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Thursday, March 17, 1994

Speaker: The Honourable Gilbert Parent

HOUSE OF COMMONS

Thursday, March 17, 1994

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

[*Translation*]

COMMITTEES OF THE HOUSE

SCRUTINY OF REGULATIONS

Mr. Ghislain Lebel (Chambly): Mr. Speaker, I have the honour to present the first report of the Standing Joint Committee for the Scrutiny of Regulations. If the House gives its consent, I intend to ask that the report be concurred in later on today.

(1005)

Mr. Speaker, I would like to propose that the first report, which has just been tabled in this House, be concurred in today.

(Motion agreed to.)

(1010)

[*English*]

Mr. Nunziata: Mr. Speaker, on a point of order. I was delayed in coming to the House today. It was my intention to introduce a Private Members' Bill. I would seek unanimous consent to revert to the introduction of Private Members' Bills.

The Deputy Speaker: Is there unanimous consent to revert to introduction of Private Members' Bills?

Some hon. members: Agreed.

* * *

CRIMINAL CODE

Mr. John Nunziata (York South—Weston) moved for leave to introduce Bill C-226, an act to amend the Criminal Code.

He said: Mr. Speaker, I appreciate the opportunity to present this Private Members' Bill. Members will know that those convicted of first degree murder are sentenced to life imprisonment without eligibility for parole for 25 years and those sentenced or convicted of second degree murder can be sen-

tenced to life in prison without eligibility for parole for 15 years or more.

Under section 745 of the Criminal Code of Canada, these individuals can apply to have their parole ineligibility dates reduced to 15 years.

The purpose of the bill I am introducing today is to delete section 745 of the Criminal Code. The net effect of this would mean that those convicted of first degree murder in Canada would be required by law to serve a minimum of 25 years and those convicted of second degree murder would be required to serve whatever the sentence of the court is.

I am pleased that the Minister of Justice is in the Chamber today. I would urge the Minister of Justice to take into serious consideration the bill I am introducing today. He knows that there have been a significant number of these applications over the last several years. Seventy-five percent of these applications have been successful. In effect, if someone commits first degree murder in Canada today it no longer means that person has to serve a minimum of 25 years.

I urge all hon. members to support this initiative.

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

* * *

PETITIONS

CANADA HEALTH ACT

Mr. Ronald J. Duhamel (St. Boniface): Mr. Speaker, these petitioners point out that the intent of the Canada Health Act is to have health programs that are universal, portable, accessible and publicly administered.

They point out that the Canada Health Act, medicare if you wish, is a basic element or principle of the Canadian identity. These petitioners ask that the Canada Health Act be enshrined in the Constitution of Canada.

[*Translation*]

CANADA POST CORPORATION

Mr. Raymond Lavigne (Verdun—Saint-Paul): Mr. Speaker, it is my duty to table in this House a petition bearing the names of more than 2,500 of my constituents. I join them in requesting that the Verdun post office remain operational.

Privilege

The post office is a place that proudly flies the Canadian flag and where people come and feel truly Canadian, which is essential these days.

* * *

[English]

CRIMINAL CODE

Mr. John Nunziata (York South—Weston): Mr. Speaker, again on the question of section 745, as members know I have introduced in this House a significant number of petitions from Canadians requesting that the government delete section 745. I would like to introduce another with several hundred signatures today.

The petition reads as follows: We the undersigned residents of Canada draw the attention of the House to the following: If those individuals convicted of first degree murder are sentenced to life in prison without eligibility for parole for 25 years, that those convicted of second degree murder can be sentenced to life in prison without eligibility for parole for 15 years or more; that section 745 of the Criminal Code of Canada allows murderers to apply for a reduction in the number of years of imprisonment notwithstanding having been tried, convicted and sentenced in a court of law; that those individuals convicted of first degree murder or second degree murder and sentenced to life in prison can become eligible for parole after serving only 15 years by virtue of section 745 of the Criminal Code; that convicted murderers can be released after serving only 15 years in prison; therefore your petitioners request that Parliament pass legislation that would remove section 745 from the Canadian Criminal Code.

(1015)

I should point out that as a result of this provision in the Criminal Code notorious killers such as Clifford Olson, for example, would become eligible to apply to be released from prison in less than two years.

NATIONAL ENERGY BOARD ACT

Mr. Pat O'Brien (London—Middlesex): Mr. Speaker, in presenting this petition the petitioners make reference to the fact that conversion of oil pipelines to natural gas pipelines presents a number of risks to landowners.

