family relationships have changed. As a result, Bill C-31 allows the sponsorship of common law partners as members of the family class.

Consistent with modernizing benefits legislation, regulations will then define common law partners as including same sex relationships.

[*Translation*]

Moreover, we are now living in a world where smuggling immigrants and trafficking in human beings has become a very lucrative activity for ignoble and unscrupulous individuals. This past summer, we all read in the papers about the arrival of hundreds of people being used by individuals who make money on their backs.

We are not only talking about people being smuggled into Canada, we are also talking about people who are trapped in clandestine forced labour by criminals. The bill before us today deals directly and harshly with such criminals. These illegal migrants are just one segment of the growing number of migrant workers throughout the world.

On the good side of the coin, Canadians must review the way our government encourages people who could contribute significantly to our economy to come to Canada. We must see to it that our country continues to take advantage of qualified immigrants coming to Canada in a world where competition is fierce to attract those people.

We must not forget that, as a government, our first responsibility is to Canadians and to the standard of living they want to have.

This bill opens our doors wider. Overall, we need administrative processes that yield good results in a more efficient manner. This bill serves the taxpayers better in more than one respect while preserving the basic principles of equity and a good decision-making process.

It is impossible to patch up the existing legislation to integrate all these changes as well as the other changes that will stem from passage of Bill C-31. The time has come to pass new legislation.

[*English*]

What kind of legislation will serve Canada best in the very volatile world of immigration and refugee protection? Events have already shown us that we need a flexible, responsive piece of legislation, not a cumbersome, rigid law.

To answer that question, I want to turn to the very structure of the act, which this bill would enshrine in law.

[*Translation*]

This is framework legislation. In other words, it sets out the general principles and policies on which our efforts in the area of immigration and refugee protection must be based. It says clearly that the procedures for the application of these principles and policies will be generally found in regulations.

Some claim, and I think they are wrong, that we are preventing Canadians from reviewing these regulations and giving their input. In fact, there already are many regulations and I can assure my colleagues that the regulatory process in Canada is very transparent.

There are measures to be taken before any proposed regulations take effect. Members and interest groups must be informed and consulted in that regard. And, of course, with tools like the Internet, the government gives Canadians the opportunity to examine existing and proposed regulations and to make comments.

[*English*]

Even so, not everything can or should be in regulations. That is certainly true of something as important to Canadians as immigration and refugee protection.

Canadian immigration policies are built on three pillars. First, we are committed to opening our doors to families and to reunifying families to the extent possible and consistent with Canada's interests.

Second, we are committed to opening our doors to people who can make an economic contribution to this country.

Third, we are willing to meet our obligations to protect people fleeing persecution and to continue our commitment to provide assistance to those in need of protection consistent with Canada's humanitarian ideals and traditions.

• (1600)

[*Translation*]

Those are the principles underlying the current legislation that will also underlie the new legislation. However, it is important to

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note that they have never been included in the law before but now will be.

The framework legislation is based on those principles. It integrates the substantive rules that determine who should not be eligible for settlement in Canada. The bill would guarantee fundamental rights. It clearly indicates the criteria used for the determination of refugee status. It clearly defines the power of arrest. Under Bill C-31, the elements that should be included in the act would be included.

The government's decision to introduce the Immigration and Refugee Protection Act as framework legislation is easy to explain. A brief overview of the comments on the current Immigration Act is enough.

Many consultations were held in the last few years on the new thrust this legislation should have. The opinions vary on many aspects, but nobody claims that the current legislation is a model of clarity and good public administration.

[English]

If we want usable and responsive legislation that can be understood, we have to put into law what ought to be in law. We should leave to regulation what is properly left to the regulatory process.

[Translation]

We will therefore be able to adjust rapidly to meet the needs of Canadians while ensuring that those rights and principles are duly respected. Canadians will have the opportunity to voice their opinion, which is as it should be in matters of public interest.

I will be proud to support this bill when we vote. I urge my colleagues from all parties to do so.

[English]

The Acting Speaker (Mr. McClelland): I wonder if the member for Laval West could help me. Was the member for Laval West splitting her time?

[Translation]

Ms. Raymonde Folco: Mr. Speaker, I had indicated that I would be sharing my time with the hon. member for Chatham—Kent Essex.

[English]

The Acting Speaker (Mr. McClelland): I was paying such rapt attention that the time flew and I thought, gosh, could 20 minutes have gone by that quickly. It must have.

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, I listened to the speech and I have a curious question.

In her speech the member mentioned the different things that were changed in the Immigration Act. She drew attention to the

fact that changes had been put in to accommodate same sex relationships. I am wondering how she envisions this working. If two young men were to go to an immigration office, and they said they were in a conjugal relationship, what is the government going to do to ascertain that is the fact and that they are not simply two friends from London who decided to come to Canada? How is that going to work?

[Translation]

Ms. Raymonde Folco: Mr. Speaker, it is too early to answer these questions in detail. However, I can tell my hon. colleague that we had the same problem with regard to refugees. It is possible to ask very specific questions to determine if people who wish to immigrate have really lived together, for instance for several years, and if they truly have spousal status.

In the Province of Quebec, where I come from, the legislation allows same sex spouses to receive some benefits from the provincial government. The beneficiaries only have to prove that they have been living together for a specific period of time. I believe we could apply the same rules in the case of immigration.

[English]

Mr. Reed Elley (Nanaimo—Cowichan, Canadian Alliance): Mr. Speaker, I would like to ask the hon. member in light of her speech and the government legislation that has been put before us about the higher maximum penalties for the crime of human trafficking.

• (1605)

It is very commendable that the government has raised the penalties to a high level, life imprisonment, high fines and that sort of thing. In view of the fact that most of the people behind human trafficking and human smuggling do not reside in this country and conduct their business offshore, how in the world would the government and the law be able to enforce such a law when these people never set foot in Canada?

[Translation]

Ms. Raymonde Folco: Mr. Speaker, the question is extremely appropriate.

As we know, the Minister of Citizenship and Immigration has just returned from an official visit to the People's Republic of China, where she discussed this issue with members of the government, the Minister of Foreign Affairs and several governors of provinces from which the illegal migrants and illegal refugees are coming.

The idea here is to pass agreements with the governments of countries where these criminals come from, so that once we have established that these people have committed crimes and are not

Canadian residents, action can be taken on the basis of the crimes they have committed. It is therefore a question of signing bilateral agreements with other governments, similar to those which already exist in other areas.

[*English*]

The Acting Speaker (Mr. McClelland): On questions and comments, the member for Lakeland, a short question.

Mr. Leon E. Benoit (Lakeland, Canadian Alliance): Mr. Speaker, I would like to follow up on the question that was asked by my colleague because I do not believe it was answered.

The point is that while the minister has put in place in this bill tough penalties for the top level organizers in people smuggling, life imprisonment or a fine of up to \$1 million, the fact is that in the next 10 years we will not see anyone face that law. The people who would face the top end of the penalty do not live in Canada. The main organizers are in other countries, in the country of origin.

I would like the member to answer that question. I think it is good and I am glad it is there, but what good and how much effect is it going to have on people trafficking when in fact the top end organizers never will face our law because they operate outside the country?

I have a second question which is on safe third countries. Some people have told me that up to 90% of refugee claimants who come to Canada, who land at our airports or cross our borders, come through safe third countries. For example, many who come to Vancouver would land in Hawaii, so the United States is the first—

The Acting Speaker (Mr. McClelland): I am sorry. I knew I was stretching it asking the hon. member for Lakeland to come up with a short question because we did not have much time.

[*Translation*]

Ms. Raymonde Folco: Mr. Speaker, I will be glad to answer the question just asked. First of all, with all due respect, I must tell my colleague that I think he answered the question himself.

The problem with illegal refugees is that they are not real refugees but people who are being used by international criminal groups. This is just like the problem with drugs, for example. Therefore, we have to be able to track down criminals who have very extensive networks and who do not reside in Canada. This is the case for refugees as well as drugs and several other things.

We need agreements with the countries where those criminals live and we are just beginning to do that. Furthermore, we need co-operation with organizations like Interpol and I know that the minister is working on that. The problem of illegal refugees, and I

insist on the word illegal, is not a refugee problem, but a problem of international criminal activity.

[*English*]

Mr. Jerry Pickard (Chatham—Kent Essex, Lib.): Mr. Speaker, I am pleased to continue the debate on the second reading of Bill C-31, the immigration and refugee protection act.

In a world too often torn apart by ethnic, racial and religious strife, Canada is one of the model countries of the world. It certainly is a privilege and an honour that Canada shares with some other nations.

• (1610)

One reason for this tolerance and compassion in Canada is that we are a country of immigrants. Consider today that 46 members of the House were born outside Canada. Our governor general, Adrienne Clarkson, came to Canada as a refugee during the second world war. In the nation's capital many Canadians have participated in high tech companies. Many of the companies were started by immigrants.

Immigrants enrich the everyday lives of Canadians as doctors, nurses, people in our health care system, teachers and university professors. Immigrants who write books, make films and entertain have put Canada's cultural industry on the world stage often winning international awards in the process.

My riding of Chatham—Kent Essex is rich in ethnic diversity. Many of my constituents are refugees who have overcome great economic hardships to build successful new lives for themselves in Canada. Today they contribute to Canadian society as workers in our economy, as volunteers in our communities and as nation builders of Canada for tomorrow.

Indeed with the exception of our aboriginal people, we are all immigrants or refugees or descendants of immigrants and refugees. That is why this debate is so important today. Just as Canada was built by immigrants and refugees, what the country, our children and grandchildren will receive from us will be one built by the systems that we alter and change today.

Honourable members of the House know that countries with the most open minds to immigration throughout history have prospered and flourished. That is why our government has a long term goal of annual immigration levels of 1% of our population. This government knows that healthy immigration levels are the fuel for a dynamic and growing economy. With our declining birth rate and aging population, a strong immigration program is an investment in our future.

As we welcome new arrivals to our shores, Canada continues to benefit from savings, earnings and investment that result and which in turn lead to increased demand for our goods and services. In

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today's emerging global markets, Canada's multilinguistic and multi-ethnic workers provide us with a great opportunity to be competitive throughout the world.

If immigration has been a vital part of our economic success, our refugee system has earned us a reputation as humanitarian leaders throughout the world. Canadians are proud of our tradition of providing a safe haven for those in genuine need of protection. Time and time again Canadians have opened their hearts and their homes to those fleeing war, persecution and horrendous violations of human rights. In the 1990s many of my constituents joined Canadians across Canada in opening their hearts, often by making financial and other donations to the Kosovars.

The immigration and refugee system has indeed served Canada well. However, the international and domestic environments the systems work in have changed. Therefore, changes are required in our Immigration Act.

Human smuggling has become a major underground industry as some people try to circumvent immigration rules that are provided to protect all. The United Nations estimates that international trafficking operations smuggle over four million people a year across national borders and that smuggling is a \$10 billion industry.

Civil war, racial tensions and religious persecution in other parts of the world put innocent people's lives at risk. Requests from refugees seeking safe haven in Canada have increased by almost fiftyfold in the last 20 years, from 500 refugee claims in the 1970s to 24,000 claims in the last few years.

The Canadian economy requires skilled workers and entrepreneurs who can contribute to Canada's economic growth. The draft legislation before us which addresses these and other issues is the result of more than four years of work. The process included nationwide extensive consultations with provincial governments, business groups, the Canadian Bar Association, refugee organizations and individual Canadians.

