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Speaker: The Honourable Gilbert Parent

HOUSE OF COMMONS

Monday, February 14, 1994

The House met at 11 a.m.

Prayers

GOVERNMENT ORDERS

[*English*]

INCOME TAX ACT

The House resumed from February 9 consideration of the motion that Bill C–9, an act to amend the Income Tax Act, be read the second time and referred to a committee.

Mr. Dennis J. Mills (Parliamentary Secretary to Minister of Industry): Mr. Speaker, I am happy to have the opportunity to speak on Bill C–9.

I would like to begin by informing the people who have tuned in to the debate today of the contents of this bill. A lot of the implementation measures in this bill came from the 1992 fiscal statement from the previous government and also the budget of April 26, 1993. As a government we recognized some of the constructive initiatives the previous government put forward and these are examples of legislation we supported.

(1105)

I can remember discussing many of these measures when I was the opposition party critic for small business. I do not want to suggest that the implementation of these measures represents support for the previous government in its total economic thrust, but part of its tax amendments, especially those related to small business, we did our best to support when we were in opposition and made sure they went through the House as quickly as possible. I hope we can continue with that approach.

In the measures from the economic and fiscal statement touched in this legislation, our number one priority is the unemployment insurance premium relief for additional jobs. It provides a refundable tax credit in respect of an increase in unemployment insurance premiums payable by certain employers in respect of 1993.

The second measure is the temporary small business investment tax credit. It provides a temporary 10 per cent, non–refundable small business investment tax credit for eligible machinery and equipment. It is very important when manufacturing companies are attempting to modernize and upgrade so they can become globally competitive and is an inducement to make such purchases.

The extension of the small business financing program extends to the end of 1994. Under this program a small business in financial difficulty may refinance up to $500,000 of debt at low interest rates. It is very important right now, as I am sure many members would agree—and I am going to deal with this a little later in my remarks—especially when we are having such difficulty in shifting the attitudes of banks toward small business.

The bill repeals the penalty tax on excess small business properties held by RRSPs and registered retirement income funds from October 31, 1985. Another component of the bill is the labour sponsored venture capital corporations. This adds preferred shares to the list of eligible investments for these corporations and it facilitates the issuance of shares to RRSPs.

Flowthrough shares allow 100 per cent of the first $2 million of oil and gas development expenditures to be deducted by shareholders. That should certainly be supported by most of the Reform members.

The removal of mandatory deduction of Canadian exploration expenses allows corporations carrying on a resource business to choose to deduct lower amounts of Canadian exploration expenses in order to utilize non–capital losses before they expire.

Improvements to the tax credit for scientific research and experimental development introduces a simpler method of calculating the credit and allows for partial credits and clarifies definitions and improves administrations.

Three major measures came from the budget. The annual investment tax credit limit repeals the annual investment tax credit limit for taxation years that begin after 1993. It is basically housekeeping. The investment tax credit for scientific research and experimental development extends the 35 per cent tax credit to Canadian controlled private corporations with prior year taxable income under $400,000 and provides a phase–out of the $2 million expenditure limit. Last is the instalment payments of income tax. Individuals generally have to make quarterly instalment payments of taxes if the difference between the tax payable and the amounts withheld at source is greater than $2,000 in both the current and either of the two preceding years. The previous amount was $1,000. Close to 300,000 senior citizens with very low incomes had to make quarterly instalments which were a tremendous burden for them. When the bill is implemented it will be an added convenience or it will take the

burden of quarterly instalments away from over 300,000 low income senior citizens.

(1110)

Essentially that represents the specific amendments in this implementing legislation. As I stated in my opening remarks, this is an example of legislation we got behind when it was introduced in the budget statement and the fiscal statement pre–Christmas last year. We are extremely sensitive. I believe actually all members of this House are extremely sensitive that we have to do things quickly to help motivate and mobilize the entrepreneurial spirit today.

All of the measures in this bill are important but I believe they are only going to be effective if the partnership of the financial institutions with small business starts working again.

It was interesting this morning when I came in from Toronto. On my desk was a speech that my colleague, our whip, gave at Memorial University in Newfoundland on the weekend. The whole theme of his speech was how the relationship between small business and financial institutions had broken down and how we, as members of Parliament, have to take a much more aggressive approach in trying to rebuild that relationship.

In his remarks he talked about how easy it was for the Reichmanns to have access to so much bank financing. Much of the money did not even have security and they got it so easily. This is a difficulty I have as a member of Parliament, with not just the Reichmanns, and I am not singling them out in a personal way, but I will give a more current example.

We have all read in the papers the last two or three days about the proposed takeover of Maclean Hunter by Rogers. About a month ago we were reading articles in the newspapers about how they were having such cash flow difficulties. They were looking for bridge financing to help them get through the next quarter and were looking for a couple of hundred million dollars. They were having great difficulty because of their debt load.

All of a sudden Rogers makes an offer to take over Maclean Hunter and the banks are throwing money at the company. An article which I am sure members read stated that close to $2 billion to $3 billion worth of commitments from all the chartered banks have lined up to try to help Rogers.

I met with one of the vice–presidents of the Rogers corporation Friday morning. The very first thing I said to him was: ''How do you guys do this? How do you go from having a cash flow crunch of $200 million a month ago and now all of a sudden you have banks giving you over $2.5 billion? What is your trick? What is your secret? Tell me what it is so I can communicate what your trick is to the million small businesses that seem to be having such difficulty in getting access to capital''.

(1115)

Mr. Adams: What was the answer?

Mr. Mills (Broadview—Greenwood): The answer was what he just said, that we are in an industry that has a lot of current appeal, the cablevision and electronic highway business. Right now that is the issue that is turning on the leaders of the financial institutions.

The bottom line was they did not really have a reason why all of a sudden the banks were throwing money at them. I do not begrudge them. If they can make that kind of situation happen, it is in the spirit of entrepreneurship and free enterprise. As long as it is not too much of a concentration in power then I really do not have too much of a problem with it.

What I do have a problem with—

Mr. Gagliano: Why can't the banks do the same thing for small business?

Mr. Mills (Broadview—Greenwood): Exactly.

When I review, reflect and take a look at this piece of legislation that we are going to be talking about here today—I presume there will not be too much difficulty in passing it—I at the same time have to ask myself this. What can we as members of Parliament do to not just give amended tax laws to small business? What can we as members of Parliament do to address their number one problem, access to capital?

I am hoping that once again as we head toward a budget date and toward committees that all members can be seized with this notion of accessing capital to small business.

Our party believes—it was part of our red book—that the greatest hope we have in this country for putting people back to work rests with the small businessmen and women who are the ones who take the chances. They are the ones who put their homes, savings and RRSPs on the line.

I just wish there was a way that the financial institutions could realize that they are part of the responsibility of joining with us in facing the crisis of unemployment that is before us.

I do not really have a lot more to add on this bill but I want to go back to the amendment which deals with senior citizens, the instalment payments of income tax.

This is a very important amendment for our senior citizens. I am repeating this because, as many members have heard, the

parliamentary channel is watched by a lot of seniors in our country. I think this is a welcomed amendment.

Many of our senior citizens were asked to make quarterly instalments on very low incomes because of a glitch in the way the legislation was written. With this amendment we will be able to correct that instalment payment process for about 300,000 senior citizens.

I want to state again that this is a constructive piece of legislation. It is geared primarily toward assistance for small business using the tax act. Philosophically of course I would prefer a different approach to helping small business if we could do it in a comprehensive way.

I do not like using the tax act to run the economy. I prefer that we go back and have a total comprehensive review of our tax act. That of course is one of the reasons why I have been advocating for many years the idea of a single tax, a system where one basically takes the Income Tax Act, all of the 14,000 pages of exceptions to exceptions which by now most of us have had a chance to review because we have been here for almost a month. Special preferences are buried in that act. Most multinationals have the ability to benefit from the approach that exists in our current tax act. I am optimistic that many of those special preferences will be eliminated next Tuesday when the budget is presented. I am hopeful.

(1120)

Is it not interesting that we are all being lobbied right now by different people for their particular measure to be attended to in the budget. I am sure many members have received the briefing from the Business Council on National Issues. In that briefing they talk about the fact that they want no new grants to business, no grants to business.

I thought this was incredible. They think that grants are moneys received directly from line departments, whether it be industry, agriculture or whatever. The real grants that big business receives in this country are buried in this tax act. I just wish when the Business Council on National Issues says no new grants or cut back on grants that it would include all the ones that are buried in the tax act.

I am happy today to at least acknowledge the fact that 90 per cent of the measures are for small business and I hope this bill goes through the House quickly.

Mr. Julian Reed (Halton—Peel): Mr. Speaker, I commend the hon. member for his comments regarding small business and senior citizens. In the riding of Halton—Peel small business dominates. There is no large industry. Therefore, between farms and small and medium sized businesses, it looks after about 90 per cent of people in those kinds of pursuits.

Not being a financial specialist as is the hon. member, I have trouble keeping my household accounts in line. I would like to make one small comment regarding the flow–through shares issues and the resource industries that are going to be positively affected by this.

Some years back flow–through shares were a common thing in this country. I do not recall what year they were done away with. We must remember that the technology of the mining industry has been centred in Canada, much of it in southern Ontario. Resource industries, which we tend to dismiss as we move into high tech and electronic highways and these types of things, still are the backbone of the economy of this country and will continue that way for many years to come.

I wonder if the hon. member could enlarge on those elements, the flow–through shares and so on that are going to positively affect the mining industry.

Being a layman, and probably many who are watching this on television will be lay people as well, I do not understand flow–through shares. I do not think many of us do.

Mr. Mills (Broadview—Greenwood): Mr. Speaker, I would like to first of all acknowledge the sensitivity of the member for Halton—Peel to the small businessmen and women in his riding. I have been through the member's riding many times. It is a vibrant riding. This is an example. If his community has incredible growth potential and if the small business sector gets ignited again, I know it can pick up a lot of the unemployed community that exists within the greater Toronto region.

(1125)

I am not an expert on flow–through shares, so I do not want to get into this in a technical way without having all of the documents in front of me. I will give the member an undertaking that I will get the specific meaning on how this will help the mining industry. I will get it to him forthwith today.

Mr. Ted White (North Vancouver): I would like to thank the hon. member for his speech and ask him a question in line with the small business comments which he made. He mentioned small business a number of times in his speech.

I am from the riding of North Vancouver where there is a pretty high concentration of small businesses and quite a large number of home–based businesses. They certainly are concerned about taxes and high tax levels. In fact I get a lot of feedback from them in line with the member's wish that the tax act be modified and moved toward a single tax of some sort. There is a lot of support for that.

The other side of the equation is that the area of government expenditures and spending creates the need for more and more taxation. The hon. member mentioned that small businesses in his riding give him plenty of feedback on the tax issue. Could he tell me whether he receives regular feedback from small

businesses in his area that the government should cut its spending as well.

Mr. Mills (Broadview—Greenwood): Mr. Speaker, I appreciate the comments of the hon. member for North Vancouver. They are always constructive.

What I hear from the small business community in my city is, first of all, that the regulatory burden that exists for them, the paper burden, is number one. This is after bank financing. The overall complaint, of course, is access to capital. Then it is paper burden and tax reform.

In terms of government spending, I hear from small business that what we have to eliminate duplication and eliminate government waste.

If a program is meeting a good public policy objective and we are getting value for the money, most people I talk to can understand that. What they cannot stand and what they resent is government waste. I am totally in support of the member's concern for government waste. When we eliminate government waste we are cutting government spending. That type of government cutting I am totally in support of, as is our entire party.

Mr. Leon E. Benoit (Vegreville): Mr. Speaker, I just have a few comments for the hon. minister and I would like his feedback on these comments.

First, in terms of banks not lending to small business, I think it is understandable that they are not doing so as readily as one would expect them to. The reasons have been made clear to me in my constituency.

My constituency also depends on small businesses, as do most across the country. These small business people are farmers and other types of small business people. They have told me that the biggest problem, as the hon. member alluded to, is over–regulation, too much paperwork, that it is too expensive just to set a business up and to operate a business because of regulation and, in particular, the new environmental regulations. Environmental reports that have to be filled out by banks to lend to a small business have made it too expensive for banks to lend.

The second reason I am given for banks not lending to small business is that there is just not a high enough profit margin. Taxation in this country is too high. Too much of what would be profit and what is profit goes to taxes. They are too high.

The third area is the lack of confidence that business people have in the economy. This lack of confidence is due, certainly in large part, to our incredibly large debt and our incredibly large annual deficit. If business people do not have confidence themselves why would banks have confidence enough to lend to them?

(1130)

Mr. Mills (Broadview—Greenwood): Mr. Speaker, I thank the member for Vegreville for his question.

First on the issue related to environmental requirements I am totally in support of it. Any business person I have ever talked to who converted to green business movement has ended up making more money because of his commitment to the environment. I would not want a lesser commitment to the environmental sustainable development. I would want as much or more than we currently have.

The second point in terms of the non–profitability of small business to banks I do not accept. Aside from clipping bonds for the Government of Canada, I think the small business community is the most profitable sector of all the banks with the spreads on interest and the service charges. It is unacceptable that a bank person would say there is no profit in the small business sector.

Besides that the banks of the country have a unique banking charter organized by the Chamber under the Bank Act of Canada. It is not only to protect depositors' funds. We recognize that, but aside from protecting depositors' funds they are also mandated in that unique charter to lend to business. It is unacceptable if any bank person would say there is no profit in the small business sector. I hope the member for Vegreville would challenge the bank person who said that to him.

The Deputy Speaker: The time has now expired for questions and comments. Normally we would pass to the Reform Party but a spokesman for the party has indicated that its members have done all the speaking they wish to do on the bill.

[*Translation*]

Mr. René Laurin (Joliette): Mr. Speaker, when the hon. member for Scarborough East, speaking for the Minister of Finance, moved for second reading and referral to a committee of Bill C–9, he said: ''We have carefully reviewed the measures in this legislation and believe we can support them in their own right''. He added, however, that one of the measures in the old legislation had been dropped and that, as for the other measures, to quote the minister: ''Our primary criticism generally is that they represent only a small piecemeal effort by the previous government to deal with a large and pressing need in this country to strengthen the economy and to create jobs''.

A little further the hon. member said the following: ''I ask my colleagues and my hon. friends opposite to consider this legislation not as an indication of the approach this government takes to economic management''.

Since the Liberals have now been in power for four months and we still do not know what this government intends to do, perhaps I may comment and express some of the reservations we have about the economic measures this government intends to implement very shortly.

The newly–elected federal government announced in the speech from the throne on January 18, 1994, that it attached the highest priority to job creation and economic growth. The

government has said repeatedly, both in the speech from the throne and in its red book, that it will focus on small and medium–sized businesses because they will be the decisive factor for economic recovery. So far, we have seen no significant measures to help small and medium–sized businesses, with the exception of Bill C–9, which was drafted by the now defunct Conservative Party and which, in the opinion of the hon. member for Scarborough East who introduced the bill, reflects an approach that combines slash and burn with ineffective tinkering.

(1135)

It is high time the government recognized the considerable potential for job creation in the small business sector. In fact, small businesses as a whole continue to provide the jobs that are so badly needed in this country at a time when large companies are downsizing.

From 1979 to 1989, companies with fewer than 50 employees represented 85 per cent of net job creation in the private sector. In 1990, although the country's economy was not doing well, small businesses with fewer than 20 employees took up the slack created by downsizing of large companies as a result of cost cutting and business closures.

Net job creation by expanding and new small businesses represented practically all net job creation since the beginning of the recession in 1990.

Even in 1991, when due to the recession more businesses went bankrupt than were created, net job creation by very small businesses with fewer than five employees helped cushion the impact of substantial job losses elsewhere in our economy.

Canadian small businesses are ready and able to act as a springboard to a much needed economic recovery. They are better adapted to a changing economy where markets have become more specialized and decentralized. They represent an invaluable potential for job creation and economic growth. According to a survey conducted by Angus Reid for the Canadian Federation of Independent Business, these businesses survived the recession and are now ready to hire more employees. They will if small and medium–sized businesses are confident that conditions are improving. However, despite lower inflation and interest rates and the lower value of the dollar, they are still hesitant to make such decisions.

Unfortunately, this attitude is reinforced by the increasing tax burden on consumers and small businesses, generated by all levels of government. The federal government particularly has shown during the past 20 years that it is incapable of or little inclined to control a steadily growing deficit.

Now more than ever before, businesses want and need government policies that create a climate of certainty. They are justifiably afraid of being hit by more taxes, regulations and administrative red tape.

The federal government has told everyone who would listen that it understands the needs of small businesses. However, it keeps drifting off course with measures that are the exact opposite of what small businesses feel they need, for instance fewer and less cumbersome regulations, which would provide relief for small businesses and consumers.

Bill C–9 contains fiscal measures to help small and medium–sized businesses with the purchase of production equipment, including machines, materials, and so forth. We must not forget, however, that there is already a long list of federal and provincial programs to assist small businesses, all with more or less the same objectives. Just to illustrate my point, I will give a non–exhaustive list of federal and Quebec agencies in charge of helping small and medium–sized businesses modernize and conduct research and development.

(1140)

At the federal level we have the Federal Business Development Bank, the National Research Council, the Department of Industry and the Federal Office of Regional Development for Quebec.

In Quebec we have the following agencies: Centre de recherche industrielle du Québec; Fonds de développement technologique; Société de développement industriel; ministère de l'Industrie, du Commerce et de la Technologie; Caisse de dépôt et de placement du Québec.

I should say that these are only the main agencies. We could add a lot of sectoral organisations, or municipal, regional, semi–public or non–profit organizations.

I excluded from the list the provincial tax incentives to encourage investment, and the federal and provincial programs for export, computerization, automation, expansion, growth or marketing. Job training or retraining programs are also excluded, as well as those dealing with technology transfer, start–up and general financing.

As you can see, Mr. Speaker, there is quite an array of programs which overlap or offer the same services in the various departments or the different levels of government.

The situation is so complex and so confusing that small and medium–sized businesses would require the services of consultants or tax experts that most of the time they cannot afford to find the programs which could best answer their needs.

I recognize that small businesses need help, but to make all the measures at their disposal effective and efficient, we ur-

gently require serious thinking in order to try to eliminate overlaps and duplication, and their tremendous cost.

We should look first for a simpler way of qualifying expenditures to facilitate small business access to these measures; second, we should streamline aid programs to reduce their excessive administrative cost; third, we should have a single entry point for all forms of aid to small businesses, as suggested by the Montreal Chamber of Commerce; fourth, we should eliminate overlaps between the federal and provincial programs, by delegating to the provinces which apply for it, the management and preparation of business assistance measures.

In the second part of my speech, I would like to focus on another amendment to the Income Tax Act proposed by Bill C–9. This is the extension to March 1, 1994 of the home buying program. The amendment extends by one year the program which allows first time home buyers to use part of their RRSP to buy a new home.

What I will say is largely based on an analysis of the program prepared by W. Paul McCrossan for the Canadian Real Estate Association.

The federal government has often used housing programs to stimulate the economy during recession periods. This particular program was introduced in the February 1992 budget. It allows buyers to withdraw, tax–free, up to $20,000 from their RRSP to use as a downpayment when buying or building a new home. However, the money withdrawn must be returned to the RRSP by way of an equal payment plan over 15 years. Originally, people had until March 1, 1993 to take advantage of this measure, but now Bill C–9 extends the limit to March 1, 1994, a couple of weeks from now.

(1145)

On September 1, 1993, the Canada Mortgage and Housing Corporation published data showing that in 1992 consumers using the home buyers' plan accounted for 26 per cent of all sales at the national level.

Department of Finance statistics show that during the first year of the plan, which ended on March 1, 1993, a total of 153,452 persons benefited from the home buyers' plan. Moreover, according to raw data for the five months from March 2 to July 29, 1993, the department has received 45,500 additional requests for withdrawal of funds from RRSPs. These data clearly show that this plan is still fulfilling real and urgent needs.

As I mentioned before, Angus Reid recently published the results of a vast survey ordered by The Canadian Real Estate Association, which clearly illustrate the relationship between the economic situation surrounding the usage of the home buying plan and the demographic characteristics, the attitudes and the views of those who take advantage of it.

According to the survey, households withdrew on average $13,965 from RRSPs for a downpayment on a house. Almost half of the households, that is 47 per cent, used their RRSPs to buy their first home. More than a third, precisely 34.5 per cent, of the total amount invested by those who took advantage of the plan came from RRSPs. However, among families with a total income of less than $30,000, almost half the capital invested came from RRSPs, that is 46.8 per cent.

Even if there are no restrictions in the plan for first home buyers, one of the social effects of the plan's provisions is to give those who otherwise would never be able to afford a house, the opportunity to buy one. Nearly half, that is 47 per cent, of those who took advantage of the plan were buying their first home.

Furthermore, among first home buyers, 86 per cent mentioned that the plan was a decisive factor in their decision to buy a house. Analysis by income category also shows that middle and low–income Canadians were mainly the ones who benefited from the plan.

Among users of the plan chosen at random for the survey: 28 per cent were from the upper middle class with an annual income between $50,000 and $70,000; 23 per cent were of the lower middle class with an income of between $30,000 and $50,000; and 10 per cent were of low income, that is below $30,000. They are the ones who have the hardest time buying a house.

The key question raised by the home buyers' plan is whether or not this plan supplements the existing system allowing for retirement income high enough to be taxable or if it encourages immediate goods consumption at the expense of retirement income security?

Participants were asked to indicate on a one to seven scale the importance of various elements with respect to retirement income security. Ownership of a house came first with 6.1, followed by personal savings—5.8, RRSPs—5.7, Canada pension plan—4.5 and old age security—4.5.

Not only do low income and lower middle class Canadian families consider owning a house as the single most important factor for their retirement income security, they also gave it the highest rating among types of incomes, that is 6.2.

(1150)

Regardless of their age, all respondents said that owning a home was very important, 55 per cent said it was fairly important, 19 per cent found it to be important, and 13 per cent declared that it was important for Canadians as a whole, in terms of their retirement income security. The importance of owning a home for retirement income security was confirmed when 84 per cent of all respondents said that as far as they were concerned, it was from very important to rather important.

Only 6 per cent of respondents believed that they could count on old age security or the Canada pension plan; 90 per cent were of the opinion that they would have to rely much more on their own resources in the future. This cynicism regarding government pension plans was more pronounced in the 25 to 35 age group, 3 per cent of whom believed they could rely on old age security or the Canada pension plan, compared with 95 per cent who believed that they would have to support themselves.

To conclude, in view of such attitudes and given how important owning a home is for these respondents to secure their retirement income, it is hardly surprising that the maximum use of the RRSP home buyers' plan is found in the 25 to 45 age group.

As a result of these survey findings, I suggest that the government extend the home buyers' plan another year, or better yet, another three or five years. At the end of this period, the program should be reviewed, taking into account the suggested economic activity, the demographic characteristics of the home buyers, and the actual amount of loans paid back to the RRSP.

[*English*]

Mr. Ian McClelland (Edmonton Southwest): Mr. Speaker, I have received many letters and on behalf of the constituents I represent I would like to underscore the member's comments with regard to the continuation of the RRSP program for home purchasers.

I wonder if the hon. member could speak to some degree about the validity of continuing the use of RRSP money for major home renovations. That area is labour intensive and would be very good for the economy.

[*Translation*]

Mr. Laurin: Mr. Speaker, I want to thank my hon. colleague for the interest he showed in my speech and tell him that having access to their RRSP, the only money most people managed to save allows them to tap their own savings to improve their way of life, prepare for their retirement, and invest in the only thing they still put their trust in.

Each time we open the door so that these people have easier access, either to ownership or to home improvement, we give them a greater sense of pride, at no cost to the government since it is their own savings they are using. The money in an RRSP is money invested by savers. In fact, it is a form of tax deferral, money that will eventually be put back into the public purse; it is not lost for the government. In the meantime, let these people have access to it, as easily as possible.

We could take additional measures. For example, the government is planning to eliminate the $100,000 capital gains exemption. The wealthiest members of our society already took advantage of the $500,000 exemption, which was brought down to $100,000, and only the middle class and the less fortunate members of our society could benefit from it. Unfortunately, the government is planning to do away with this exemption, penalizing once more the least fortunate. We objected to such measures and will continue to do so; we are hoping to get the support of our colleagues in the Reform Party, who should be equally interested in protecting the less fortunate members of society.

I urge them to take a position in support of our action, and I hope that they will do so.

(1155)

[*English*]

Mr. Paul Szabo (Mississauga South): Mr. Speaker, I would like to ask the member to reconsider his position with regard to the capital gains exemption. As the member knows the $100,000 lifetime exemption did come in under a previous government two Parliaments ago.

There were two very serious flaws in regard to that exemption. First, it did not establish a V–day value for investments. Therefore anyone who had a holding gain prior to the introduction of that exemption got an automatic windfall. Second, it did not restrict the types of eligible investments under that exemption. Therefore investments in matters such as Florida vacation properties were eligible for an exemption. I have to ask the member whether he believes that kind of investment really benefits Canada.

One has to consider whether or not there is a logical stopping point. There is no question that some have benefited from this exemption and there is no question that others would like to. Where do we stop the process? There is no logical ending point.

The question therefore is if today we had no exemption would the hon. member consider introducing it as a measure which would benefit Canadians today? I think the answer is simply no.

[*Translation*]

Mr. Laurin: Mr. Speaker, what I find surprising about my hon. colleague's comments is his belief that maintaining these exemptions would be dangerous. We have reached the point where it is members of the middle class and the less fortunate would could benefit from them.

Why were these same concerns not raised when the wealthier members of our society were taking advantage of the exemptions? Why did we not criticize this mismanagement or these so–called new objectives which surprised us because the plan was not producing the anticipated results? And all the while we were trying to achieve objectives we did not want, we were letting the wealthy members of society benefit from them. Now that the wealthy class has filled its pockets, it is the turn of the middle class and the less wealthy to take advantage of these

exemptions and here we are telling them: we have to put a stop to this. It is over. Your turn will never come.

This is unacceptable. There cannot be a double standard in our system. While those with money were able to take advantage of these exemptions in the months and weeks following the introduction of the measures, unfortunately this was not the case for other people who had to wait and save their money before eventually making a profit.

I am sorry to hear say that this measure must be eliminated because it is now the turn of the little people in our society. As is often the case, they will not get their kick at the can. Most of the measures we can expect to see in the government's upcoming budget could put us in the same situation.

[*English*]

Mr. Dennis J. Mills (Parliamentary Secretary to Minister of Industry): Mr. Speaker, first I want to say that I listened to the question from my colleague from Mississauga South. He was not suggesting we should not be sensitive to middle income earners who have that exemption. He was saying we should make sure that tax measure is not designed in a way to encourage investment outside of Canada, such as Florida properties and I support the hon. member on that.

The hon. member has made a compelling presentation today for first time home owners through the RRSP and I salute him for that. It is one of the best I have heard. We can only hope in the next couple of weeks that the member's recommendation is listened to.

I want to talk about the point he made in the first part of his speech relating to the duplication of provincial programs for small business and Government of Canada programs for small business and the fact that we should streamline the process.

(1200)

The member talked about decentralizing. Would he consider a decentralizing or streamlining of the programs if they were operated by the Government of Canada in the regions or in the provinces? Or, is the member advocating that the Government of Canada should just get out of the business of helping small business, period? What is the member's position?

[*Translation*]

Mr. Laurin: Mr. Speaker, I listened with a great deal of interest to the comments of my hon. colleague opposite, particularly when he said that the intention was not, apparently, to eliminate the $100,000 capital gains exemption, but rather to stop the flow of capital out of the country. If there were some way to do away with this irritant without denying the middle class and the less wealthy the opportunity to benefit from the exemption, then we would welcome this timely initiative and we would certainly support it.

As far as decentralization and duplication are concerned, the Bloc Quebecois maintained throughout the election campaign that the federal government should withdraw from certain areas and leave responsibility for program administration up to the provinces. We have spoken at length about occupational training. This is a good example of an area from which the federal government should withdraw. Responsibility for manpower training should be left to the provinces because it is a matter of education and under the Constitution, education falls under provincial jurisdiction. If the present situation persists, there will continue to be unproductive duplication in this area.

We could give other examples, health and research and development, for instance. It is unfortunate that we have not succeeded in eliminating duplication, the reason being that the federal government wants to maintain a high–profile in provincial areas of jurisdiction. And yet, every Quebec premier over the past 30 years, whether blue, red, separatist or sovereigntist, has called for responsibility for these areas to be handed over to the province. I think there is a major consensus within the province of Quebec, especially on this issue. And I hope the federal government ultimately recognizes this fact.

The Deputy Speaker: The time allotted for questions and comments has now expired. Resuming debate, since there are no more Liberals or Reform party members who wish to speak, I recognize the hon. member for La Prairie representing the Bloc Quebecois, the Official Opposition.

Mr. Richard Bélisle (La Prairie): Mr. Speaker, the proposals contained in Bill C–9 implement measures announced, as you will all recall, by the previous government in its economic and fiscal statement and April 1993 budget.

The new government, already short of ideas on new tax incentives to offer small business owners and workers, is borrowing ideas from an old government worn out by nine years in office.

This bill in fact proposes 12 amendments to the Income Tax Act. As we all know, the first measure deals with unemployment insurance premium relief for additional jobs. It provides a refundable tax credit in respect of an increase in unemployment insurance premiums payable by certain employers for 1993.

How much does it cost to administer this extensive red tape? That is the question. This kind of relief is reminiscent of GST refunds. The government collects some $13 billion in GST. Once you subtract all the associated administrative costs and refunds, you realize that this tax, while it was supposed to reduce the debt and eliminate the annual deficit, is really

bringing in very little revenue because of the red tape and all the efforts put into levying it.

It is the same thing with the unemployment insurance premium relief proposed in Bill C–9. What is the use of increasing taxes and premiums without eliminating loopholes? That is basically what is suggested here: reductions, relief for certain target groups. Why favour those groups over others? At the end of the day, all those taxes and premiums are of very little benefit to the community as a whole.

(1205)

This morning I had before me a copy of the federal Income Tax Act. It is a four–inch thick document. The main objective of income tax should be to enable the government first to collect the money it needs to operate and second to redistribute the wealth among the population.

Why all these tax credits, these extensions, these abolitions and so on, if not to feed and support the whole bureaucratic machine and all the professionals gravitating to it.

A friend of mine who owns a small business was telling me last week: ''A small business with 20 employees must have a full–time person, I repeat full–time, just to fill out government questionnaires and forms, including the endless changes, like those proposed in Bill C–9, that the government is constantly making to its laws and regulations.'' This friend is the owner of a small business employing some 20 people.