They face an environmental liability. They are faced with substantial costs to attend and to participate in National Energy Board hearings. The National Energy Board Act has no provision for the awarding of intervener funding or for the awarding of costs to landowners unlike provincial energy acts.

Therefore the petitioners humbly pray and call upon Parliament to urge the Government of Canada to amend immediately the National Energy Board Act to provide authority to the National Energy Board to award intervener funding and costs to

landowners who intervene in proceedings before the board on issues of public interest relevant to the construction and operation of pipelines.

The petition is signed by some 100 constituents of mine and a couple of neighbouring ridings.

* * *

QUESTIONS ON THE ORDER PAPER

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

The Deputy Speaker: Shall all questions stand?

Some hon. members: Agreed.

* * *

PRIVILEGE

LANGUAGE USAGE

Mrs. Marlene Catterall (Parliamentary Secretary to President of the Treasury Board): Mr. Speaker, I simply want to comment on the report that was just read into the record from the table and to raise a question of privilege on the use of language in the House, in particular the use of the word chairman in the report.

For some time in the House we have tried to use gender neutral language. My point is simply that the use of male terms in this way diminishes my role in the House and the role of every other woman member of Parliament and therefore diminishes my ability to be taken seriously in the House and to perform my duties as a parliamentarian.

I do not want to make a long statement but I would like to make a few points. The use of male terms gives a status to the male sex and to male members of Parliament that it denies to women members of Parliament. I realize many members of Parliament may consider that these are traditional uses of the terms, and I grant that. They are traditional uses of terms that in fact have led to our understanding that certain jobs in society belong to men and certain jobs in society belong to women. This perception has for many years delayed the entry of more women into positions of decision making in our society.

We can all rationally say we know what we mean by the word chairman. It does not refer to a man. However, it does reinforce the perceptions that become ingrained in our society that the positions of authority and responsibility belong to the male gender. It may be possible for us to rationalize that is not the significance of the use of those terms.

However, we have a society in which it means that little boys and little girls grow up with a certain perception of where each of them belongs in society. As the Parliament of Canada I believe it is not worthy of us to continue that perception.

(1020)

Therefore I come back to my original point that it undermines my ability to perform on an equal footing in the House. I would ask Your Honour to take this question of privilege under consideration to determine what measures are necessary and to ensure that we take all steps necessary to make sure we are using gender neutral language.

Mr. Don Boudria (Glengarry—Prescott—Russell): Mr. Speaker, the point is quite valid and interesting, but I do not believe the member in question who tabled the report did anything improper; in fact our Standing Orders are presently worded in that way.

I refer the House to page 2 of the index to our Standing Orders wherein it describes a number of positions, for instance “Order and decorum, Chairman to maintain; See also Chairman of Committees” and so on.

Our Standing Orders are written in that way at the present time. If the House feels that the Standing Orders should be revisited in that regard, I am sure the standing committee on procedure would gladly examine those terms, if such a request were made of the committee, recognizing that the House has already referred a whole group of other matters to the committee. As one member of the committee I would certainly not object to revisiting that particular rule.

Just to conclude, I do not believe the member who made the comment did anything to affect the privilege of others. It is rather the Standing Orders themselves that are written that way, and perhaps it is grounds to revisit the Standing Orders at the appropriate time.

Ms. Val Meredith (Surrey—White Rock—South Langley): Mr. Speaker, I have problems with the House’s trying to control whether or not I ever use chairman as a term of reference in my discussions. I would like the flexibility to use whatever words I feel are appropriate, whether it is chairperson, chairman or chairwoman.

Mrs. Catterall: Mr. Speaker, I have asked that you take this item under consideration. I do not want your consideration to be limited to how reports are presented. I do not want the comments of the member for Glengarry—Prescott—Russell to necessarily limit your consideration of the question of privilege. I think it should go to the content of legislation presented before the House and a number of other things.

Individual members can choose to use whatever language they wish. However, my question of privilege goes to how the House operates generally and the formal instruments of the House.

The Deputy Speaker: The point will be taken under consideration. Before I come back to deliberate and make sense of the matter I will endeavour to advise all three hon. members who have spoken today.

*Supply***GOVERNMENT ORDERS***[English]***SUPPLY**

ALLOTTED DAY—CRIMINAL JUSTICE SYSTEM

Ms. Val Meredith (Surrey—White Rock—South Langley) moved:

That this House condemn the government for its inaction with regard to the reform of the criminal justice system, in particular its allowance of the rights of criminals to supersede those of the victim.