• (1615)

As has been so aptly put by my hon. colleagues during this debate, Bill C-31 has a dual purpose. The legislation will close the back door for those who would abuse the system. For example, by providing severe penalties and fines of up to \$1 million and life imprisonment for people who are smuggling or caught trafficking in humans.

Closing the back door will allow us to open the front door even wider both to genuine refugees and the immigrants Canada will need for a growing, prosperous future. Yes, it is tough on criminal abuse of immigration and refugee protection systems but not on the overwhelming majority of immigrants and refugees who have built this country and will continue to do so in the years ahead.

The comprehensive package before us strengthens the program's integrity and reduces cost without diminishing fairness or legal

safeguards that Canadians have built into the system over many years. It also follows through on Canada's throne speech commitment to strengthen measures directed at preventing admittance as well as removal of criminals, terrorists, human rights abusers and human traffickers. These reforms strike a balance between enforcement measures to address the abuse and our need for opening the system. New measures will also help Canada attract immigrants who can contribute to the knowledge-based economy of the 21st century.

Hon. members are very familiar with the backlogs in Canada's immigration and refugee determination systems. We, as members of Parliament, are often asked by permanent residents, families who wish to sponsor potential immigrants and refugee organizations, to help with the long delays. I hope Bill C-31 will quickly be passed into law so that we will be able to inform people in our ridings who ask for our help that concrete measures have been taken to improve our immigration and refugee systems.

Let me enumerate some of the important measures the government has already implemented or will be able to put into place when Bill C-31 is passed.

Client service is being improved through the introduction of global case management systems. This will result in faster processing times. New funds have been designated to clear up backlogs. The management of the inventory of applications for permanent residence and immigration visas abroad is being improved. These measures will mean immigration systems will serve Canadians, permanent residents and potential immigrants faster and more effectively.

The proposed in Canada landing class in the draft legislation for temporary workers, foreign students and sponsored family members of permanent residents would make it easier for these people to remain in Canada. By facilitating the entry of temporary workers through a more service oriented approach, the government will assist employers to meet their immediate needs for skilled workers faster.

There are many measures to keep the refugee system fair but make it faster. These include required eligibility decisions to be made within 72 hours; consolidation of protection decisions of immigration and refugee boards; and the increased use of single member panels supported by paper appeal on merit. All of this will allow genuine refugees to be processed faster so that their lives are not put in limbo while they wait for decisions crucial to their future.

Canadians have made it clear to their elected representatives that they want a system based on respect, both for laws and for the tradition of welcoming newcomers. This bill strikes the balance that Canadians want. I am confident my constituents, both Canadians and those who are new immigrants and refugees, will support the goals of this legislation. I request everyone in the House to give it support.

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Mr. Leon E. Benoit (Lakeland, Canadian Alliance): Mr. Speaker, I find it very interesting that everything the member mentioned, except one item, has to do with the administration of the act, something that is not included in any way in this legislation. There is no attempt to deal with the administration of the act.

• (1620)

The one thing he did mention, which is included in the act, is the one-member panel. He pointed out that this would speed up the process. That would be true if we did not have additional appeals inside the IRB. Those additional appeals will be used by most people who apply and may require more than one panel member. Since all the other appeals are still available, we will probably see a further slowing down of the system. If it is combined with other things in the act, the system certainly will slow down.

Why did the member focus on administrative changes, which are not included in the act in any way, as being a solution to the problem? He has hit on a key point. The act by itself, even if it were a good act, which I do not believe it is, would not solve the problem. The administration is the problem. The auditor general pointed that out in spades two weeks ago. How does the member think the new act will solve the problem if administration is not improved? The administration is separate from the act.

Mr. Jerry Pickard: Mr. Speaker, it is very clear, when we look at our Immigration Act and the changes that have been brought about today and will be continuing forever, that we have to ensure that our system does move refugees through as easily and quickly as possible.

There is absolutely no question that it is in part a legislative process that has to be sponsored and supported very strongly by the administration.

It is absolute nonsense for the critic, my hon. colleague across the way, to suggest that a one-member board will slow the system down. When we stop to think about the processes in place with the boards that have been there, it is much easier and certainly a heck of a lot more efficient if there is a person to listen to the tremendous number of appeals going on to make sure they are carried out in a much quicker way. We put extra dollars into the system in order to make sure that those appeals can be heard and dealt with in a lot quicker way. Yes, there may be some that do go to an extra level of questioning and that is only fair. It is only fair that we allow a broader appeal if we do not answer all the questions in the first opportunity.

From the appeals I have seen from constituents in my riding, I would suggest that they are very carefully put together. They are put together in a way that one person listening to them can certainly make judgments as to where and how the effects of the appeals are carried on.

It is not a matter of having poor administration. It is a matter that we are getting more and more immigrants applying to Canada and we have to alter the system to a degree to make certain that we give fair and open hearings to everyone who requires it.

Attacking the administration really does not do anything. What we need to do is look carefully at the suggested changes, at the recommendations that are coming forward, and realize that they will expedite cases in a much better way.

Mr. Gurmant Grewal (Surrey Central, Canadian Alliance): Mr. Speaker, I rise on behalf of the people of Surrey Central to participate in the debate on Bill C-31, an act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger.

Before I go further, I want to extend my appreciation to the hon. member for Lakeland, the immigration critic for the Canadian Alliance, for his thoughtful presentation in the debate earlier today.

My office received numerous calls during the Easter break. I am sure that other members also received many telephone calls concerning this bill.

• (1625)

I was on a radio talk show on the weekend discussing this bill. The public is confused and fed up with the misinformation the feds have fed us. There has been weak Liberal government propaganda about changes to Bill C-31. They have given selective information to the media. They have told us that this new act will do certain things for new immigrants. They said that it will give people an opportunity to sponsor any person or any relative. This is one among many other misgivings they have given. I had to defend the whole procedure by saying that this was not yet an act but only second reading of the bill. I had to explain the whole process of how a bill becomes law before people could digest this.

In one of the phone calls I received, someone told me they were going to arrange a marriage in the family but that they were going to hold off with the plans because the new law will probably help them to sponsor a relative to Canada. People are making decisions based on government propaganda.

Before federal elections the Liberals have a habit of throwing sugar-coated pills to garner political support from immigrants. In their first red book, the propaganda was that they would increase the immigration quota, so the immigrant communities that thought the idea was good voted for them. Once the Liberals were in power a smaller number of immigrants were allowed to come to Canada.

Similarly, concerning the opening of the consulate office in Chandigarh, in Punjab, India, statements and pictures appeared in the newspaper saying that a consulate office was being opened in Chandigarh. Most of the people from India who are in Canada are from the Punjab and they were demanding a full consulate office in Chandigarh.

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The Liberals took pictures and made statements before the 1997 federal election and even before the 1993 election and all those promises were not kept, particularly by the fisheries minister. He is on record as having said that he helped the Liberal government open the consulate office in Chandigarh. However, it is only a liaison office. It does not give application forms for visitor visas. Even if a marriage certificate is missing in a file they do not accept that. The Liberals are in the habit of this kind of propaganda.

Because the election is around the corner the Liberals have started singing the same song. They forget that they can fool people only once.

The purpose of Bill C-31 is to repeal and replace the current Immigration Act of 1976. It attempts to address the growing problem of people smuggling and human trafficking, Canada's refugee determination system and the definition of who can become a refugee in Canada with increased focus on protection. It also attempts to address the creation of an in-Canada landing class of immigrants, expanded criteria for family class immigration and increased controls on sponsorship. This bill will not accomplish its objectives. Rather, it will likely significantly slow down the entire immigration system.

The government has failed to even make the changes based on simple common sense. It will never be effective unless the Liberal government, that lacks vision, makes improvements in the management of the system: better training, tighter auditing and meaningful enforcement.

Let me highlight some ineffective salient features of the bill. Paragraph 3(3)(d) of the bill provides protection consistent with the Canadian Charter of Rights and Freedoms to all those in the world who would seek admission to Canada. That means anyone who is denied access to Canada has the full right to appeal the decision, the same old onion effect will continue, the layers will keep on peeling and it will never end.

• (1630)

The legislation provides very little protection to Canada's borders, as this clause ties the hands of the immigration officials who may become increasingly reluctant to refuse entry and it will significantly add to a litigious immigration system.

No other country in the world gives the rights of its citizens to foreign nationals. While we should welcome genuine immigrants to Canada, the department must be able to retain certain controls of the system rather than handing over the controls to lawyers.

This bill, rather than tightening, broadly expands the definition of refugee well beyond the UN definition of a conventional refugee and in contrast to the direction taken by most other western nations. This will continue to make Canada's refugee determination system the easiest target in the world for abuse and it will encourage human traffickers and smugglers. This will almost guarantee that

anyone arriving on our doorstep with a good story provided by the smugglers will be accepted as a refugee.

Canada currently accepts over 50% of the people applying for refugee status, in contrast with the U.S. which accepts less than 20% of the people applying for refugee status. The United Kingdom accepts less than 30% and New Zealand accepts less than 15%. The problem is not to accept refugees; the problem is that the criteria should be such that genuine refugees are given the protection, not bogus refugees.

While we should welcome genuine refugees to Canada, the department must provide immediate protection to those refugees and reunite their families as soon as possible, rather than keeping them in the current clogged pipes of the system for years and years.

I have firsthand experience in my constituency of Surrey Central dealing with at least 40 refugee cases which were accepted five or ten years ago but for which there has not been issued a landed document. Therefore, the families could not be reunited. The people involved cannot work properly.

I remember in one case the refugee was accepted, his fingerprints were taken and he was accepted as a refugee. However, the weak system failed to give him the landed certificate. In the meantime, he was working under a work permit, making a little money, and he wanted to buy a taxi. He could not buy that taxi. He could not go into business because he did not have the landed document. That is the kind of clogging in the pipeline which inhibits the economic contribution of these people who become immigrants in Canada. This is unacceptable. We must not let it deteriorate further.

The bill provides for higher maximum penalties for human trafficking and people smuggling. That looks good on the surface. When the minister introduced the bill she delivered a message from the government, but the message is on a different track, and what this legislation would offer is on a different track, and both tracks are going in different directions.

Similarly, it looks like tough talk, but whether it will be practical, whether it will be implemented, that is the point. The stiffest penalties would only apply to those in charge of people drafting operations, and they operate primarily outside the country and remain absolutely untouchable.

• (1635)

The middle level organizers in Canada are protected by organized crime rings and are rarely caught and seldom convicted.

The current maximum penalties have never actually been applied to anyone convicted of people smuggling. In fact, as of 1999 the highest penalty ever handed out was 10 months in jail and a \$3,000 fine. That is a mockery of the justice system. It is a mockery of law and order.

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Recently the minister went on a junket to the Fujian province of China with a view to stopping human smuggling. It is laughable. There are 150 countries from which thousands and thousands of people want to come to Canada. They would use any kind of means, legal or illegal. They do not care. Will the minister be going to all of those countries to stop those people? She failed to tighten our legislation here in this country. I thought it was the responsibility of the foreign minister to use diplomacy and be effective, not the responsibility of the immigration minister.

She failed earlier to send a strong message to smugglers around the world by sending the illegal migrants back. That was her job to do. She did not do her job, but she wanted to do the foreign minister's job.

She has failed to put teeth in the new bill. Perhaps she would prefer to go on an around the world trip and compete with the foreign minister for air miles.

The bill also proposes that there be security checks for refugee claimants prior to these cases being referred to the IRB. Is it not shocking that this weak government admits now that this has not been done in the past? Why not? Why were security checks not done before the cases were given to the IRB?