And to think that, during the last election campaign, one could read on page 19 of the Liberal Party's red book: ''Expenditure reductions will be achieved by cancelling unnecessary programs, streamlining processes, and eliminating duplication. This effort will take place in partnership with provincial governments''.

Unfortunately, the red book does not mention that the government will stop constantly increasing taxes and expanding the tax base by always creating exemptions for various groups, as proposed in Bill C–9. If the government conducted cost benefit analyses before creating new taxes or raising contributions such as unemployment insurance premiums, it would know the real, net benefit from each type of tax or contribution.

The tax or contribution collection costs should include the true cost of the bureaucracy needed to collect this tax, as well as the cost of all these relief measures, tax credits, tax deductions and program extensions such as those proposed in the bill before us today.

If we add up all tax collection costs and all changes and relief measures to make taxes less regressive for the poor or less detrimental to investors or investments creating jobs, the real benefit of various taxes or contributions is often minimal in the end for the government.

Bill C–9 is aimed at amending the very foundation of the income tax act. We in the Bloc Quebecois want to tell this to the current government: We already have in Canada a four–inch thick Income Tax Act. Let us stop making it more complicated and trying to make it more complex. What taxpayers want is simpler tax procedures. We should redesign this legislation from top to bottom and stop making it more complex, only to feed, as I was saying earlier, the whole bureaucratic machine and all kinds of tax consultants.

If we read carefully the 12 changes proposed in Bill C–9, what do we see? The first measure provides for premium relief. The second one refers to a tax credit that, in fact, amounts to a temporary exemption for small business. It is a kind of tax shelter, another exemption. Why create so many tax measures when there are so many exemptions in the end?

The third measure is also an extension for small business. This begs the question: Why do we always have to rescue fiscal lame ducks unable to make it on their own?

The fourth measure abolishes a tax. The fifth concerns labour–sponsored venture capital corporations. It is another addition to the current Income Tax Act. The sixth measure also extends an existing plan. The seventh measure refers to flow–through shares. It is a tax deduction, another tax shelter. The eighth measure removes a deduction; it amends an existing measure. The ninth measure is also an improvement to an existing credit.

The question we should be asking is this: Why all these tax shelters? On this subject, the economist Jean–Luc Migué tells us: ''Why subsidize investments? If they are profitable, they will be made; if not, they should not be made from an economic standpoint''.

(1210)

These first nine measures of which I just spoke are taken from the former Conservative government's economic and fiscal statement, as was mentioned before. As I also said, did this government inherit its fiscal imagination from the former Conservative government?

The last three measures were also announced in the former government's budget of April 26, 1993. Here again, measure 10 is a tax credit, measure 11 is another tax credit and measure 12 concerns instalment payments of income tax. These 12 fiscal measures are a heterogeneous assortment, with no overall vision.

We would have expected imaginative, innovative fiscal measures that would have created jobs, but they give us adjustments to old tax measures that only further entrench this Tower of Babel which the federal Income Tax Act is.

The Prime Minister and the Minister of Finance always tell us to wait for the next budget when we ask them what fiscal policy this new government intends to adopt. Why have Bill C–9 when

the next budget will likely change everything again on February 22?

I will let this House consider the study conducted by André Lareau and a team at Laval University, which says: ''If the government is not more imaginative, the reason is that the lobbying is done not by families but by companies. Thus, parents must pay tax on diapers, but there is no tax when you buy shares in a company''.

We might also add that the lobbying is not done by middle–class individuals or the most disadvantaged people and this new government acts only in response to well–organized pressure groups, which explains an Income Tax Act that is changed and gets bigger in response to pressure from various quarters.

In conclusion, I would like to emphasize that Bill C–9 says nothing about helping families who have to pay taxes, indeed income taxes.

Mr. Yves Séguin, a former Minister of Revenue in Quebec, said in *La Presse* on February 6, 1994: ''Former spouses, in most cases ex–wives, who receive alimony must add it to their income. This alimony is calculated very strictly, on the basis of the children's needs, and gives the mother absolutely nothing. Instead of paying 25 per cent income tax, for example, in many cases she has to pay 37 per cent or more, perhaps $2,000 or more, and she does not have the money to pay it''.

Finally, nowhere in this Bill C–9 do we see any tax measures directly for the people, individuals or families, but rather abatement measures intended for businesses, and most of these abatement measures are inherited from the former Conservative government.

[*English*]

Mr. Jesse Flis (Parliamentary Secretary to Minister of Foreign Affairs): Mr. Speaker, I was very interested in the hon. member's comments on clauses 9 and 11 that pertain to scientific research and experimental development. He did not like the changes being recommended in the bill.

I thought any movement toward targeting money more efficiently for R and D would be welcomed by the hon. member. If he feels these specific clauses are not good amendments to the bill, I am wondering whether he would recommend alternate clauses to replace them.

[*Translation*]

Mr. Bélisle: Mr. Speaker, as I said during my speech, we would have liked to see in Bill C–9 some income tax measures affecting individuals and families more directly.

(1215)

In Quebec, the provincial tax legislation contains a whole slew of measures designed to help parents more directly, especially parents of young children. One has to recognize that this bill contains provisions which are more directly targeted to businesses.

The hon. member referred to measures 9 and 11 concerning research and development. I do hope that, for once, these measures can benefit Quebec. We know that in the last ten years, all the help provided to R and D has essentially benefitted Ontario, at the expense of Quebec. During the period from 1980 to 1989, Ontario got most of the federal subsidies for research, namely 50 per cent. Historically, Quebec only received 17 per cent of federal grants for research and development.

I do hope that this bill will, for once, benefit Quebec as much as the other provinces of Canada, especially Ontario.

[*English*]

Mr. Paul Szabo (Mississauga South): Mr. Speaker, I congratulate the member on his intervention in this debate on Bill C–9. I want to add some clarification.

If I understood the member's statement correctly the GST revenue was somewhat less than $15 billion and after expenses it really contributed none.

In fact in terms of gross collections by the government the GST contributed some $29.5 billion. However, that was reduced by the $10.7 billion which the government paid in rebates, particularly to exporters because the input credits exceeded the taxes collected on their sales to non exports. That was further reduced by the rebates paid to schools, municipalities, et cetera which generally get about a 50 per cent refund of GST paid. Finally, there was a deduction of some $2.5 billion which was paid to low and middle income Canadians as a GST credit. Therefore, on a net basis after all those expenses the GST revenue to the government was $14.9 billion for the year ended March 31, 1993.

Having said all that we certainly do know the federal sales tax collected some $18 billion net. The GST has been a less efficient tax in terms of generating revenues for the government. Right now the finance committee has been working diligently looking into alternatives for replacing the GST to make sure there is efficiency and equity within our taxation system.

I raise those points for the member to ensure there is no misconception by Canadians on the present state of affairs.

[*Translation*]

Mr. Bélisle: Mr. Speaker, I want to thank the hon. member for his comment. Indeed, I was referring to GST revenue, which was something like $13 billion or $14 billion, give or take a billion or a billion and a half.

This tax brings in between $13 and $15 billion annually. This is more or less what I wanted to point out regarding Bill C–9, namely that the government should conduct cost benefit analyses or more in–depth studies before creating new taxes, and that it should also eliminate loopholes. I am not strictly referring to

tax loopholes, but also to all those exceptions which are made whenever a new levy or tax is implemented.

Of course, the government wants those taxes to be the least regressive possible. Reductions and exceptions are provided for the poorest individuals or households. In this case, I think you mentioned the figure of $17 billion for GST related credits to exporters, and 50 per cent of the GST for schools and hospitals. If you eliminate all that and add the cost of the administrative work done to collect the tax, you end up with $14.9 billion when, as you rightly pointed out, that tax initially brings in $29.5 billion. Therefore, once all the exceptions have been taken into account, the tax does not even bring in 50 per cent of what was originally expected. Indeed, we start with an amount of $30 billion and, once all those exceptions have been taken into account, we are left with $14.9 billion. And we are told that the previous federal tax, which did not have all these exceptions, used to bring in $18 billion.

(1220)

So, all these efforts were made to create a new tax which, in the end, brings in $3 or $4 billion less in revenue. What I am saying is that before implementing a new tax measure or a new federal tax to replace the GST, some in–depth analyses and studies must be done to try to eliminate administrative costs to businesses.

This $14.9 billion which we are left with in the end does not even take into account the efforts made by businesses to collect the tax by using new accounting techniques and computer systems. We are told that the previous tax used to bring in $18 billion. However, the economy must be considered as a whole: if the government is not paying, then it is businesses, and the latter paid several billion to implement this tax; it is hard to figure out exactly how much, but it could be somewhere between $5 and $10 billion. So, in the end, we are maybe talking about $7 or $8 billion in revenue for the government. Indeed, there may be only $4 or $5 billion left in the end. So, all these efforts were made to replace a tax which used to bring in four or five times more in revenue. Consequently, we must really be careful and conduct more in–depth analyses before implementing a new tax.

[*English*]

Mr. Dennis J. Mills (Parliamentary Secretary to Minister of Industry): Mr. Speaker, I would like to congratulate the member on his sensitivity to the cost benefit analysis of the GST. I also share his view that the GST has been a disaster, especially for the 1.9 million registrants, most of them small businesses. It costs them about $3,000 to $5,000 a year just to administer it, not counting the paper burden.

I want to deal with research and development. I know it is a sensitive issue with members from Her Majesty's Loyal Opposition. I want to recognize first that there is a little bit of a disadvantage on the pure dollars of research and development that do not go into the province of Quebec. The member quoted 50 per cent, but when analysing the research and development component the Ottawa region cannot be ignored. We had this discussion before.

The Ottawa region includes many research and development facilities in which many constituents from the province of Quebec participate. When one sees the amount of research and development that goes into the Ottawa region one will find that on a per capita basis we are a lot closer to a more reasonable share of the research and development dollars.

[*Translation*]

Mr. Bélisle: Mr. Speaker, I listened with interest to the comment made by the hon. member to the effect that the figures may be distorted by the fact that a lot of investments in research and development are done in Ottawa and that, on a per capita basis, as he said, the gap between Ontario and Quebec would probably be much less significant. I do hope the hon. member is right and I will take another look at the figures. I want to point out though that instead of referring to Ottawa, it might be more accurate to say the national capital region, which also includes an important part of Hull, on the Quebec side.

(1225)

[*English*]

The Deputy Speaker: We are back to debate now. I understand there are two people who wish to speak, the hon. member for Edmonton Southwest and the hon. member for Trois–Rivières. There are no members to speak from the government side. By our principle of rotation we would go to the government side and then to the Reform Party so I think it would be fair for the hon. member for Edmonton Southwest to speak next.

Mr. Ian McClelland (Edmonton Southwest): Mr. Speaker, I thank the House very much for the opportunity to participate in this debate. Through you, Mr. Speaker, I address my comments to the hon. parliamentary secretary to the Minister of Industry.

Earlier today, the hon. member was speaking about the need to raise capital for small business. We recognize that capital for small and large business is difficult to raise. I wonder if I could get his comments in two areas.

The first is the effective guarantees on the ability of small business to raise capital, specifically the use of joint and several guarantees. This has the effect of making whoever is signing a guarantee on behalf of a company with the deepest pockets to be the first the guarantor goes to in the event of default, even though there is the opportunity obviously in a guarantee position to limit guarantees. If there is one party to the guarantee with significantly deeper pockets that party is sometimes reluctant to

get involved in guaranteeing a small emerging business. That is one item I would ask the government to consider.

The other is the notion of extending the use of RRSPs beyond the traditional to the new and very effective use in home ownership. That would be under very strict controls, but consider the notion of extending the use of RRSP money and an arm's length transaction to supporting and providing capital for small and emerging private business as opposed to public companies.

There is quite a distinction between a company that needs to raise $1 million and one that needs to raise $10 million. If businesses were able to raise money under very strict conditions on an arm's length basis by using their RRSP or RRSP contributions that could be a very significant capital pool for the use in developing small business and emerging new technologies in Canada.

The Deputy Speaker: This is a switch. Normally it is the parliamentary secretary asking the questions which I think he will want to do now.

Mr. Dennis J. Mills (Parliamentary Secretary to Minister of Industry): Mr. Speaker, we have often stated this is going to be a Parliament of reform. This is true reform today because we are changing the normal process.

Dealing with the joint and several guarantees, I share the member's view that right now when most financial institutions have a guarantor on the hook which has, to use the member's words, deep pockets, it tends to be the victim if there is default. The bank tends to go after the guarantor.

We have to deal with this issue. Within the next couple of months the industry committee in deciding its first order of business will have a session to listen to all the Canadian financial institutions. They can talk about what they are doing for small business and the various structures the banks employ which inhibit capital getting to small business or people taking risks. I suggest the hon. member bring forward his concern to the bank presidents appearing before that committee and maybe we can get some amendment.

On the second point, the RRSP conversion into small business is an interesting idea.

(1230)

I have to say the Reform Party is always reminding us about how sensitive we must be of the treasury in terms of cutting and costs to the treasury. The member should realize that would be a cost to the treasury. It would probably be an enormous cost but, in the interest of getting small business moving again and inspiring more diverse ownership in small business, I would certainly think it should be something the Minister of Finance should consider.

Mr. McClelland: Mr. Speaker, this is really and truly a debate because we are asking questions and getting feedback. I thank the member for his observations.

I really have difficulty understanding how that would be an additional cost to the treasury. We would have to be concerned about the RSP money being used at an arm's length basis to finance small and emerging small business. Provided that money was already invested in an RSP vehicle, it would be money already in the financial system. Instead of being involved in mutual funds or a large public company this money would be directed to a smaller company.

There would be the risk element involved, but we are trying to get more and more people involved in the lifeblood of the capital pool of our country. It would not take any more money; it would use existing money and move it into small business instead of move it into large business through stock.

Mr. Mills (Broadview—Greenwood): Mr. Speaker, I have a short response. I am glad the member clarified that this would be no new extension of the RSP, that it would be moneys existing. I think his idea is a good one and I hope the Department of Finance and the minister will consider it.

The Deputy Speaker: I say to the member for Edmonton Southwest who I see is rising that unfortunately his time has expired. I think the last speaker in this debate among recognized parties is the member for Trois–Rivières.

[*Translation*]

Mr. Yves Rocheleau (Trois–Rivières): Mr. Speaker, as industry critic for my Party, I am very pleased to take part in the debate concerning Bill C–9, an Act to amend the Income Tax Act.

These amendments to the Income Tax Act implement certain measures announced in the Economic and Fiscal Statement of December 2, 1992 and the Budget of April 26, 1993.

Overall, 12 measures are mentioned, nine of which come from the economic and fiscal statement and the last three from the budget. The first nine measures are as follows:

1. Unemployment insurance premium relief for additional jobs;

2. Temporary small business investment tax credit;

3. Extension of the small business financing program;

4. Abolition of penalty tax;

5. Labour–sponsored venture capital corporations;

6. Extension of the home buyers' plan;

7. Flow–through shares;

8. Removal of mandatory deduction of Canadian exploration expenses;

9. Improvements to the tax credit for scientific research and experimental development.

As for the measures from the budget announced on April 26, 1993, they are: first, annual tax credit limit; second, investment tax credit for scientific research and experimental development; and third, instalment payments of income tax.

As you may have noticed, these measures are particularly involved. Just by listing them, you can see how complex they are, not only for the legislator, but also for the small business community.

That is why we think it is erroneous and pointless to undertake a detailed analysis of these measures in the House. These measures should be referred to a committee, and undergo a judicious and in–depth analysis before any necessary recommendations can be made.

(1235)

It is also clear a thorough review is needed of small business financial assistance programs, to identify any overlap in the administration of these programs and to simplify their implementation.

We must realize what small and medium–sized businesses have to put up with from a government bureaucracy that often interferes with the way they manage their affairs, that sets deadlines, asks for explanations, even intimidates business owners, wastes the time of employees and acts as if small business was at its beck and call.

Studies on the subject agree that at least 20 per cent of the time and effort that go into small business management and administration is spent dealing with government paperwork.

That is both unacceptable and contrary to the goals of being competitive and efficient, the magic words government officials are so fond of repeating.

We must help small business expand and not crush them under bureaucratic paperwork. We must help small businesses whose names are not on everyone's lips, which do not have an export plan or technology projects and whose equipment does not necessarily have to be updated, but which produce goods in response to local and regional needs. They are often well–managed or may experience problems but, most importantly, provide local jobs for 5, 10, 20, 40 or 60 employees who without this plant would be unemployed, unlikely to find another job and, as a result, have to live on unemployment insurance and then welfare.

I am thinking of door and window manufacturers, machine tool shops, manufacturers of food products, clothing manufacturers and sawmills, for instance.

We must acknowledge the fact that this type of business exists and help them consolidate their position, because they create and maintain the jobs in our regions that make it possible for the government, with the tax revenue from these businesses and their employees, to provide incentives for other businesses to either export or update their equipment or get technological development projects.

I would also like to take this opportunity to remind the government, considering the geopolitical changes that have taken place in recent years, of the importance of encouraging the conversion of our defence industries to the production of civilian goods. The government must help bring about this conversion, otherwise our entire industrial framework may lose its competitive edge to neighbouring economies.

The red book makes this clear, and I quote: ''The defence industries today employ directly and indirectly over 100,000 Canadians. The end of the cold war puts at risk tens of thousands of high–tech jobs. A Liberal government will introduce a defence conversion program to help industries in transition from high–tech military production to high–tech civilian production''.

That being said, questions arise about the federal government's framework for acting effectively in terms of incentives to streamline operations.

In Quebec, the agency closest to the customer is the Federal Business Development Bank which, oddly enough, reports to the Minister of Finance, although one could legitimately assume that industrial conversion programs would originate from and be inspired by Industry Canada, which has no regional offices, being mainly based in Montreal. One can hardly expect programs that are designed and administered well away from the potential user to be effective.

One also wonders what the FBDB, the Federal Business Development Bank, is doing in the Department of Finance.

To get back to the content of the bill as such, one of the items in the bill refers to labour–sponsored venture capital corporations. I am reminded of one particularly remarkable example, the Fonds de solidarité des travailleurs, a venture capital corporation founded 10 years ago this year by the Quebec Federation of Labour. Today, the corporation has 193,000 shareholders with net assets of $797 million and an investment portfolio worth $414 million, invested in Quebec businesses. Shareholders have seen their businesses revive or expand considerably, thanks to the fund's assistance.

(1240)

In 1993 alone, the fund was responsible for nearly $175 million in new investments benefitting 43 businesses. The very existence of the Fonds de solidarité and its success illustrate the potential for creativity and innovation of Quebec and the people of Quebec, which in turn explains our confidence and pride in the economic potential of a sovereign Quebec.

[*English*]

Mr. Jesse Flis (Parliamentary Secretary to Minister of Foreign Affairs): Mr. Speaker, I listened very carefully to the hon. member. What caught my ears was his comments about small business being harassed by government bureaucracy.

He mentioned that 20 per cent of energy went to fill out government forms and what not. He also mentioned that small businesses provided jobs on a local level. I could not agree with him more. If we want to kickstart the economy, if we want to stimulate the economy, we have to help small and medium sized businesses stimulate the economy and create jobs. Then I think we will see the recession behind us.

In canvassing my riding of Parkdale—High Park, which is in the city of Toronto, the complaints I get from small businesses are about the lack of co–operation they get from the banks. Yes, I get some complaints about bureaucracy or red tape, but if they want to modernize their plants and expand to export their products—and he mentioned such products as doors, windows, et cetera—they go to the bank and the bank refuses them capital loans. Under the Small Businesses Loans Act small businesses can borrow up to $250,000 and 90 per cent of the risk is guaranteed by the federal government. Even with that motivation, that stimulus, the banks are not co–operating.

Just yesterday an angry constituent with a small business in real estate called me. He had a client who used to pay him by cheque every month, a $1,000 cheque he would deposit in the bank. The service charge for that was 75 cents. The other day he was paid in cash. He took the cash to the bank and the bank had the gall to charge him $2.20. The principle is that small businesses get angry because of this kind of attitude on the part of banks in Canada.

Is it just businesses in Toronto, businesses in my riding, that have these problems with banks? Or, does he experience the same difficulties with the banks as do small businesses? If so, would he have any recommendations? How can we get after these banks to co–operate in stimulating the economy and not throwing roadblocks in the way of small businesses?

[*Translation*]

Mr. Rocheleau: Mr. Speaker, I thank the hon. member for his question. Having been involved in economic regional development for 25 years in my region of Mauricie—Bois–Franc —by the way, I take this opportunity to pay my respects to the people of that region as well as my constituents—I totally agree with the hon. member when he says that—and this matter was raised by the hon. member for Broadview—Greenwood in the Standing Committee on Industry—there is a discrepancy between what the presidents of the major banks are saying and the attitude displayed by local bank managers. Every one is looking after their own interests, but no one is there for the small businessman who is really the one taking the risks.

More and more, especially in difficult times, banks have only one thing in mind, to look after their own interests, to protect what they have. Often they do not hesitate to pull the plug on the other party, that is to say the business, the industrial entrepreneur and the employees.

(1245)

I think it is a matter of mentality, of attitude. Someone who had been studying the operation of European banks once told me that their attitude and approach with respect to private investment are totally different in the sense that the operating philosophy of the bank is to take a chance with the small business owner.

Perhaps pressure should be brought to bear to foster a change in attitudes, in that respect. While the Canadian banking system is said to be one of the most performing and comforting in the world, there may be fundamental choices to be made by banks.

We may come to realize that our system has its faults, its weaknesses, seeing that unemployment—because that is the ultimate result—is growing steadily from one decade to the next. When I was young, the unemployment rate was 3 per cent and now, I think that Statistics Canada is saying that the best we can hope for is 8 per cent.

It may be this kind of management and operating philosophy that causes banks to gradually discourage people who start up businesses with potential: when the going gets tough, the bank loses any loyalty to its client. That is a question that will be examined by the standing committee on industry.

Mr. Pierre de Savoye (Portneuf): Mr. Speaker, I have examined Bill C–9. I know there are people who are watching us on television. This is Bill C–9.

There are all kinds of interesting things in this bill and one may think that, with its proposals, the government wants to increase business competitiveness and enable people to improve their situation. For example, it talks about reducing the unemployment insurance premiums to promote the creation of extra jobs. It is very interesting to see how the government is concerned with businesses.

However, how are businesses going to learn that these new provisions will take effect? The day after this bill is proclaimed, will their accountant rush to the phone and tell them: ''Here, in your case, you really have a wonderful opportunity''? I doubt it and what saddens me is to see such nice intentions—the extension of the small business financing program, venture capital corporations for workers, the extension of the home buyers's plan—that will not necessarily be communicated with the

appropriate timing and in a usable way to businesses and individuals who could otherwise benefit from them.

I would like my colleague from the Bloc to share his thoughts with me on this.

Mr. Rocheleau: Mr. Speaker, I have to agree with my colleague that transmission of information gives rise to another kind of problem.

On the one hand, there is so much government intervention, and on the other hand, the system is so complicated that even the government does not have the tools to deliver the information.

Small business has to pay to set up a system whereby the information first goes through its tax expert, its accountant, who will hopefully make sure the information goes around. Such systems seem to work in a vacuum.

In a sense, government and small business are essentially parallel organizations. They are like two different worlds that can only meet from time to time, according to the goodwill, the ability, the dedication and maybe also the fees of the specialists hired by the companies.

Speaking of harassment, it seems that business is at the service of the government. In our economic system, things should be different, since the government is supposed to be at the service of the business community. There are undoubtedly changes to be made and we might begin by decreasing government interference in business management. That would go a long way to resolve many problems.

The Deputy Speaker: As no hon. member wishes to take the floor, is the House ready for the question?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

[*English*]

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

* * *

(1250)

CRIMINAL CODE

Hon. Allan Rock (Minister of Justice and Attorney General of Canada) moved that Bill C–8, an act to amend the Criminal Code and the Fisheries Protection Act (force), be read the second time and referred to a committee.

He said: Mr. Speaker, with the introduction of Bill C–8 the government proposes an amendment to section 25 of the Criminal Code that will bring to culmination a process of reform that started as long ago as 1969 with recommendations of the Ouimet committee.

The subject of this amendment is the use of force by peace officers in dealing with persons who take flight in order to avoid arrest. In short, the proposed amendment will first of all recognize the right of peace officers to resort to force in such circumstances, including such force as may occasion death or grievous bodily harm to the person to be arrested.

Second, it will introduce an element of proportionality between the threat of harm posed by the fleeing person and the degree of force that is permitted by law.

Third, it will extend the concept of permissible force such as is reasonable in the circumstances to persons who perform similar duties on behalf of the public, including prison guards and those peace officers who attempt to stop foreign fishing vessels that are alleged to be breaching Canadian law.

In introducing second reading of this bill, I would like to deal with three matters which the House may find useful as it embarks upon its considerations.

First, the manifest unsuitability of the present section of the Criminal Code that deals with matters of this kind. Second, the process of consultation in which the government and the previous government engaged in order to bring forth these proposals. Third, the particulars of the amendment that is proposed that commend the amendment to the government and, I hope, to all members of this House.

Let me first deal with the present state of the Criminal Code so far as it deals with the use of force by peace officers to detain persons who are fleeing to escape arrest. The provision is now found in section 25(4) of the Criminal Code of Canada and is known broadly as the fleeing felon rule. Indeed, the antiquity of that name itself indicates the time that has elapsed since we have methodically thought through the appropriateness of the present regime.

The concept of course is quite sound. The concept is as sound today as it was when the provision was first enacted. It is appropriate for the legislature to acknowledge and give authority to the need for peace officers to use such force as is reasonably necessary to protect themselves and members of the public when confronted with a person who is fleeing to avoid lawful arrest.

The fact of the matter is that the present section of the code is overly broad. It discloses on its face a lack of the kind of proportionality that legislatures and courts have worked toward in more recent enactments. For example, on its face the existing section of the code would permit an officer to use deadly force to detain someone who was fleeing to avoid arrest for shoplifting.

I hasten to add that police forces themselves, both in their training and in their procedures and practices, have shown both professionalism and restraint in the way they have used the discretion and authority conferred by the present section.

(1255)

This is in terms of the training that officers receive at the police colleges, in the manuals of procedure that are made available to forces as they work, and in practices adopted by police officers individually and by forces across the country.

One can see a recognition on the part of police officers themselves that the present section is not sufficiently subtle or flexible. It does not deal with the right proportionality to reflect a balancing of the competing interests that are presented in circumstances of this kind.

Indeed, in the 1989 report of the Ontario Race Relations and Policing Task Force it was observed that the police themselves are uncomfortable with the broad discretion provided at present by section 25(4) and the police college instructors caution new police officers not to take the powers literally.

There has been concern expressed about the present provision by minority groups across the country. Always keenly aware of their relationship with police forces, they have expressed worry that the section does not expressly contain the kind of criteria that should reasonably be found there for reference by peace officers before resorting to such force as might cause death or serious bodily harm in detaining those who flee for the purpose of escaping arrest.

[*Translation*]

When the provision applicable to dangerous criminals fleeing for the purpose of escaping arrest, which is being amended by the present bill, was first introduced, it applied only to the most serious crimes, most of which where punishable by death. At that time, when dangerous suspects where found guilty, they were almost always executed. One can understand why dangerous criminals did not hesitate to use any means, even the most violent, to escape arrest.

At the same time, if the suspect was not arrested then, there was little likelihood that he would be arrested later, since the tools at the disposal of the police forces where quite rudimentary, communication networks were primitive and investigation methods rather crude.

[*English*]

Over the years there have been complaints about the present section and calls for its reform from, among others, the Uniform Law Conference and the Law Reform Commission of Canada.

In April of last year the section was declared unconstitutional by a judge of the general division of the Ontario court on the basis of the very same flaws that I have identified here today.

Surely it is time for Parliament to catch up with the jurisprudence, with the police practices in place in this country, and to amend this section of the code so that it reflects current values and current approaches to policing matters.

Let me deal briefly with the degree and nature of consultation that took place as the government worked toward the amendment that is now before the House. I hope members throughout the House will agree that consultation has been thorough, thoughtful and constructive.

The most recent round began for present purposes in mid–June 1990 at the federal–provincial–territorial conference in Niagara–on–the–Lake at which there was general agreement that an initiative should finally be taken to change the code.

The following June, June 1991, the Department of Justice released a consultation document identifying four alternatives. In September 1991 at their conference in Yellowknife, the federal–provincial–territorial representatives agreed in principle on the approach that should be taken. Following that, there were a number of federal–provincial–territorial discussions at various levels on the precise shape of the amendment.

(1300)

On August 17, 1992 a further discussion paper with detailed proposals was released at the time of the meeting of the Canadian Association of Chiefs of Police. Throughout this process and in the months and years since it started, the Department of Justice has had the benefit of views expressed by members of Parliament, by senators, by provincial and territorial attorneys general and solicitors general, by chief justices, by ethnocultural groups, by representatives of the ethnic press, by provincial police associations, the police press, the Canadian Association of Chiefs of Police and the Canadian Police Association, bar associations, law deans, law societies, aboriginal police forces, non–governmental organizations and other interested individuals.

Thanks are due to all of those who took part in this important discussion. The suggestions and the observations they have made from time to time are reflected in various aspects of the legislation.

What will this bill achieve? May I observe, as I introduce debate at second reading, that this bill will maintain and reaffirm the ability of peace officers to protect themselves and the public from serious harm or death; will clarify when peace officers can use deadly force to stop suspects who are fleeing arrest, or inmates attempting to escape from penitentiaries; will justify a police response to the threat posed by a fleeing suspect that is in proportion to the seriousness of that threat; and, will

modernize the law by updating an archaic provision of the code that is inadequate and no longer fits the reality of present day Canada.

The bill provides that force that is intended or is likely to cause death or grievous bodily harm to arrest a fleeing suspect may only be used when reasonably necessary for the protection of any person from imminent or future death or grievous bodily harm, and only if the flight cannot be prevented by reasonable means in a less violent manner.

This bill calls for a proportionate response and respects the principle of restraint.

[*Translation*]

I want to make sure that police officers can continue to protect themselves and the public from serious injury or even death.

Bill C–8 specifically authorizes the use of whatever force is necessary to protect the public or police officers.

[*English*]

The proposal for a new subsection 25(4) focuses the decision on whether to use deadly force against a fleeing suspect against the risk of physical harm posed by the fleeing suspect if not immediately apprehended. The subsection provides that the physical threat posed by the fleeing suspect may be imminent or future. As a result, the subsection would allow for the use of deadly force against a fleeing suspect in situations where the danger to the public would be increased and not reduced by allowing the fleeing suspect to avoid arrest.