Without more emphasis on enforcement it will be very difficult to do proper security checks on 60% of the refugee claimants in Canada, according to the Auditor General of Canada. They come to Canada without identification. When they board the plane they have some sort of identification documents, but when they get off the plane they do not have any documents. According to the auditor general, 60% arrive without documents. How can security checks be done?

The new bill would allow foreign nationals to apply for permanent residency status using the independent immigration side of the act; that is, applying from within Canada. This makes sense in certain cases, such as a highly skilled foreign worker, or a student perhaps who has completed a post-secondary course that is in demand in Canada. However, past experience has proven that this cannot be maintained as a broad-based application and would allow thousands of people without status to stay, further clogging the system.

Another thing the minister mentioned this morning was that, as usual, this bill will rely heavily on regulations for its interpretation. The legislation is small, but there is a truckload of regulations to follow. The legislation is like a blank cheque signed by the ineffective minister. Without backroom management, administration, enforcement and training, the attempts to speed up family reunification for both independent immigrants and genuine refugees will be irrelevant.

I am the co-chair of the Standing Committee on the Scrutiny of Regulations and I can testify that regulations, enormous in number,

come through the back door; whereas in the House, when we debate, all the emphasis is placed on the legislation.

It would be correct to say that 80% of the whole effectiveness of the law is through the back door, through the regulations, and that probably 20% of the 300 members spend their time and energy getting excited about that in the House.

• (1640)

We need a better system to scrutinize the regulations so they will be effective and keep the intent of the legislation which was originally passed in the House.

What is the position of the Canadian Alliance? We see Canada as a land built by immigrants. We will continue to welcome new immigrants. I myself am an immigrant, and I did not come to Canada a long time ago.

We would support sponsorship for immediate family members. Our immigration policy would take into account Canada's economic needs. We would introduce greater fairness and security to the system, including enforcement of sponsorship obligations. We would welcome genuine refugees to this country with open, warm arms. We would work co-operatively with the provinces on the settlement of immigrants. We would protect the integrity of the valuable contribution made to the fabric of Canada by millions of law-abiding immigrants. We would not allow their good reputation to be jeopardized by those who engage in criminal activity, and would speedily deport such individuals once their sentence was served.

As well, we would affirm Canada's humanitarian obligations to welcome genuine refugees. We are proud that our country has provided a safe haven for displaced people from across the world. To ensure fairness and put an end to queue-jumping, we would immediately deport bogus refugees, those who would abuse the system and other illegal entrants. We would severely penalize those who organize abuses of our system. We would ensure that refugee status was arbitrated expeditiously, consistently and professionally. We would end the abuse of refugee claims as a fast track to gaining the benefits of landed immigrant status.

The system should work for the legitimate, genuine people who want to come to Canada, not for those who are criminals or who would enter through the back door and abuse the system.

Our refugee system is such that it does not work for the genuine refugee. Imagine those pictures we watch on TV about the UN camps for refugees; those genuine refugees who are displaced and suffering. However, if they cannot come into the system, the system is not working for them.

I want to dedicate some of my time to express what my constituents in Surrey Central are saying to me. Surrey is one of the fastest growing communities in Canada, one of Canada's more

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racially diverse and multicultural metropolitan centres. We are proud of that.

I hear complaints about Canada's flawed and broken immigration system. I heard complaints that people were taking bribes in our embassies abroad. When I brought this matter to the attention of the minister, the RCMP were expeditiously dispatched to investigate the matter and people were punished. The point is, why is the system not detecting the problem and working for the genuine people?

Another problem is with the backlog of cases in Canada. I hear from my constituents frequently that there is a funeral, a birthday or a party and people want to come to visit their family members, but they are not able to get a visitor visa. Some people even gave personal guarantees or were willing to post a bond, but the system did not work for them. If no visitors can apply within Canada, how would those people get visitor visas to come to Canada? The knot is tightening on visitor applicants, which will make the system unfair. There is no right of appeal for a visitor visa.

Members of parliament are caught in between. They can neither help their constituents nor do anything else about the problem.

I wanted to talk about the head tax and non-governmental agencies, but time will not allow that. The system should be effective and working for genuine immigrants. The government has failed to deliver what Canadians want with this new act.

• (1645)

[*Translation*]

The Acting Speaker (Mr. McClelland): 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 Mississauga South, Immigration; the hon. member for Lambton—Kent—Middlesex, Immigration; the hon. member for Davenport, Foreign Affairs.

[*English*]

Mr. Leon E. Benoit (Lakeland, Canadian Alliance): Mr. Speaker, I appreciate the intervention of my colleague. He comes from the riding of Surrey Central which has an extremely large population of new immigrants.

A couple of studies done by two individuals have been released through the media over the last couple of days which tell a rather grim story. The first study was done by Jeffrey Reitz, a professor of sociology, who questioned whether we were getting the economic impact we should expect and the economic impact that we used to get from new immigrants. That would lead me to argue that the current system is not working well.

According to this rather comprehensive study done by Professor Reitz, in 1981 new immigrants were getting paid about 80% of

what Canadian born workers were getting. By 1996 that dropped to 60% of what Canadian born workers were receiving. It is extremely disturbing when new immigrants, five years in the country, are getting paid only 60% of what people born in the country are getting. It shows there is a need for some improvement in the immigration system. Would the hon. member comment on that?

A second study done by Jack Jedwab also indicated that new immigrants were not getting the foothold they used to get. Would the member comment on these studies and the information revealed in them?

Mr. Gurmant Grewal: Mr. Speaker, all of us have heard about discrimination in the wages and the earning power of immigrants, but there is misinformation in the public at the same time. If we go back in the history of Canada, everyone would agree that Canada is a country of immigrants. They worked hard. They were the architects of the country. They built the Canada of today that we are proud of.

I will blame the government to some extent. For the last 132 years only two parties have been governing the country, the Liberals and the Tories. In a way they are to be blamed. Let me give an example.

In my view there is institutionalized discrimination by the Liberals against economically poor countries. Let me talk about the immigration fee which we call a head tax. The head tax of \$1,500 per person is a small amount in economically developed countries. People in other parts of the world are living on a couple of dollars a day, or even less in some economically backward countries. These people will never get a chance to come to Canada because \$1,500 to them is a huge amount. This is institutionalized discrimination by the government.

We should hire people based on merit. We should not hyphenate people or go into ethnicity and other lines which divide us. I believe the lines which define us are probably the lines which confine us. All people should be treated based on their ability, their merit, their qualifications and their experience, rather than on ethnicity or the country they came from. Those things should not be a subject of the 21st century.

• (1650)

Mr. John McKay (Scarborough East, Lib.): Mr. Speaker, I was fascinated by the hon. member's response to that question. I congratulate the minister on her willingness to listen to the committee, her willingness to listen to other Canadians, and having absorbed that material reflecting on it and producing the bill. It is nice to work with a minister who listens. I appreciate as well her work with the committee and her respect for the committee. Over the course of my few comments I will reflect on and refer to the

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number of recommendations she has picked up. Before I go much further, I want to indicate that I will be splitting my time.

I just returned from leading a multiparty delegation to Taiwan. It was a fascinating trip. Taiwan processes about 1,200 visas a day. It is the busiest visa office we have in the world. The Taiwanese have a saying about Canada, that Canadians live quietly in paradise. That is very interesting.

I would suggest that the way the Taiwanese see us is in large measure the way many other people in the world see us. It is therefore of no great surprise that many people in the world try to get to our borders and will sacrifice anything they have in order to get here. They will almost and literally sell their souls to the devil in order to be able to come to Canada.

We should all have these problems. Other nations should have these problems. The Prime Minister is fond of saying that when he goes abroad and returns here he realizes that his problems in governing this nation are frequently of less serious magnitude than the problems of many other leaders.

It is reasonable to say that most countries would like to have the same problems we have. People are literally dying to get to this country and we therefore have a surfeit of human capital. Nevertheless, we are inundated by those who wish to come here. We literally have 39 million border crossings on an annual basis; in other words, the population plus 10 million people. We issue something in the order of three million visas on an annual basis.

In order to be able to control our borders and have some semblance of an immigration policy we have to devote enormous resources to it. Frankly we do not always do it as well as we might, but the minister has in some large measure responded to those issues.

Some criticisms of our immigration policy are legitimate. One of them is that people come here and claim to be refugees. That will get them into the system. Then they go through the refugee system and if they are turned down they appeal that. If they fail at the appeal they go back to claiming a risk review. Then they go to risk review and if they fail at that they can appeal. If they fail at that they come back to humanitarian compassion. If they go to humanitarian compassion and lose on that, they go to some form of appeal. If they do not like that they get a removal order. They appeal the removal order and after that they go to deportation. If they do not like that they disappear.

It is a system which is rife with abuse and something that the minister has addressed. One thing she did, which was a recommendation of the committee, was to try and consolidate the process. She decided to consolidate the refugee determination process, the risk review process and the humanitarian compassion process so that they would all be done at one time.

• (1655)

The minister has moved to end this interminable game of snakes and ladders. This is a game with people's lives. Frankly it is a game that challenges the tolerance of Canadians to be fair and responsible to those who are in need of protection in our country.

Currently the assessment of grounds for protection is handled in several stages. One is at the IRB and the other is at the Department of Citizenship and Immigration. The new system will consolidate these grounds into one assessment during a single hearing process at the IRB. Essentially the working thesis of the bill is that the facts are the same. Whether the facts are for refugee determination, risk review or humanitarian and compassionate grounds, they are all the same facts. Therefore it is only appropriate that all the same facts be dealt with at the same time such that individuals who may or may not qualify for refugee determination may well qualify for risk review.

The grounds for assessment of risk are the Geneva convention on refugees, the convention on risk of torture and risk to life and/or cruel and unusual punishment. These grounds are not new. They are merely brought together so that there are no longer a multiplicity of steps but one.

The second aspect of the consolidation of the review process will be the shrinking of two member panels to one. Currently two member panels hear refugee cases at the IRB. In the majority of cases the decisions are unanimous. The process will be made more efficient by the use of single member panels.

At the committee we heard some testimony on the part of those concerned about refugees that in fact this may create its own difficulties. The minister has responded by delegating a specialized panel within IRB to do a paper review of the process so that after determination under refugee criteria, determination under risk review and determination under humanitarian and compassionate grounds there will not be slip-ups and injustices. There will be a paper review by the IRB on an internal panel composed of experienced members.

The minister, by delegated authority to her officials, may intervene at the IRB hearings more frequently to present security information or other data pertinent to the case. We are hoping that the minister becomes much more active in this process.

I quote the minister on her process because the bill she is coming forward with is on something that Canadians have made clear. Canadians have made it clear that they want a system based on respect for our law. They do not want to continually read Toronto *Sun* headlines about the latest this or that which abused the process. We still want to maintain an openness to newcomers and this is why the bill tries to be faster and fairer in all our decision making.

The committee listened to hours of testimony. I thought it would be instructive if I referred back to the committee's report which

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was tabled last month. Looking at recommendations 9 through 23, I note that the minister has picked up on all those recommendations.

The committee recommended that the refugee division sit on one member panels with the option of sitting as three member panels to hear test cases or cases that pose particular difficulties. The committee recommended that there be an internal appeal structure for rejected refugee claimants, and she has picked up on that. It recommended that all the risk related decisions concerning an individual be consolidated in the refugee division, and she has picked up on that.

The committee recommended that the refugee division strive to increase the percentage of claims handled through the expedited process. She has picked up on that. It further recommended that the current restrictions on the participation of the minister's representative at the refugee hearing be eliminated and the government be more active than it has been in the past in choosing in which cases to intervene. Again she has picked up on that.

Therefore I again acknowledge the courage on the part of the minister to do these sorts of things and to take this very activist role in reflecting what the committee actually hears.

• (1700)

The other area the minister has beefed up is that of admissibility. In other words, before the individual comes to the country and is at the airport is a more useful time in which to clear up areas of admissibility. The adjudicator will now examine admissibility and will exclude those convicted of serious criminal offences, that is, violations of human rights, organizers of criminal activity, and security risks. Instead of going to the IRB if the decision is negative, it will now go to the federal court. In other words, it is the elimination of another stage of the snakes and ladders process.

My final point is that the minister is also getting serious about residency. Instead of simply having a casual definition of residency, we will require actual physical residence in the country for two out of five years.

This bill deserves the support of all members. This has been a long process. The minister has engaged widely in hearing from a variety of members, the committee and Canadians. I hope members will see that in her bill and will give it much support. The minister has listened to the committee and has put forward a bill which reflects much of what we heard.

[Translation]

Mr. Bernard Bigras (Rosemont, BQ): Madam Speaker, I listened with interest to the speech made by my colleague, who is a member of the Standing Committee on Citizenship and Immigration.

As he well knows, the bill before the House today makes many changes to the Immigration Act, which dates back to 1976. It was changed rather considerably.

This bill makes changes in a number of areas. There is, among others, the issue of immigration agents, who will have more powers. We can even say that, to a certain extent, they will have a discretionary power. There is also the issue of detention.

The auditor general's report is very eloquent on this matter. Is it normal that immigration agents not have the training required to make a number of decisions, and yet make decisions on the detention of certain people? That is my first question.

Another issue concerns the detention of children. As my colleague knows very well, this is one of the issues I raised when the bill was presented. There is nothing in the bill that provides a special treatment to refugee status claimants under 18 years of age.

Is it appropriate that this bill does not make a distinction between minors seeking refugee status and all refugee claimants, since Canada signed the Convention on the Rights of the Child? As I mentioned in my speech, Canada is a party to three international conventions: the Convention Against Torture, the Convention on the Rights of the Child and the 1951 Convention Relative to the Status of Refugees. Does my hon. colleague think it is appropriate to grant no special status to minors?

There is also the issue of the Canada-Quebec agreement. Canada and Quebec concluded an agreement on everything that has to do with the selection of independent immigrants. We, on this side of the House, would have wished to see Quebec's jurisdiction in this area not only recognized in that Canada-Quebec agreement, but also clearly mentioned in this bill. Nothing in this bill grants such recognition, and this concerns us.

Those are the three questions I have for the hon. member and I would like him to answer them.

[English]

Mr. John McKay: Madam Speaker, I thank my hon. colleague for good questions as opposed to other kinds questions sometimes.

• (1705)

With respect to the admissibility issue, we heard a great deal of testimony on that point, on admissibility at the airport and should the discretion be in the hands of the officer. Our view is there should be more discretion in the hands of the officer. It should simply not be a rubber stamp process and then go from there.

I like what the minister has done at the point of entry. She has said there is more discretion on the part of the officer. There is still

an appeal to the federal court if those decisions are not acceptable to the individual and then it goes from there.

That has cut out one point in the snakes and ladders process. Before people went to the officer, and if they did not like that decision they went to the IRB and if they did not like that decision they went to an appeal. Consolidation of the process is a good idea.

As to the second question with respect to children, the member raises a valid point. The interesting aspect of children is of course that it is a bit of a family package. The issue would be if the adult applicants did not meet admissibility criteria but the children in all other respects were acceptable. The consolidation of the process in the board itself, that is, risk review, refugee determination and humanitarian and compassionate grounds will actually make it more acceptable for children where their parents or whoever is their guardian is somewhat less than acceptable as far as a refugee is concerned.

Mr. Reg Alcock (Parliamentary Secretary to President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Madam Speaker, I appreciate the opportunity to speak on this issue. This file has been active in my office since the day I was elected, as I imagine it has been in many members' offices.

I would like to start by thanking the former minister of immigration and the current minister of immigration, the more than 50 people who sit on a committee I created in my riding to look at these issues because of their importance to people, and the staff of the department of immigration who work around the world helping us reach out, sort out, facilitate and help the people who do wish to come here.

This is not an easy business. It is a tough one for us to understand. When I first was elected almost immediately people were coming to my door raising questions about immigration problems they were having with the department and problems they were having getting people over here. I remember a couple of cases in particular.

One man immigrated here when he was a student. He graduated here, was landed and became a Canadian citizen. He went through medicine and is now a family doctor practising in Winnipeg. He has been practising as a physician for almost 20 years. He married and had a child. He wanted his mother to come and share his joy and excitement at having a new member of the family.

His mother lives in Ethiopia in what we in Canada would consider to be relatively primitive conditions. She was immediately denied. When he came into my office I could not believe it. I guess I was young enough to be somewhat naive about what goes on, but I thought this was silly. As a new parent myself I know the

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desire to have one's extended family share in the joy that one feels. I immediately wrote a letter, as we all do, and received a letter back telling me to mind my own business, which rather surprised me coming from a public servant.

• (1710)

To make a long story short, after some period of time I went back to him and asked him to tell me what was going on with his mom. His mother did not want to emigrate. She did not want to come here to live. She was very happy. She had her friends and was very happy where she lived but he wanted her to come and spend a few months here to let her meet one of her grandchildren.

I finally went to the minister's office to get a ministerial permit. His mom came over and spent the summer here a year ago and went back. It was a normal everyday occurrence in families. This year he wanted to bring over his mother-in-law. We had to go through the same tortuous process.

For years I have been talking with the ministers. Whenever I travel abroad I make a point of going to see the immigration staff in the department's offices. I have been to the very high pressure office in New Delhi, India and China and Hong Kong.

I keep asking why these normal things, the type of thing we would think we would enjoy as a right of citizenship, cannot just happen. I have a list of files and I suspect other members do as well.

The brother of an eminent microbiologist at the University of Manitoba had retired from his job and wanted to come over for a visit, again for a summer. It was denied. I happen to represent the University of Manitoba. The sister of another scientist at the University of Manitoba is travelling in the U.S. and Europe and wanted to stop off in Canada. It was denied. It goes on and on. Why? Why can Canadian citizens not enjoy this living quietly in paradise, as my colleague mentioned. It is not an easy issue.

I had heard all sorts of horror stories about the New Delhi office. Having been a public servant I understand there are always two sides to any story. I made a point of stopping in there and spending time with them to ask them these questions.

I have been universally impressed with the quality of the staff who work abroad, the time, energy, attention, care and thought they give to the services they provide. The problem is analogous to any problem of scarcity.

Canada is a paradise and there are millions if not billions of people who would like to get here. There is enormous pressure. When there is enormous pressure it is a recipe for exactly what we see. It is a recipe for abusing people and for exploiting people in the way we have seen with the snake heads. It is a recipe for all sorts of corruption.

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What we have to do is take the profit out of it. We have to make it a system that people understand demands, deserves and receives respect so that we can take the pressure off the front door. How do we do it? Unfortunately, in a lot of social control exercises there are no easy or clean answers.

What impresses me about how the former minister and now the current minister have approached this task is that they have taken it very personally. They have worked on it very hard.

I mentioned a committee. A fellow named Sharad Chandra and another named Ken Zaifman chair a working group we have in my riding. My colleague for Winnipeg North—St. Paul has a very large population of new immigrants in his community. We all work together. We first went through the initial offerings. The initial concepts were put forward. The minister came and met with them. We went through it clause by clause. People literally put hundreds and hundreds of hours into thinking through and grappling with the solutions being offered.

We met with staff from the department. I raised it with staff overseas. When the minister changed, the new minister immediately went into the same thing. The current minister stood in front of an open meeting in my riding and we went through each one of the very contentious issues with the people who are directly affected.

• (1715)

What we have here is an act that I believe is balanced but heavy. It has a stick in it. It has a stick that says we have to respect the law. It allows us to deal quickly and efficiently when the law is broken. It allows justice to be done, but it does it in the Canadian context. It does it in a way that preserves the rights of people.

I believe that at the end of the day no piece of legislation will solve all the problems. No piece of legislation will answer all the concerns that are raised, but I think this piece of legislation is an important step forward to allowing Canadian citizens from countries where there is a very high demand to enjoy their citizenship in the same way that I can.

It is interesting that my friends in the first nations communities do not particularly like this, but we are all immigrants in this country. We have collectively built a very powerful, a very prosperous and a very wonderful nation. We want to share it. We want people to come here, because each new group that comes in adds to the quality of the fabric of this country.

When I talk to people who are in the most vulnerable group of newly arrived immigrants, they do not want the abuses any more than we do. Binding this process a little tighter and providing some discretion to the staff in the field in whom I have great confidence is a positive step forward. Properly implemented and properly supported, I think it will assist.

Canadians citizens should not have to come to me to get redress. It is nice that we can provide it, but the system should simply allow people to interact within their families the way all of us would like to do.

I am a supporter of the work that has gone on here. I am a supporter of the particular piece of legislation, and I hope the House will deal with it expeditiously.

[*Translation*]

Mr. Daniel Turp (Beauharnois—Salaberry, BQ): Madam Speaker, I too rise on behalf of the Bloc Québécois at the request of my colleague, the member for Rosemont, our immigration critic. I am pleased to present the views of our party on Bill C-31, an act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger.

As a professor of international law, I am especially pleased to deal with this legislation since, when I had the privilege of teaching public international law at the Université de Montréal, on numerous occasions I had the pleasure of talking about the 1976 Immigration Act, to see it evolve, to see the many amendments made to it and the many regulations aimed at gradually implementing the act and its provisions.

I understand that with Bill C-31 the government intends to overhaul the provisions regarding the issues of immigration, asylum and protection of refugees in Canada.

After reading the bill and the presentation made by the minister on April 6, the Bloc Québécois, and on this I share the views of my party and its critic, is of the opinion that the government is taking a hard line, no doubt to appeal to a certain electorate, probably the right wing electorate the Liberal Party wants to win over from the Canadian Alliance.

In this respect, this bill seems to reinforce prejudice against refugees and immigrants.

• (1720)

This is legislation that tends to take a hard line toward immigrants and refugees. Choosing the hard line toward immigrants and refugees can exacerbate division, xenophobic or racist feelings within a society that claims to be welcoming. We see sometimes that it is less welcoming when immigrants come in large numbers into this country or when people from various countries claim refugee status.

Our party has pointed out several times over the last years that the Canadian refugee status determination system should have two essential features. It should be diligent and fair toward the bona fide asylum seeker in accordance with the rights recognized by the international conventions Canada is party to. It should also be

dissuasive toward people clogging the system with unfounded claims, people who are, for example, economic refugees and people who do not meet the refugee criteria as set out by the 1951 Convention Relative to the Status of Refugees and its additional 1967 protocol.

The slowness in the processing of claims is also something that deserves to be corrected because it has led, in Quebec and elsewhere in Canada, to unacceptable human tragedies. It has put people and families in very difficult situations as evidenced by the number of immigrants or refugee claimants who sought refuge in churches and in other places where these people who were requesting, and rightly so, that they be granted refugee status knew they would be protected.