By adopting that standard, Parliament would be saying that only in those circumstances is the use of deadly force justified. At the present time there is in the current provision no requirement that the fleeing suspect be dangerous before deadly force can be used.

Admittedly, the assessment of future danger is a difficult one to make. But retaining the word as it appears in the amendment would make it clear that the provision would apply, for example, with respect to a dangerous mass murderer, or a person with a record of violent offences fleeing from arrest who constitutes a danger to society, even though the anticipated harm may not be immediate.

The assessment that the fleeing suspect poses a threat of death or grievous bodily harm is to be based, according to the amendment, on the circumstances as the user of the force on reasonable grounds believes them to be. In this way the test merges the police officer's subjective belief about the seriousness of the danger posed by the fleeing suspect with the objective test of reasonableness of such belief. This approach is consistent with the test currently used in subsection 25(3) of the Criminal Code.

(1305)

The bill also proposes, in new subsection 25(5) of the Criminal Code, that deadly force be allowed in order to prevent the escape of an inmate from an institution in which it is known that there are inmates who would be dangerous if they escaped. This proposed amendment once again reflects the current policy and practice relating to the use of force in penitentiaries. Whereas the use of force against escaping inmates is justified by the present subsection 25(4), peace officers in penitentiaries would not be able to perform their job properly and public safety could be jeopardized by the proposed use of subsection 25(4), because paragraph 25(4)(d), if applied to the prison officers would be found inappropriate to the special situation that they face in penitentiaries.

In penitentiaries it is practically impossible for peace officers observing an escape to assess whether the particular inmate attempting to escape is likely to be dangerous if the escape is successful. What is more, the peace officer in such circumstances would be unlikely to know the factors that determine the risk the inmate presents at that particular moment. Deadly force would only be permitted as a last resort after other reasonable, less violent means, if possible in the circumstances, have been tried.

In comparing escape from a penitentiary to the flight of a suspect, the inmate is already in the custody of the law, has been convicted and sentenced for having committed an offence. The social and psychological significance of an escape is very different from a fleeing suspect trying to escape arrest, in that the person who flees on the spur of the moment while escaping from a penitentiary is very rare. Ordinarily such escapes involve planning and premeditation. It is necessary also to bear in mind that it is necessary to maintain discipline and respect for lawful authority in penitentiaries. This amendment would assist in achieving that objective.

Last, the bill includes an amendment to the Coastal Fisheries Protection Act to provide the authority in accordance with regulations to be made under the act for a protection officer to use disabling force against a fleeing foreign fishing vessel in order to arrest the master or other person in command of the vessel.

The amendment to the Coastal Fisheries Protection Act is being proposed to ensure that the Department of Fisheries and Oceans retains the same powers it has at present to use disabling force when necessary. No new powers are being added.

Fishery officers employed by the Department of Fisheries and Oceans to enforce regulations concerning the fisheries are peace officers under the Criminal Code. They have duties and training that are similar to those of other peace officers. These people may, on occasion, have to use force to disable a foreign fishing vessel that has violated our laws and tries to escape.

If disabling force could not be used it would not be possible to arrest such vessels if they tried to escape and they could violate our laws with impunity. The use of this disabling force is being authorized only against foreign fishing vessels, not against Canadian ones. Domestic fishing vessels and their masters routinely remain in Canadian waters or return to Canadian ports where they can be apprehended so the disabling force in those cases is not required.

The amendment includes a regulation making power to further control the use of disabling force. The regulations will establish the procedures in accordance with which and the extent to which disabling force is to be used. The government intends to develop these regulations so they will be consistent with the Canadian Charter of Rights and Freedoms. The regulations will also be consistent with a recognized and reasonable international practice in the use of disabling force at sea. There will be a number of steps that would have to be followed and satisfied before the use of disabling force would be permitted.

[*Translation*]

I think this bill achieves a good balance between, on the one hand, the capacity of peace officers to ensure public safety and, on the other hand, the protection of Canadians' rights.

(1310)

[*English*]

I believe that the bill marks a significant step forward from the archaic fleeing felon rule. It allows us to put in place new legal protection balancing the rights of peace officers, who must do their jobs in increasingly difficult circumstances, and the rights of citizens for protection against deadly force when it is not reasonably necessary.

It is my hope that the hon. members of the House will provide this bill with their support.

[*Translation*]

The Deputy Speaker: Since the standing orders do not allow questions or comments under such circumstances, I give the floor to the hon. member for Gaspé.

Mr. Yvan Bernier (Gaspé): First, Mr. Speaker, I have a short question. I see that time is running out. I believe we are allowed a 40–minute period for the first speech and I was told that one of my colleagues would then make a 20–minute speech and two other colleagues would speak for 10 minutes each during the day. I believe you were informed of that. As for my 40 minutes, I think that I will have finished before the oral question period.

The Bloc quebecois will approve Bill C–8, in general. But we have serious reservations about it and we will ask for some amendments. After expressing these reservations, I will tell you about our intention to move these amendments, which we hope will clarify the bill and limit potential abuse.

I will stick with the fisheries issue. My colleague will explain to you later the more detailed position of the Bloc concerning the first part of the bill dealing with wardens in penitentiaries, I think, in any case the one that amends the Criminal Code. He will do it, I believe, more eloquently than I, at least I hope.

As I said, as the fisheries critic and also as the representative from the Gaspé riding, a traditionally maritime riding, I will dwell on the fisheries aspect of Bill C–8, because in fact the second part of the bill amends the Coastal Fisheries Protection Act.

After briefly explaining to you the substance of the amendment, I will also explain the risks involved.

In short, before its amendment, this provision, in our opinion, seemed as brief as imprecise. We understand what the government has done about this. So far, this legislation reads as follows: ''A protection officer may arrest without warrant any person who the officer suspects on reasonable grounds has committed an offence under this act''.

With its amendment, the government gives a structure to the power given to a protection officer. Once this government amendment is adopted, the new provision will read as follows: ''A protection officer is justified in using, in accordance and to the extent permitted by the regulations, force that is intended or is likely to disable a foreign fishing vessel in these circumstances—'' I wil not read all the conditions, but that is the basic point of the new legislation.

So what does this amendment intend?

It gives to a protection officer the right to inspect a foreign vessel. Therefore, the right of a protection officer to act is now included and protected by the law. We have to keep in mind that any protection officer already had this right and this bill simply confirms a current practice which brings us to ask a technical question first: Do the protection officers have the training required of people who hold such an important power? It is up to the minister to answer this first question.

In the end, what are our reservations about this bill?

(1315)

First, let me point out that illegal fishing is only one aspect of the Canadian fisheries issue. Stock depletion is a complex issue which cannot be confined to illegal fishing.

Thus, the fisheries problem is much more than just a question of stock depletion as mentioned by the Minister of Fisheries and Oceans. We believe that the entire structure of the industry must be revisited. Instead of addressing these structural changes necessary to respond to the cyclical changes in stocks, the government—as it did in the speech from the throne—is still

looking for those responsible for stock depletion when it is the government that is responsible for stock management.

Surely, the government cannot allow illegal fishing. But it must also take other action. It must concentrate first on restructuring the fishing industry, on developing new trading practices. It must emphasize all sorts of alternatives in order to put more than 50,000 people back to work in this country. Illegal fishing must be stopped, but the problem goes beyond that. In our view, this bill looks like another element of a broader smokescreen. We hope that our fears are unfounded.

Now, here are some tangible reservations we have about Bill C–8. The Criminal Code allows a peace officer to use force in order to arrest a person who wants to flee. We agree with this principle in the context of the Criminal Code. However, we consider this is a poor approach when it comes to fisheries. The situation in the fisheries industry is so precarious right now that the amendment could result in violent incidents. Let me explain.

In the past, using deterrent firing has not permitted to inspect foreign ships at fault. Therefore, once the bill is adopted, the protection officers may think they can use a degree of force greater than the one they are using now to achieve what they set out to do. As I said, the situation is precarious and using a greater degree of force to disable a foreign fishing vessel may encourage illegal fishermen to respond to the measures taken by Canada by arming to defend themselves. So, without being alarmist, we believe that the risk is real and should be considered by the minister.

Second, one of the objectives of Canada is to show the international community its determination to stop illegal practices.

This is a commendable objective. However, it entails the inherent risk to view force as the ultimate solution to the problem. We refuse to view force as an end in itself. Using force does not allow us to get to the root of the problem of illegal fishing. It is only a short–term solution. The real solution will come from concerted international action.

In fact, and here I come to our third concern, Canada will not be able to stop illegal fishing practices without the help of other countries. Negotiation efforts with the international community must be pursued. Even though we keep a close watch over the 200 mile area, if, for instance, fishing activities outside that area are allowed to go on and harm our fish stocks, the amendment to the Coastal Fisheries Protection Act will not solve the problem in any way. Canada cannot legislate in an international area. Therefore, negotiation is the only possible solution. We must not forget that when examining this amendment.

Other countries' input is all the more important since it is our firm belief that using force is only a temporary solution, one that we want to eliminate as soon as possible. Force is a short–term measure. We reject it on the whole but for purely dissuasive purposes, we tolerate reasonable use of force, that is force aimed at disabling a fishing vessel without putting any human life at risk.

(1320)

Contrary to what the Criminal Code says, we do not tolerate using force likely to cause death in the case of fishing vessels. In our view, illegal fishermen are not criminals; often crewmen are not even aware of what is going on. We must understand that but since we must act rapidly, we are ready to accept it.

We take it that the bill applies exclusively to foreign ships because, in the case of Canadian vessels, there are alternatives to force which we cannot use in the case of foreign ones. In the case of Canadians, we could, for example, arrest identified offenders dockside or at home.

Therefore, through international treaties, the government should strive to have the countries involved implement arrest procedures similar to those we have on our territory. It would be the only efficient way to avoid using force and at the same time succeed in punishing those guilty of violating the law. We could avoid using force even in the case of offenses; through bilateral or multilateral agreements, we could have a ship captain arrested by the police of his own country. In such cases, if the fines were high enough, we could discourage smugglers without using any force.

While I am on the subject of international treaties, let me take this opportunity to talk about those that already exist, for example those with the United States and Quebec. I would like to give the House the following example, should Quebec ever become a foreign nation. Eighty per cent of resources found in the Gulf of St. Lawrence are already shared among the bordering provinces under an individual quota system.

This system is backed by a dockside monitoring program. The Department of Fisheries and Oceans is able to know, on a daily basis, what is being unloaded, where it is being unloaded, precisely at which dock, and by whom. Therefore, should Quebec choose sovereignty, contrary to what some of my colleagues claimed last time I rose in this House, we would not be locked into endless constitutional arguments; on the contrary, the work has already been done.

Resource sharing agreements are already in place. In the worst case scenario, the colour of the paper might change but the basis is already there. So, whether Quebec is a neighbour or a foreign state, using force, under international agreements, might not be necessary, or so I hope.

There are alternatives to using force. I would like to give other examples. Apparently, as we approach the year 2000, a satellite orbiting around the earth can read a newspaper over my shoulder. How can it be then that we are unable to keep up with new technology and track any vessel in our waters? We could increase security at sea and better protect our sovereignty on the

ocean. I do not claim to know everything there is to know in the field of electronics, but I do know that things can be done.

These alternatives to violence may prove important if we consider that the proposed amendment to the Criminal Code could be applied to worse crimes than poaching. It may be justified to use lethal force against a dangerous criminal but it would be unacceptable to do so with poachers, who pose a totally different problem.

We can arrest a captain because he caught too many fish, because he was fishing in the wrong place, because he caught the wrong species or because he did not have a licence. These are all serious fishing regulation offenses but none is so serious as to justify endangering the lives of the captain and crew while trying to stop their ship. This aspect of the problem is covered by an amendment we will bring forth later.

(1325)

I want to get back to another point that I touched on briefly a while ago. I will phrase my comment in the form of a question. Is it really lawful to pass legislation that applies only to foreigners?

Clause 8.1 applies only to foreign fishing vessels. The bill does not authorize the use of necessary force to disable a Canadian vessel. We realize that other measures are in place to track down offenders in Canadian territorial waters. Consequently, there is no need to resort to the use of force in their case. We ask the Canadian government to apply the same policy to foreigners so that altercations can be avoided.

We understand that until such measures are put in place, the Canadian government must resort to the use of force. However, we will not stand for a policy based on a double standard. Therefore, it is imperative that we implement, along with the international community, effective measures to stop vessels from fishing illegally and to change a system where two kinds of law apply, one for Canadians, and one for foreigners.

In addition, it seems clear that the government is again, through this legislative provision, focussing attention on foreign fishing. At least that is how I see it. It seems to still be looking for a scapegoat when instead, it should re–examining the whole issue of the Canadian fishery.

The fourth point about which the Bloc Quebecois has concerns is the matter of the possible additional overlap between government departments. National defence vessels are already equipped to disable foreign fishing vessels. The inclusion of clause 8.1 could prompt the Department of Fisheries and Oceans to further equip its vessels so that they have enough strike power to intimidate foreign vessels. Should these investments be considered a priority given the crisis in the fisheries?

Furthermore, one can question the relevance of giving fisheries protection officers the mandate to disable a foreign fishing vessel. There is indeed overlap between the different department when it comes to maintaining maritime sovereignty. The report of the Malone Committee on maritime sovereignty states in no uncertain terms that savings could be realized if there were more co–operation and co–ordination between the departments of Transport, Fisheries and Oceans, National Defence and the RCMP. Today's amendment does nothing to restrict overlap and could quite likely increase its incidence.

To respond to some of its concerns, the Bloc Quebecois will move an amendment to the government's bill. We will add a line to the end of section 8.1 as follows: the use of force cannot be tolerated if the lives of the crew of the escaping boat are endangered. I do not claim to be a lawyer, but I submit that this is a very sensible resolution and I say it most sincerely.

The purpose of this amendment is clear: to set limits for the use of force. Since subsection 25(3) of the Criminal Code does not apply to the Coastal Fisheries Protection Act, use of force as mentioned in section 8.1 of that Act is not limited by law. The Bloc's amendment is intended to limit the use of force in order to avoid possibly nasty incidents. Foreign fishermen are human. They do not deserve to die just because they wanted to make ends meet. In many cases, the people on the ships will not even understand the language used to arrest them and thus unreasonable use of force could lead to serious incidents.

(1330)

I have another question about this bill: the government does not define what ''disable'' means when it says ''force that is intended or is likely to disable a foreign fishing vessel''. Since I am not a lawyer, I looked in the dictionary and saw that a ''disabled'' ship is unable to move because it has been damaged. Damaging a ship on the high seas—I do not know if some of you have ever fished, but any kind of weather may be going on out there at that time. Various kinds of vessels, made of various materials, exist: iron, wood and fibreglass. A .303 bullet hole could perhaps sink a ship, but if it did, it would be because it was fired through the hull as a warning, apparently. But if a shot were fired through a fibreglass fishing boat, I would not want to be a fisherman asleep between decks.

So I think that the use of force requires prudence and good judgment. And we know that life at sea can be tough. So remember that this right to use force must be exercised carefully.

This amendment is even more important in that the application of the law is subject to regulations issued by the Governor in

Council. It is really the regulations which will determine the scope of the law. If the regulations are too lax, the law as worded is dangerously open to abuse.

The bill in itself is not bad, but what seem less attractive are the motivations for it.

The government is giving fishermen a target, namely foreigners. When the cod stocks started to decline, some said that the increase in the seal population was mainly responsible. After all the twists and turns we have been through, scientists now tell us that seals are only one predator among many. Since the scapegoat is no longer there, another one must be found! What better than foreigners? Let us gladly hide the real problems behind the wicked foreigners. In the meantime, we do not talk about what will happen to the fishing industry after May 16. In the meantime, fishermen forget that the federal government was responsible for managing the stocks and that it is mostly to blame.

According to NAFO, barely 5 per cent of the cod stocks are in the nose and tail of the Grand Banks where the illegal fishing is now going on and about which this government is making so much fuss. We wonder why the minister is making such an issue of it. Does the government realize that it is politicking instead of solving the real underlying problem?

The Department of Fisheries and Oceans itself recognizes that it is practically impossible to estimate the cost of illegal fishing. What I am saying is that we should be discussing the fisheries of the future instead. The seals have always been there and the stocks did not collapse. Foreigners have always fished some of our stocks and our stocks did not collapse as they have now. Our whole industry must be rethought and quickly, because many people are idle and frustrated. These are capable people. Seafaring people are resourceful, but the government does not listen to them.

However, the traditional management imposed by the federal government disdains local initiatives for solving the problems of the fishing industry. Indeed, this is not the first big crisis of the fishing industry. I repeat what I already said, and I think it is important to repeat it. In the early 1970s, cod stocks were in almost the same state as they are today, but the resourceful fishermen then turned to crab fishing. A little later, in the late 1970s, with the collapse of haddock fishing in the Gulf, some fishermen turned to shrimp.

(1335)

I gather from this that these maritime communities can adjust when allowed to interact. They can signal the presence of other, less popular species that can then be marketed. But this requires rapid channels of communication between decision–makers and the people on the front line, namely the fishermen. Quebec lost the opportunity for feedback in 1982, when the then Liberal government repatriated the fisheries jurisdiction. It is about time, in my opinion, that the federal government opened its eyes.

I have another, more recent example. In 1986, this feedback mechanism would have allowed inshore fishermen, who were the first to notice the decline of cod stocks, to adjust. While cod stocks were in decline, other species wrongly seen as unfit should have been made more attractive.

I want to reiterate that my motto on fisheries throughout this session will be this: A valid industrial policy on fisheries can only be consistent if the provinces share in the management of resources. The vulnerability of Quebec and the other provinces with respect to fisheries is due to the fact that the most decisive powers in this area are held by the federal government.

The Minister of Fisheries and Oceans should talk about a new partnership between the various stakeholders in this sector. He should talk about the steps he intends to take to put fishermen in Canada and Quebec back to work. What tools will he give maritime communities to help them pull through?

Where I come from, we have a saying: ''If you give a man a fish, you will feed him for one day, but if you teach him how to fish, you will feed him for life''. I think it is also a Chinese proverb. We are very cultured in the Gaspe, are we not?

What tool should we use to enable former fishermen to find a new path? Similarly, what tool will we use to diversify this industry so that it can live through the next stock variation cycles? As I was saying during the election campaign, ''A local problem calls for a local solution''. The real solutions will not come, I am sorry to say, from Ottawa.

Today, because of the federal government's management mistakes, these communities are seeing their world turned upside down. Their lives will never be the same. They must find a new way of life. This revolution requires the various governments to provide maritime communities with new development tools.

The fishing world is undergoing massive changes and it would be an insult to all fishermen to unduly target illegal fishing or smugglers. We hope that this bill is not part of a plan to obscure reality and cloud the real debate on the fisheries' future. We support this bill, as I said earlier, but we hope it will be amended. Most of all, we are in favour of the government assuming its responsibilities and facing the crisis in a sector that is vital to many Quebecers and Canadians. That, Mr. Speaker, is something I have yet to see.

In closing, I would like to reiterate—because I have been talking a lot—the few questions I want to ask the government. I would like the government to answer these questions; I do not know how, but it should be able to respond before tabling the final draft of its bill.

My first question is this: are protection officers adequately trained to exercise such important powers? I know a few of them from my hometown but I know that Canadian regulations have different applications, regarding the bearing of weapons, for example. I know that two of the five Maritime provinces have asked for permission to refuse the bearing of weapons.

(1340)

What will be the attitude of protection officers with regard to a use permitted by the regulations, although I do not know what regulations will be made under this legislation? That is a question I would really like answered.

Did the minister also think of the possibility that government initiatives could make things worse? The point I am making is that the fisheries are already in crisis. I would not want fuel to be added to the flame. Will the Minister of Fisheries and Oceans also step up his efforts in negotiating with the international community? And will the government reduce the current overlap between various federal departments, as I said earlier? The Malone report referred to a four–way approach.

Finally, will the regulations made under this legislation be tabled in the House of Commons to allow us to assess whether they are too lax and are leaving the door open to abuse or not?

In closing, I would urge the government to consider carefully the amendments the opposition will be proposing. This bill has numerous implications and deserves careful consideration.

[*English*]

The Deputy Speaker: Since there are no questions or comments on the speech made by the member from the Bloc Quebecois I would go directly then to the Reform Party member for New Westminster—Burnaby who has the same time as the first speaker for the two other parties as of today when the rules come into force.

Mr. Paul E. Forseth (New Westminster—Burnaby): Mr. Speaker, I rise today in response to Bill C–8 which is laid before this House.

The bill strikes at the heart of what it is all about for communities to delegate authority on their behalf, to have police officers, to give them lethal weapons and to give them the power not available to ordinary citizens. This bill clearly strikes at the heart of the authority of a policeman. The bill clearly circumscribes and brackets to a greater degree the existing law which is the discretionary authority where force, such as bringing possible harm or death, may result to a perpetrator of a crime.

First, I note that this bill appears to be a top down fix or a response to a charter argument made in the Lines case. It is said that the current provisions of the Criminal Code are too broad. Second, there appears to be some desire for this measure from certain community groups that in particular circumstances too much force was used and the Criminal Code guide and parameters were far too broad.

However, I do not detect a community outcry that the police are shooting people and that forces are really abusing their community trust. If anything the community feels that the police are hamstrung and that their hands are tied and do not generally have enough authority to carry out their duties. Where is the current community bottom up drive for this change?

It is said, however, that subsection 25(4) of the Criminal Code is a problem. That subsection empowers a peace officer who is proceeding with lawful arrest of a suspect who may be arrested without a warrant to use as much force as is necessary to prevent escape unless there are other reasonable and less violent means. This is what is known as the fleeing felon rule. It is evident from plain reading of the section that the only judgment requirement of the peace officer concerned the availability of other means.

It is said that subsection 25(4) of the code breaches the suspect's rights and the rights of innocent bystanders under section 7 of the charter which is life, liberty and security of the person or section 9 which is protection from arbitrary detention or section 12 which is protection against cruel and unusual treatment.

The fleeing felon rule was developed at a time when most felonies were punishable by death. If a felon could be executed on conviction then it was apparently felt that the death of a fleeing felon was not terribly disproportionate. To those who protested that this amounted to a so called execution before trial, the answer could be well made that the fleeing suspect could not have been terribly interested in his trial or he would not have fled in the first place.

In any event this rationale for the rule no longer exists in civilized societies where no crimes are punishable by death in Canada.

It is said that the bulk of academic and law enforcement opinion is that the deadly force justification found in subsection 25(4) is quite simply too broad.

(1345)

Police officers of the RCMP, Ontario Provincial Police and metropolitan police forces all receive instructions and guidelines that limit their use of deadly force more narrowly now than is allowed in the Criminal Code.

The common thread of these limitations is the requirement of some element of actual or reasonably perceived danger to the officer or to others of death or bodily harm. The public interest in the use of force, even deadly force, is equally obvious. It is to facilitate law enforcement and prevent the escape of criminals.

It is thought by some that if criminals come to know that they may flee from arrest with impunity then they will do so and chaos will result.

There is some easy agreement in the extreme cases. I will take the extreme case to illustrate the point. That is not always so when the lines of delineation are not all that clear.

The case is raised for example about the hypothetical doughnut thief. If the peace officers found a thief in the act he would perhaps would be entitled to arrest without a warrant. If no other means were available he would be entitled to use lethal force to prevent the escape. No sane person would ever suggest that it should or could be used in that circumstance. I do not think we have a history in Canada of that kind of abuse.

Other provisions also limit this peace officer who might coming upon an armed bank robber spraying bullets in every direction. Few would suggest that he should not use lethal force to prevent escape and the possibility of further harm to the public.

What about the policeman who finds someone in the act of smuggling large quantities of cocaine or heroine into the country? The suspect is unarmed and takes flight. The crime is extremely serious. It involves bodily harm and often death among users. It fosters often violent crime by addicts to gain the wherewithal to feed their habit. It frequently fosters violent crime among its distributors but at the moment of flight the suspect offers no immediate danger to the officer or anyone else. Should the officer fire?

What about the future harm of a hypothetical Clifford Olsen? It is said that provisions such as those that exist in the Criminal Code now authorize the use of lethal force whenever no less violent means of capture are available and that that violates the charter concerning the right to life and security of the person. The prospect of deprivation thereof for some offences is not in accordance with the principles of fundamental justice.

Can section 25 be justified under section 1 of the charter as a reasonable limit on the right of liberty and security of the person? Clearly the detention of fleeing suspects is a pressing and substantial concern. The use of force to prevent flight is clearly designed to achieve that objective and is rationally connected to it.

The use of deadly force does not impair the right as little as possible. The potential use of deadly force in a broad range of situations as may be envisioned is said to be over broad and entirely lacks proportionality.

The example is given of the spectre of the doughnut thief. It is simply that. It is only a spectre. There is no evidence that doughnut thieves are being gunned down in unprecedented numbers in Canada.

The evidence is that police officers are instructed to fire their revolvers only in circumstances much more stringent than those in section 25(4). In short the argument is made that peace officers can be relied upon not to abuse the force authorized by the code.

It is the potential for harm and not the reality that matters. Does the seriousness of the crime matter or is the sole question about the danger present? What is the danger? Is it grievous bodily harm or some serious physical injury? What is the risk level? Is it that it might, may or likely possesses substantial risk of injury? Who is protected aside of course from the arresting officer? Is it those who are immediately present both spatially and temporally or those more remotely at risk? The fleeing rapist might have slaked his lust but for how long?

These issues today are being dealt with by those who are responsible to the electorate. This is a political debate.

For example, in the Lines case the Criminal Code was declared indeed to be an unconstitutional violation of the suspect's charter right to life and security of the person.

Let us review. More clearly, subsection (4) currently permits a peace officer and anyone lawfully assisting such a person to use as much force as is necessary to prevent flight from lawful arrest if the additional circumstances set out within the subsection are met. It must be shown that there is a lawful basis for the arrest either with or without a warrant.

Second, the person to be arrested must flee to avoid that arrest.

Third, it must be shown that there was a no less violent means of stopping such flight than was reasonable.

If an officer crosses into another jurisdiction in the course of such a chase, the officer retains the status of the peace officer for the purposes of that section.

In deciding in a particular case whether a police officer had used more force than is authorized by subsection 4, general statements as to the duty to take care to avoid injury to others made in civil negligence cases cannot be accepted as applicable without reservation. The performance of the duty imposed upon police officers to arrest may at times and of necessity involve risk or injury to other members of the community. Such risk in the absence of a negligent or unreasonable exercise of a duty is imposed by the statute.

(1350)

The right of a peace officer to use force to prevent escape is a limited one and the right may be exercised only if the escape could not be prevented by reasonable means in a less violent manner. A peace officer cannot in any circumstances justify the use of excess force and where the right to use force exists, it must be exercised in a reasonable manner. If it is to be exercised in a negligent manner, a peace officer is liable for all loss or damage caused by his negligence. That is the current situation.

In summary, it could be viewed that the proposed changes are administrative only and only bring into line what is now accepted practice which is housekeeping. That remains to be seen.

We need only to get this bill into committee, call witnesses and have a more thorough reflective examination. It may be that the court and the justice community elite have already decided what has to be done. What remains is the community conversation that we can have about this bill. This is the most fundamental power the community has. It delegates to its police force for peace, order and good government.

Mr. Derek Lee (Scarborough—Rouge River): Mr. Speaker, I am very pleased to address this piece of legislation presented by the justice minister.

So often in this House when we debate legislation we are dealing with it usually on an intellectual level somewhat divorced from the real life circumstances in which we intend the legislation to apply.

In this particular case however, on a very personal note I could not help but notice that the drive for this legislation commenced with a decision of an Ontario court judge who found that the existing Criminal Code provisions strayed from the requirements of our charter. I believe this is rightly so. He did find that correctly. That particular judge was a lawyer for whom I had first worked as an articling student some 20 years ago.

The case involved a police officer who had apprehended a suspect and in connection with that had fired his gun. That police officer lived right across the street from me in Toronto. This particular amendment is a little bit more than just an intellectual exercise for me.

I would like to speak in particular to that aspect of the legislation that deals with the work of employees in federal penitentiaries who have certain powers and protections to help them do their work. The bill recognizes that peace officers who are correctional officers in penitentiaries have a unique situation relative to that of peace officers who are police officers on the street.

Correctional officers are dealing with convicted offenders, many of whom would present a serious danger to public safety if they were to escape. Subsection 25(5) of the bill would permit correctional officers to use deadly force in order to prevent an escape from a penitentiary that houses such high risk offenders. This would be only as a last resort when less violent means had been tried and found not to work. Those other means include warning shots and oral commands.

This reflects current policy and practice in the correctional service which is responsible for the operation of the federal penitentiary system. It is in accordance with the mandate of the service to protect society. The Correctional Service of Canada's current internal policies are currently consistent with proposed subsection 25(5). This requires a correctional officer intervening in an escape to attempt to first issue an oral warning to stop and then to fire a warning shot unless circumstances do not permit that to happen. In practice it has happened extremely rarely that a warning shot has not deterred an escapee and that lethal force has had to be applied.

(1355)

Only specifically trained and authorized correctional officers in maximum and medium security institutions carry firearms. They do so only in designated areas. These include the observation towers and patrols around the institution perimeter.

Both maximum and medium security institutions contain inmates considered to pose a significant risk of escape and threat to the safety of the public. Consequently both maximum and medium security institutions are equipped with strong perimeter security such as high fences, walls, movement detection systems, cameras, armed posts and patrols.

The Correctional Service of Canada currently has 13 maximum security facilities and 17 medium security facilities in Canada. There are no armed posts in federal minimum security institutions since these institutions house offenders who are classified as being of low risk to the public.

As the Minister of Justice has already explained, the general rule in subsection 25(4) requires the peace officer to have reasonable grounds to believe that the particular individual fleeing arrest represents a threat of death or grievous bodily harm.

Subsection 25(5) qualifies that rule in the case of escapes from a penitentiary. That is important. This is a special rule to be used only for federal penitentiaries. The reason for this is that when a correctional officer sees an inmate escaping it is practically impossible for him or her to assess the degree of risk that particular individual represents at that precise moment in time. Physical circumstances such as darkness, distance, or a disguise worn by the inmate may make it impossible for the officer to identify the inmate.

Even if the identity were known the officer would not likely be aware of the factors that have precipitated the escape attempt, factors which could result in the inmate posing an increased risk to public safety. Inmates attempting to escape are often desperate to make good their escape attempt and are capable of resorting to violent measures including the taking of civilian hostages.