Talking about the administrative process that is too slow, for example, just for the Montreal office of the Immigration and Refugee Board, the average processing time is ten months. At the end of December 1999, just a few months ago, over 7,000 refugee claimants were awaiting a hearing, that is one third of all cases in Canada. We know that Quebec is very generous to refugees. It is now and must stay that way should it become a country one day, as members of my party wish it would. It will have to continue to open its doors to refugees.

We, in the Bloc Québécois, also believe that the new immigration bill does not reflect explicitly enough the scope of Quebec's powers in the area of immigration. As we know, this is a shared jurisdiction under the Constitution Act, 1867, which allows provinces to have jurisdiction over certain areas if so agreed by both the Government of Quebec and the Government of Canada.

According to the Quebec Minister of Relations with the Citizens and Immigration, Mr. Robert Perreault:

The law must include firm commitments on this. Provisions need to be added to the present bill, particularly in order to ensure that Quebec's powers are respected relating to the selection of temporary workers and the continuation of a distinct program for investor-class immigrants.

The bill, which I have had the opportunity to read carefully, does not include such guarantees, such assurances. Moreover, all provisions relating to ensuring that Quebec assumes jurisdiction over immigration, particularly immigrant selection, is contained in an administrative arrangement, the McDougall-Gagnon-Tremblay agreement, the latest in a series between the Government of Canada and the Government of Quebec.

• (1725)

The arrangement is still precarious because the agreement involved has never been enshrined in the Constitution, despite attempts to do so, particularly the failed attempts at Charlottetown.

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It would have been, and still is, desirable for there to be recognition, as a certain resolution of this House of Commons suggests, that the distinct society which Quebec is or would be would deserve to have a very concrete mention in a federal immigration statute, in which the particular and distinct status of Quebec would be recognized, as far as immigration issues and the selection of immigrants and temporary workers are concerned, or the responsibilities Quebec wishes to assume as far as asylum is concerned.

Apart from the issue of Quebec's powers, it must be noted that the bill proposes changes to claims to refugee status, but nowhere does the government agree to pay for the administration of the system.

Actually, if the federal government believes in the effectiveness of the provisions contained in the bill, it should be ready to assume the costs and to do so until the people involved have been recognized as convention refugees, obtained permanent residence or left the territory.

In this connection it should be noted that last February Quebec, Ontario and British Columbia joined forces to condemn the federal government's management of the asylum seekers or of their movements. These provinces were asking that significant corrective action be taken and that the federal government, as solely responsible for this whole refugee status determination process, assume all the costs related to the services provided to those people, whether for income security, legal aid or education.

In fact, I think that members should be reminded that in Quebec, and the situation is probably the same in some other provinces, proportionally, it costs more than \$80 million a year to take care of those awaiting a ruling from the Immigration and Refugee Board of Canada.

The Bloc Québécois is also concerned with the fact that many rules provided for in this bill, or rules that will apply to immigration and refugee protection, will be established through regulations, through subordinate legislation. Such rules are not, at least at the moment, included in Bill C-31.

This means that the government is basically excluding these rules from the scrutiny of the House and that parliamentary review of these important rules will be very limited. This also opens the door to many changes, at the whim of the government, or because of public pressure or discontent with a court decision.

Like other parties, the Bloc Québécois also deplores the fact that the government would not take politics out of the appointment process of people who will be selected or will continue to sit on the Immigration and Refugee Board. This critique is shared not only by opposition parties, but also by the civil society, which considers that it is inappropriate for the government to have sole control over

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the appointment and selection of people who will be called to make major decisions on immigration and refugee status determination.

• (1730)

As my contribution to this debate I would like, on behalf of my party, to point out some difficulties raised by the government's desire to put into effect through this bill international obligations arising from treaties Canada is party to, obligations the bill is intended to fulfil, as clause 3(2)(b) of the bill provides.

I would add that this bill is no doubt intended to get a jump in a way on implementing the provisions of a draft treaty currently under negotiation, that is the draft protocol against the smuggling of migrants currently being negotiated by an ad hoc committee on the drafting of a convention against international organized crime, which accordingly is intended to set rules on the smuggling of migrants by land, air and sea and which is a protocol supplementing the United Nations convention against international and transnational organized crime.

In a recent study, lawyer Philippe Tremblay, who thoroughly examined the relationship between the revised draft and Bill C-31, intimates that Bill C-31 is a precipitous incorporation of evolving international law.

I cannot help but point out that, while this parliament considers this bill, it has not had the opportunity, in truth, either through this House or in committee, to examine the negotiations underway being reported to the members of this House, Canada's position in this matter and the progress of discussions on this draft protocol.

This leads me to say that parliaments, and in particular the House of Commons, must be party to the drafting of treaties before they are asked to pass legislation to implement these treaties, since, if they are not involved in the process of implementing treaties through legislation, they end up having to subscribe to the rules as negotiated and signed, without having the right to vet the standards in the conventions, which a country such as Canada in this case would have approved for its signature.

This is all the more important since, when it comes to conventions that have already been signed and ratified, a parliament that was not able to take part in the discussions on these treaties and that did not approve these treaties before they were ratified is not really in a position to understand and to adequately participate in their implementation.

Is this not the case here, since Bill C-31 explicitly seeks to implement two treaties, namely the Refugee Convention and its optional protocol, and the Convention Against Torture, two conventions that have already been signed and ratified by Canada without a true parliamentary debate on them, while a third convention which is not mentioned in the bill, the Convention on the

Rights of the Child, should also have a real and significant impact on the legislation before us?

• (1735)

As regards these three conventions, which I will discuss one by one, it seems to us, in the Bloc Québécois, that there are major flaws which could still be corrected to ensure that Bill C-31 adequately fulfils Canada's international obligations in this regard.

Let me begin with the Refugee Convention and its optional protocol. Explicit reference is made to that convention in clause 2.(1), where that convention is defined and described. That was also the case in the 1976 act, which preceded this legislation. The bill's schedule also refers to certain provisions of the Refugee Convention.

However, when we examine the bill, when we read it carefully, we realize that it probably goes against the spirit, if not the letter of the Convention Relative to the Status of Refugees and its 1967 protocol.

For example, when we look at the provisions on inadmissibility, when we read together clauses 29, 30 and 33 of the bill, when we look at the provisions that allow increased use of the power to detain refugee claimants—I am referring in particular to clause 50 of the bill—and when we see that this bill restricts access to the refugee determination process, we cannot help but think that it does not respect the spirit of the Refugee Convention, a convention which seeks to make it easier for bona fide refugees to have access to the territory of a state and which seeks to protect these refugees.

The tighter provisions, which are very restrictive, much more so than those agreed to in the earlier legislation, in the view of the Bloc Québécois, probably undermine certain guarantees of the Convention Relative to the Status of Refugees and its protocol.

Having examined the Convention Against Torture, we feel that it has not been fully and appropriately incorporated. This convention includes an absolute ban on the removal of persons likely to be tortured in the country to which they might be removed. The reference to the Convention on Torture in clause 90(2)(a), is a useful one and is lauded in certain quarters. But clause 91 tends to limit the protection of persons likely to be tortured and does not seem to correspond appropriately to the exceptions in paragraphs (e) and (f) of the Convention on Refugees.

The principle of non-removal, which is incorporated into clause 108 of this bill and which is also intended to confirm acceptance of the principle of non-removal in article 33 of the Convention on Refugees, which deals with torture—and this is something positive—is not reassuring in this regard because a total ban on the removal of persons likely to be tortured is not guaranteed.

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Finally, I wish to point out that, in the opinion of our party, the best interest of the child, as protected by the Convention on the Rights of the Child, is certainly not the primary consideration in this bill, since it provides that a minor child could be held and that this could be limited only by regulation.

Our party therefore feels that the government should give very serious thought to better implementing its international obligations and making the necessary improvements to Bill C-31.

• (1740)

Mr. Bernard Bigras (Rosemont, BQ): Mr. Speaker, my colleague from Beauharnois—Salaberry gave us an idea of the importance of the Canada-Quebec accord on immigration.

Among other things, he mentioned that, according to that agreement, Quebec is responsible for the selection of independent immigrants.

Why should we take that agreement further? Why are we insisting on the need to recognize Quebec's jurisdiction in the bill before us?

Members probably know that my colleague from Beauharnois—Salaberry is a distinguished constitutional expert. I would therefore like him to explain clearly the difference between recognition of jurisdictions in an agreement between governments and recognition of jurisdictions in legislation like Bill C-31.

Mr. Daniel Turp: Mr. Speaker, I thank my colleague for his question. I want to take this opportunity to say that all the members of the Bloc Québécois are very proud of all the work he does as our party's immigration critic.

Canada had its share of constitutional debates. Some people seem tired of it. They are so tired of those debates that they do not dare confront those who still think that the Constitution of Canada should be amended. At this very moment, the Prime Minister is inaugurating an exhibition on Canada's constitution. When looking at the different exhibits and stands, we realize to what extent the Constitution of Canada has been imposed upon Quebec, be it the constitution of 1840, or Union Act, or the Constitution Act, 1982, which was patriated without Quebec's consent.

One area where there was a breakthrough is immigration. An administrative arrangement was made, not thanks to the generosity of the Canadian government, but because such an administrative agreement is possible under the current constitution, since powers regarding immigration are concurrent. The federal and provincial governments and legislatures can exercise these powers concurrently if the federal government and parliament so desire. It is provided that in this regard the federal government has precedence.

Whether or not there is an agreement with the provinces, especially Quebec, and whether or not the provinces exercise certain powers in the area of immigration depends on the good will of the federal government.

The first agreements reached on this issue—the Andras-Bienvenue agreement, if I recall, followed by the Cullen-Couture agreement, and now the McDougall-Gagnon-Tremblay agreement—were the result of negotiations.

To answer my colleague's question, the status of such agreements is always precarious. If a government no longer wanted the provinces to exercise powers in the area of immigration, it could prevent them from doing so.

This is why immigration agreements were to be enshrined in the constitution under the Charlottetown accord, so they would no longer be precarious, but protected through a constitutional amendment process preventing the government from unilaterally modifying them. This is always a worry for us as the federal government, at least the Liberal government, has often acted unilaterally with regard to the constitution.

If these agreements were protected by a federal statute, the current agreements would be less precarious, even if this protection were incomplete, since the government would always be in a position to amend or repeal the supplementary protection referring to the intergovernmental agreements and working agreements between the federal and the Quebec governments.

This is why our party, which wants to defend the interests of Quebec right now, before the Quebec people democratically chooses sovereignty, believes that it would be timely to grant some protection, which will never be sufficient, since the only useful solution would be to enshrine it in the constitution.

• (1745)

As things now stand, it is hard to believe that we would want to enshrine in the constitution something that would be in the best interests of Quebec and all Quebecers, since it is believed that the Quebec people have enough protection as it is.

Our party does not believe this to be the case. This is why, even if we act in a constructive way in our analysis of Bill C-31, we strongly believe that if Quebec is to prosper in the international community, it has to gain control over the immigration process to guarantee that it will in the future develop into a French speaking country that will still be generous without adopting the bad habits of a government which, pretending to be very generous to refugees, is once again trying to be very hard and to crack down on refugee status claimants. This is a tendency that a sovereign Quebec will not want to adopt once the Quebec people decides that it should achieve sovereignty.

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Mr. Yves Rocheleau (Trois-Rivières, BQ): Mr. Speaker, listening to last part of the remarks of my distinguished colleague for Beauharnois—Salaberry, a question came to my mind. I would like him to develop his point of view more at length.

As a sovereigntist who has reached a certain age, it seems to me that there are positives reasons for Quebec to become sovereign, but there are also negative ones that should spur our reflection, as a people.

The fact that Quebecers do not control their immigration is one of the main elements we need to take into consideration, when we think about holding another referendum on the future of Quebecers.

I would like my colleague to explain even more fully the price that has to be paid by a nation such as ours, a tiny French speaking community in a whole English speaking continent, when it cannot control the selection of newcomers. There is no place here for racism or xenophobia, but we have to manage the situation properly, when the very future of this unique nation in North America is at stake.

I would like to hear my distinguished colleague on this.

Mr. Daniel Turp: Mr. Speaker, this question gives me the opportunity to remind this House that, despite the latest administrative arrangement between the Government of Canada and the Government of Quebec relating to immigration and the selection of foreign nationals and of refugees, Quebec controls only 40% of its immigration and of the refugees admitted.

Despite the implication that Quebec is totally autonomous in this area, it has a real impact on only 40% of persons coming from abroad to live within its territory.

This means that the independence the present constitution is prepared to give to Quebec is certainly insufficient, and unsatisfactory, for a state such as Quebec, which has such a great need of powers relating to immigration if it is to maintain its present demographic balance.

A little over 80% of the population is French speaking Quebecers, with English speaking Quebecers and those of other origins, combined with the aboriginal nations, making up approximately 18%. This is, overall, a totally acceptable proportion and one which makes possible a rich, diversified and pluralistic society, one with self-respect and with the right to choose French as its common language.

This is why immigration is so important to Quebec. Enhanced powers relating to immigration are so important to Quebec in order to ensure that, when immigrants, even refugees, arrive in Quebec, when they choose Quebec as their new country or their place of refuge, it is made clear to them that they will have to adopt French as their language of work.

• (1750)

This way of looking at things is very difficult in a country with two official languages, one trying to convince people that immigrants may choose either of the two without distinction. That is one of the reasons why it is a known fact, in my opinion, that Quebecers are going to choose sovereignty one day, because they will be convinced that control over all aspects of immigration is a key to the survival, the maintenance and the development of the French language in Quebec.

[English]

Mr. Steve Mahoney (Mississauga West, Lib.): Mr. Speaker, I am very pleased to speak to this bill. For the three years of my incarnation or reincarnation as a member of parliament in this place I have had the privilege of serving on the citizenship and immigration committee. This past year I was elected as vice-chair of the committee.

As a member of parliament from Mississauga, my riding, as members will appreciate, is a hotbed of new immigrants, refugees and problems dealing with citizenship and immigration. Indeed, I have a full time staff person, Terry Kirsch, who virtually does nothing but deal with citizenship and immigration issues. In our community, which is a very diverse community, this topic is near and dear to our hearts and is extremely important to my constituents and to constituents right across the region of Peel.

One of the things we have learned in our time in federal office is that the citizenship and immigration system appears to have bogged down in a tremendous amount of bureaucracy and red tape. The minister has recognized that exact problem and has brought in changes that will improve the system. She is really known as the just do it minister, the let us fix the problem minister and the let us find out where the problems lie minister.

It was interesting to hear some of my colleagues speak, notably the critic for the official opposition who spoke for about 40 minutes. In the first 15 or 20 minutes of his speech he talked in terms of all the positive things he saw. I was getting a little nervous. I thought he was about to come out in full support of the bill and that we might have to go back to the drafting table. However, that of course did not happen. As is usually the case, while he and other members opposite were able to find some good things in the bill, they tended to focus on the negative. That can be no more clearly demonstrated than when we deal with the very sensitive issue of refugees.

As everyone knows, this country became a signator to the Geneva convention in 1949 wherein we agreed to take our share of refugees, of people in trouble because of conflicts in their country. The issue then is how to define our share. In reality it has defined itself in terms of the numbers. Where we may see 200,000 plus or

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minus new immigrants come to this country, we will see approximately 20,000 declaring refugee status.

What happens in the case of a refugee? If individuals quietly show up at Pearson airport, come forward without documents, simply claim refugee status and then tell a story of persecution and problems back in their homeland, they go through a process. In years gone by that process has taken several years to play out. However, if they arrive on a rusty boat off the shores of British Columbia or wade ashore in the maritimes, soaking wet, having come out of some kind of a boat, the TV cameras go on and it then becomes big news.

• (1755)

Just to put this in perspective, while we were dealing with approximately 600 migrants coming ashore on the west coast in what has been termed an illegal way, which it clearly was, we deal with close to that number every single month at Pearson International Airport. Do they get the attention? Do they get the media? Do they get the negative comments that we hear from critics of the government who simply want to use this tragedy?

Let me be clear. This is a human tragedy. This is as a result of bondage, of trafficking, of slavery. This is as a result of organized crime. It is easier today to smuggle people than it is to smuggle drugs and, some would say, it is even more profitable and less dangerous.

They get all of the attention when, as a result of the interviews that have been done, they show that the majority of these people are indeed victims. They are victims of an international crime ring, of human traffickers and smugglers who must be sought out, punished and dealt with in the strongest possible terms.

I was proud to see our minister in China last week telling the Chinese government that it must help us put a stop to this, and going to Fujian province and telling the officials there that they must tell their sons and daughters that this is not safe, that paying \$40,000 or \$50,000 to be put on an obviously unseaworthy, rusty, old tanker of a ship and being sent out to sea for weeks to cross the ocean is just not safe, not sensible and must stop. Our minister told the people in China that they have the key to solving this particular problem.

However, there are people on this side of the ocean who would like to use this for political advantage. I understand the sentiment of, for example, the Chinese community in British Columbia who said "We are upset because we do not want people jumping the queue. We came here through the proper channels, through the right methods and we don't want people coming in the back door". I understand and sympathize with that.

I say to them and to all Canadians that we must understand who the victims are. The vast majority of these people who are in detention in British Columbia are women and children. They are not the criminals. The criminals are the people who organized this

trip from China with promises of better lives and days of wine and roses or whatever. What happens? Why are they in detention now when it is so costly to keep them there? If they are released as refugees, the young girls could wind up in prostitution, in the drug industry or in all kinds of illegal underground activity that is equally unsafe.

This is not an easy problem to resolve. We are dealing with language and cultural barriers. It is extremely difficult to communicate the facts properly and appropriately to the people in China but our minister is trying. In taking that message directly to them and I am hopeful we will see some success. Notwithstanding that issue, the bill brings forward some ideas that members opposite have talked about, some in support and some not in support, that will streamline the process.

It makes no sense whatsoever to put someone into a motel unit in Mississauga or somewhere in this country to live as a family when they have children who should be in school. Why are they here? They are here because if they are legitimate refugees they have a serious problem. As a result, it is up to Canada, as one of the countries involved in the Geneva convention, to find a solution to the problem.

• (1800)

I believe that most Canadians, the vast majority of Canadians, notwithstanding some of the rants that I have heard from members opposite both in this place and in committee, would say that if they are legitimate refugees, if they are in danger of persecution, if they are in danger for their lives, if they are in danger of being thrown into a rat infested prison somewhere, then we should not send them back. We should find a way to make that determination in as timely a fashion as possible so that if they do have children they can get into the education system and have the opportunity to build a new life.

I thought it was interesting this weekend, as we witnessed the celebration of the 25th anniversary of the end of the war in Vietnam, that someone talked about the boat people. In fact, John Downing in the Toronto *Sun* wrote about his experience in helping a number of the boat people settle in the Toronto area when they arrived. They rented a couple of houses. They put those people up first in one house until the health authorities came along and told them they had too many people crammed into the house and Downing and the *Sun* rented another house to make more room for these people. We all remember them. They were called the boat people.

There was this great paranoia, this fear that they were coming up the credit river in tankers, for goodness sake, and that they would somehow destroy our communities. The misinformation was frightening, but it was fuelled by the negativity that existed in people who opposed Canada accepting its fair share of refugees, and that was the minority in my view.

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I thought that Mr. Downing's article was brilliant because it talked about the success of those people today. There was the story of the Vietnamese refugee who showed up here, wound up in Winnipeg and started a small tailor shop. Today, with no education and no financial assistance, he has built a family business. He has kids and a wonderful life in Canada. That is what it is all about. That is what the Citizenship Act and the Immigration Act should be about. How do we share the wealth of this country and at the same time solve the problems, whether it was 25 years ago coming out of Saigon or today coming out of the Fujian province of China, wherever it is coming from?

I understand the frustration when people hear that refugees show up at Pearson airport without identification. They must have had it when they got on the plane. Where did it go? We know that it gets flushed down a toilet, it disappears somehow or it is given back to the carrier who sold it to them. We know that there is illegal activity and we must put a stop to that.

The bill will increase the fine to the potential of life imprisonment for trafficking in human beings. In fact, when we spoke at committee I suggested that we need to create a crime against humanity status for trafficking in human beings. It is not referred to as that, but I believe it should be. There could be nothing in this world more hideous than taking money from people through criminal activity and putting them into a situation where they know not what they are getting into. They wind up in this country in detention, in uncomfortable situations, and it is absolutely a crime against humanity.

The minister will close the back door; the back door that is opened and fueled by criminals, whether they are in organized crime or in ad hoc crime, who are using the situation to line their pockets.

• (1805)

The minister says we have to close the back door. Then, very interestingly, she says "so that we can open the front door wider". It is an interesting idea.

If we were to ask in the good times if we should bring in more immigrants, some Canadians would say yes, some would say no, and some would say that we should ensure we get our employment up. The reality is, what is Canada if it is not a land of immigrants? If it is not a land built by the toil and the blood, sweat and tears of immigrants, then I do not know what this land is.

My father came from Cardiff, Wales to work in the steel mills. I am sure most of us could trace our ancestry, history and family lineage to another part of the world. Some of us are even first generation. That is one of the greatest things about this country. Imagine coming from someplace else in the world, maybe even destitute, and rising to become a member of parliament. It is a job that I happen to think is dignified and worthy of the respect of

Canadians, notwithstanding comments made from time to time in the media and by those on the opposition benches. It is all about immigration.

We recently dealt with the citizenship bill. We see the pride that new Canadians feel every time there is a citizenship ceremony and they become new Canadians. It sends shivers up our spines to see how they feel about it. People can be proud anywhere in the world they go to say that they have a Canadian passport.

We say often that Canada has been voted the greatest country in the world in which to live for six years in a row by the United Nations. I always say it is the greatest country in the world in which to live unless people live here, and then they just want to complain about it.

I went on a trip with a colleague from the Conservative Party and the minister. We went through London, England and spent three days meeting with our Department of Citizenship and Immigration staff there, the visa officers, the young men and women who try to process all of the applications for visitor visas, landed immigrant status and refugee status. They try to deal with all of that. In London they are overwhelmed without a doubt because they have the reputation of being the most efficient and the best place to go. People from Nigeria and all over the western world are funnelling into London saying they know they will get their visas quickly and that is why they are there. They line up.

I sat in on some of the interviews. The London experience was very insightful, very interesting and very educational for me. I was astounded at how many we turn down. I thought this was a rubberstamp and they all just came through, one right after the other. Not true. They are turned down if there is even the slightest inkling that they are not telling the truth. They are turned down if there is even the slightest inkling that there might be some security risk or danger to the Canadian public.