Therefore the test that is used in subsection 25(5) is that the officer must believe on reasonable grounds that any of the inmates in the penitentiary pose a threat of death or grievous bodily harm to the officer or any other person, that is, any inmate in that institution.

Correctional officers are able to found their belief on a well established system which assigns every federal institution a security classification according to the inmate population it is designed to accommodate. The new provision applies only to federal penitentiaries. Provincial corrections authorities were consulted in the drafting of this provision and they agreed there was no need for this provision provincially.

I believe that this proposed new subsection maintains powers of protection needed by front line staff in our penitentiaries and I believe it strikes the appropriate balance with the interests of public safety.

Lastly, in connection with the provision of the amendment dealing with foreign fishing vessels, I want to note that the vessels involved are foreign and not Canadian, an important distinction, and that the amendment is aimed at disabling a fishing vessel and not a person. Strictly speaking, the Canadian Charter of Rights and Freedoms certainly does not have the same application as it does in the fleeing felon rule amendment we are discussing. However, there are implications for the safety of persons on the fleeing vessel and for the fisheries officers on the Canadian vessel who may be bound to use force.

(1400)

The section we hope the House will adopt contains a reference to the making of regulations that would circumscribe or outline the situations in which force might be used, how it would be used and when it would be used.

This House frequently delegates this regulatory making power. We do it in almost every statute we pass. In this particular case we are delegating a scheme of regulatory making power which will come very close to making laws which are approximate to the issues of life and safety on a fleeing fishing vessel.

It is my view that we are in waters, if I may use that term, that require us to use very careful guidelines. In doing this I know there is a committee of the House—

The Speaker: Order. The hon. member will of course take the floor after Question Period.

It being two o'clock, pursuant to Standing Order 30(5), the House will now proceed to statements by members pursuant to Standing Order 31.

STATEMENTS BY MEMBERS

[*English*]

ADVANCE PAYMENTS FOR CROPS ACT

Mrs. Rose–Marie Ur (Lambton—Middlesex): Mr. Speaker, on June 3, 1993, the former Conservative government removed the interest free provision of the Advance Payments for Crops Act or APCA.

It is the belief of the Liberal Party of Canada that the removal of the interest free aspect has had an adverse effect on the advance payments program because farmers are already facing a cash flow crunch and cannot afford the additional burden of interest charges.

On behalf of the agricultural community of Lambton—Middlesex and all other rural ridings, I call upon the Minister of Agriculture to reinstate the interest free provisions of the APCA by Order in Council for the 1993–94 program.

* * *

ELK ISLAND NATIONAL PARK

Mr. Ken Epp (Elk Island): Mr. Speaker, my constituency is named for the beautiful Elk Island National Park which is enjoyed by many local residents as well as thousands of visitors from nearby Edmonton and around the world.

I rise today to speak strongly against a bureaucratic proposal to close the road within the park, thereby greatly reducing park accessibility to many people, especially those who cannot hike or cycle because of physical limitations or disabilities. Our elderly people whose dedication and hard work opened up and developed the area particularly enjoy the scenic drive through the park.

This park is on the Yellowhead Highway, a very popular tourist highway and the economic spin–offs due to the park are significant.

We must all take an active part in preserving our environment and our parks and that must certainly include preserving the use and enjoyment of our parks for our most precious resource, our people.

* * *

[*Translation*]

THE LATE SUE RODRIGUEZ

Mrs. Christiane Gagnon (Québec): Mr. Speaker, we were saddened to hear of the death last Saturday of Ms. Sue Rodriguez. I want to pay tribute in the House to the courage and determination demonstrated by this woman right to the end. Her struggle to have our society accept the principle of human dignity set an example for all of us.

Suffering from a debilitating terminal illness, she took her battle for the right to die with dignity all the way to the Supreme Court of Canada in May 1993. Despite the unfavourable ruling by the Supreme Court judges, Sue Rodriguez never ceased to voice her distress.

It is imperative that members of this House start thinking about granting terminally ill people the right to die with dignity.

Albert Camus wrote: ''A society is judged by the way its members suffer, love and die''. These words should be the basis of our reflection.

* * *

[*English*]

ETHANOL

Mr. Jerry Pickard (Essex—Kent): Mr. Speaker, southwestern Ontario is on the verge of becoming home to Canada's first world class ethanol manufacturing facility. Ethanol, blended with gasoline, reduces automobile pollutants and is an extremely environmentally friendly product. Ethanol production will boost our world economics by creating a market for a million tonnes of grain and ensuring thousands of new jobs in the construction, processing, trucking and agriculture industries.

(1405)

We must support the consortium of industry and agricultural representatives who are actively seeking a commitment of this government. The economic, social and environmental benefits of this project will develop in rural Canada and lead to a prosperous future.

I ask all colleagues in this House to join with me in support of this dynamic project.

* * *

EMPLOYMENT SKILLS TRAINING

Mr. Andy Scott (Fredericton—York—Sunbury): Mr. Speaker, a new co–operative initiative between the Department of National Defence and New Brunswick's Department of Advanced Education and Labour will provide occupational and life skills training to 30 unemployed New Brunswickers between the ages of 17 and 24. This is just a beginning.

Today, in my riding of Fredericton—York—Sunbury participants from youth strategy, aboriginal peoples and social assistance programs will begin a 20–week training project at CFB Gagetown. This pilot project provides hands on learning to develop practical employment skills. Students can develop their self–discipline, confidence and determination, qualities necessary when looking for work.

I am pleased that such training strategies to restore and ensure dignity for young New Brunswickers has become the hallmark of human resource initiatives. Our province is pleased to be among the first to participate in this enterprise.

* * *

SMALL BUSINESS TAX RATE

Mr. Harbance Singh Dhaliwal (Vancouver South): Mr. Speaker, let me see if I can fit this in within my allotted time.

In 1974 the Liberal government of the day issued a lower corporate income tax for businesses which fall under the small business category. This rate was raised in subsequent years under the Liberals to an upper level of $200,000 in 1982. It has not been raised since that year despite a 55 per cent increase in the consumer price index.

On behalf of the many small businesses in my riding which have tremendous confidence in the Liberal plan for small business, I would like to recommend to the minister that we undertake a review of the $200,000 small business tax rate.

Let us ensure that the effectiveness of this measure has not been significantly eroded by inflation since it was last strengthened in 1982.

* * *

[*Translation*]

EQUALIZATION PAYMENTS

Mr. Michel Guimond (Beauport—Montmorency—Orléans): Mr. Speaker, at the last finance ministers' conference, the Quebec minister stated that he was somewhat satisfied with the equalization payments granted to Quebec.

I would like to point out that, in 1994–95, Quebec will receive only $540 per capita, compared to $1,655 for Newfoundland. However, the poverty rate is higher in Quebec, at 16.2 per cent, than in Newfoundland, at 15.8 per cent.

It is also important to mention that Quebec will only benefit from a 2 per cent increase, while equalization payments will increase on average by 5 per cent. There are inconsistencies in the equalization system, and we would like Quebec to enjoy a level–playing field, at least until Quebecers democratically decide to become a sovereign nation.

* * *

[*English*]

YOUNG OFFENDERS ACT

Mr. Art Hanger (Calgary Northeast): Mr. Speaker, I want to pay tribute to all police officers across Canada who serve their communities with a sense of pride and loyalty. I also want to pay a very special tribute to all officers killed in the line of duty.

Today, in what can only be described as a growing Canadian outrage, I bring to the attention of this House statements which call for amendments to the Young Offenders Act. These appeals have been sponsored by the Calgary Police Association and have been filled out and signed by more than 10,000 residents of the Calgary area.

In particular, I am bringing these petitions to the attention of this House on behalf of the family of Officer Rick Sonnenberg. Officer Sonnenberg met with an untimely death when he was

struck down on a Calgary freeway by a young offender attempting to avoid a police road–block.

On behalf of the family, friends and comrades of Officer Sonnenberg, I offer these petitions to the House in the hope that his legacy might be the fundamental overhaul of a failed policy.

The Speaker: I would take it that the hon. member will be presenting the petition during petition time.

* * *

UNDERGROUND ECONOMY

Mr. Gurbax Malhi (Bramalea—Gore—Malton): Mr. Speaker, the Minister of National Revenue should be commended for getting tough with tax cheaters. The underground economy in Canada is not composed of honest people doing dishonest things, as they would have us believe. Tax cheaters know they are frittering away Canada's future for their personal gain.

(1410)

The warning issued by the Minister of National Revenue is likely to deter people who might be tempted to cheat the government. Hopefully the cheaters will clean up their own act.

Anyone who wishes to live in this country must be prepared to pay for the privilege. Where there is no honour in the honour system, perhaps the fear of being caught will instead fill Canada's coffers.

* * *

FESTIVALS

Mr. Elijah Harper (Churchill): Mr. Speaker, today I would like to congratulate the Dave Smith Rink of St. Vital which won last weekend's Manitoba Tankard curling championships in Thompson, Manitoba.

I also would like to commend the organizers of this major provincial event. I am proud that Thompson was able to attract a sports event of this size and make it a success.

In addition I welcome all members of this House to join me in The Pas this weekend for the Northern Manitoba Trappers' Festival.

The Trappers' Festival is one of Canada's oldest and most authentic winter festivals. Visitors will enjoy the World Championship Dog Race, the King and Queen Trapper contests, the Fur Queen Pageant, and authentic northern food and entertainment.

I join the people of The Pas in inviting you to come north for the Trappers' Festival.

S. O. 31

NATIONAL YOUTH SERVICE CORPS

Mr. Peter Adams (Peterborough): Mr. Speaker, the National Youth Service Corps will each year provide 10,000 young Canadians with the opportunity to do valuable community and environmental work. It will bridge the gap between school and workplace.

Through their work teams these young people will gain friends from all parts of Canada. By working on projects in different regions they will get to know Canada in all its diversity.

While the work accomplished by the youth corps will amply repay our investment in it, I believe that the raising of national consciousness which will result from it and its contribution to the creation of a mobile national work force will in themselves make the corps worthwhile.

I congratulate the Secretary of State for Training and Youth for her work in launching the youth corps and I urge the entire cabinet to give this minister all possible support.

* * *

TAXATION

Mr. Bob Mills (Red Deer): Mr. Speaker, I visited my riding this weekend and I must report to you and through you to the finance minister that the message I received was clear. People are prepared to see a fair and equitable cut in services but do not, and I repeat do not, want to see taxes raised or the tax base broadened.

I pride myself in being able to understand and work with people and I must state today that my constituents feel that any increase in taxation will sew the seeds for the financial ruin of this great country.

I came here to try to save Canada. If taxes are raised this will not be possible. Canadians are not going to take it any more.

* * *

CIGARETTE SMUGGLING

Mr. Eugène Bellemare (Carleton—Gloucester): Mr. Speaker, the premier of Ontario refuses to co–operate with the federal government to try to resolve the cigarette smuggling problem. He states that the Prime Minister is catering to Quebec.

I wish to remind him that 35 per cent of Ontario cigarettes are contraband, that Cornwall residents who live in fear of being shot at night are still part of Ontario, that according to the OPP two Oka crisis veterans, Lasagna and Noriega, helped set up a smuggling network in Sault Ste. Marie.

The Canadian coast guard advised pleasure craft owners not to navigate near Walpole Island at the Michigan border due to violence caused by cigarette smuggling.

Has the premier looked at a map of Ontario lately? Wake up, Bob, and smell the cancer–causing cigarette smoke, the Ontario contraband kind.

* * *

ENCOUNTER WITH CANADA PROGRAM

Mrs. Marlene Cowling (Dauphin—Swan River): Mr. Speaker, I rise today in the House to make mention of one of my constituents who is here in Ottawa participating in the Encounter with Canada program.

I want to make particular mention of Michael Knight from Decker, a community 72 miles south of my home in Grandview, the southern part of my riding of Dauphin—Swan River.

These youths are the new leaders of Canada, the ones who will take over after our generation has left public life. I hope that each one of these young people will have a great learning experience while they are here in Ottawa and that they will be able to go back to their homes and tell the people where they live that the Liberal government is working very hard to meet the needs of all Canadians.

* * *

(1415)

SOCIAL POLICY REFORM

Mr. Chris Axworthy (Saskatoon—Clark's Crossing): Mr. Speaker, in his presentation to the House of Commons standing committee last week the Minister of Human Resources Development was asked what happened to the notorious but unreleased Tory white paper on social policy reform. He responded that when he took over the department the cupboard was bare.

I think many Canadians will find that hard to swallow, given that it was the federal government that changed on October 25 and not the civil service.

The minister should be clear to Canadians that he and his colleagues when in opposition vigorously opposed the Tory proposals, but now in government he and his party appear to be supporting those very same proposals.

The minister should make the Tory white paper public so everyone can ascertain whether the minister's social policy reform proposals are something new or just rehashed Tory policies uttered out of Liberal mouths.

ORAL QUESTION PERIOD

[*Translation*]

KAHNAWAKE RESERVE

Hon. Lucien Bouchard (Leader of the Opposition): Mr. Speaker, my question is directed to the Prime Minister. In today's editions of *Le Droit*, *Le Soleil* and *Le Quotidien*, journalist Michel Vastel reported on allegations of cocaine trafficking in Kahnawake. These allegations, originating from sources associated with the RCMP, are very serious because according to them, warriors have been asked by organized crime groups in Montreal to protect large convoys of cocaine which are thus able to transit safely through the Kahnawake reserve.

My question to the Prime Minister is this: Could he inform the House whether the RCMP has told him about any involvement of the warriors in cocaine trafficking?

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada): Mr. Speaker, I have asked the RCMP commissioner for a full report on the article in question, and I expect to receive a report very shortly. The Leader of the Opposition has asked me a question on a very serious matter, and that is why I asked the commissioner for a report as soon as possible.

Hon. Lucien Bouchard (Leader of the Opposition): Mr. Speaker, it is hard to imagine and almost inconceivable that the Solicitor General and the Prime Minister are not aware of information now circulating in the newspapers under the by–line of a well–known journalist.

I would like to ask the Prime Minister or the Solicitor General, if the former is not willing to reply, whether the government can confirm that the following, as stated and confirmed by Mr. Vastel, is true, namely that Montreal's organized crime families have a number of warehouses on the Kahnawake reserve which are being used for drug deliveries, each cargo having a market value of up to $200 million.

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada): Mr. Speaker, I cannot confirm Mr. Vastel's article, and that is why I asked the RCMP commissioner to give me a full report as soon as possible, because these are very serious allegations.

Hon. Lucien Bouchard (Leader of the Opposition): Mr. Speaker, for the past few weeks the government has told us on various occasions: we are not taking any action because if we have the facts and if you have anything to say, then say it. What we read in the newspapers today is very serious indeed. I would like to ask the Prime Minister why the RCMP is not acting. Is it

by any chance because the government has given orders not to take any action?

Right Hon. Jean Chrétien (Prime Minister): Mr. Speaker, we have told the RCMP to do its job everywhere in Canada, and that is what it does. As for allegations in a newspaper article, obviously any sensible person would consider it was elementary, before stating what was written in an article—As you know, there is always a slight possibility that what a journalist writes may not be true.

Mr. Michel Gauthier (Roberval): Mr. Speaker, my question is also for the Prime Minister. In the same article, we are told that conversations taped by the RCMP reveal that organized crime knows very well that supplies go through an Indian reserve since, and I quote, one would have said: ''We have a place there, where we know that nothing will happen''.

My question to the Prime Minister is this: Will he not agree that, contrary to what he told us in this House, there are places in Canada where neither the RCMP, nor the army, nor even MPs can go freely?

(1420)

Right Hon. Jean Chrétien (Prime Minister): Mr. Speaker, there is no place in Canada which is outside the mandate given to the RCMP, which is to act according to the law and to uphold the law.

Mr. Michel Gauthier (Roberval): Mr. Speaker, could the Prime Minister tell us whether or not it is true that the RCMP has been compiling evidence for months on people involved in cocaine trafficking, and especially on an Indian chief?

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada): Mr. Speaker, it is never wise to comment on investigations in progress or on matters related to police operations. If the hon. member wants an action leading to convictions in criminal court, he should be careful in the way he formulates his questions. I do not suppose he wants to create a situation which would prevent the police from presenting enough incriminating evidence in court.

* * *

[*English*]

ALUMINIUM INDUSTRY

Mr. Bob Ringma (Nanaimo—Cowichan): Mr. Speaker, my question is for the Minister for International Trade.

The government recently signed a credit agreement worth $60 million U.S. to help finance the construction of a new aluminium smelter in South Africa. However, Canada has also entered into an informal agreement to cut world–wide aluminium production by about 10 per cent.

Will the minister explain to the House why his government is trying to reduce the international aluminium glut on the one hand and is helping to build a new smelter on the other?

Hon. Roy MacLaren (Minister for International Trade): Mr. Speaker, the contract in South Africa with SNC Lavalin is for the design of an aluminium smelter. It will not come on stream for a number of years, by which time the present excess amounts of stockpile in Russia should have been absorbed by the market.

[*Translation*]

Mr. Bob Ringma (Nanaimo—Cowichan): I have a supplementary question, Mr. Speaker. Perhaps the government thinks that some jobs are more important than others, but the aluminum glut has already forced western producers and Alcan Aluminum in Montreal to cut production by one half million tonnes.

Can the minister explain to Canadian aluminum workers who are in danger of losing their jobs because of falling aluminum prices why their taxes are helping to finance a foreign competitor?

[*English*]

Hon. Roy MacLaren (Minister for International Trade): Mr. Speaker, I thought I had just answered that question.

The situation with regard to Russia today is one of a present glut of a stockpile. The agreement among the countries involved is intended to look toward orderly marketing of that stockpile.

In the year 1996 and beyond when the South African aluminium smelter comes on stream, there should be in place a more standard, orthodox market for aluminium. We do not anticipate at that time the sort of glut that is being encountered today.

* * *

[*Translation*]

BUDGET

Mr. Yvan Loubier (Saint–Hyacinthe—Bagot): Mr. Speaker, this morning we learned that the Minister of Finance had informed the president as well as the vice–president of the Canadian Federation of Independent Business, Mr. Pierre Cléroux, that he would be slashing expenditures by roughly $5 billion while increasing taxes on the middle class by $2 billion. This announcement came on the heels of a series of meetings between the minister and this organization which is well–viewed by the Canadian public.

After having shown a lack of judgment last week with his statements on interests rates, can the Minister of Finance tell us, yes or no, whether he disclosed these details about the budget to Mr. Pierre Cléroux?

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development–Quebec): Mr. Speaker, the answer is no.

(1425)

Mr. Yvan Loubier (Saint–Hyacinthe—Bagot): That answer is brief and to the point. Mr. Speaker, does this means that the Canadian Federation of Independent Business and its representatives are not credible?

In response to all our questions, the Minister of Finance keeps repeating: Wait for the budget. Given that the minister made these statements to the Canadian Federation, will he not acknowledge that it is totally unacceptable for him to reveal this kind of information to lobbyists outside this House, not to mention that it shows contempt for members of Parliament and for the people of Quebec and Canada?

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development (Quebec)): Mr. Speaker, I think that this goes to show why one should not prepare his supplementary question before knowing what the answer to the main question will be.

Since I never made such a statement, I cannot, therefore, answer the second question which is nonsensical.

* * *

[*English*]

HUMAN RIGHTS

Mrs. Diane Ablonczy (Calgary North): Mr. Speaker, my question is for the Prime Minister.

An audit of the International Centre for Human Rights and Democratic Development in Montreal reports a waste of millions of taxpayer dollars. Will the government commit to acting on the recommendations of the audit?

Hon. Roy MacLaren (Minister for International Trade): Mr. Speaker, I believe the centre has already set up a committee to look further into the questions the hon. member has raised. I believe in the first instance they will be dealt with in that way.

Mrs. Diane Ablonczy (Calgary North): Mr. Speaker, the audit reports that the staff at the centre is overpaid an average of $10,000 and that the senior staff is rarely in the office.

Given that similar work is already being done by other public agencies this entire project appears to be an expensive retirement plan for the former leader of the NDP, complete with a $150,000 yearly salary. Will the government terminate this centre and save taxpayers more than $4 million a year?

Hon. Roy MacLaren (Minister for International Trade): Mr. Speaker, I understand that the centre itself, in devising its salary policies, attempted to follow guidelines similar to those of the public service in job identification and remuneration.

That process may be under evaluation by the board of the centre. I hope my colleague, the Minister of Foreign Affairs, will have the opportunity to respond more fully to the question at a later date.

* * *

[*Translation*]

THE BUDGET

Mr. Nic Leblanc (Longueuil): Mr. Speaker, my question is for the Minister of Finance. With a view to increasing government revenues, the Minister of Finance is considering broadening the tax base in the next budget, and specifically, lowering the ceiling on RRSPs, which primarily benefit the middle class.

Is the Minister of Finance prepared to promise that the measures contained in his upcoming budget will not increase the tax burden of the middle class?

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development (Quebec)): Mr. Speaker, as I have said repeatedly to members opposite, they will know what is in the budget when I table it.

Mr. Nic Leblanc (Longueuil): Of course, Mr. Speaker, I was expecting this answer. Nevertheless, does the Minister of Finance not realize that in all fairness, lowering the ceiling on RRSPs will deal a direct blow to self–employed workers who, unlike other workers, do not have an employer–sponsored pension plan?

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development (Quebec)): Mr. Speaker, if the answer is known, why ask the question? Clearly, we will examine the ramifications of all the measures we intend to put forward in the budget.

* * *

[*English*]

IMMIGRATION

Mr. Art Hanger (Calgary Northeast): Mr. Speaker, my question is for the Minister of Citizenship and Immigration.

Recently the minister criticized the report of the C. D. Howe Institute which recommended that 150,000 immigrants per year be accepted into Canada.

What empirical evidence does the minister have to refute the conclusions of this report?

(1430)

Hon. Sergio Marchi (Minister of Citizenship and Immigration): Mr. Speaker, I criticized no such report. I simply said that the report, often quoted by that gentleman and his

party, did not tell Canadians that it was found in the very worst case scenario that immigration was neutral on the economy. That is what I said and that is what I stand by.

Mr. Art Hanger (Calgary Northeast): Mr. Speaker, a supplemental. In the same address the minister spoke positively about an Economic Council of Canada report. It recommends an immigration level of about 180,000, fully 70,000 fewer than the minister's plan.

Why has the minister chosen to ignore not only the C.D. Howe Institute but also the Economic Council of Canada which he previously cited in support of his immigration policy?

Hon. Sergio Marchi (Minister of Citizenship and Immigration): Mr. Speaker, I think the hon. member is wrong with respect to drawing that conclusion from the Economic Council of Canada.

The Economic Council of Canada agreed with the approximate 1 per cent figure. It also made the additional recommendation that governments should pursue that 1 per cent gradually and that is exactly what we did. We honoured the commitment of approximately 1 per cent which was a red book commitment and we are doing it gradually which is in keeping with the Economic Council report recommendations.

* * *

[*Translation*]

HEALTH

Mrs. Pauline Picard (Drummond): Mr. Speaker, my question is for the Minister of Health. In an interview with the *Toronto Star*, the Minister of Intergovernmental Affairs again suggested a 20 per cent cut in health care expenditures.

Does the minister agree with her colleague's statement and can she also tell us if the 20 per cent cut in health care expenditures is an official objective of the government?

Hon. Marcel Massé (President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister responsible for Public Service Renewal): Mr. Speaker, first I must say that this very interesting article includes several government policy reviews, but I do not think that its author, Ed Stewart, states that I said the government's policy was to reduce health care expenditures. This was not his intention and this is not what I said. I want to reassure the hon. member and tell her that I am not aware of any plan to reduce health care expenditures in Canada by 20 per cent.

Mrs. Pauline Picard (Drummond): Mr. Speaker, I have a supplementary. Will the Minister of Health tell us that, in its upcoming budget, the government will not reduce transfer payments related to health care?

Hon. Diane Marleau (Minister of Health): Mr. Speaker, as you know, and as the hon. member knows, Canada's health care system is one of the best programs ever set up by the federal government for Canadians.

Therefore, it goes without saying that, in the discussions which we had with the Minister of Finance, we emphasized the value of our health care system.

* * *

[*English*]

JUSTICE

Mr. Walt Lastewka (St. Catharines): Mr. Speaker, my question is for the Minister of Justice.

The importation and sale of serial killer cards and serial killer board games is harming the fabric of our society. This offensive material is particularly harmful to young people and children.

The Minister of Justice has indicated he will take steps to modernize Canadian laws. This harmful material is already in Canada with more on the way. When will the minister introduce measures to ensure that this harmful material is kept out of Canadian society.

Hon. Allan Rock (Minister of Justice and Attorney General of Canada): Mr. Speaker, I understand and share the revulsion and concern among Canadians that persons would disseminate and seek to profit from serial killer cards or serial killer board games. I can assure the hon. member that the Department of Justice is examining a number of options by which we might meet the concerns that have been expressed.

I might point out that the exact way in which we respond through legislation is affected by section 2(b) of the charter and the right of freedom of expression of which we must be mindful. We are designing approaches having regard to that freedom.

I can assure the hon. member we will soon be putting before Parliament means by which we can deal with this insidious prospect.

* * *

(1435)

IMMIGRATION

Mrs. Sharon Hayes (Port Moody—Coquitlam): Mr. Speaker, my question is for the Minister of Citizenship and Immigration.

It has been reported in the *Toronto Sun* that a Mr. Henry James Halm, a convicted five time pedophile and member of the North American Man Boy Love Association has fled the U.S. to Canada. Mr. Halm has claimed refugee status in Canada and now must be put through our refugee determination process.

Will the minister promise today to exercise his ministerial authority and call a halt to this criminal's fraudulent refugee hearing? Will he immediately order the deportation of this sex offender?

Hon. Sergio Marchi (Minister of Citizenship and Immigration): Mr. Speaker, the member knows that this side, this minister and this government do not look favourably on those who wish to subvert our immigration and refugee laws. The member also knows that privacy laws prevent us from getting into the specifics of the case.

Suffice to say, I wish to reassure the hon. member and the House that I have asked my officials to put representations accordingly on this particular file. I can assure the hon. member we are standing up to the very letter of the law for those who legitimately seek assistance under our refugee and immigration laws.

Mrs. Sharon Hayes (Port Moody—Coquitlam): Mr. Speaker, not only in this case but in other cases we have seen a system problem. Canada's refugee system should act as a haven for genuine refugees, for people whose lives have been torn apart by war, famine and persecution.

Will the minister commit to proceed to overhaul the immigration and refugee system that seems to protect and harbour criminals at the expense of legitimate claimants?

Hon. Sergio Marchi (Minister of Citizenship and Immigration): Mr. Speaker, the member raises a certain frustration many Canadians feel.

Speaking generally, Canadians face and favour a system which is tolerant to those who legitimately wish to put their claims before the Immigration and Refugee Board. On the other hand they want a sense of balance for those who are convicted of heinous crimes or those who wish to clearly subvert the law. They do not want that tolerance abused.

As the minister I certainly share that frustration. I will be working at trying to come to grips with that balance by trying to keep out those who clearly do not require assistance, without closing the door under the Geneva international convention to those who legitimately seek it.

I would also like to point out to the member that those criminal cases are very few, in the minority in comparison to the general number. I am saying one is too many, but I am also cautioning the member in her leaving the impression that the IRB process is riddled, if I can use that word, with all sorts of criminal elements. It is not. We have to deal competently and quickly with those minority of cases.

[*Translation*]

MANPOWER TRAINING

Mrs. Francine Lalonde (Mercier): Mr. Speaker, my question is for the Minister of Intergovernmental Affairs.

The Quebec minister of employment is reported in *La Presse* as saying last evening that manpower clearly comes under Quebec's jurisdiction as an extension of education.

Can the Minister of Intergovernmental Affairs tell this House whether he agrees with the Quebec minister of employment that manpower is an extension of education and therefore, that Quebec's jurisdiction is clear?

Hon. Marcel Massé (President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister responsible for Public Service Renewal): Mr. Speaker, there is no question that, under the Constitution, education is an area of provincial jurisdiction.

Under the Constitution, manpower issues come under a shared jurisdiction because the responsibility for workers who cross the various borders is a federal one, while the responsibility for courses provided as part of the training process is a provincial one. That is why, for years now, this has been an area of shared federal and provincial responsibility.

Mrs. Francine Lalonde (Mercier): Mr. Speaker, I would like to start by saying that the answer I was just given had never been provided until now and could prove to be interesting in the future. As far as the province of Quebec and myself are concerned, this is another example of the skilful sidestepping that has not prevented the federal government from actually refusing flatly to recognize Quebec's full powers in the area of manpower. My question is this: does the minister recognize that this has adversely affected Quebec and still does?

(1440)

Hon. Marcel Massé (President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister responsible for Public Service Renewal): Mr. Speaker, who initiated manpower training courses paid with UI funds, unemployment insurance being an exclusive federal jurisdiction, if not the federal government? It has over one hundred employment offices in Quebec, approximately 120 I believe, compared to only 30 or so provincial employment offices.

Obviously, when we want to develop manpower skills in a modern country, the plumber or electrician, as the case may be, must have abilities and skills that are equally usable in all provinces, not just in one. So, the standards applied to these skills are national ones. That is why this has been an area of shared jurisdiction for years.

[*English*]

JUSTICE

Mr. Myron Thompson (Wild Rose): Mr. Speaker, my question is for the Minister of Justice.

As was suggested to me after my speech on justice I did review the hon. justice minister's address to the House on January 27. In that address, as reported on page 514 of *Hansard*, the hon. minister stated that the justice agenda included modernizing our laws so they reflect current values.

According to all polls, current values include stopping automatic parole, deporting non–citizens committing serious crimes and the return of the death penalty for first degree murder.

Will the minister assure the House that the current values of Canadians will be included in the government's agenda for justice?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada): Mr. Speaker, sometimes the perception of current values is in the eyes of the beholder. There are those of us who would contend that the position of Canadians generally on the subjects to which the hon. member has referred are not exactly as perceived by the hon. member for Wild Rose.

I can tell the hon. member that so far as the Ministry of Justice is concerned and as evidenced by the speech I gave in the House to which the hon. member has referred, we are very much concerned with ensuring that all of our laws, criminal and otherwise, conform with current values. With the agenda we have put before the House I believe we have done exactly that.

Mr. Myron Thompson (Wild Rose): Mr. Speaker, I refer to several polls. If one were to talk to Canadians on any street anywhere in Canada I am sure one would find these are the things they want. One does not have to have the brains of a professor to understand what Canadians want.

The biggest fear that Canadians and I have is that the voice of special interests which does not represent the majority of Canadians will be heard while the majority's wishes will go unheard as they have in the past.

Can the minister state to this House that this will not be the case, yes or no?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada): Mr. Speaker, the platform upon which this party gained office in October last contained at length recommendations, proposals and initiatives we intend to take with respect to Canada's justice system. Among others are important reforms to the young offenders legislation and as the Solicitor General can tell the House, changes in respect of parole in order to conform with needed changes we see in the system.

I can assure the hon. member this is not a reaction to special interests. This is prescribing a Liberal view of what is good for Canada and in the public interest. That is exactly what we are going to do.

* * *

(1445)

PUBLIC SERVICE

Mrs. Beryl Gaffney (Nepean): Mr. Speaker, my question is for the Minister of Intergovernmental Affairs.

Canadians have expressed a very strong interest in public service renewal, as have most members. It is normal that a report be given to the House once a year, yet I am shocked to discover that it is a year and a half since a report has been presented to the House.

Could the minister please tell me what are his plans to present a report to the House of Commons?

Hon. Marcel Massé (President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister responsible for Public Service Renewal): Mr. Speaker, I thank the hon. member for her question.

First let me underline how important it is to have such a competent and devoted public service as we have. Good government would not be possible without a public service of that quality. The annual report to the Prime Minister on the public service is still in the process of being drafted.

It has been somewhat delayed by the events of the summer. It is intended it will be sent to the Prime Minister after the tabling of the budget.

* * *

[*Translation*]

REGIONAL DEVELOPMENT

Mr. Gilles Duceppe (Laurier—Sainte–Marie): Mr. Speaker, my question is for the Minister responsible for the Federal Office of Regional Development. A while ago, the Minister of the Environment announced that a consulting firm had been hired to advise her on the choice of the Canadian city that will host NAFTA's commission on environmental co–operation. During the last election campaign, the current Minister of Finance promised to make every effort to bring the headquarters of international organizations to Montreal and to turn Quebec's largest city into a world environment centre.

My question to the finance minister is this: Will the minister keep the promise he made to Montrealers during the election campaign?

Hon. Sheila Copps (Deputy Prime Minister and Minister of the Environment): Mr. Speaker, of course, the Liberal government's promise is the same one we made in the red book. Our government is transparent and open to the public. And I am very happy to inform all members that the applications to host

NAFTA's environmental centre were filed on February 4. Three of the 22 applications came from Quebec cities. The process, that will be conducted in a very open manner, will close on February 30. We will pick the Canadian city which is the most open with respect to the environment and all other infrastructures.

Mr. Gilles Duceppe (Laurier—Sainte–Marie): Mr. Speaker, I understand that there may be some problems with the report if it is expected by February 30.

Some hon. members: Oh, oh!

Mr. Duceppe: I also understand that this promise was made not only in Montreal during the last election campaign but that it may have been made by chance in Hamilton as well. I am therefore asking the minister responsible for the federal office of regional development whether he fears that the manoeuvres of his colleague, the Minister of the Environment, will deprive Montreal of this environmental centre.

Hon. Sheila Copps (Deputy Prime Minister and Minister of the Environment): Mr. Speaker, obviously, even the Liberal government cannot change the calendar; it is true that the results are expected not by February 30 but by the end of February.

That being said, I do not know if the hon. member knows that three Quebec cities have applied, namely Montreal, Kirkland and Hull. I am sure that members of the Bloc Quebecois do not want to deny a process open to all Canadian cities interested in applying, including the three Quebec cities wanting to be considered in an open and transparent manner to become, in effect, a centre for Canada.

* * *

[*English*]

RECALL OF MEMBERS OF PARLIAMENT

Mr. Leon E. Benoit (Vegreville): Mr. Speaker, my question is for the Prime Minister.

Recently myself and other members of the Reform Party have been contacted by constituents of an Ontario riding seeking our help in resolving the problem of their representation in the House. They have come to us requesting action, knowing the Reform Party's clear position on recall of members of Parliament.

In light of the fact that constituents and the Liberal, Reform, Conservative and NDP constituency associations in this riding are organizing in an attempt to force a byelection, when will the Prime Minister recognize and support the merits of recall?

(1450)

Right Hon. Jean Chrétien (Prime Minister): Mr. Speaker, this process has not worked in Canada in the past and will not work. It was tried once by the Socreds in Alberta. A member of the cabinet at that time is the father of the leader of the Reform Party. A year and a half later there was a recall of the leader of the party and the party decided to recall the recall so it would not lose its leader.

It is not something that is a high priority for this government.

Mr. Leon E. Benoit (Vegreville): A supplementary question, Mr. Speaker. As the Prime Minister is well aware, the hon. member for Vancouver Quadra, a recognized parliamentary expert, declared in a recent interview with CBC Prime Time News that he does not oppose the notion of recall.

Does the Prime Minister agree with the hon. member's expert opinion?

Right Hon. Jean Chrétien (Prime Minister): Mr. Speaker, the people decided that every one of us was to be elected, for one party or another.

The leader of the opposition was elected as a Conservative and eventually with nine other members of the Tories he decided to move. There was no recall. If we were to have recall, I would have been one of the first at that time to call for it.

Some hon. members: Oh, oh.

Mr. Chrétien (Saint–Maurice): We have seen people in this Chamber moving from one side to the other. Some are welcome to come to this side.

* * *

[*Translation*]

INCOME SECURITY FOR FISHERMEN

Mr. Yvan Bernier (Gaspé): Mr. Speaker, my question is for the Prime Minister. The government is now reviewing all income support programs. On February 12, *The Globe and Mail* informed us that the government was about to negotiate an agreement with the Premier of Newfoundland in order to test the province's proposed pilot project for fishermen's income support, even though it seems fishermen are not unanimously in favour of that program.

Has the government already decided to follow–up on the Premier's request for the pilot project aimed at a complete reform of all income security programs for fishermen?

Hon. Sheila Copps (Deputy Prime Minister and Minister of the Environment): No, Mr. Speaker.

The Speaker: Did you hear the answer?

Mr. Bernier (Gaspé): No, she speaks too quickly sometimes.

The Speaker: When people talk fast, you must listen fast!

An hon. member: She said no.

Mr. Yvan Bernier (Gaspé): Mr. Speaker, there are various games of musical chairs in the House I still have to get used to.

Given the answer I just received, is the Prime Minister aware that his Minister of Fisheries and Oceans promised a new program to replace the one ending on May 15? If he is aware of that fact, can he tell us if fishermen will have the opportunity to give their opinion on the implementation of that new system and, if so, how will the consultation be done, given the very short time left?

Hon. Sheila Copps (Deputy Prime Minister and Minister of the Environment): Mr. Speaker, it is a fact that the program ends in May. We are already working on a few possibilities. Today, the Minister for Human Resources is meeting with his provincial counterparts in order to determine what direction the renewal of social programs will take. It is also a fact that the minister is working in co–operation with his colleague the Minister of Fisheries and Oceans so that fishermen of the Magdalen Islands and Newfoundland are consulted before the program's expiration on May 15.

The member should know that the implementation plan is not for Newfoundland alone; it concerns fishermen of the Magdalen Islands, Newfoundland and other parts of the Maritimes. We are trying to have adequate consultation before any decision is made.

* * *

(1455)

[*English*]

THE LATE SUE RODRIGUEZ

Ms. Margaret Bridgman (Surrey North): Mr. Speaker, my question is for the Minister of Justice.

The death of Sue Rodriguez has once again raised the ethical issue of euthanasia. I believe the time has come for a full public discussion of this issue. As members of Parliament, we should facilitate this discussion. Once all sides are heard, the final say on this deeply personal issue should go to the people of Canada.

Will the Minister of Justice agree that on the date of the next federal election a binding national referendum on euthanasia be put to the Canadian people?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada): Mr. Speaker, Sue Rodriguez was a courageous person whose death we mourn, and whose life in its last stages served to put in sharp focus the difficult and contentious issues arising from the subject of euthanasia.

I remain with the belief which I have expressed in the past that this is a subject that Parliament should consider and determine. Judges in the course of the Rodriguez litigation observed that it is the job of Parliament, and not the courts, to grapple with societal questions such as these. The House of Lords in England has embarked on an examination of the principles so it can be determined legislatively in that jurisdiction.

I remain of the view that we should provide through Parliament a forum for informed discussion, drawing distinctions among the various concepts that are involved, from cessation of treatment to actively assisting suicide, and let parliamentarians make up their minds.

It has not yet been determined the forum in which that will come forward from this government. But I assure the hon. member it is a matter of continuing concern for me that it occur. I do not agree that a referendum is the answer but I do think it should be discussed in Parliament. I will keep the hon. member advised as we make progress in the process of bringing the question forward for consideration in this Chamber.

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MILK

Mr. John Richardson (Perth—Wellington—Waterloo): Mr. Speaker, my question is directed to the Minister of Health.

The image of milk as a clean, pure food has great credibility among Canadian consumers. However, the recent approval by the American government to allow the injection of BST, bovine somatltropin, to stimulate milk production in dairy cows has caused great concern among consumers in Canada.

Consumers are concerned they will be denied the right to clean, pure milk. As well, they will not be able to tell if BST has been used in blended products such as cheese, butter, yogurt and ice cream.

Will the minister assure all Canadians that the government will not approve the use of BST until the experiment in the United States proves conclusively that milk and milk blended products are safe?

Hon. Diane Marleau (Minister of Health): Mr. Speaker, BST is a technically produced product, equivalent to a naturally occurring hormone in cows. Officials in my department have not concluded their review of BST. I am aware that BST is approved in the United States, after having undergone extensive review.

My department will only issue a notice of compliance for this veterinary drug if it is safe for humans to consume milk or milk products from treated animals, and also after adequate data is supplied to support the efficacy and safety of dairy cows.

* * *

[*Translation*]

THE ENVIRONMENT

Mr. Jean–Guy Chrétien (Frontenac): Mr. Speaker, my question is for the Minister of the Environment. According to the latest reports from Environment Canada, there are only 500 belugas left in the St. Lawrence River. The World Wildlife Fund

indicated that more that 250,000 tonnes of chemical waste a year are dumped into the St. Lawrence, from the Great Lakes on.

In order to avoid the extinction of belugas, is the minister willing to set up a committee composed of federal and Quebec officials, as well as Canadian and U.S. experts, whose terms of reference would be to re–establish belugas in the St. Lawrence River?

(1500)

Hon. Sheila Copps (Deputy Prime Minister and Minister of the Environment): Mr. Speaker, I thank the hon. member for his question.

I think that what he is pointing at are the relations existing between Ontario and Quebec and among various provinces in this country, which should be reflected in our environmental standards. It is very important. That is why I am hoping that we will soon reach a second agreement with Quebec regarding the St. Lawrence River. It is also why anyone interested in the environment should understand that what is dumped into Lake Ontario may affect fishermen downstream, even as far as the St. Lawrence.

This being said, belugas come under the Department of Fisheries and Oceans. We are working with this department to make sure that the belugas have a better chance to survive than they have had so far.

* * *

[*English*]

IMMIGRATION

Mr. Ted White (North Vancouver): Mr. Speaker, my question is for the Minister of Citizenship and Immigration.

The Vancouver *Province* newspaper on Friday, February 4, 1994, asked the question: ''Does Canada accept too many refugees and immigrants?'' Ninety–seven per cent of those who responded said yes; only three per cent said no. Obviously the immigration section of the red book is not very popular.

The government has regularly stated that it wants consultation—

The Speaker: Order. Would the member put his question, please.

Mr. White (North Vancouver): Yes, Mr. Speaker.

Could the minister tell the House, without getting upset and emotional, why he will not reduce immigration levels in line with the wishes of the majority of Canadians even if he personally feels it is the wrong decision?

Hon. Sergio Marchi (Minister of Citizenship and Immigration): I thought I was a nice guy, Mr. Speaker.

I do not want to have the issue emotionalized one way or the other. We have had a decision made on immigration levels in keeping with the red book, which the member suggests was not very popular. However, the last time we checked the red book enabled us to have a strong majority government, a mandate for this Prime Minister.

Second, we have announced unprecedented consultations to discuss with Canadians where our country goes from here, how immigration can plug in, and to ensure that the country reaches those dreams and those aspirations.

I also wish to add that Vancouver has had the greatest economic output in the last number of years. It received the most immigrants in any region across the country so the correlation between immigration and employment has worked for Vancouver.

* * *

PRESENCE IN THE GALLERY

The Speaker: I wish to draw the attention of hon. members to the presence in the gallery of the European Parliament's Delegation for Relations with Canada, and its chairman, Mr. Jean–Thomas Nordmann.

Some hon. members: Hear, hear.

ROUTINE PROCEEDINGS

[*Translation*]

WAYS AND MEANS

TABLING OF NOTICE OF MOTION

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development–Quebec): Mr. Speaker, pursuant to the provisions of Standing Order 83(1), I would like to lay upon the Table a Notice of Ways and Means motion to amend the Excise Tax Act.

[*English*]

I ask that an order of the day be designated for consideration of the motion.

* * *

(1505)

PETITIONS

SERIAL KILLER BOARD GAME

Mrs. Diane Ablonczy (Calgary North): Mr. Speaker, it is my privilege to introduce on behalf of constituents of Calgary North a petition bearing over 1,000 signatures, requesting that the government ban in Canada the sales of a serial killer board game.

The object of the game is that the person killing the most babies wins. This game is repugnant to Canadians. The petitioners pray that the government will ban the importation of the game.

We commend our colleague, the hon. member for Glengarry—Prescott—Russell, who introduced a private member's bill aimed at banning the importation of this terrible game.

I submit the petition on behalf of my constituents. I support them wholeheartedly in their request of the government.

ROYAL CANADIAN MOUNTED POLICE

Mr. Bob Mills (Red Deer): Mr. Speaker, I have the privilege of presenting to Parliament a petition signed by some 1,900 people in my constituency.

In this petition my constituents state their concerns regarding the relocation of the RCMP training centre from a location near Bowden, Alberta.

The police dog service has been in central Alberta since 1965. The centre is open for public tours and trains police dogs for service across Canada. The services resulting from the training centre are a very important part of our local economy as well as the surrounding area. In addition their role as goodwill ambassadors is much appreciated in our community and we do not want to lose them.

Therefore the petitioners humbly pray and I support their call on Parliament to urge the government not to move the RCMP dog training centre.

* * *

QUESTIONS ON THE ORDER PAPER

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons): Mr. Speaker, I would ask that all questions be allowed to stand.

The Deputy Speaker: Shall all questions stand?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

CRIMINAL CODE

The House resumed consideration of the motion.

The Deputy Speaker: I believe the member for Scarborough—Rouge River has nine minutes left in his address.

Mr. Derek Lee (Scarborough—Rouge River): Mr. Speaker, I certainly will not need that amount of time. When we recessed for question period I was near the end of an intervention dealing with amendments to the Criminal Code and the amount of force police officers may be permitted to use in apprehending individuals fleeing arrest.

The amendment also deals with changes to the Criminal Code, specifically the circumstances of penitentiary guards. Their circumstances are a little different. Now the code will recognize the ability of penitentiary guards and corrections officers to have access more quickly to the use of force than would otherwise be the case for police officers and peace officers.

At the end of that amendment there is a section dealing with the Coastal Fisheries Protection Act. I had made note of the reference in the amendment to an authority to be given by the House to the Governor in Council, that is cabinet, in prescribing regulations establishing the procedures in accordance with which and the extent to which a fisheries protection officer is permitted to use the force referred to in the subsection.

For the record I wanted to impress upon the House what we are doing here without saying it is right or wrong. At the end of the day it is probably the most expedient procedure. We are giving over to the Governor in Council, to cabinet, the ability to prescribe and define the precise definition between times when the force may be used and when the force may not be used. In essence, we are giving them the right to define what is an offence and what is not an offence. Over time this is not something a parliament would ordinarily do. It is our job in the House to define clearly and consistent with the charter what is and what is not an offence.

(1510)

As we delegate this regulatory power in the statute I want the House to know I am confident the joint Standing Committee on Scrutiny of Regulations will take a little closer look at the regulations passed, if any, under this section. I want the House to be aware that as a rule we should not get into the habit of delegating to cabinet regulatory making powers whenever we find it difficult on our part to do it with precision.

I regard this as a bit of an exception for use on the high seas or within our territorial waters when a vessel is fleeing our territorial waters. That would complete my remarks.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm): Mr. Speaker, I want to thank the House for the opportunity to discuss this bill. Being a lawyer by trade, it is quite the experience to see the other side of the coin and it is also very enlightening.

Bill C–8 proposes to amend two acts, one of which is the Coastal Fisheries Protection Act. My colleague from the Bloc discussed this aspect. I will comment on the amendments which concern the Criminal Code. Since I am the Official Opposition

critic on matters regarding the Solicitor General of Canada, I will only discuss clause 1 of Bill C–8.

At first glance, this clause seems to meet most of the stakeholders' expectations regarding the use of force by peace officers against fleeing suspects and prisoners trying to escape.

However, to appreciate the proposed amendments and assess the implications of delegating such power to officers, i.e. persons in authority, and also to be able to make constructive criticisms, it is useful to remember that section 25 is part of the general provisions of the Criminal Code, more specifically in the chapter dealing with the protection of people responsible for implementing and enforcing the law.

The general provisions of the Code are certainly the best known, and perhaps the most used, provisions of this act, and that is true even for policemen who do not necessarily often go to court.

Consequently, it is essential that these general provisions be very clear, understandable and defined.

Based on past experience, we can assume that police officers will use that new section. Fortunately, in the vast majority of cases, they will do so to protect themselves. However, experience also tells us that we must be very careful when it comes to granting increased power to persons in authority. These powers and their use must be defined in a very clear and specific way to avoid any gap between the objective of such delegation of power and its routine use by the persons in authority.

For at least ten years, the federal legislator has been pondering the issue, and that illustrates the importance of amendments such as the ones contained in Bill C–8.

In recent years, the review of this issue intensified and, in September 1991, the federal government proposed, at a meeting of ministers of justice, to amend subsection 25(4) of the Criminal Code, in order to better circumscribe the use of force by peace officers and prison guards.

(1515)

The objective was therefore to better circumscribe the use of force by the police, while protecting the public and the police itself.

The Minister of Justice of the time, the very transient Kim Campbell, presented in August 1992 a discussion paper on the question of fleeing suspects.

The study was progressing when, in April 1993, the Douglas Lines case, already mentioned, brought to the fore this question of necessary force. I will give a short synopsis of the case, because I think it will help us understand what is involved in amending section 25.

In the Douglas Lines case, a young white police officer in Toronto was chasing a black 19–year–old suspected of having tried to snatch the purse of a woman some time before.

The police officer ordered the suspect to stop, which of course he did not do, so the police officer shot six bullets in the direction of the suspect who was hit twice. The police officer said that he believed that the suspect was armed.

In fact, upon searching the suspect, they only found a knife which was probably the weapon used in the attempted theft.

The police officer was charged with dangerous use of a firearm.

However, as was said before, he was acquitted by a Toronto judge, and the ratio decidendi tended to suggest that subsection 25(4) of the Criminal Code was unconstitutional.

I have already mentioned that amending subsection 25(4) has been under consideration for about 10 years.

The judge also said—and maybe that was to force the government into action—that he suspended for six months the application of the judgment to give the federal government time to review the clause in question. The ball was in the government court, so to speak, and something had to be done.

Let us study clause 1 of Bill C–8 to see how it amends the various subsections of section 25 of the Criminal Code.

Bill C–8 proposes changes which deserve an in–depth analysis, because of their implications for the various police forces and the area of law enforcement in general.

Let us take the section we are looking at. We can see that subsection 25(3) confirms the possibility for anyone to use force intended or likely to cause death or grievous bodily harm if that person believes on reasonable grounds that it is necessary for the purpose of preserving himself or herself or any one under his or her protection from death or grievous bodily harm.

Therefore, according to this subsection, the use of force is not unwarranted; it is clearly justifiable and well–defined legally.

Subsection 25(4) as rewritten in Bill C–8, and that is the point I want to comment, leaves me puzzled. I do not question the necessity of such a subsection—I think the Toronto judge did not leave the legislator any choice—but the wording of it. It allows a peace officer to use force that is intended or is likely to cause death or grievous bodily harm in order to arrest a person taking flight provided he—the peace officer—respects certain conditions.

However, we must admit, and give credit where credit is due, that these conditions are spelled out clearly and in full detail in

paragraphs (a), (b), (c), (d) and (e) of the subsection; that certainly does credit to the legislator who wrote it.

Paragraph (a) reads: ''the peace officer is proceeding lawfully to arrest with or without warrant''. It creates no problem. Neither does paragraph (b) which reads: ''the offence for which the person is to be arrested is one for which that person may be arrested without warrant''. Paragraph (c) reads: ''the person to be arrested takes flight to avoid arrest''. That is the very purpose of the law. Paragraph (d) reads: ''the peace officer or other person using the force believes on reasonable grounds that the force is necessary for the purpose of protecting the peace officer, the person lawfully assisting the peace officer or any other person from imminent or future death or grievous bodily harm''. This is the one paragraph I would like to comment; I will come back to it later on. Finally, paragraph (e) reads: ''the flight cannot be prevented by reasonable means in a less violent manner''. That is self–evident.

(1520)

We see that the legislator added the words ''imminent or future'' in paragraph (d) of this new section, contrary to the previous section which did not provide for any timeframe. It said that the provisions applied under given circumstances, but with no mention of the words ''imminent or future'', as in the proposed section.

By adding these, the legislator introduces a time difference between subsections (3) and (4) of the same section. Given the two interpretation tenets known by any lawyer, to the effect that first, any piece of legislation is to be interpreted as a whole, and second, everything in the law has a meaning, the words ''imminent or future'' could lead to a very loose interpretation on the part of peace officers. We should not create a new problem while attempting to solve one.

If the noble objective was to restrict the use of force on the part of peace officers and prison guards, such force should not be allowed to be used on a continuous basis, without any time limit.

I humbly submit that the words ''imminent or future'' can lead to abuses. Sometimes, in a piece of legislation, a single term, a word, an expression have a definite purpose, but in the present case the expression ''imminent or future'' makes an already complete text cumbersome.

The legislator did not see fit to add the words ''imminent or future'' to subsection 25(3) while it is doing so in paragraph 25(4)(d), under similar circumstances. Why? Is it that he wants to provide greater protection to peace officers than to citizens? Does he believe that one would be more prone than the other to abuse such a wider use of force? The answer is anybody's guess.

Unfortunately in both cases there are and always will be excessive people who will abuse a given provision.

Why then open the door to such a broad use of force over time? Good judgment and the appraisal of the situation at a given time, on the part of the peace officer, his or her assistant, or a citizen, must prevail, as stated in subsection 25(3).

Therefore, I will suggest to the Standing Committee on Justice and Legal Affairs, on which I sit, to remove the words ''imminent or future'' from the last part of paragraph 25 (4)(d) and thus prevent any possible ambiguity.

Moving on to section 25(5) of the Criminal Code, I think that in this case, the legislator was well advised to take into consideration the special situation faced by peace officers in a penitentiaries. I believe that circumstances warranted such a provision and I approve of it.

The fact of the matter is that in penitentiaries, it is practically impossible for the correctional personnel reacting to an attempted escape to tell whether the inmate in question will pose a threat to society if his attempt is successful. Not only is it unlikely in such a situation that the peace officer would know the inmate attempting to escape but chances are he would not know what enabled the inmate to make such an attempt at a given time on a given day. It was therefore important—and the legislator understood it well—to give this power to the peace officer in case of escape, and section 25(5) does just that.

However, we will have to make sure that the use of force that is intended or is likely to cause death or grievous bodily harm would be authorized only as a last resort, when every other means that could be used under the circumstances to tell the inmate to stop his escape attempt, such as a warning shot, had failed.

Of course, these section of the Criminal Code will be supervised, that is to say that control will be exercised by superior court judges in Canada to determine whether or not the person, peace officer or citizen, used excessive force under section 25(4)—25(5) in the case of peace officers—and over time, through jurisprudence, through the decisions made by the judges, we will be able to determine if these provisions go far enough or not, or whatever.

(1525)

First of all, I think we can say here in the House that, concerning Bill C–8, and clause 1 in particular, the government is on the right track. After ten years and many consultations, as the minister said this morning, subsections 25(4) and 25(5) meet the expectations of Canadians as well as those of peace officers.

Two words in the bill are important. They are ''imminent or future''. Why add these words if they are meaningless, if they are not intended to give more time, if they are not meant to give

officers permission to use force much later on? We could consider making some changes to these provisions later on in committee. We will make these observations then.

You have understood, Mr. Speaker, that as my colleague said a moment ago, we will support this bill, but we will move amendments before the appropriate committee.

[*English*]

Mr. Harbance Singh Dhaliwal (Parliamentary Secretary to Minister of Fisheries and Oceans): Mr. Speaker, the Minister of Justice has outlined to the House what this bill is all about. He has done so with the clarity, directness and forcefulness that comes naturally to the minister. Before his appointment he was one of Canada's leading trial lawyers. In his speech the minister dealt principally with the amendments to the Criminal Code. He dealt briefly with the amendments to the Coastal Fisheries Protection Act.

I will seek to provide the House with more detail on this latter topic.

The amendments to the Coastal Fisheries Protection Act provide authority to use disabling force against a foreign fishing vessel that is fleeing so as to arrest the person commanding the vessel. This legislation relates to foreign fishing vessels, it does not relate to Canadian vessels.

The reason is simple. Canadian vessels operate from Canadian ports, thus the person in command of a Canadian fishing vessel can be arrested when he returns to port. This is not true, of course, for foreign vessels.

No new powers would be granted by this legislation. The amendment to the Coastal Fisheries Protection Act is necessary to avoid any uncertainty that may be created by the proposed amendment to subsection 25(4) of the Criminal Code.

Let me outline when disabling force could be used. The legislation sets out three conditions. A duly authorized Canadian official referred to as a protection officer is proceeding lawfully to arrest the person in command of a foreign fishing vessel. The vessel takes flight to avoid the arrest and the protection officer believes on reasonable grounds that force is necessary to make the arrest. Thus, Parliament would define in the legislation when disabling force could be used.

The government would decide how disabling force would be used. This would be done in regulations, the authority for which is granted in the legislation. As the Minister of Justice indicated, these regulations would be consistent with the Charter of Rights and Freedoms.

Disabling force would only be used following ample warning. This would give a fleeing vessel the opportunity to stop. It would also allow the crew of the fleeing vessel to leave the part of the vessel to be fired upon. Disabling force should be a last resort. Every opportunity should be provided to avoid its use.

When it is used, every effort should be made to avoid casualties. Yet, a credible threat of disabling force is necessary to act as a deterrent.

(1530)

In general terms the regulations would provide for the use of disabling force at sea in compliance with international practice. A foreign vessel has fished contrary to Canadian laws. Various methods of warning the vessel are used. Internationally accepted flags are hoisted to request communication with the vessels and to order the vessel to heave to. Flashing lights and whistles are used to order the master to stop his vessel. Internationally accepted codes are used to signal the vessel to heave to. Repeated orders to stop are also made via radio communication. Only if these are unsuccessful—I repeat, unsuccessful—are warning shots fired.

If all of those attempts to get the vessel to stop are failed, those aboard the vessels are told that disabling force will be used. They are told the part of the vessel that will be fired upon and they are told to leave that part of the vessel. Additional opportunity is given for the vessel to stop or for the crew to leave that part of the vessel. Only then would disabling force be used and only as much force as would be necessary to stop the vessel and make the arrest. This follows international practice in the use of disabling force at sea.

It has always been important for Canada to protect its fish resources. This is critical today off our Atlantic coast where cod and flounder stocks face possible commercial extinction. We must take all measures necessary, domestic and international, to protect them.

The greatest threat to stocks of cod and flounder that straddle the 200–mile limit is from the vessels fishing in international waters and flying flags of convenience. These are flags of countries like Panama, Honduras, Belize and Sierra Leone. These vessels continue to harvest fish stocks that are at dangerously low levels. They fish without quotas. They harvest whatever they can catch. They use small mesh gear. They target undersized fish. In short, they break every conservation rule in the book. For the owners of these vessels, profit comes first and conservation is never considered. They simply do not care.

The Government of Canada will no longer stand by and watch this happen. These vessels will not be allowed to take the last of the breeding stock of cod or flounder before moving on to overfish somewhere else in the world. For too long these vessels have hidden behind obscure technicalities in international law. For too long they have claimed the protection of countries that neither the vessels nor their crews have ever seen. We will not

let the technical niceties shield them any more. Their time is almost up. Canada is going to stop their overfishing.

Canada has never used disabling force against a foreign fishing vessel. We hope we will never have to, but we must be prepared to do so where circumstances warrant.

[*Translation*]

Mr. Yvan Bernier (Gaspé): Mr. Speaker, I listened carefully to what the member opposite had to say, but I am not sure I understand his point of view. So, I would like to give him the opportunity to go over it again, just to make sure I understand what he is saying. From what I gathered, the strengthening measures proposed in this bill would be, as far as the hon. member is concerned, one way to put an end to what he called foreign overfishing outside the 200–mile limit, on the nose and tail of the Grand Banks east of Newfoundland. However, I must remind him that the nose and tail of the Grand Banks in Newfoundland are outside the 200–mile limit and consequently not under Canadian jurisdiction. The strengthening or controlling measures put forward in this bill will not help to solve the issue.

(1535)

I would now like to address another issue. According to the hon. member, foreign fishermen use smaller mesh gear than the Canadian industry and harvest smaller fish. I would like to point out that the Canadian groundfish industry, the cod industry, is very different from the European industry. The two industries are very different because fish consumption in Europe differs from our own. Whereas here, in Canada, when we eat cod, we usually want at least an eight–ounce filet as a main course, the smaller cod harvested by foreigners—what they call cabillaud for fresh cod in France—is usually served as a first course.

I just want to call your attention to the various customs and ways of eating fish throughout the world. Some people may think they are right while their opponents are wrong, but what they believe should not contribute to an escalation of violence. To make sure that what we believe is true does not clash with what our opponents think is true, I came up with a draft amendment this morning. I urge the hon. member to reflect on this and to reconsider his position.

[*English*]

Mr. Dhaliwal: Mr. Speaker, I would like to thank the hon. member for bringing those questions forward. I would like to inform him that the minister of fisheries will be in Brussels from the 15th to the 17th to discuss overfishing beyond the 200–mile limit with the NAFO organization. This law does not deal with beyond the 200–mile limit.

As the minister has repeatedly stated in the House we are very concerned but we want to work within the international laws, both through the UN and NAFO to ensure conservation beyond the 200–mile radius on the high seas. We have to comply with the international laws on the high seas but we will work very hard to change that. The minister has indicated in the House many times that he has serious concerns about overfishing beyond the 200–mile radius but we must work within the international laws.