I was extremely impressed with the dedication of the people who work for us in London, England, but the experience of a lifetime in my 20 years in elected office was the next leg of the trip. That was to Nairobi, Kenya. It is a city of six million people. It is a city where 500 people a day die in the hospitals from AIDS. It is a city where one dares not go out at night. It is a city where, the minister will remember, people do not even drive with their arm outside the window of the car for fear someone will hack it off to get their watch. It is a city where our employees, about 80 people in total, live in compounds that are surrounded by a wall with electric fences, with 24 hour security guards and with bars on the windows and doors of these beautiful, magnificent homes with yards to die for. People would think they were in Florida or Hollywood.

Hon. Elinor Caplan: Or Mississauga.

Mr. Steve Mahoney: Yes, Mississauga, of course, as the minister says.

They live in danger all the time.

I went to the refugee camp and saw 110,000 people with one source of water. Many of them had lived there for 10 years in what can only be described as the most horrific living conditions that I have ever seen and that any Canadian would ever see.

• (1810)

I was hoping I would still have time left to tell the story of the woman from Ethiopia with two children, who saw her husband murdered, her teenage son murdered, her other teenage son kid-napped, whom she has not seen since, who was imprisoned for two months and gang raped every night as they hung her on a chain against the wall. I saw this woman cry tears of joy when she was told by the visa officer that she and the four little kids she had left in her care were going to be approved to come to Canada. I was never so proud to be a Canadian.

I am hopeful that the staff in Nairobi will follow up and inform me of this individual and her children. Her 11 year old daughter said through an interpreter that she wanted to grow up to be an airline pilot. It was amazing.

We do wonderful things in this world through citizenship and immigration. This bill will make it easier for all of our staff to do those things and for Canadians to have confidence in one of the finest systems in the world.

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, I have a question about one of the principles of the new immigration bill with respect to incorporating the best interests of the child. I am interested in the idea that this bill will in some way reflect the high value that Canadians place on the well-being of children.

As the mother of a child with a disability, I am very interested and concerned about how this new immigration act will treat people with disabilities.

I often find in my life that government decisions seemingly are not made to reflect the well-being of my child. I find that the educational services are not available for him to have equal access to education.

We have a charter of rights which talks about each Canadian being entitled to equality under the law. The Will to Act Task Force, which was established several years ago, talked about equality of citizenship for persons with disabilities.

Clause 34 talks about how a foreign national or other permanent resident would be inadmissible on health grounds if their health condition might reasonably be expected to cause excessive demand on health or social services. This is the only clause in the bill which seems to me would in any way relate to a person with a disability making an application to come to Canada.

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I would like to know if a family with a child who has a disability such as Down's syndrome or cerebral palsy would be accepted in this country.

The member talked about witnessing the process in London, England. If I lived there with my family, would I be allowed to come to this country with a child with a disability? Would he be welcomed in this country?

I need to know that, and I think a lot of Canadians need to know that.

Mr. Steve Mahoney: Mr. Speaker, I thank the member for her very thoughtful question.

The member made two points. The first was the issue of the best interests of the child. This is something we wrestled with at committee, because it can be difficult to define. In whose definition are the interests determined to be the best interests of the child?

I think it is internationally accepted, in the Geneva convention and other statutes, that the best interests of the child can indeed be defined. In the case of a disabled child, I believe that the intent is to prevent abuse. The abuse might be that the only reason for someone wanting to come to Canada would be to seek free health care of some type.

However, in the case of family reunification, if we are talking about bringing a new family to Canada, if a child has a disability, frankly, I am absolutely confident, having met the men and women who work in citizenship and immigration, that we would take all of that into account and we would not allow it to stand in the way.

• (1815)

I have seen situations in my own riding where people were trying to get their elderly parents to come to Canada because they could get better health care. We have to be understanding and fair. We do not want to abuse the system, drive up costs and suddenly become a home to anyone who is sick so they can simply come here and get free health care. It requires compassion. It will be in the delivery. It will be in the way the system is carried out.

The member might be interested to know that I have been actively involved with community living in my own community. I am very much convinced that we have an obligation to reach out to all citizens in the world who are in need of help in coming to Canada. I believe we will do that. I believe the bill sets in place the format that will give our staff the confidence and the ability to approve a person for entry into Canada as the member has described.

Mr. Peter Mancini (Sydney—Victoria, NDP): Mr. Speaker, I did not plan to speak today but as I listened to speakers extol both the virtues and the concerns of the act I felt it important on behalf

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of the constituents of Sydney—Victoria that I put forward both the things I think are positive in the act and the things that I have some concerns about.

Our party has spoken to this issue already today. The critic for immigration, the member for Winnipeg Centre, will have a fair amount to say when the bill comes back to the House. I know he accompanied the minister on her most recent trip to China because of the concerns this party has about some of the things that have been happening.

This is a tremendously important issue. It has been said by speaker after speaker in the House that this is a nation of immigrants. I suppose some native people might say we are a nation of colonists, but I think it is fair to say that we are a nation of immigrants.

Everyone in the House has spoken about their own heritage. Members of the House represent immigrants from all parts of the world. My own heritage is Italian and Scottish. My grandfather on my father's side came here when he was 15. I look at my own son at 13 and wonder about my grandfather at 15 coming on a boat from Italy, not speaking the language, alone, and with 25 cents in his pocket. He chose this country to build a life. As I look around the House, I think that is the story for most of us.

Immigration is tremendously important because it defines not only who we let into the nation but how we will let the nation grow. It sets out the kind of vision we have for Canada in the future. It also defines whom we will not let in. That is as important a part of this debate as whom we let in. It is a reflection of our international obligations.

I commend the minister for reviewing the act and bringing forward new legislation almost 25 years after the last act was passed in the House in 1976. Because immigration is an important topic, I congratulate and commend her for bringing forward new legislation and opening the issue of immigration. It is an issue that has polarized Canadians in the last two or three years.

The act has been amended numerous times. While it has been talked about, it has only been since 1997 when we began to see the boatloads of Chinese immigrants coming to British Columbia that Canadians were galvanized and polarized by the issue of immigration. That polarization is on both sides.

There are those who are adamant that we should not let anybody else into the country. There are some groups in the country who believe that if we should let anyone in they should for the most part be of European ancestry. I know who those groups are because when I was critical of them I received some of their interesting mail. I know they put me on their website and did some very interesting imaging things, so I guess they are creative in a certain sense.

• (1820)

We have those groups on one side. On the other side we have some, critics might call, bleeding hearts who say we should open the doors to everyone. Naturally the balance is somewhere in between. That balance is something that is not easily achieved but again as the minister has opened the door I think it is something we have to talk about.

I do not think that we can talk about immigration without setting it against a backdrop of international and global issues because we are living in a global society. We are contributors to both the good and the bad parts of the global community. It should come as no surprise to us, with our vast amount of land and with our vast wealth, that thousands and thousands of people around the world want to come to Canada because of the inequities of the global world.

Let us not forget that we live in the northern hemisphere. We are the consumers of the vast majority of the world's energy. We contribute the vast majority of waste and pollution to the world's atmosphere. On the other side of the hemisphere are millions and millions of people living in abject poverty. Yet in the global world and in the information age these millions of people know the life that we live.

I had an interesting conversation on the plane going home last week with a friend of mine originally from Cape Breton who has lived for the last almost 30 years in a remote village in the Himalayas of India. He told me now it was not uncommon to see satellite dishes on some of the little homes in that part of India. Those people are watching for the most part American presentation of life in the western world. We should not be surprised, set against the backdrop of increasing poverty in the third world and increasing wealth in the northern hemisphere, that millions of people want to come to this country.

I heard the member for Mississauga talk about Canada taking its fair share. I think we have to talk about our fair share and our obligations. If we are consuming so much of the world's energy and if we are contributing so much to increased poverty in the world, surely we have an obligation. It is against that backdrop and the backdrop of the tremendous increase in world population that we have to look at our immigration policy.

Again let us be clear. It took the human race thousands, thousands and thousands of years to reach a million people worldwide. In the last 20 years the population has increased fourfold or fivefold to the point where we now have six or seven billion people. It is against that backdrop we have to look at the good things the bill has to offer and some of the things that may cause us some concern.

Of the good things, I look at what the bill talks about. It creates severe penalties for those smuggling people into Canada with fines up to \$1 million and life in prison. I support that. I think trade in

human beings is the most despicable kind of crime imaginable. To take those who are most needy and helpless, to demand that those people pay a price to come to this country and to traffic in human beings as if they were silk scarves, is tragic. It is wise for us to be harsh on those who smuggle people into this country.

I also think it is wise and again I commend the government for talking about increasing the number of immigration control officers abroad. The minister has said all along that what she intends to do is open the front door wider and close the back door. Part of the problem we have had is that we have not had enough immigration officers.

People talked about the Chinese immigrants coming from Fujian province and how they should probably go to the immigration office and do it the right way. In reality, if we think about where Fujian province is in China, where the immigration office is and the fact that we had perhaps one or two refugee officers in that province, it would have been impossible for those people to go through the appropriate channels if they are refugees to seek admission to this country.

• (1825)

I am glad to hear there will be an increase in immigration officers. I think the department needs them and it is fair for public servants who had a huge workload in the last few years. It is also wise to look at security checks for those who are serious criminals. However, as has been mentioned by the NDP member for Winnipeg—Transcona, what constitutes a crime in some countries may be questionable as to whether or not it would constitute a crime in this country. There are those people who are imprisoned that fought for human rights in their countries and may have criminal records. It would be my hope that the definition of crime would exclude those individuals.

We commend the government for some of the points in the bill. There are others that we will take under advisement and look at very carefully, for example what constitutes a crime. Nelson Mandela was a criminal in South Africa because he fought against apartheid.

I had the fortune to meet with the vice-president elect of Taiwan who spent five years in prison for challenging marshal law in that country and today emerges as the vice-president. Her sentence was commuted from 12 years to 5 years because she had an illness. Would that person, because she carried a criminal record, be denied entrance to Canada?

I also have some other concerns. I know we will have an opportunity to examine them. I read the minister's press release which talked about expanding policies to attract the world's best and brightest to Canada. I do not know if under that criteria my grandfather would have been able to come to this country. He did

not have a degree in computer science. He did not come with a lot of money. He did not have financial backing.

Hon. Elinor Caplan: He was the best.

Mr. Peter Mancini: The minister says "he was the best". My family would agree with that. However he did not come with a resumé, a business plan and talk about how he would expand the country. He did expand it. He developed a business plan once he got here. It was an interesting one at different times, but I am not sure he would be considered the best and the brightest.

I agree that the immigration system should be bolstered by denying sponsorship to those convicted of spousal abuse, to those in default of spousal or child support payments, but then it says those on social assistance. Surely poverty is not a bar to immigration to Canada. Surely those who find themselves in need in their own countries for whatever reason and have to rely on state sponsorship would not be denied the opportunity to build a life in this country, the way that many of our ancestors did.

I know that the minister will answer these questions. This is the opportunity to debate and raise some of the reservations that we have and I welcome the opportunity to do that.

The Acting Speaker (Mr. McClelland): The hon. member for Sydney—Victoria will have approximately 10 minutes in time remaining when next the bill comes before the House.

ADJOURNMENT PROCEEDINGS

[English]

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

IMMIGRATION

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, it is somewhat coincidental that the matter on which I rise today has to do with the Immigration Act. It is a question I posed of the Minister of Citizenship and Immigration regarding the ability of students to study in Canada, depending on their status.

While I have this opportunity I want to say I have enjoyed the debate that has gone on so far. I congratulate the minister on the progressive steps that have been taken in this new immigration and refugee protection act which addresses some broad themes that I think Canadians were very pleased to see.