We are very confident that through NAFO and the United Nations we can get greater conservation. Right now the minister is informing NAFO to take the same action that Canada has. We have a moratorium on the cod in 3NO. The same type of conservation we have inshore can be had offshore as well as on the high seas.

In terms smaller mesh nets it is not a question of values or truths, it is a question of conservation. We want to ensure we have good conservation practices and that is the reason it is mentioned.

The hon. member understands the serious problem of fishing beyond the 200–mile radius and that we have to work within the international law. If we are not able to do that, then we have to take tougher decisions. This government is willing to do that the same as was done on the Pacific treaty commission on the west coast. We have told the Americans that equity must be on the table and that we are not willing to discuss management of the salmon until we discuss equity which has not been discussed and put forward each time it is brought forward.

I thank the hon. member very much for the question.

(1540)

Mr. John Cummins (Delta): I do not have much difficulty with the disabling force. It is necessary and we have to take strong action to protect our fisheries. However I am concerned about the provision dealing with the use of force against fleeing suspects.

Fisheries officers are peace officers and they do carry weapons and have occasion to use them. On the west coast, and I am sure on the east coast of this country we do at times have problems with poaching. Poaching is an exercise which takes place at night and as a rule in secluded areas. Fisheries officers quite often can get into predicaments where weapons may have to be produced.

The difficulty with this legislation as I see it is that in such a circumstance if a weapon is produced and shots are fired and someone engaging in illegal activity is shot, the fisheries officer not only will have to deal with the trauma and horror of having shot someone, but he will also have to deal with the horror of interrogation by the system he represents.

I would like my friend the parliamentary secretary to the Minister of Fisheries and Oceans to comment on that please.

Mr. Dhaliwal: Mr. Speaker, I thank the hon. member for that question. I would like to bring to his attention that this deals with foreign vessels and the use of force against foreign vessels. This does not in any way talk about Canadian vessels. We can arrest Canadian vessels when they come into port. We do not need to use force against them. This deals with foreign vessels.

Mr. Cummins: Mr. Speaker, I should have prefaced my remarks and probably forewarned the parliamentary secretary that my question was to be directed to him, but as I stated I do agree with the disabling force portions of the legislation. I do not have any difficulty with that and I understand that this disabling force will be used only against foreign vessels.

My concern is with the provisions for use of firearms with suspects fleeing from arrest. As I indicated fisheries officers are police officers. They do carry weapons. In instances in which poaching is going on it occurs at night as a rule and in secluded areas. Weapons have been produced and people have been shot. Sooner or later by the law of averages someone could end up dead.

The problem as I see it is that these are very trying times when these sorts of things happen. These police officers or fisheries officers are working alone or with a very small group of people in very isolated areas. Things happen quickly in the dark of night. Yet if someone is killed these people not only will have to live with their actions but they will also have to deal with an interrogation and possible court appearance. They will be taken to task by the very people who are supposed to be their bosses for enforcing the law of the land. I find that rather curious.

Could the parliamentary secretary please comment on that particular aspect of the law.

Mr. Dhaliwal: Mr. Speaker, I want to thank the hon. member for his question.

This legislation creates a number of restrictions which outline in detail when force can be used. If anything this legislation will deter the use of weapons. With respect to the situation the hon. member talks about in which someone might be shot, this legislation reduces the times where firearms can be used by the police and enforcement officers. This is very good legislation and will reduce incidents such as the hon. member has brought forward.

(1545)

Mr. Art Hanger (Calgary Northeast): Mr. Speaker, the government has tabled a very important and in my opinion a somewhat problematic piece of legislation. I am thankful for the opportunity to speak to this legislation from the point of view of a police officer with 22 years experience on the force. As a policeman I have experienced what it means to have to make that judgment, the judgment that all police officers fear, whether or not to use deadly force. I also believe that attention must be paid to public opinion as it relates to criminal justice matters.

Before I speak to this bill I would like to interject a few appropriate words for what is in effect my maiden speech in the House. I would like to congratulate the Deputy Speaker on his appointment and the election of the Speaker of the House. I have not taken the time to offer my thanks to those people who made my presence in this House possible nor introduced the community of Calgary Northeast. I hope the House will permit me a few moments for this purpose.

I am indebted to all those people who played a vital role in my election. The first are my campaign volunteers who sacrificed so much time, gave so much effort and demonstrated such a civic commitment. They deserve the highest praise and I thank them all.

I would also like to express my sincerest appreciation to my wife Margaret and my three children, Laura, Mitch and Jason. Their love and support have provided a source of strength that is unfailing and which I depend on from day to day. I would like to extend my thanks and appreciation to all the good people in my riding of Calgary Northeast.

Calgary Northeast is a riding as diverse as any in Canada. It is made up of people from all ethnic groups, religions, educational and work backgrounds. During my campaign I was fortunate enough to have spoken to and received valuable input from a great many constituents. I am proud to claim the support of many new Canadians, first and second generation immigrants who have contributed so much to my riding.

Calgary Northeast is an economically diverse riding. Jobs come from service industries as well as oil and gas. Because the riding is so diverse both demographically and economically it is especially noteworthy that the people of Calgary Northeast are united in their desire for real, fundamental and lasting reform. They expressed to me their disillusionment with politics, politicians and business as usual in Ottawa and they urged me to communicate in Ottawa the need for political, economic and judicial reform.

Crime is a constant and growing concern in my riding as it is in many other communities across Canada. I am pleased to see the government is addressing the issue of judicial reform.

However, in Bill C–8, the bill to amend the Criminal Code provision dealing with the use of deadly force, I am concerned that the government has its priorities backwards. I have some real misgivings regarding this bill and I shall now turn to those reservations.

As I previously mentioned the criminal justice system is an area in which my constituents have expressed passionate opinions. Communities all over Canada have become concerned and

alarmed at growing crime and the apparent inability of the judicial system to adequately respond to and prevent crime.

Canadians are concerned about the safety of their families and they have reason to be concerned. Rates of violence across the country increase yearly and are reported daily. Confrontations between police officers and law breakers, many of whom are increasingly well armed and aggressive, are becoming more and more frequent.

Historically, the public has felt secure and satisfied with Canada's police forces and their handling of crime and criminals. However, in response to a charter case heard before an Ontario court, a case prompted by an incident that was more of a political problem than a procedural one, the government is tabling a bill that seeks not so much to address a problem with police as an artificial problem created by charter arguments.

In an Ontario court case in which a suspect was shot, a charter argument called into question the breadth of the current law regarding the use of deadly force. The court found that the law was too broad, since in theory—and this is a part of the Ontario decision—doughnut thieves could be shot by police if they fled from the scene of a crime. A brief to the Canadian Association of Chiefs of Police stated that the current law was out of date and noted that a literal reading of the rule could justify a use of force which could cause death or grievous injury against a shoplifter.

(1550)

In a news release earlier this month the government announced it intended to introduce more restrictions on the use of deadly force by police officers attempting to capture fleeing suspects. The release said that deadly force should only be the last resort.

While I agree, along with everyone in this House, I am sure, that police officers must be held accountable for their actions, especially when those actions include the use of deadly force, we must bear in mind that there is ample case law already on the books dealing with this issue. Stare decisis has long functioned as a mechanism by which the use of deadly force is judged.

Common law has held that in order to use deadly force a police officer must have reasonable and probable grounds. Of course, in some instances there have been errors in judgment made on the part of individual police officers but the law has provided a basis for consideration of whether or not those judgments were proper ones. The current law lets police officers who are forced to make instant life and death decisions rely on their thorough training, their knowledge of the situation and their assessment of danger.

Upon examining the proposed new sections of the Criminal Code contained in Bill C–8 I have to ask the following question. Will an officer who has felt the necessity to use deadly force still be given the same consideration, and will the same precedent apply during an examination of an incident? Or will this revised law open up the door for consideration of external issues surrounding each incident, issues that do not bear directly on the decision to use deadly force?

The court case that caused the present law to come into question was precisely that sort of occurrence. As a police officer I dread any law that might have the effect of forcing officers to weigh political implications of the use of force in situations in which officers feel that either they or the innocent public are in imminent danger. Will this new law force such detailed examination by police officers? Will it place the onus of defence, not unlike criminal defence, directly on our police officers?

I believe the Canadian people want the police to have greater authority in dealing with crime and criminals, and less legal charter based restrictions upon their ability to defend the public. Will this law force a police officer who would already be suffering enormous trauma after having been forced to use deadly force to undergo an equally traumatic political defence of his actions?

Instead of giving police the authority and freedom that they need to properly defend our communities, are we ironically constraining them with the very charter which is supposed to protect law–abiding Canadians and their families?

If the law does not give a degree of latitude to officers, if the law constrains the freedom of police officers to make instant decisions backed up by training, dedication and common sense, then that law actually puts the lives of police and innocent bystanders at risk for the sake of protecting fleeing dangerous criminals.

Do Canadians want their police officers to have the freedom and authority to perform their duties even if that means having, in some tragic situations, to use deadly force?

I believe the answer to that question is a resounding yes. Does the public feel the need for a law that would restrict police officers, put more onus on the police and less on criminals? The answer to that would be a resounding no.

I understand that a court has issued a challenge to the current law, and I realize that some laws deserve to be challenged. But I am not sure this is one of those situations. Canadians have had enough of special interests groups that come up with government funded challenges to good, tested, working law simply because our charter gives them an opportunity for 15 minutes of fame. Laws should come from people, not from the courts, whose only role should be interpretation. Our police are finding themselves increasingly unable to perform their duty to serve and protect the public. Is the House aware that in some jurisdictions police officers are issued firearms but must keep them locked in the trunks of their cars?

(1555)

Similarly, federal fisheries protection officers, although armed, are prohibited from making arrests. They are instructed to observe, record and report a crime but may not take action to stop it.

The public is enraged every time a police officer is killed in the line of duty. The public is enraged every time an innocent child is killed or molested. The public is enraged when the courts grant asylum to the likes of Charles Ng.

These are clear messages and the government is not heeding them. Instead it introduces a bill which casts doubt on legitimate use of force by police. This reflects very misplaced priorities indeed.

In closing, this bill is court inspired rather than people inspired. The court decision it stems from has no basis in common sense. When was the last time anyone heard of a doughnut thief or shoplifter being summarily executed by police? What nonsense. The cliche holds true: hard cases make bad law.

Further, as my hon. colleagues will point out, there has not been adequate bottom up consultation with those whose lives will be directly affected by this bill.

Last, why has the government chosen to make its first priority in criminal reform a restriction on police and not on criminals?

Mr. Morris Bodnar (Saskatoon—Dundurn): Mr. Speaker, I congratulate the hon. member on his speech. It was clear and certainly put his point across.

I would like to ask him two question with respect to points he raised. He is concerned that police may not be protected sufficiently by the proposed legislation and made a reference to consultation not being adequate or at all. My first question of two is whether the member is aware that there has been considerable consultation with the provinces and with different police groups within the last year with respect to this legislation?

Second, the hon. member criticized the proposed legislation and commented that there should be a requirement for an increased degree of latitude for police officers, et cetera, but he made no concrete suggestion as to what changes should be made in the proposed legislation. What changes would the hon. member make to the legislation that is being proposed?

Mr. Hanger: Mr. Speaker, I thank the member for his question.

It is important to point out that historically there has been case law, founded in common law, supporting police officers in these situations. I believe there have been several cases in Canada where police officers have shot individuals and have been exonerated through the courts for their actions.

The concern is that now every time a situation occurs in which a police officer has to use deadly force he will be evaluated totally on a charter basis. What other issues could be brought into such situations? Are there going to be political ramifications if a community says: ''We feel that he erred in his judgment prior to the incident'' or ''Police in general have not been handling themselves properly in the community and as a result certain individuals feel they are being picked on?'' Are these points going to be brought up in the hearings of police officers? That is my question.

I would like to have these matters specifically addressed by the minister. That has not happened thus far.

(1600)

I am aware that the Canadian Police Association has been addressed and two submissions have been forwarded over the last two years. I realize that this legislation is part of what the Conservatives started. Again, let us be realistic. The Canadian Police Association and its representatives are rather on the political side themselves. Many of their arguments have been presented on that basis.

I think if we go into the practical evaluation of this piece of legislation that we will find that many police forces have not discussed this matter and have never heard of it. This is news to them even to the point of reading about it in the news. An honest evaluation and practical discussion about how this will affect policing has not been done.

Ms. Judy Bethel (Edmonton East): Mr. Speaker, it is my understanding that the police services in general, and certainly the Edmonton police services, are in favour of this particular amendment because it clarifies the situation for police officers and thereby makes it easier.

I am wondering if the hon. member has any comment. I would be interested to know how his Calgary police services feel about this particular bill.

Mr. Hanger: Mr. Speaker, I thank the hon. member for her question.

I would like to inform the hon. member that certainly the chiefs of police of all the police departments in the country undoubtedly have been consulted. At least there has been a brief presented to them. I have not seen the replies that came back from all those departments or from the chiefs for that matter. Often these matters are just discussed at an association level.

I did consult members of the Calgary police department. Let me state that I am not a police officer. I would like to correct the statement that I made earlier. I am a former police officer. Yes, the matter has been discussed but only after seeing it in the news.

The use of deadly force again is an issue that should be thoroughly discussed not only at police association levels—I think we should move away from that—but on the level of public debate. The whole matter should be presented for the people to

really analyse and then tell Parliament what they would like to see as a piece of legislation that would make police officers most effective in defending their rights in society.

Ms. Shaughnessy Cohen (Windsor—St. Clair): Mr. Speaker, I congratulate the hon. member for Calgary Northeast on his maiden speech.

I point out to him that this legislation was not undertaken without consultation with police forces. I would seek to correct what I think is simply an error in his address when he indicated that front line police officers were not consulted. It is indeed the purpose of the Canadian Police Association to represent front–line officers and not to represent chiefs of police. In fact those officers have been consulted through that association and support has been given.

I would also like to comment that the Canadian Charter of Rights and Freedoms is in place for the benefit and for the protection of all citizens of this country. The fact that the charter does not produce results with which members opposite may from time to time agree or disagree does not make it any less a valuable tool.

Mr. Hanger: Mr. Speaker, I thank the member for her question and for her congratulatory remarks.

It is interesting when we talk about the charter and its effects on law. Certainly there has been an analysis done by many people. I believe there is one that is presently in circulation that was completed by an RCMP officer and chief superintendent. He clearly points out the shortfalls that have occurred over the last 10 years to allow police to effectively police.

(1605)

In fact in his opening statement his analysis was that the charter has literally forgotten about truth and in effect has directed the investigations police do on the basis of how well the investigation is done. The courts have analysed it in this way. They are more concerned about how well the investigation was done as to whether or not it violated the rights of an accused rather than seeking the truth. I think this is where the breakdown has occurred.

As we get more into the discussion of this particular piece of legislation we are going to see exactly what the charter has done to policing across the country because we are talking about that very thing. It is how police handle themselves and the law in protecting the people. The reflection I am getting from the community is that they realize the hands of police are tied, they cannot do anything about it and want something changed in that area.

As for the consultation process with front line officers through the Canadian Police Association, I will rise to that particular challenge and say that we should talk to individual officers on the street. If it comes out of the association per se, then that is a politicized statement of the police associations and not rank and file officers in this country. I think police should be consulted on a rank and file level and not through some association.

The Deputy Speaker: The member for Markham—Whitchurch—Stouffville indicated earlier that he wished to rise on a question of privilege. Is that correct?

Mr. Bhaduria: Mr. Speaker, I will make my statement tomorrow morning.

Mr. Morris Bodnar (Saskatoon—Dundurn): Mr. Speaker, I am sure I will get the questions, which I have just asked, in reverse.

Bill C–8 poses a very interesting question to all of us. Generally in drafting such legislation and granting powers to whatever body, whether it is a police force or any other force, we must be very vigilant in making sure that the intent we wish to be carried out does not go to far. The Minister of Justice must be complimented for bringing forward legislation with restrictions so that it does not go too far and the intent of the legislation is carried out.

As we know, the intent of this legislation is to provide for the legal protection of police officers. It is not there for any other purpose. It is to provide for the protection of police officers, persons lawfully assisting police officers and those who use force that is intended or likely to cause death or grievous bodily harm to fleeing suspects who pose a threat of imminent or future death or grievous bodily harm. That is the purpose.

In drafting such legislation we have to look at the values in our society and what we need in our society. What we do need in this society is a prevention of crime and the control of criminals but it has to be within certain prescribed rules. Unless those rules are in place we will end up with a situation in which different members of society can run a little footloose and fancy free if the rules are not in place. For this reason we do require rules.

What should these rules do? They are laws that have to be fair. Fair is a very loose word to use. Then we go on to say that it must strike a balance. What is a balance? It has to be a balance between the rights of the fleeing suspect and the ability of police officers to protect themselves and the public.

(1610)

This is what has to be dealt with in the legislation that is proposed. It is very important that this be drafted carefully because we are not dealing with just a minor matter. We are not dealing with some minor legislation. We are dealing with giving the right to kill. That is what we are doing. We are dealing with

the most serious of force. We are dealing with the granting in certain circumstances a right to cause the death of an individual.

We cannot allow such a right to be put in place without restriction which describe the conditions under which that right can be utilized. In drafting such rules we cannot avoid common sense because common sense obviously is required. We must rely on it in the drafting of the legislation.

It is quite important in drafting such legislation that we look at what we want to do. Of course, we do not want to cause agony for police officers and we do not want to cause them to have undue concerns. We do not want police officers to feel that they are restricted in their enforcement of laws. We understand that police officers have to make split second decisions. Sometimes they do not even have that much time to make a decision.

However the rules still have to be there so that police officers can, after having thought through this legislation, be able to make that automatic decision as to what to do in the circumstances. They have to know in that split second or less what they are doing because in training they know what their parameters are.

That is what is so important about this legislation as well. It has clarified to a large extent what police officers or peace officers can do. If it clarifies it for them then they know what they can do and where they can go.

It is so important in such legislation to have certain restrictions so that a police officer can understand what can be done and what cannot be done. Perhaps the legislation is not perfect, perhaps it needs some modifying and perhaps we can foresee certain problems that arise with this legislation but that can perhaps be cleared up in committee with a few alterations.

However, the general intent of the legislation is good. The intent is one of protecting the law enforcement people. We must go through it. It has been gone through by a number of members in the House already. However, there are certain aspects that have to be looked at.

Of course there are restrictions because the law as it is proposed in subsection 4 says that the police officer or peace officer is justified in using force that is intended or is likely to cause death or grievous bodily harm. As I have already indicated, the most serious of matters is taking a person's life or causing grievous bodily harm. That is not just bodily harm. It is grievous bodily harm in many cases causing permanent disability, et cetera.

Under what circumstances can a peace officer do this? It has already been enunciated that such a peace officer must be proceeding lawfully to arrest. That is not an undue hindrance on a peace officer because peace officers know when they can arrest and they know when they cannot. They know under which offences they can arrest. They know under which offences they can arrest without a warrant. They know where they require a warrant, et cetera. That should not be a problem to a peace officer.

Second, the offence for which the person is to be arrested is one for which that person may be arrested without warrant. Again that should not be a problem for a trained police officer to determine.

Third, consider when the person to be arrested takes flight to avoid arrest. That is a fairly obvious one where the police officer is trying to arrest the individual and he turns and starts running or the police officer announces that the person is under arrest and the person all of a sudden turns 180 degrees and is literally in full flight.

One has to question this situation. What if the person does not know the police officer is trying to arrest him? We get into these special exceptions depending on the facts of each individual situation as it arises. Again, that is a matter that can be dealt with in our court system. The courts have generally and very reasonably set out additional rules if they are necessary. The legislation is not sufficient.

(1615)

The fourth aspect is with regard to the peace officer or other person using the force who believes on reasonable grounds that the force is necessary for the purpose of protecting the peace officer, the person lawfully assisting the peace officer, or any other person from imminent or future death or grievous bodily harm.

I must admit I have some sympathy with the hon. member from the Bloc who spoke previously indicating concerns with the wording of future. There has to be a concern. What does future mean? What does future death mean or future grievous bodily harm? Does it mean tomorrow? Does it mean 10 minutes from now? Does it mean six months from now? Does it mean a year from now? How imminent does that have to be? It does distinguish between imminent and future death.

That is a matter that perhaps can be looked at in committee. Of course the flight cannot be prevented by reasonable means in a less violent manner.

That is reasonable too because through experience I am sure that all know that police officers do not want to cause deaths of individuals. They will use precautions. They will take whatever steps are necessary. They will fire in the air. They will yell at the person. They will radio ahead for someone to get the person who is headed in a particular direction.

Generally the flight cannot be prevented if such drastic action is taken but a provision like this is important in case there is one police officer who decides otherwise.

I suggest there are concerns once we get into the other subsection dealing with the penitentiary provision for the peace officers in the jails. I will raise these simply as food for thought for some members.

The subsection deals with peace officers being justified in using force that is intended or likely to cause death or grievous bodily harm against an inmate who is escaping from a penitentiary. Then it says if the peace officer believes on reasonable grounds that any of the inmates of the penitentiaries pose a threat of death or grievous bodily harm to the peace officer or any other person.

That is a strange section. When a guard comes to work in the morning in a penitentiary he has to think who is being held in custody. Is there any person in custody who poses a threat of death or grievous bodily harm to anybody? If that person is even sitting in the special handling unit or in secure custody, if that person is within the penitentiary, that allows that guard to shoot a person who is escaping from the prison even though that person may not be an immediate threat.

That is a matter that has to be looked at. That section appears to give a right of stopping an escaping inmate simply on the basis of who is in the prison population, even though the person in the prison population may not be doing anything.

That is something that has to be looked at and that is why we look at this legislation. It would be quite unfair if the guard decides there is a person who would pose a problem, who may cause bodily harm, and he decides he can fire at that person who is escaping and then finds out that that person was released during the day and is no longer in the jail. All of a sudden the provision does not apply to him. It could be just as unfair the other way.

If the intent of that subsection is to allow a peace officer to cause death or grievous bodily harm through an escaping inmate when no other reasonable means that are less violent are possible then it should be said in that clause rather than having the cumbersome procedure that is available.

(1620)

I support the legislation because it is so important to peace officers. The clearer the legislation, the better the legislation.

The amendments to the section before the House clarify to a large extent what peace officers may wish. It certainly places restrictions on them, but at least they know where they stand with the legislation. If there is something that is not clear and can be clarified, that can be dealt with further in committee.

I would suggest that for once we have legislation that police officers can look to. They can read it and say here are the circumstances in which we can do something and here are the circumstances where we cannot. Once they have that, it will help them react much quicker and much better in emergency situations. When that is the case we will have much better police officers.

Mr. Art Hanger (Calgary Northeast): Mr. Speaker I have a question for the hon. member, recognizing that the hon. member is steeped in the traditions of law and is familiar with many charter cases that he undoubtedly has handled.

Several times in his presentation he mentioned ''if the intent''. That is my point in questioning this law, the fact that the charter will come into play. If the intent is unknown then we will be subject to all kinds of wrangling. The police officer will not have the traditional support of the common law principles in case law. He will be subject to the introduction of other questionable material and the case may go in another direction.

Will the hon. member please comment on exactly what he means when he tells this House that now police officers can be satisfied that they have some definite rules to follow. That is not the case if we do not have any case law to fall back on.

Mr. Bodnar: That is true. Until we have some case law to clarify particular matters, at times we will have to rely simply on the legislation so that we can interpret the legislation.

Let us not forget that the Charter of Rights and Freedoms did not change the common law. To commit an offence one still has to commit a particular act and a person must have a particular intent. That has never been changed by the Charter of Rights and Freedoms. If a police officer runs into problems under this section and at any time is charged with a criminal offence, the police officer has the same protection of the Charter of Rights and Freedoms as any other individual.

I can advise the hon. member that police officers are just as insistent on having the protection of the Charter of Rights and Freedoms as any other member of society.

Mr. Hanger: Taking it one step further, if we are going to be looking at a piece of legislation such as this, it must answer the concerns of Canadians. Are Canadians happy to see more restrictions placed on police officers?

I do not believe they are. They have made that clear right across this country. We are going to be answering as parliamentarians many, many questions relating to crime and the way things are going with regard to criminal offences in this country. I do not see this legislation fitting the bill.

How will this member address those particular concerns of the Canadian people when in fact it is not going to serve them in a more efficient manner?

Mr. Bodnar: That is an interesting comment made by the hon. member, that this may not fulfil the wishes of the public. One has to question what the public wants.

The public wants efficient police enforcement. It wants people brought to justice when they should be and it wants individual rights protected. The public does not want police officers brandishing firearms and firing in every direction for any reason under the guise of protection. That would not happen. I am not saying police officers would do it, but individuals may. That would not happen. We want good enforcement. That is why we need a balancing. That balancing is between the protection of individuals and police enforcement and bringing people to

justice. That is what the Canadian public wants. The Canadian public will get it with this legislation.

(1625)

It will get it within this legislation which I suggest to the hon. member police officers will support once it goes through the House.

Mr. John Cummins (Delta): Mr. Speaker, the member for Saskatoon—Dundurn mentioned that police have the same protection as any other member of society under this law. I would suggest to him that the police may have the same protection, but they have more responsibility when it comes to enforcing the law.

I can recall as a youngster that if a policeman said stop, we stopped. That was the rule of the day. Nowadays it seems that if the policeman says stop, the criminal element says catch me if you can. The law will defend them if they say that.

I would suggest to the member for Saskatoon—Dundurn that if the government was interested in justice on this matter that it would increase the penalty for fleeing. In other words, it would try to make it very unattractive for people to flee from the law when they are caught red–handed in crime rather than penalizing police officers and making the police officers jump through a series of hoops to defend themselves if they happen to be attempting to enforce the law.

Mr. Bodnar: Mr. Speaker, the laws are there dealing with escaping from lawful custody. The penalties are in place. The penalties are certainly not light. It is a matter of those laws being enforced and enforced in the sense of having the appropriate sentences. If the sentences do not appear appropriate, they are taken through the proper legal channels so that the courts can deal with it at an upper level to deal with the penalty fitting the offence. If that is not appropriate then Parliament can deal with it.

The laws are in place now to deal with that particular aspect and to deal with it very adequately with respect to sentence so long as the judiciary deals with it appropriately in the circumstances.

We cannot overlook that each situation is different. When judges look at situations they look at them differently. They will look at one situation, look at the extenuating circumstances if there are any, and impose what they believe is the appropriate penalty. It may be quite different from another situation in which near the maximum penalty is the appropriate sentence. That is where the judges vary in sentences and that is where prosecutors decide or decide not to proceed through the appellate routes in appealing sentences.

Mr. Cummins: I would like some clarification from the member for Saskatoon—Dundurn. He suggests that there is a penalty for fleeing. I would suggest that there is also a penalty for using firearms in the commission of crimes.

I may be wrong and I ask him for clarification, but it seems to me that rather than these laws being enforced rigorously or definitely, quite often these matters are dealt away with in the judicial process: ''If you'll do this, I'll do that'' so the law in fact has no force in its effect.

I wonder if the member could perhaps clarify that.

Mr. Bodnar: Mr. Speaker, with respect to dealing these matters away, I am not familiar with that. I can tell him that I have worked as an assistant for 21 years. The way it is dealt away with is usually with a consecutive jail sentence. It is a question of how long.

(1630)

On the question of using firearms in the commission of an offence, for the information of the hon. member there is a minimum jail sentence prescribed in the Criminal Code. It is a one–year minimum and it must be consecutive to any other sentence, not concurrent.

[*Translation*]

Mr. Benoît Sauvageau (Terrebonne): Mr. Speaker, I welcome this opportunity to speak to Bill C–8, an Act to amend the Criminal Code and the Coastal Fisheries Protection Act (force), tabled for first reading on February 4, 1994.

I would like to start by emphasizing the need for providing a framework for the use of force, as indicated in the Criminal Code. There are two concepts in clause 1 of this bill that seem rather ambiguous.

The first concept with which we have a problem is that of reasonable grounds. What are reasonable grounds? Do they depend on an individual's personal judgment? Good question.

Two recent incidences are a good illustration of what I mean, and I am thinking of the Richard Barnabé case, where the police may have acted on what it felt were reasonable grounds, in a situation that did not necessarily warrant such action, and the case of three residents of Saint–Pierre–et–Miquelon who were accused of illegal fishing in Canadian waters, a case which fortunately had no serious consequences. The interpretation of reasonable grounds is therefore rather puzzling.

The second concept we would like to see clarified, as it applies to the fisheries situation, is the interpretation of necessary force. Again, the individual's personal judgment is supposed to guide him in the use of force to the extent that he judges necessary. However, a stressful situation may affect one's judgment.

As Hegel wrote when considering the principles of the philosophy of law, what is reasonable is real and what is real is reasonable. Hence this request for clarification of the concepts of reasonable grounds and necessary force.

We in the Bloc Quebecois would also appreciate some explanation of the use of the term ''désemparé'' in the bill itself. The Petit Larousse illustré 1994 gives the following definition of the term, as it applies to the fisheries: ''Qui ne peut plus manoeuvrer, par suite d'avaries''. [''The state of being disabled, of being unable to manoeuvre, as a result of damage.''] This definition of the term as used in Bill C–8 would seem incomplete in the case of human lives.

The importance of the precision takes a whole new meaning when you consider that the same clause says: ''—intended or... likely to cause death or grievous bodily harm—'' In the Bloc Quebecois we believe that human lives should never be endangered by the decision of a single individual responsible for enforcing the Coastal Fisheries Protection Act. We accept the principle of the use of force, but we must adapt it to the field of fisheries.

Our amendment is intended to limit the use of force, in order to avoid any dangerous situation that could lead to an escalation of violence.

The wording of our amendment bears some resemblance with a recommendation of a report from the Standing Committee on National Defence and Veteran Affairs, chaired by the Hon. Arnold Malone, and tabled in November 1990.

The recommendation said, and I quote, ''—that research be conducted as a high priority into methods of stopping unco–operative boats on the high seas without endangering human life''. What happened to that recommendation already four years old?

Second, I would like to stress the importance of attacking at the source the problem of poaching. But we must face the fact that we will not be able to do it alone, without the help of other countries. Negotiation efforts must be pursued with the international community.

(1635)

If fishing outside the 200–mile limit hinders reproduction of fish stocks, the amendment to the Coastal Fisheries Protection Act will not solve the problem. Canada cannot legislate over international areas. Accordingly, negotiation remains the only possible avenue, hence the necessity of involving the Department of External Affairs.

Therefore, the Bloc considers that the solution is to be found primarily in negotiated multilateral agreements providing for compliance measures by various interested parties. The *Concordia* incident proves that that kind of situation cannot be solved by the use of force but by precise and clear agreements between various interested parties.

It should be recalled that in that precise case, there was no agreement in force between two sovereign countries, namely Canada and the United States. The ridiculously timid penalty given the master and owner of the *Concordia* shows the regulations' flaws. The fact is that Canada has to show clearly that it is determined to defend vigorously its sovereignty over Canadian waters. Now, as far as the concept of sovereignty is concerned, members from the Bloc Quebecois could most likely advise the Canadian government on the definition of that concept, even if it deals with Canadian waters, because we have some experience in that area.

Still, if only multilateral agreements had to be negotiated, we could possibly find a solution to the problem in a very short period of time. But no, once more we are confronted with a problem of overlapping—we are sorry if we always seem to come back to that issue but that is part of the problem—not federal–provincial overlapping but, as I mentioned in my first speech on environment, overlapping within the federal government itself. As a matter of fact, three departments could not agree on a single solution regarding the environment.

As for fisheries, and in particular in the present bill, four departments are trying to find a solution to a single problem which is, I admit, a big one.

The Department of Fisheries and Oceans, the Department of National Defence, the Department of Foreign Affairs and, in this instance, the Department of Justice are all working to find a solution to the problem.

This conflict between the various federal bodies goes back a long way. In fact, the same aforementioned report about maritime sovereignty, drafted under the chairmanship of the Hon. Arnold Malone and tabled in 1990, made this recommendation: ''The Committee recommends that the government institute a program of regularly exercising interdepartmental coordination procedures, particularly for emergency situations, with a view to identifying problems and reducing necessary consultation time. Such exercises should include all responsible individuals and their alternates''. This way, there would be no seven and a half hour delay before an emergency decision could be taken, as was the case in the *Concordia* incident.

Any amendment would be useless if the various federal departments are not even able to co–ordinate their action, so this is a critical factor.

In conclusion, we concur with the bill provided the amendment suggested by the Bloc is agreed to. I say again that I believe in a strict control regarding the use of force, as prescribed in the Criminal Code.

[*English*]

Mr. Brent St. Denis (Algoma): Mr. Speaker, I appreciate the comments of the member for Terrebonne. Although he spoke mostly about the coastal aspects of the bill, I will direct a

question to him on the broader question of the situation faced by our enforcement officers in moments of crisis.

(1640)

Unfortunately I was a victim of a gun crime many years ago. I would like the member to consider my question from the point of view of a victim or a potential victim and the relationship of the police officer at that point in time to the potential victim. If we put faith in our officers we have to accept that they face a very difficult decision in a crisis.

Even though the questions of the hon. member for Terrebonne are very good, does he not feel it is better to start with something like this? As has been raised before, we have to build some history, some common law, as a result of this legislation. Are we not better to start from this point and build from here rather than leave our enforcement officers in what is now a very difficult situation?

We have to stand behind them. We have to recognize that crime and violence are out of hand in some areas of our country in particular. Does the hon. member still feel this is a step forward even though he may not agree with every provision in the bill?

[*Translation*]

Mr. Sauvageau: Mr. Speaker, as stated by my colleague, my remarks were not directly linked to that part of the Bill that amends the Criminal Code and the Coastal Fisheries Protection Act and deals with necessary force.

My comments were aimed at coastal fisheries protection, as he pointed out, and I took that opportunity to highlight our amendment stating that at no time should human lives be jeopardized when disabling or boarding a vessel. If indeed there is illegal fishing, we must find a way to disable the vessel, make the necessary arrest and bring it to port, without ever putting any lives in danger.

My colleague, the Solicitor General critic, spoke earlier on the part of the bill dealing with the Criminal Code, and I will add that I am in total agreement with what he said. I will therefore refrain from making any comments on the Criminal Code, having chosen to address instead the issue of coastal fisheries protection.

Mrs. Suzanne Tremblay (Rimouski—Témiscouata): Mr. Speaker, the bill we are discussing does indeed have two parts but I will comment only on the second part, that is the Coastal Fisheries Protection Act.

The bill seeks to give fisheries protection officers the right to disable a foreign fishing vessel or to attempt to do so, within the limits of the regulations. As my colleague said before, the expression ''to disable'' a vessel is what is creating a problem here because definitions vary from one dictionary to another.

I checked the *Robert* dictionary and it says that to disable is to ''make unable, unfit, ineffective''; hence, to disable a ship means to cause damage that will prevent it from manoeuvering, for example cause damage to the helm, the motor or other essential instruments. The purpose therefore is not to sink the ship but to keep it from causing harm or sailing away. So that we may be sure of the meaning of the term, the bill should include a definition of the word ''disable''; that way, there could be no confusion in the interpretation of the act.

A foreign vessel under arrest could then be disabled if it were in flight. If, while inspecting the vessel or interrogating its crew, the protection officer discovered illegal actions, the owners and the captain of the ship could then be forced to face Canadian justice.

We must admit straight off that foreign fishing vessels have been sailing for a long time in what are recognized today as Canadian territorial waters; they did so even before the discovery of Canada.

(1645)

Therefore, they acquired historic rights which enabled them to obtain a permit to fish within Canada's 200–mile zone, provided they complied with the attendant regulations. Among other things, the regulations spell out the species that can be caught, the allowable size of the catch, where parties can fish, the need to keep a log, and so forth.

Some foreign vessels are occasionally suspected of fishing illegally. The *Concordia* affair which occurred on December 11, 1989, comes to mind. A US vessel, the *Concordia*, was fishing illegally in Canada's exclusive economic zone, on George Bank off the shores of Nova Scotia. Detected and photographed by a Canadian Forces Tracker aircraft, the *Concordia* did not respond to the Tracker's radio transmissions. It also ignored the Canadian Forces destroyer *Saguenay*, which it even rammed before retreating toward US waters.

Back in Ottawa, as my colleague mentioned, External Affairs, Fisheries and Oceans, DND and the Privy Council needed seven and one half hours to consult with one another before giving the *Saguenay* permission to use force to stop the *Concordia*. In the meantime, the *Concordia* had plenty of time to take refuge outside Canadian waters. The owner and captain of the vessel were fined $9,000, considerably less than what they took in as a result of the illegal fishing activities.

It is important for a country to protect its territorial waters. The Coastal Fisheries Protection Act now before Parliament gives fisheries protection officers the right to disable a foreign fishing vessel suspected of carrying out illegal fishing activities.

In speaking to this debate, I want to draw the government's attention to the importance of having regulations that spell out clearly when and how force is to be used to disable a vessel. I realize that regulations to this effect are being drafted, but regulations are not voted on. In my view, it is important that these regulations be tabled in the House prior to the adoption of

this bill on third reading. If this is not possible, then the restrictions that go along with this power should be spelled out clearly in the act.

Fisheries protection officers are being given this new power in an effort to halt illegal fishing by foreign vessels in Canadian waters. In the absence of any extradition provision with regard to fisheries, it is all too easy for a foreign vessel that has committed an offence in Canadian waters to escape scot–free by sailing out of the economic zone, keep its cargo and cash in the profits.

As we have just seen, it is difficult to disable a vessel. So, notwithstanding the necessity to amend the Coastal Fisheries Protection Act, the government must continue to explore new ways of resolving the problem.

For instance, it could negotiate bilateral arrangements with other countries to arrest on arrival at their home port the captains of vessels suspected of illicit fishing in Canadian waters. It could insist that deterrent penalties be imposed on the owners and captains of vessels contravening the regulations governing their fishing licences. In that regard, it should be pointed out that since 1991, the fine imposed on nationals guilty of illicit fishing is $100,000 in the United States, while in Canada it can be as high as $750,000.

Finally, illegal fishing is not the prerogative of foreign fishing vessels. While pursuing ongoing efforts in the UN to ensure better protection for our resources through arrangements, it would be important that the Canadian government initiate a project to develop a national, if not international, code of ethics, the primary purpose of which would be to make everyone accountable and responsible for the conservation of our fishery resource.

Fisheries management must be decentralized. The industry must assume responsibility for itself and regulate itself in terms of the enforcement measures or penalties to be applied to those who contravene the code of ethics. For example, the fisherman who exceeds his fishing quota one year could see his quota reduced the next year. For illegal fishing, his fishing licence could be withdrawn or suspended for some time.

(1650)

The Bloc Quebecois supports this bill from the Minister of Justice. Nevertheless, this bill should include an amendment forbidding the use of force if the lives of the crew of the fleeing vessel are in danger. The door to the use of force which we are opening today must in no case be used to excuse blunders which could be committed by protection officers using the right given to them today.

Canada must show its political will to enforce its 200–mile jurisdiction over its territorial waters. This alone justifies the bill today, although it is regrettable in some respects for moral and social reasons. Unfortunately, it seems that force is still the only language which some people understand, although it is not the most effective way to end illegal fishing practices. The aim of showing the international community that our country is determined to end these practices is quite laudable. However, the use of force is always risky. That is why the Bloc Quebecois's amendment is meant to limit the use of force so as to avoid unfortunate incidents.

I hope that the government will consider this amendment, especially since there is no causal relationship between illegal fishing and the Atlantic fisheries crisis. The government must restructure the fishing industry and develop new commercial practices to promote underused species.

Finally, we cannot stop illegal fishing practices without the other countries' co–operation. Negotiations with the international community should continue because today's amendment to the Fisheries Protection Act in no way solves the real problems of fishermen in Eastern Canada.

[*English*]

Mr. Jim Hart (Okanagan—Similkameen—Merritt): Mr. Speaker, I am happy to participate this afternoon because I have spent some time on the ocean off the west coast of Canada and have participated in the fisheries in the early 1970s. I would like to share some of these things, especially with members of the Bloc, this afternoon.

Serving in the Canadian navy we had a very important role in protecting the 200–mile limit. It is important we understand that fish are a natural resource of Canada. We must protect our natural resources. As a matter of fact it is our sovereign right to do so.

I get a bit upset when I hear people say: ''You have to be careful; you don't want to disarm or disable a boat because you might hurt the crew''. I have some problems with that. First, the person responsible for the crew is the captain of the ship. It is not the responsibility of the people trying to enforce the law of the country; it is the responsibility of the captain of the vessel to ensure the protection of the crew.

I will use the analogy of a drunk driver for a minute. A man may sit in a bar and drink too much alcohol so that he is over the .08 level. Then he gets in his car and obviously is in contravention of the laws of Canada. Because he does not know the law does not make him not guilty; he is guilty under the laws of Canada.

I would agree with the section of the amendment as far as disabling force is concerned. I have looked at all the things here. There is adequate warning. There are flags and flashing lights. All these things are very typical to communication on the high

seas. It is very much the responsibility of the captain of the vessel to ensure the crew remains safe. If they are breaking the laws of Canada then they must pay the consequences.

(1655)

The last point I would like to state is that in our national anthem we sing: ''we stand on guard for thee''. It is our sovereign right to protect our resources and this must be done. This is a good example of things we should be undertaking.

[*Translation*]

Mrs. Suzanne Tremblay (Rimouski—Témiscouata): Mr. Speaker, I appreciate the comment made by the hon. member who used to be in the Canadian navy and had the responsibility of protecting Canadian territorial waters. It is imperative that the government protect its territorial waters. There is no doubt in my mind; however, we must not think that if we give the right to cripple a vessel, this responsibility will exclusively be assumed by the captain.

Competition is very stiff; fishermen must earn a living; they must catch as many fish as possible in the shortest possible time, and then they must move on. But these people have permits after all. In my opinion—correct me if I am wrong—illegal fishing in itself is not an act of piracy. However, I think it is important that these measures be taken with a maximum of guarantee as regards the protection of human lives. In my opinion, it will never be worth risking a person's life to arrest someone who is fishing illegally.

The Deputy Speaker: The time allotted for the debate is now expired.

Pursuant to Standing Order 38, I must now inform the House that the questions to be raised tonight at the time of adjournment are as follows: The hon. member for Notre–Dame–de–Grâce—Court Challenges Program; the hon. member for Provencher—Small business; the hon. member for Wild Rose—The Environment; the hon. member for Kamloops—Small Business.

I understand there are no speakers left from the Bloc Quebecois, the Official Opposition, on this bill, nor from the government, except the hon. parliamentary secretary, who will conclude the debate. Consequently, two members from the Reform Party may speak on this bill. I have no objection. The hon. member for Wild Rose.

[*English*]

Mr. Myron Thompson (Wild Rose): Mr. Speaker, I rise today with mixed feelings in respect of Bill C–8. Although at the present moment I am leaning toward supporting the bill, I do so with some reservation.

I am concerned that no police official in my riding has been consulted with regard to this change to the Criminal Code. Further, having contacted the superintendent of K Division in Red Deer, Alberta, to his knowledge neither he nor any other official representing the RCMP in Alberta has been contacted for input into this bill. This strikes me as rather strange when the news release with this document states that it was derived from consultation with police officials all across Canada.

I am also having difficulty deciding in my own mind that this change will strengthen the ability of the police officer in making the necessary apprehension of criminals. In fact I am looking for assurances that the legislation will do exactly that. However, my gut feeling tells me that this could possibly reduce the ability of the officer to do his job, primarily due to the loss of precedents over the past few years.

In a nutshell, is the legislation for the good of the police or for the good of the criminal? I really cannot make up my mind what is the answer to that question. What was the motivation to bring in this legislation? Was it to make Canada a safer place for its citizens or was it brought about by pressure from special interest groups? They seem to have had a major impact on governments of the past and apparently are having an impact on the government of today.

(1700)

If we were to talk to Canadians across the country, I am quite certain their feelings would be to strengthen the power of law enforcement. I am almost certain in their minds this legislation would not do that.

My colleague from B.C. and fellow Reformers brought the attention of this House to three deaths which have occurred at the hands of killers who had their charges reduced to manslaughter because they were drunk and did not know what they were doing. Research proves these types of offences are quite high. Does this legislation address these types of problems? I am quite sure the answer is no.

I am certain Canadians want to know when legislation is going to be put into place to stop or at the very minimum attempt to stop the killing of Canadians at the hands of first degree murderers out on day pass or early parole from this country's prisons. I have stated in this House I know of 23 killers who fit this category and have murdered 32 additional people and these are only the ones I know of. Over the last five years I wonder how many criminals have been killed during the process of arrest. I would guess the number would be significantly lower than 32. If that is the case, then where are our priorities? Are they truly for the victims and their families, or are they for the criminals?

If this legislation is brought about to protect criminals, then let us wake up and do what the red book says. Let us concentrate on the victims for a change and truly make this country safer for its citizens. Taking away authority from the police is not the way to achieve this goal. If this legislation is going to do that then I would have to oppose the bill.

In conclusion I want answers to the following questions. How many police officers have died in this country in the line of duty as compared to the lives of criminals lost? If more police have died then I would suggest this legislation must be geared toward protecting them. Is that the case? If not, then why are we doing something that may jeopardize our law enforcers even further while at the same time fattening the wallets of lawyers? I certainly hope that is not one of the motives for this kind of legislation.

I am pleased to have had this opportunity to voice my concerns regarding Bill C–8. I will listen carefully to the debate to hear the answers from my colleagues to my many questions and concerns.

Mr. John Cummins (Delta): Mr. Speaker, I will be quite brief. I raised the points I wanted to mention while questioning other members.

In preparing for this afternoon's debate I did talk to fisheries officers on the west coast who I thought probably should have been aware of any consultation which had taken place with the government before this bill was brought forward. My questions to them were the first ones they had heard on any change of this nature. Not only did I talk to fisheries officers in the field, I also talked to people with some authority in the department who should have been aware of the changes being talked about.

The question raised by the member for Wild Rose is one which we must keep asking—what is the motivation for this bill? Is the bill there to make law enforcement more effective? Is it there to make the streets safer? Is it there to protect our police officers? Will it make them feel more confident when they go about their duties knowing that the force of law is on their side and that the authorities and their supervisors will back them up when they make the tough decisions they have to? That is where this bill falls down. The bill does not offer police officers, whether they are fisheries officers, city police or the RCMP, the confidence they need.

(1705)

Police officers in this country are not like members of the Gestapo. They are our neighbours. They are our sons. They are our friends. They are not authoritarian figures by far. They are people committed to public service. Yet they are people who put their lives on the line more often than not. They are people who put themselves into very dangerous situations making sure that Canada is a better country in which to live. That is where this whole bill falls apart. It does not offer these people the protection they should get. It does not offer them the kind of encouragement they need to continue their duties. I find it very disappointing.

It is difficult for us to imagine what it would be like pursuing someone down the dark alleys of one of our major cities or pursuing poachers in the dark of night along the banks of the Fraser River or in some isolated inlet on either the coast of British Columbia or Nova Scotia. It takes a particular kind of courage to do that work day after day. These people need our support and encouragement.

As I suggested earlier, if the government were truly interested in making the streets safer in this country, if it were truly interested in enabling law enforcement people to do the job Canadians expect and want them to do, we would be putting the onus on the criminal to stop. We would make it very difficult for a criminal to say: ''I am going to try to get away from this thing''. The penalties should be severe for those who do not obey the orders of police officers, whether they are guilty or innocent.

The onus is on us to expect that other members of our society will stop when a police officer asks them to and leave the determination of their guilt or innocence to the courts. That is what it is all about. We as Canadian citizens must recognize the very basic fact of life that the onus is on us to obey authority figures and leave the determination of guilt or innocence to the judicial system which I have a great deal of confidence in.

In conclusion I would like to say again that this law needs some work. We should be offering our police officers the encouragement they need. We should be coming down heavy on the criminal element that wants to escape the lawful requests and demands of the police authorities in this country.

[*Translation*]

Mr. Pierre de Savoye (Portneuf): Mr. Speaker, the two previous speakers talked about law and order, and I am in favour of law and order. However, in the last few years, we have seen a number of police mistakes, like the incidents that happened in Montreal and Toronto. I am aware that, under most circumstances, the majority of police officers do their job in a manner that is beyond reproach and deserves respect. Nonetheless, in the events I am referring to, as an ordinary citizen—even if I am a member of Parliament today, I remain at heart an ordinary citizen—I still have this feeling, this aftertaste, that things were not done right.

(1710)

Of course, to better understand a given situation, I must have a number of criteria, of limits. What should a police officer do under the circumstances that led to these mistakes? Did the police act correctly? Without limits or criteria, it would be difficult for me to appreciate the consequences of their actions and that worries me.

On the contrary, if the limits are clear, if there is a definite rule to follow and if I am comfortable with this rule, like I am with the rule proposed in this bill, I will be in a better position to appreciate the behaviour of the police under these extreme circumstances. The police themselves may be in a better position to know clearly what society expects from them.

As a result, I do not agree with the comments made by the last two speakers, but they could perhaps help me to better understand their position now that I have explained mine.

[*English*]

Mr. Cummins: Mr. Speaker, I would like to thank the hon. member. I hold him in high regard and appreciate the sincerity of his comments.

To answer specifically from my point of view, the limits are quite clear. Referring to the events in Montreal and Toronto as I recall them the people involved were ordered by the police to stop and chose not to. That is where the problem lies.

Somewhere society has the idea that when the police order someone to do something, it is all right to try to play cops and robbers and try to get away. That is where the problem lies. I do not know whether it is too much TV or too much publicity for those people trying to get away.

I do not know what the answer is but that is the root of the problem. It is the people who flee. It is not the police officers ordering them to stop. We have to direct our efforts at encouraging people to have more confidence in this country's legal system. Maybe they are fleeing because they have too much confidence in it and know where they are going to end up. That may very well be, but that has to be where our efforts are directed.

Mr. Harold Culbert (Carleton—Charlotte): Mr. Speaker, listening to my hon. colleague speak relative to Bill C–8, I am wondering whether he has read it and studied it carefully.

My impression is that it very clearly gives those parameters he has mentioned. It sets the parameters for our policing agencies to go about their duties in a very responsible fashion. It leaves no question. It refers to reasonable.

We have to interpret the word ''reasonable''. If one looks at the bill it follows through in trying to give the best explanation possible of what reasonable is which is, in using force that is intended or is likely to cause death or grievous bodily harm unless that person believes on reasonable grounds that it is necessary for the self–preservation of the person or the preservation of anyone under that person's protection from death or grievous bodily harm. It is pretty straight forward.

I would ask my hon. colleague across the way if he feels that improves the situation we are in right now in which that police officer has that question in his mind. Now he has some jurisdiction to look at it to see if in his opinion at that given time, and it has to be opinionated because he is the only person who is going to be in that particular situation, it provides reasonable grounds.

(1715)

Mr. Cummins: Mr. Speaker, as I said before I am not a lawyer. My understanding from listening to people here this afternoon who are is that this law will be put in place and somehow or other the courts will interpret the law as it is read here today.

The difficulty I have with this law is that it does not address the problem it purports to address, the problem of people fleeing from police officers when ordered to stop. I do not think it addresses that problem. I think it simply makes it much more difficult for the policeman who has to take action. If that action involves bodily harm or involves the death of an individual, it makes it much more difficult for the police to justify their action.

It is very easy for us to sit here in this very safe environment, read the bill and say that it covers this and that problem and addresses this and that shortcoming. However, that is not where the action is played out. The action is going to be played out in some back alley in the city of Toronto or Montreal or, as I said earlier, in some dark corner of the Fraser River canyon or some place like that. This is where the whole bill falls apart.

We should be offering our police officers more encouragement than this bill currently does.

Mr. Russell MacLellan (Parliamentary Secretary to Minister of Justice and Attorney General of Canada): Mr. Speaker, I would like to thank all hon. members who agreed to partake in the debate today on Bill C–8. I would like to deal with some of the concerns as I understand the bill and to express my opinions as they relate to the legislation.

First of all I would like to discuss some of the questions that were brought forward regarding the fleeing felon legislation, in particular police officers and criminals.

[*Translation*]

After that, I would like to talk about fishing off the coasts of our country.

[*English*]

The member for Delta said that we really have to be concerned more with the safety of the police officers. This legislation is not meant to do everything in the criminal field to deal with all of our concerns.

The member for Wild Rose said it is unfortunate that the first piece of legislation the justice department brings forward deals with reducing the power of the police.

First, it does not reduce the power of the police. Second, the reason this legislation is coming forward now is because of the negotiation and consultation that has taken place over the past two years by this government and the preceding government. There was a lot of dialogue, going back to 1992. The consideration of this subject matter has gone on. The Department of

Justice now feels that the time has come to put this legislation before the House of Commons. I think to delay it further would be totally unnecessary.

It does not take away from the powers of the police. What we have is legislation that is overly broad in the Criminal Code. The current provision does not direct police officers to consider the danger posed by the escape of the suspect before using deadly force to attempt to prevent the escape.

(1720)

It appears from the literal reading of subsection 25(4) that deadly force can be used to stop a suspect from avoiding arrest even though the suspect poses no risk of physical harm to anyone, including the police officer, provided of course that the escape cannot be prevented by reasonable means in a less violent matter.

What we are saying here is that we are not risking the life of the police officer. We are not going to risk the life of anybody for whom the police officer has the role of protection. If it is felt that anyone's life or safety is threatened or grievous harm could come to that person, deadly force would be used. There are certain crimes which by their very nature would not pose a threat to the police officer or to the public if that suspect escaped. There would be other means of arresting that suspect.

We are not letting anyone go. We are not endangering anyone's life. We are saying that the law as it is now is so broad that the police can use deadly force for any offence that they wish. That is not in the interest of society and, from the discussions I have had with the police, it is not in the interest of the police. Every time somebody who is suspected of a crime is shot, people automatically say: ''Ah ha, the police are gun happy. They just shot somebody for no reason at all''. That is often not the case at all. Maybe now and then, in a very isolated incident, a policeman or policewoman uses his or her firearm unnecessarily. Very seldom will a police officer even draw his or her firearm unnecessarily.

I would be the last one to say that we are changing this legislation because police officers are using this section in the Criminal Code unnecessarily. They are not. They are being very responsible about the use of their firearms. There is no question about that.

This law has been in the Criminal Code in this fashion for a long time and we feel the time has come to change it. We are not in any way trying to reduce the effect and the force of the police.

The situation is that we have consulted with police officers in this regard. They feel that this provision in the Criminal Code should be changed. We also say that any doubt whatsoever is going to be given to the police officer. This is very clear in the provision as it relates to penitentiaries.

It was stated by the member for Scarborough earlier today that only certain guards in penitentiaries are armed. The fact is they are armed for a reason. If there is an escape from a federal institution—not a provincial or municipal institution because it is not felt that escapees from there are going to pose the same threat as from a federal institution—the guard cannot by the very nature of the institution take the time to find out if this is one of the more hardened criminals or one of the less dangerous criminals. Because there are hardened criminals in that institution, the guard has the right to use his or her firearm.

We have to look at this legislation. We have to look at it not from the point of view of changing it because the law has already been changed by the court decision. On April 26, 1993, the current subsection 25(4) of the code was ruled to be an unconstitutional violation of a suspect's section 7 charter right to life and security of the person. This was decided by the Ontario court in the case of R. versus Lines.

(1725)

We have a charter decision in which the court said that if somebody has committed a crime and is fleeing, they can be shot. This very provision puts the life and the rights of the criminal in danger. I do not think anyone in this House would say that even suspects do not have rights under the charter. Every Canadian has rights under the charter.

We do not want to see criminals escape. I agree with the member for Delta that it seems to be more involved now to test the determination of the police to make the arrest, and more and more people are thumbing their noses at the authority of the police. That in itself does not warrant the person being shot. We have to keep that in mind. We have to look first of all to the fact that public safety is our most important consideration. We have to look too at the role of the police officer. As I see by this legislation, the police officer is not having his or her role interfered with or handicapped in any way.

I agree with members opposite that if that were the case then I too would have to look at this legislation in another light altogether. Because this is not the case, we have to make this change.

What happens if, although it has not gone to the Supreme Court of Canada, this provision of the Criminal Code is designated as being unconstitutional in accordance with section 7 of the Charter of Rights and Freedoms? Once that happens, effectively the provision is null and void.

What we will have here is a provision which is ineffective if we do not make a change. By not making the change we are hindering the operation of the police because they do not have any guideline now. The existing guidelines have been determined to be contrary to the Charter of Rights and Freedoms. We have an obligation now to make this change, to take away the

grey area, and to explicitly say in constitutionally acceptable terms what it is the police can do. That is all we are doing here.

I think we owe it to the police and to society to do this.

[*Translation*]

Something else is really important here too. The member for Gaspé, for example, says that he wants to move an amendment to the bill. It is a good idea because the standing committee will sit soon, maybe next week. It will be appropriate to present amendments in committee, and I would like to assure the hon. member here that his amendment will be considered and I thank him for his interest.

I do not promise that his amendment will be adopted, but it will receive our consideration.

It is a really serious situation, as the last speaker for the Bloc Quebecois said. We have a serious situation with the fisheries off Canada's Atlantic coast.

(1730)

In Atlantic Canada now, we have more than 45,000 unemployed people. It is really serious and it is bad for the people of Atlantic Canada as well as for Quebecers, because there is really no more fishing now. We have a feeling that fishermen off the coast of other countries have the same problem. It is really necessary to have something, so that we can tell fishermen in Quebec and Atlantic Canada that there will be laws and regulations which will be applied in their interest.

[*English*]

We have to do something to tell the people we know there is a problem with foreign overfishing. We are not changing the laws here. We are not bringing forward something that does not exist right now. We are putting this into what we are considering in Bill C–8.

We are saying that we are not going to bring forward confrontation with foreign vessels. That is not the intention. The Parliamentary Secretary to the Minister of Fisheries and Oceans outlined in detail the process we go through in confronting a foreign vessel. It is very detailed. Every chance is given for the master of the vessel to bring the vessel to a stop or to turn it around. Sufficient time is given for the crew to vacate a certain part of the vessel so that what has to be done will be done without endangering the lives of the crew of the vessel.

If something is not done then we are telling the foreign fishing vessels to come in and overfish and make a clean getaway. That is not the message we want to send. It is getting far too serious for that right now.

We do not want confrontation and it has not been done to date but we have to do something to enforce the fishing rules in our jurisdiction.

The last speaker, the Parliamentary Secretary to the Minister of National Defence, has a great deal of experience and he was an admiral in the Canadian navy. He will give us some indication of how this can be done and how the Canadian government and the authorities would confront a foreign vessel.

I want to thank the members of the House for their participation. We welcome all their considerations in committee. We welcome any suggestions they may have. We want to have a good hearing on this. We want to call some witnesses. We are not going to call an unlimited number of witnesses but we want to get good witnesses who can make a contribution. The minister will appear to answer some questions that members of the committee may have. We want to take this to committee so we can begin this study.

I feel that there is a good reason for this legislation and we are going to aid the enforcement of our fisheries laws and regulations. We are going to give to the police officers a good provision that is constitutionally correct under which they can act. We are going to do this without hurting or inhibiting the security of the Canadian people.

I think what we are doing with this legislation is in the interest of all Canadians.

(1735)

[*Translation*]

Mrs. Suzanne Tremblay (Rimouski—Témiscouata): Mr. Speaker, I would like to thank the Parliamentary Secretary to the Minister of Justice for a very interesting speech, to which I listened very carefully. However, there was no mention of regulations. Could the parliamentary secretary tell us how we will deal with the regulations? Could he describe how we are going to proceed, just for my information? How does it work? The hon. member told us we would be able to table amendments, which would be considered in committee, but what about the regulations?

[*English*]

Mr. MacLellan: Mr. Speaker, there are under consideration right now by the minister of fisheries quite comprehensive provisions relating to the fishery on the Atlantic coast and in the Gulf of St. Lawrence which is going to have quite a sufficient effect on the fishery, its future and how we are going to deal with its problems.

We are trying to deal with the foreign vessels fleeing the jurisdiction without getting into actual protection in other areas of the fishery.

Because of the nature and the complicated aspect of the fishery considerations that the minister is now pondering and the time it is going to take to put the final package together, that will come a little later.

I hope the hon. member can understand that we do not want to take a part of this away from the minister of fisheries because it is going to be a part of the whole package we expect.

[*Translation*]

Mr. Pierre de Savoye (Portneuf): Mr. Speaker, we appreciate the openmindedness shown by the hon. member, who said he would carefully consider the amendments put forward by the Bloc Quebecois, when the bill is referred to the Standing Committee.

However, I would like to cast some new light on an issue which is important, considering the amendments we will be moving. Even though we want to protect our territorial waters from overfishing, we cannot prevent our stocks from leaving our territorial waters. If we were to legislate on that, we would soon run out of aquariums to detain the fish which would have ignored our legislation and our territorial limits.