Adjournment Debate

• (1830)

Certainly there are the issues of maintaining the safety of Canadian society, reducing abuses within the system, cutting costs of the system and helping Canada's economy grow by attracting those who would be able to provide the skills to fill jobs particularly in our high tech sector.

The reunification of families certainly continues to be an important issue for Canadian society. Increasingly the integrity of the sponsorship is an issue. I mentioned it in the very first speech I gave in the House back in 1994. I am quite delighted with the progress the minister has made in bringing the legislation forward.

With regard to the specific question, the issue was whether or not something could be done to deal with the interpretation or the confusion with regard to whether or not children who were here may or may not study in elementary or secondary school. Their education could be affected by their immigration status. I think the House would agree with the issue of ensuring that our children have the opportunity to go to school.

The minister did answer the question and gave me some assurances. Perhaps the minister could also confirm something.

A permanent resident must be physically present in Canada for at least 730 days in each five year period after being authorized to enter and remain. With that as background, clause 26(2) states that a minor child in Canada does not require an authorization to study at the primary or secondary school level.

Could the minister explain how one establishes permanent residency if in fact one of the criteria is one's tenure within Canada over the last five years since becoming a permanent resident? There may be an element of further question as to whether or not permanent status has been maintained. What happens to a child who started off and had the extension to allow them to attend school but then there was subsequently either a default or a question about the residency status?

It probably goes on further with regard to a minor child of a temporary resident. I know there are temporary residents who are here for some time, and to the extent that there is a minor child within Canada, I am wondering what was the thinking with regard to children who may very well be in that situation.

I hope the minister will take the opportunity to enlighten us on those issues.

Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, the issue of education of children in Canada is one which is very dear to my heart.

Even though education is within provincial jurisdiction, there has been some interpretation of the current Immigration Act to

suggest that there is a requirement for a student authorization before children are able to attend publicly funded elementary and secondary schools. Some persons and school boards across the country have interpreted these existing regulations as requiring student authorization.

It is my very firm belief that children should not be denied the right to an education. They should not be denied the right to attend elementary or secondary school whether they have been in Canada 10 years or 10 minutes. I further believe that the current regulation in the existing Immigration Act requires student authorizations only for students who wish to attend post-secondary or vocational courses.

On April 6 I was pleased to have the privilege to table the new immigration and refugee protection act, Bill C-31. The new act states very clearly in clause 26(2):

A minor child in Canada does not require an authorization to study at the pre-school, primary or secondary level.

It is important for people to know that there are many students who come expressly to Canada on a student visa in order to attend, usually university, post-secondary, but also on occasion secondary and rarely but occasionally elementary school. Those students who come here on a student visa specifically as foreign students to study in Canada will still require their student visa to study.

• (1835)

The intention of the new act is to clarify a situation which I believe already exists, that is, the Immigration Act is not an impediment to any child who is already in Canada. We believe they should have the right to go to school and get an education. We think that is in Canada's interests and also in the child's interest.

IMMIGRATION

Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.): Mr. Speaker, on February 8 I raised the matter of illegal immigration with the minister in question period. My constituents had serious concerns about our current Immigration Act and whether it was as effective as it could be to both welcome legitimate refugees and immigrants and prevent those who would abuse the system from entering our country.

Three separate events in and around my riding serve to highlight people's concerns. In Windsor, Sarnia and Wallaceburg several people were captured by police as they entered or were already in Canada illegally. It was proof that our immigration policies had come under assault as some sought to jump the queue, mere pawns in the hands of Chinese criminal organizations.

My constituents urged me to take their message of fairness to the minister. People need to have confidence that our refugee system is working as well as it should be.

Adjournment Debate

The system is now plagued by people who use phoney travel documents or destroy them on route to this country. Once here they certainly have the right to make a refugee claim but immigration officials are then hard pressed to positively identify them or assess their criminal backgrounds.

Alarmed with the prospect of Sarnia becoming a major jumping off point for illegal immigrants to try sneaking into the U.S., many have called for improvements to our laws for people who enter North America illegally.

As the daughter of an immigrant myself, Canada and its citizens can be justifiably proud of our compassionate and humanitarian nature. However we must not, we cannot, allow our nation to be taken advantage of by those who would disrupt and disturb our borders.

We should not be a haven for illegal immigrants. The criminal snake head organizations in China and others who would exploit the poor have to be dealt with in the harshest manner. They are not here to embrace our nation but to exploit it. The terrible plight foisted upon the young Chinese dropped in my riding comes from the multimillionaire crooks at the top using them for their own personal ends. I am pleased that the Minister of Citizenship and Immigration went to China last month to express Canada's views forcefully and convincingly.

The minister's recent update to the Immigration Act is a significant step in the right direction. We tell the world that we welcome them and their families but do not manipulate the system and do not confuse our time honoured Canadian compassion with an acceptance of breaking the rules.

Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, Canada recognizes there are those who would surreptitiously enter Canada. There are those who would try to enter this country in a way which would not give them status and would make them illegal in Canada. We also know there is a problem of transnational organized criminal activity that is attempting to traffic and smuggle people around the world.

This is not just something that Canada faces alone. This is an international problem which requires international solutions. That is one of the reasons the United Nations is developing a convention on transnational organized criminal activity. Canada has taken a lead on the development of protocols, particularly those that deal with trafficking in women and children.

While it is true there are some refugee claimants in Canada who break the law after their arrival, the number who engage in criminal activities is actually a very small fraction of the many who come to Canada each year asking for our protection.

I recently tabled the new immigration and refugee bill which in my view and I hope the view of the majority of the House will curb

the criminal abuse of our immigration and refugee determination system. It is our intent to close the back door to those who would criminally abuse our immigration and refugee system so we can open the front door wider to both genuine refugees in need of our protection and the immigrants we want to bring here to help our country prosper and grow.

• (1840)

I would like to highlight a couple of things that are in the bill. I know I do not have time to do it all but I believe these will significantly address the concerns the member has raised.

We are increasing the penalties for human trafficking which will provide fines of up to \$1 million and life imprisonment for people smuggling and trafficking in humans. There are more aggressive steps to seize the vehicles, vessels, aircraft and other property used in the course of smuggling and trafficking. There is the imposition of a screening mechanism for criminality and security considerations at the very beginning of the refugee determination system. As well we are clarifying the grounds for detention to better deal with people trafficking and smuggling.

I would say to the member and to all members of the House that there are occasions when genuine refugees arrive in Canada undocumented or with fraudulent documentation. We therefore need to be willing to hear their stories because often they have fled and not had documentation. We cannot assume that everyone who comes undocumented is not a genuine refugee.

The intention is to be faster and fair. We are going to be able to remove those who are inadmissible persons in a more timely way. Canadians are a fair and generous people but we will not be taken advantage of. We will honour our time honoured humanitarian traditions but we want to see our laws respected and people treated fairly.

FOREIGN AFFAIRS

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, in February I asked the Minister of Foreign Affairs to assure the House that Canada would not join a North American missile defence system as currently tested by the United States of America. Since then this American proposal has spurred an international debate escalating beyond the question of Canadian participation to the point where the possibility of the United States implementing such a system represents a potential threat to world peace.

Some American politicians have conjured up a doomsday scenario of missile attacks from so-called rogue states such as North Korea, Iran, Iraq or Libya. This absurd hypothesis omits the fact that none of these states has nuclear weapons nor long range missiles, that these countries are very poor and that their leaders do not want to provoke retaliation.

Adjournment Debate

Moreover experts agree that terrorist attacks, weapons stuffed in briefcases or trailer trucks pose a greater danger to national security than ballistic rockets, but this is not the point. The point is that this foolish alarmism has triggered the most contentious security dispute in a long time and is threatening to undermine decades of good work toward arms reduction agreements.

The proposed United States national defence system would violate the 1972 anti-ballistic missile treaty because the treaty bans wide scale nuclear missile defence systems. To put such a system in place, the United States would have to obtain Russian approval to amend the treaty. Already the Russian president has publicly stated that he would pull out of all bilateral arms control agreements if the United States decided to go ahead with a national missile defence system. In that case the Americans have indicated they would simply abrogate the anti-ballistic missile treaty and go ahead with the system anyway.

The reason the treaty bans national defence shields is they would lead opposing states to develop new offensive weapons to circumvent proposed defence systems, thus triggering an arms race. Both Russia and China have therefore warned that ballistic missile defence system deployment would be met with greater nuclear warheads deployment. Such deployment would threaten another key treaty under the arms control framework, the non-proliferation treaty. A missile defence system therefore would send the wrong message to non-nuclear weapons states, and the non-proliferation treaty which historically Canada has championed would crumble.

What has been Canada's reaction so far? Apparently the defence minister is under pressure in view of the fact that he fears the United States may pull back into a fortress mentality. However the United States has already indicated its intent to act unilaterally therefore isolating itself from the rest of the world.

• (1845)

It should also be noted that while the United States has made no formal request to Canada for its participation some believe Canada must join, because of NORAD, the North American Aerospace Defence Command. The fact is Washington will go ahead with or without Canada's support but would like to use our good international reputation to gain support from other countries.

To conclude, it seems to me that Canadians now need reassurance that Canada will not support the missile defence system ever. Instead of debating why Canada should not join the system, we should instead be promoting the reasons why there should be no such system at all.

The Minister of Foreign Affairs has challenged quite firmly and forcefully the reasons for Canada's participation. I support his

stand and urge him to use every means at his disposal to keep Canada out of the scheme and to discourage the United States from going ahead. Could the parliamentary secretary give the House reassurance to that effect tonight?

[Translation]

Mr. Denis Paradis (Parliamentary Secretary to Minister of Foreign Affairs, Lib.): Mr. Speaker, the most important thing to remember concerning the national missile defence system is that it is an American program the United States has not yet decided to implement and in which Canada has not been officially invited to participate by the U.S. government.

If and when the Canadian government has to make a decision with regard to this program, it will be in the light of many factors. To deal with these factors, it might be useful to explain what the NMD, or national missile defence system, is.

Since the end of star wars in the mid 1980s, the United States has kept on working on a ballistic missile defence system. The NMD would be a land-based system, not a space-based one, equipped with space-based sensors to detect and monitor missiles. The system would launch an unarmed projectile, a destruction vehicle that would intercept launched missiles and destroy them on impact. Currently, the NMD is planned to respond to a limited number of attacks by missiles and nuclear warheads.

In the U.S., the proponents of the NMD claim that the emerging threat coming from the missile and massive destruction armament technology is a new factor, that today the bipolar world is a thing of the past and that the security of the United States is threatened.

Apparently, an outcast state armed with intercontinental ballistic missiles could limit the United States' foreign policy options by blackmailing future American administrations. Intelligence reports indicate that the states in question could have this strike capability within five to ten years.

On July 23, 1999, President Clinton signed the National Missile Defence Act, which says that an NMD system will be deployed when technologically possible. The decision to deploy such a system has not yet been made, and maybe the current administration or even any future administration in the United States will not make that decision. When he signed the National Missile Defence Act, President Clinton also pointed out that a final decision on the deployment of a national missile defence system could not be made before a deployment preparedness study is conducted.

The study is scheduled for July. Although a decision on the deployment of such a system could be made as early as August 2000, it would be a few years before the system could actually be put in place.

Adjournment Debate

In conclusion, the President of the United States has not yet made the decision to deploy this national missile defence system. Canada has not been invited to participate and, therefore, the Canadian government has not yet decided whether it would participate.

The Acting Speaker (Mr. McClelland): The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 6.49 p.m.)

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