Moreover, outside of our territorial waters, we have no authority whatsoever to stop foreign vessels from fishing. And God knows those vessels come from all over the world! Since we cannot legislate on fish migration, all countries should agree to legislate globally on fishery resource management, because the fish stocks do not belong to one particular country. They do not belong to Canada nor to Quebec. They belong to the sea. And the sea, outside our territorial waters, belongs to everyone. This is why it is so important to pay special attention to the amendments we will put forward in the hope of seeing Canada and Quebec show some leadership in bringing the countries together to develop a better management strategy for this resource which belongs to everyone.

[*English*]

Mr. MacLellan: Mr. Speaker, that is a very good point. We cannot at this point deal with problems outside the Canadian jurisdiction.

I would like to make one point that I think is very important. When Canada extended its boundaries to the 200 mile limit we were able to take in all of the Grand Banks off the east coast of Canada, particularly the east coast of Newfoundland, except for two little parts which we call the nose and tail of the Grand Banks.

However, because of the nature of the terrain of the Grand Banks the fish conjugate on the Grand Banks. Once one goes past the Grand Banks into deeper water it is a different situation altogether.

(1740)

We would like to assure that when fish leave the major part of the Grand Banks, which is in Canadian waters, and go to the nose and tail of the Grand Banks, some of them will gradually come back.

What is happening is that foreign vessels are on the nose and tail outside Canadian waters in great numbers. Very few of the fish that go out there are coming back. The fish that go out there do not come back into Canadian waters. We feel we are losing a great deal of our fisheries resource.

The member for Gaspé said that we should not tell other countries what kind of fish they should catch. If France wants to catch a small cod then it should be able to do that. However, it is not that simple. The fact is that if one catches a small cod then that cod does not grow up to be a big cod.

Where does one stop on small cod? If one can catch small cod then why can one not catch all the small cod that go outside the Canadian jurisdiction? It really is a very serious question. There have to be rules and regulations on the catching of small and juvenile fish.

We have to try to negotiate.

[*Translation*]

The Minister of Fisheries and Oceans is in Brussels right now, negotiating with other countries to try to reach an agreement on the section concerning the fisheries.

[*English*]

If the minister is not successful then he will be developing other means of discussing this. He has stated to the House and to the country that this is a very serious question and he wants to find a resolution to it one way or the other. Negotiation is the preference.

Mr. Fred Mifflin (Parliamentary Secretary to Minister of National Defence and Minister of Veterans Affairs): Mr. Speaker, I want to thank my hon. colleague, the Parliamentary Secretary to the Minister of Justice and the other members who have engaged in this discussion.

The discussion has been certainly not totally one sided but I sense a predisposition to move in favour of Bill C–8. I want to speak on the bill generally and really amplify an aspect of this which is of great interest to me personally and to the area of Canada that I represent.

To begin with, I appreciate and understand the excellent point that was made by my colleague, the Parliamentary Secretary to the Minister of Justice, that this bill in no way precludes or tries to restrict the use of force by a peace officer.

As I understand it, it is merely attempting to clarify the position of peace officers following the judgment in the Ontario Supreme Court decision which basically declared that the current subsection of the relevant Criminal Code violated the right to life in the Canadian Charter of Rights and Freedoms.

It is one thing for us to stand in this House and talk about this subject. It is another thing to imagine oneself being on the scene either as a peace officer or as the master of a vessel in a situation that requires the person to do something for which very few rule books are written.

I am not coming down on one side or the other but I want to bring to members' attention and to remind the House that it is very necessary and important to these people who are pursuing their difficult duties in a time of crisis to have a framework in which they can operate that not only provides protection in the situation for them but as well for the other party involved. In the case of the proposed legislation for a police officer, I have read it very carefully and I understand this is a modernized version of

the Criminal Code which dictates the clear national standard on the use of force which is proportionate. I can assure members that as a philosophy my byword is co–operation instead of confrontation. However, when confrontation does occur then use that force which is proportional to the force required to achieve what it is one wants to achieve.

(1745)

I suppose it is the antithesis of trying to kill a flea with a sledge hammer. One does not want to use too much force, otherwise one really prostitutes that force. One makes use of force that is not appropriate. In our society today with the crime rates the way they are and with the sometimes apparent disregard for our justice system, it is very important that these measures be discussed in the highest court in the land, the House of Commons.

This bill does allow the use of deadly force by a peace officer or anybody lawfully assisting the officer. The situations are clear. The first is when the suspect poses a threat of serious harm or death and the suspect flees in order to escape arrest and when no other less violent means exist to prevent escape. If a peace office could chase a fleeing criminal and could wrestle him to the ground with a football tackle or would be able to use some other kind of appropriately lesser force than deadly force, then the police officer or the person assisting the police officer would be expected to do precisely that. This is the intent of the legislation as it is amended and clarified.

The bill also does something else of personal and political interest to me. It includes an amendment to the Coastal Fisheries Protection Act to provide the authority for masters of vessels acting in their capacity to use disabling force against a fleeing foreign fishing vessel in order to arrest the master or other person in command of that vessel. My clarification right off the bat is that this is for a foreign fishing vessel and it will not be used against Canadian vessels.

I have heard three speakers talk about the necessity for Canada, which is a great trading nation with the largest coastline in the world to have some pretty clear legislation on how we go about protecting the coast literal, or those resources that are available to those Canadians who depend on the sea and the coastline for their living.

The act has not been as clear perhaps as those of us who have used it in the past and for those who would want to use it in the future would like it to be. At the outset I want to say that this rule applies in the case of a foreign fishing vessel that is to be arrested. I will say peripherally that the requirement on the high seas is not as clear as I have heard it discussed in the House. International maritime law is not determined in the way that civil or criminal law is. It is determined by precedent. Certainly there are precedents for arresting foreign vessels on the high seas.

I do not have the exact wording with me right now but I do know that recently at a United Nations conference the right of a literal country, or the country that has the coastline adjacent to the high seas, was discussed. It has a right, a duty and a responsibility on the high seas with respect to a straddling stock. The recognition of a straddling stock would certainly apply to the nose and tail of the Grand Banks as described by my hon. colleague, the Parliamentary Secretary to the Minister of Justice, and does apply in this case. It is not as cut and dried as other members would have us believe. I do not want to get into a debate concerning the nose and tail of the bank at this time but clearly this could be a follow–up discussion at a later date.

(1750)

I want to discuss that aspect of the legislation which permits the master of a vessel under the Coastal Fisheries Protection Act the action that hopefully will be legislated. The legislation says what can be done and when and under which circumstances it can be done. The government will, at a later date, following the passage of the bill, determine and put together regulations that will decide how it can be done.

In the case of the Coastal Fisheries Protection Act and the amendment that is being proposed at second reading of this bill, the protection officer is justified in using disabling force under three circumstances. The first one is if the protection officer is proceeding lawfully to arrest a vessel, including the person in command of that vessel, if that circumstance also involves the master or the other persons involved taking flight to avoid arrest. Taking flight on the sea does not mean sprouting wings and flying, it means cranking up the engine room to maximum revolutions and trying to escape the chasing vessel. The third condition is that the protection officer has reasonable grounds to believe that force is necessary for the purpose of arresting the master or other persons.

When I talk about the use of force among certain groups, they immediately think that we are going to bring out all the warships, mount a broadside and sink everything in sight. That is anything but the intention. Force is not used that way. I talked earlier about protecting force and to use only the minimum that is necessary.

I recall in July 1985 when the Canadian navy arrested two Spanish fishing vessels. We did not go around shooting them up and Ramboing them, basically we used a loud speaker system and said: ''You are under arrest and if you don't stop we are going to have to consider escalatory measures''. Without going into the details, the finale of the exercise was that the two Spanish vessels had armed boarding parties put aboard them from the warship involved, HMCS *Athabaskan* I believe it was. These ships relented, succumbed to the arrest and were towed back to a Canadian port. The masters were subsequently

charged. This is an example where the use of force involved a loud hailer, a few threatening manoeuvres I suppose is a good way to put it, the stopping of the vessel and the sending across by boat of two armed boarding parties.

All kinds of things are done to show force, but force that is proportionate to get the vessel to stop and arrested and taken back to port so it can be properly charged. I agree on the high seas it is going to be much more difficult and I would not expect people to go and do that tomorrow.

I want to tell the House that when this government was elected on October 25, 103 vessels were on the nose and tail of the Grand Banks, and 72 of them were fishing. Today there are 39 that are engaged in any sort of credible fishing endeavour. There may be 70–odd, I did not get the count for the day. But the point I am making—and please do not hold me to numbers—is that the numbers have decreased significantly. That has, in my opinion and in the opinion of others, been the direct result of the Minister of Fisheries and Oceans and the Prime Minister making it very clear that we do not intend to stand for foreign overfishing, where foreign fishing vessels from other nations plunder our stocks, either by using small mesh size, by disregarding quotas, giving themselves great quotas, literally vacuuming up the ocean of a stock that Newfoundlanders and Atlantic Canadians and Quebecers cannot catch because of the rules that we have imposed on ourselves, to say nothing of the fact that there are no fish to catch anyway. If we have to stand on guard quietly and watch our fish disappear under some rubric that we are not really allowed to go outside the 200–mile limit, this government is not going to stand for it.

(1755)

The rules we are discussing are intended to apply within our jurisdiction. The parliamentary secretary has made that clear. However, these are rules that can be developed. After all, in my lifetime we have gone from a 3–mile territorial sea because that was the range of a cannon–ball. We went out to 12 miles because that was the range of high definition radar for an average size vessel in an average sea state. We are now out to 200 miles because that is where the resources are and we have technical detection devices and aircraft that can tell us what is in the 200 miles. I do not expect to live the rest of my life with a 200–mile limit. I have gone from 3 miles to 200 miles so I can assume, in the interest of avant–garde international law, we may well go beyond the 200–mile limit.

I want tell members how we can use this kind of force. We have our ship at sea and we are involved with a foreign fishing vessel that is fishing in an area where it is not supposed to be. We are told that this vessel is to be arrested. The first thing we do is make it clear to the vessel that it is under arrest. We go through all kinds of pain. We hoist international codes. We use our radio, flashing lights and, if we have speed advantage over that particular vessel, we do circles around it. We basically stand on our nautical head to do everything we can to make sure that vessel understands it is under arrest.

If the vessel proceeds and ignores the order, we have to make it clear to the vessel that we must now ratchet up our force. Without going through all the measures, I suppose at some point a shot would be fired in the general direction of the vessel and eventually across the bow of the vessel. In an ultra necessary step, where force is absolutely necessary and where hours and hours have elapsed, at some point the captain of the arresting vessel has to make it clear to the vessel on which force now has to be used, a disabling force after hours of negotiation: ''We are now going to disable your rudder so get your people out of the stern of the vessel and we will give you an hour. Let me know when they are out''. The captain may not hear from the vessel.

At some point we may have to fire a shot into the stern of the vessel to disable it. It is terrible stuff but necessary, that force which is necessary to disable the vessel to allow the arrest to be carried out. Hopefully that should be enough under regular circumstances to allow an armed party to be put aboard that vessel, a tow to be put together and the vessel to be towed back to a Canadian port where the master would be charged and duly put through the process.

The importance of this legislation in allowing regulations to be developed by the government, to make it more clear and to buttress the determination of the government to take charge of foreign overfishing I cannot reinforce enough. I believe it is safe to say that this kind of legislation not only clarifies section 7 of the charter and responds to the Ontario court ruling which made some form of legislation necessary—and I am delighted to see it is already in our mandate—but it makes the change to the Coastal Fisheries Protection Act in such a manner that the rules and the intent of the government to masters of vessels involved in arresting foreign vessels that are overfishing are very clear, unequivocal and concise.

(1800)

I commend the Minister of Justice and his parliamentary secretary for putting forward this legislation at such an early date. I commend all members of the House because the presentations I heard seem to indicate an understanding of the intent of the regulation. I was delighted there were indications on both sides of a good understanding of what was involved in the necessity to improve the Coastal Fisheries Protection Act. Certainly I saw a general predisposition on the part of all members to move forward with second reading to get the bill into committee so that we could have a good look at it there.

I thank you, Mr. Speaker, and all members of the House for the attention accorded me.

Mr. Milliken: Mr. Speaker, I wonder if I might seek unanimous consent of the House at this stage to revert to presentation of reports by committees. I have a very brief report from the procedure and House affairs committee that I would like to present to the House and have it concurred in.

The Deputy Speaker: The House has heard the suggestion of the member. Is there unanimous consent to revert to the earlier period?

Some hon. members: Agreed.

ROUTINE PROCEEDINGS

[*Translation*]

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons): Mr. Speaker, I have the honour to present the fifth report of the Standing Committee on Procedure and House Affairs.

The Committee recommends that the name of Mr. Hopkins be substituted for the name of Mr. Gagliano on the list of members of the Standing Committee on Natural Resources. That completes the report and I will move for its concurrence in a few minutes.

[*English*]

Mr. Milliken: I move that the fifth report of the Standing Committee on Procedure and House Affairs, presented to the House earlier this day, be concurred in.

(Motion agreed to.)

GOVERNMENT ORDERS

[*English*]

CRIMINAL CODE

The House resumed consideration of the motion.

Mr. Ted White (North Vancouver): Mr. Speaker, I thank the hon. member for his speech which I found to be quite entertaining. At one point he was talking about following the offending vessel for hours and hours. I had the vision of being a third of the way across the Atlantic before the negotiations were finally over and we were going to get tough on this vessel that had broken the rules. Then I had the vision in which we said to the people: ''Everybody out of the stern because we are going to shoot you in the rudder''.

I wondered what happens if the ship turns the other way? Do we then tell them: ''We are going to shoot you in the bow so everybody run to the stern?'' What if the people on board do not obey the rules that we ask them to obey? Does the member really think he is making practical suggestions?

Mr. Mifflin: Mr. Speaker, I could be flippant and say yes, I do; otherwise I would not have said that. I give the hon. member the dignity of a reply. I think he is trying to be funny as well. I want to tell him that deadly force is defined as a force that is intended or is likely to cause death or grievous bodily harm.

I do not know the background of the hon. member. I would suspect it is as colourful as he would indicate. However, I am sure he would understand that basically at any time or at any place, humanity being what it is, most reasonable people would try to avoid the use of deadly force of one organization or one person against the other, particularly in the unwritten law of the sea, the unwritten law of mariners. It is the same law that basically requires a ship to go to the distress of another ship lost at sea or has lost a man overboard or something of that nature. We have seen many examples in recent days where this has happened.

(1805)

Certainly as a mariner in my previous incarnation the use of force would be avoided as much as possible. One would not want to use deadly force. One may want to and have to harm a ship. One may want to destroy a rudder or the main engine of a vessel at sea, but the last thing in the world one would want to do is to be put in a position as a fisheries protection officer or the master of a vessel so engaged that would be to cause bodily harm.

I am not sure what the hon. member meant when he said moving people from the stern to the forecastle or the forecastle back to the stern. The name of the game would be basically to vacate that area to which we would cause damage so that there would not be bodily harm to any people involved. Clearly that was the intent of that.

With respect to carrying on for hours and hours I merely use that as an indication to try to convey to the House the situation that one would do almost anything to avoid this. One would make sure that the language was understood. One would make sure that the captain of the vessel understood it. Whether the time was as he said across the ocean, certainly that was not intended. It could take anywhere from one hour to ten hours and the vessel could be dead in the water while all this is going on.

The technical aspects of that were purely intended as an illusory manner to indicate the difficulty one has in actually using deadly force at sea.

[*Translation*]

Mr. Yvan Bernier (Gaspé): I would like to add a brief comment to what was said by the two previous speakers. Since I am not a lawyer, I have to admit that the parliamentary secretary's remarks helped me understand a little better the amendments proposed by the government.

I also appreciate the fact that the government has taken note of the amendment I tried to propose today. I hope it will consider our position that the use of excessive force does not seem appropriate for the type of offense that could be committed by illegal fishermen.

I am a bit concerned about the remarks of the last speaker who talked about the impact of overfishing outside the 200 mile limit, on the nose and tail of the Grand Banks. It scares me a little because I had said in my speech this morning that I wanted to be sure that the government would not use this legislation to lay the blame for the collapse of the Canadian fishing industry on foreign countries.

I said it in my speech and I will repeat it, Canadians must examine their own fishing habits, they have to recognize the fact that they are part of the problem. As I mentioned this morning, I would like to remind hon. members that according to NAFO, the Northwest Atlantic Fisheries Organization, and its member states, including Canada as well as France, Denmark and the USSR, only 3 to 5 per cent of the Canadian biomass, of the Northern cod, flows through the nose and tail of the Grand Banks, that is through international waters.

In this regard, I would like to be sure that we will not provoke foreigners because we have a difference of opinion with them, and that is what I fear. The last time someone believed he was right, he triggered off a series of actions he might have regretted afterwards. This example might be far–fetched, but this is to tell you how much I fear that we will attack foreigners because we believe we are right. I am, of course, referring to Saddam Hussein. When he indicated that he wanted to enter into Kuwait to do what he did, I did not agree, but he had a belief.

I would not like us to take reprisals against foreigners because we thought we were right. We can get our message across without resorting to that kind of force. I understand from the remarks made by the parliamentary secretary that we are going in the right direction.

[*English*]

Mr. Mifflin: Mr. Speaker, I appreciate the point the hon. member has made. I am a little worried about the comparison that he made. I presume it was for the purpose of illustration. I appreciate the point he is making. I am not going to try to make any political hay out of it.

(1810)

I would say in all seriousness that if there is a point we reach as a nation at which the livelihood of a large section of the nation is decimated by action over which we have control, I would certainly not have respect for a nation that would allow its people to be plundered and to take no action other than to give speeches at diplomatic tables. I for one do not intend to stand for that and neither does my government.

[*Translation*]

Mr. Bernier (Gaspé): Mr. Speaker, I will give a short answer. If ever there is an escalation in the use of force in this matter—and that is not how I understood the parliamentary secretary's remarks—I hope that at that time we can investigate or hold an emergency debate if required. But I would really like to hear Canadian biologists come and tell us what the actual impact of the so–called overfishing is. Certain candidates have based their electoral campaign on this, but I have never heard a biologist prove it beyond a shadow of a doubt.

[*English*]

Mr. Mifflin: Mr. Speaker, I tell the hon. member that we have had three emergency debates in the House on the subject. He would be aware that before any such action was contemplated there would be yet a further review of what all the biologists have told us already.

As a member from an area that is interested in and very concerned about the same issue I am sure he too is following the activities of such organizations as the Fisheries Resource Conservation Council. It has been fairly clear in the advice it has given to the department, the government and other organizations so constructed and so intentioned.

The point the hon. member is making is a valid one that I am sure would be taken into consideration. This is not an irresponsible government but a government concerned about its people.

[*Translation*]

The Deputy Speaker: The period provided for questions and comments has now expired.

Is the House ready for the question?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

Some hon. members: On division.

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

[*English*]

SUSPENSION OF SITTING

The Deputy Speaker: The late show will have to wait for 10 or 15 minutes, until 6.30 p.m. Is there unanimous consent to suspend the House until 6.30 p.m.?

Some hon. members: Agreed.

(The sitting of the House was suspended at 6.12 p.m.)

SITTING RESUMED

The House resumed at 6.30 p.m.

ADJOURNMENT PROCEEDINGS

[*English*]

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

COURT CHALLENGES PROGRAM

Hon. Warren Allmand (Notre–Dame–de–Grâce): Mr. Speaker, in the recent speech from the throne the new Liberal government promised to restore the court challenges program which had been cancelled by the previous Conservative government in 1992.

The court challenges program was originally established by the Liberal government of Pierre Trudeau in 1978 and it was expanded in 1982. Its purpose was to assure that Canadians could enforce their constitutional rights before the courts.

In 1981 we established a Canadian Charter of Rights and Freedoms which guaranteed certain basic rights to all Canadians, rights such as fundamental freedoms, equality rights, democratic rights, mobility rights, legal rights and language rights.

It is one thing to have these rights guaranteed in the Constitution, but it is another thing to enforce these rights in court, especially against big government or big business. One needs the funds to hire lawyers over a long period of time, very often in appeal to the Supreme Court of Canada. Without the funds to enforce your rights in court, these rights become meaningless. That is why a Liberal government established the court challenges program: to provide funds to individuals and groups who had important constitutional rights to enforce, especially where a precedent was involved.

During the life of the program the most important cases dealt with language rights and equality rights. In my constituency in particular there is great concern over the erosion of language rights. On several occasions there were important court actions taken against Quebec Bills 101 and 178 which were successful in knocking out repressive sections of those laws. There were similar actions in other provinces by francophones. The battle has not ended. There are still sections of those and other laws which must be challenged and citizens need help from the government to do that.

I would like to know today when the government will bring back the court challenges program as promised in the speech from the throne. I want a clear commitment that it will cover court challenges to legislation which restricts or rescinds language rights.

Ms. Albina Guarnieri (Parliamentary Secretary to Minister of Canadian Heritage): On behalf of the Minister of Canadian Heritage I am pleased to have the opportunity to clarify the scope of the court challenges program for my colleague from Notre–Dame–de–Grâce.

As the hon. member mentioned, this government initially indicated its intention to reinstate the court challenges program in the red book and recently reinforced the commitment in the speech from the throne.

(1835)

In fact the government is committed to not only the reinstatement but also the expansion of the court challenges program. In addition to language and equality rights the new program will fund test cases of national significance involving challenges to fundamental freedoms as outlined under section 2 of the charter.

[*Translation*]

I am pleased to reassure my colleague that the reinstated program will continue to support national test cases concerning federal and provincial statutes that come under sections 93 and 133 of the Constitutional Act of 1867, section 23 of the Manitoba Act, 1870, and sections 16 to 23 of the Canadian Charter of Rights and Freedoms.

The program will also financially support challenges to federal statutes, practices and policies under sections 15 and 38 of the Charter or when an argument based on section 27 of the Charter confirms arguments based on section 15.

[*English*]

The minister hopes to have the new program operational early in the new fiscal year as he indicated to my colleague previously. As a result of the broad range of interests, experience and expertise that will be taken into account by the government, the Minister of Canadian Heritage is confident the program will be implemented as quickly as possible in a manner accountable to the government and the people of Canada.

SMALL BUSINESS

Mr. David Iftody (Provencher): Mr. Speaker, I rise today to continue with some comments and questions I raised in the House a couple of weeks ago having to do with small business in Canada.

We know that in 1993 small business bankruptcies reaped a heavy toll on the Canadian economy. Nonetheless, of one million businesses registered in Canada 97 per cent have 50

employees or less, employing 40 per cent of the Canadian workforce. Of those, 35 per cent are located in western Canada. Certainly for my constituents in Provencher small business is an important aspect of the local economy.

In 1990 despite the difficult operating environment of small business, small firms with less than 20 employees filled the employment gap left by large businesses as they restructured or closed. In fact, smaller expanding and newly established firms accounted for virtually all of the net job creation during the recession of 1990.

One of the principal obstacles to the growth of small business in Canada has been what is described as the credit crunch. Expansion into new global markets by utilizing new technology and advanced equipment occurs all too infrequently in Canada particularly in western Canada. Yet outside of its leading role in job creation and economic growth the significant contribution of small business to the economy is its ability to be self–financing.

Long term debt of small business accounts for 25 per cent of business financing with government grants and loans less than one–third of 1 per cent. The credit applications of micro businesses or those with even a smaller number of employees, 20 or less, I regret to report are rejected very frequently. However we know that in 1993 in particular most of the job growth occurred in this area.

Outside of that obstacle one of the other things we face is the difficulty in providing the human resource capabilities and capacities to staff those young and emerging new firms which create jobs in Canada. We know that in Japan 96 per cent of the students graduate from grade 12 with at least one year of calculus while comparatively in Canada 30 per cent of our young people do not even finish high school. We are told by Statistics Canada that 36 per cent of our people have difficulty even with basic numerical and reading material.

As employers in Canada not only is there a credit crunch and a deficit in terms of financing for small business but the young people and the human resources we need to staff those firms are lacking as well. I think we can compete successfully in Canada. We have the capabilities, the human resources and the infrastructure resources. I point particularly to my riding of Provencher and Atomic Energy of Canada that has been successful in applying its scientific research applications into world markets and really is second to none in the world.

(1840)

My question, and I want to continue on this theme, is what is the government prepared to do to work with the Canadian banks in Canada to ensure that small business and people who are putting their lives, their resources, their homes and what they have on the line to run these small business, have access to capital and to increase the training in Canada for young people and in western Canada in particular?

Mr. Harbance Singh Dhaliwal (Parliamentary Secretary to Minister of Fisheries and Oceans): Mr. Speaker, I thank the hon. member for an excellent question.

Let me just say, as the hon. member said, that small businesses create 85 per cent of the new employment in Canada. If the government can create the right environment, small business will take the lead in promoting more stable economic growth in western Canada.

In the past too much reliance has been placed on using public funds to attract large corporations. This has encouraged a culture of granterpreneurship when we want to encourage entrepreneurship. We need to encourage co–operation among jurisdictions rather than competition.

In a period of fiscal restraint, the government must work more effectively with the limited dollars available. This can be done by relying on the entrepreneurial talent of westerners and by working on the entrepreneurial talent and strategic partnerships with provincial governments and the private sector.

To encourage small business that generate new jobs, the Minister of Western Economic Diversification directed on November 26 that the western diversification program focus its repayable assistance on independent small businesses, usually with less than 50 employees.

Projects are now being assessed on the basis of their contribution to the strategic diversification of the western Canadian economy.

To create the right climate for business, governments must work co–operatively and pool their efforts in implementing strategic economic initiatives. By working together and not duplicating efforts, we can save tax dollars and create new jobs.

A recent report by the Calgary based Canada West Foundation estimated that the removal of interprovincial barriers could result in the creation of 28,000 new jobs across the four western provinces.

As well, economic and administrative co–operation—I know my time is up, Mr. Speaker, but let me just conclude that there are a number of areas—

The Deputy Speaker: Thank you very much. It was an excellent conclusion.

THE ENVIRONMENT

Mr. Myron Thompson (Wild Rose): Mr. Speaker, it gives me pleasure to talk about this issue again under Standing Order 37(3) regarding Sunshine Development in Banff National Park.

Calling a FEARO panel to assess development of the Goat's Eye ski run in the government approved leaseholding area of

Sunshine Village Corporation costing a loss of hope for jobless Albertans is a waste of taxpayers' dollars. Every step necessary for discovering the environmental impact of Goat's Eye ski run has already been studied and restudied since 1978. This project received environmental assessment review panel approval.

The formal notice of the Goat's Eye screening decision sent to Sunshine stated:

> Environmental impacts predicted to result from the proposed development of Goat's Eye for skiing at Sunshine are either insignificant or mitigable with known technology as defined in section 12(c) for environmental assessment and review process guideline order 1984.
>
> The minister should be aware that section 12(c) means the proposal may proceed or proceed with mitigation with no referral for panel review and under section 12(c) there is no need for a FEARO panel.

The hon. minister stated that Goat's Eye was virgin territory. How can that be when this is one of the five areas in our national parks the government has allowed access for public skiing recreation?

The hon. minister stated that Goat's Eye deserves an environmental assessment. May I suggest that she review the history of the project. She will find that an environmental impact assessment was completed by Gail Harrison, Canadian Parks Service, western region. Ms. Harrison found no evidence why this development should not be allowed to proceed. A regional screening committee concluded this development has minimal impact or mitigable impact consistent with EARP requirements in section 12(c).

A three day conference including environmental non–government organizations studied the long range plan and initial agreement on the plan including the parking lot and the study was presented to the Minister of the Environment.

In terms of the parking lot Bruce F. Leeson, chief, Environmental Assessment Sciences Division, Canadian Park Services, western region stated the parking lot could be developed without extraordinary environmental and engineering difficulties. We have successful experience with this kind of project.

In July 1992 Canadian Park Services stated the project was mitigable under EARP guidelines order. A preliminary screening indicated the long range plan was doable within environmental constraints. In August 1992 the Minister of the Environment approved the project.

Sunshine held an open house for the public to scrutinize the development. A majority of those present agreed with the proposal. The Federal Court in Vancouver upheld Sunshine's legal right to proceed with this development against special interest groups' intervention.

Did special interest groups pressure government to change the legal procedure and rules Sunshine followed with success? Will special interests again overrule the legal process and have the government order a FEARO panel for every project special interests do not agree with?

When will this government follow the wishes of the majority of Canadians?

May I remind the minister that two out of three notices received when the government called for the redundant public notice favoured completion of Goat's Eye. May I again remind the minister that a redundant FEARO review wastes taxpayers' dollars and prevents unemployed Albertans from having jobs on construction which could get going immediately. Then there would be ongoing operations that would create long term jobs which fits right down the alley of the red book.

Why would this minister continue to put a stop to this particular item? Calling a FEARO panel on this issue is a contradiction of 12(c) of the guidelines the minister states the government wants to uphold.

[*Translation*]

Ms. Albina Guarnieri (Parliamentary Secretary to Minister of Canadian Heritage): Mr. Speaker, on behalf of the Minister of Canadian Heritage, I am pleased to give additional information concerning the question of the hon. member for Wild Rose on the development of Sunshine Village.

[*English*]

As the guardian of our national parks and historic sites system Canadian Heritage is committed to the continued protection of our national heritage. Protection of heritage resources is fundamental to their continued use and enjoyment by present and future generations. As Canadians we must do all we can to ensure that any development within a national park is respectful of our natural heritage.

The Sunshine lease covers 918 hectares of federal crown land in Banff National Park. Parts of the ski area are located in a highly environmentally sensitive alpine meadow.

Following public review of the application for the Goat's Eye permit phase II we have found that there is significant concern about the impact of the Goat's Eye project on the environment and that the Goat's Eye development and the 1992 plan are indeed closely related. As a consequence the Minister of Canadian Heritage referred both development proposals to the Minister of the Environment to establish an environmental review panel.

The review of Sunshine's proposal is following the legislated environmental assessment and review process. There are legal requirements to respond to scientific deficiencies and public concern with the present proposal.

Environmental assessment has been key to the development that has already occurred at the ski hill. In fact much of the data collected earlier can be used in the current evaluation. We will continue to be mindful of our responsibilities as managers of Canada's precious natural treasures.

The Deputy Speaker: No one is here to speak on the final item so we will adjourn.

Pursuant to Standing Order 38(5) the motion to adjourn the House is now deemed to be adopted. The House stands adjourned until tomorrow at ten o'clock pursuant to Standing Order 24(1).

(The House adjourned at 6.48 p.m.)

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