She said: Mr. Speaker, while it is a privilege to lead off this debate in the House it is regrettable that it has to be to condemn the government for its inaction to introduce legislation to provide for victims’ rights.

For years the criminal justice system has been geared toward the rights of the criminal. From the moment the offender is arrested to the moment of the expiration of the sentence, our justice system is built around the criminal. The victim has generally been ignored. If Parliament is intent on protecting society, it will have to recognize and codify victims’ rights.

(1025)

In all fairness there have been some minor steps in this regard. Some attention is now given to victim impact statements, but the courts generally view them as being secondary to the concerns of the criminal.

An example of this was the section 745 hearing Greg Fischer held in January of this year. Sixteen years ago Constable Brian King of the RCMP was kidnapped and murdered near Saskatoon. The motive of the two killers was simply that they wanted to kill a police officer. In January 1979 Fischer was sentenced to life imprisonment with no parole for 25 years.

At the hearing to determine if Fischer could apply for early parole, much was stated about how Fischer had improved himself in prison over the last 15 years. What had happened to the King family over the last 15 years was irrelevant. The King family was not allowed to address the court. It is time to give the victims of crime legal standing at all court and parole hearings.

While there are some other positive developments such as police departments creating victim assistance programs, they are partial measures. Programs such as these usually have to rely on volunteers for staff.

Is it not ironic that criminals receive professional legal advice, professional psychological counselling and education or job training skills all at taxpayers’ expense, while the victims of crime have to rely on community volunteers or volunteer support groups for help in dealing with the trauma resulting from criminals’ behaviour?

Supply

Criminal activity costs everyone, whether or not they are direct victims of crime. It may be easy to see the injuries of an assault victim, but we tend to forget that the Canadian taxpayer is paying for the medical treatment of that victim. Likewise the loss of the burglary victim or a car theft victim is fairly evident, but everyone ends up paying more through higher insurance premiums.

Each year motorists complain about their ever increasing insurance premiums. Over the past five years premiums have increased well beyond the rate of inflation. Much of the increase is due to criminal activity. Vandalism, car theft and insurance fraud account for a significant portion of every driver's insurance premium. Not only do Canada's drivers have to subsidize criminal activity but we as consumers are forced to pay the price as well.

Retailers across the country lose millions of dollars each year to shoplifter and employee theft. These losses are passed on to consumers in the form of higher prices. Not only are Canadian business people faced with these problems but some are being driven out of business by crime itself. Small independent convenience store operators and gas stations located in high crime areas are finding it impossible to get companies to insure them and, if they can, the premiums are unrealistic. It is a shame that some profitable businesses are being forced out of business by crime.

What is the solution to this problem? Let us start by making the criminal pay. Restitution to the victim or the insurance company should be automatic with a guilty verdict.

The cost of crime to society does not end with the direct costs of the victim. The cost of the entire criminal system itself is immense. The costs of policing, the courts, corrections and parole are spread over all three levels of government. When they are combined they are staggering. In this age of fiscal restraint many governments have created user pay systems. It is time to do the same with the criminal justice system: make the criminals pay.

If the government is serious about strengthening the laws to better protect society, it has to accept two basic concepts: first, that the protection of society has a higher priority than the rights of the criminal and, second, that the rights of a victim come before the rights of a criminal.

(1030)

This philosophy has to be the guiding principle behind the drafting of any new criminal legislation or the amending of current legislation. Without this recognition any effort to combat crime and violence will fail. The problems we have with crime today are not due to a lack of legislation. The problems stem from a principle that places the rights of the criminal above all else.

The Charter of Rights and Freedoms has dramatically tilted the scales of justice in favour of the offender. The legal profession has created an industry from charter arguments in criminal cases. While this industry may be profitable for the legal profession, it has done nothing to protect the rights and security of society. Criminals are now routinely acquitted because of technicalities raised in charter arguments. How does this protect the average citizen?

In effect the charter has given the criminals more latitude. Recent court decisions have outlawed non-threatening police procedures such as one party consent recordings and the placing of an undercover police officer in a jail cell with an offender. These decisions and numerous similar ones have made it tougher for the police and easier for the criminals. They have given constitutional protection to the rights of the criminals that have done little if anything to protect society as a whole.

The charter of rights also guarantees Canadians the right to life, liberty and security of the person. Yet each and every day Canadians are deprived of these rights by the criminal element in our society.

Ordinary Canadians deserve to have their rights protected more than the criminals do. Those Canadians victimized by a crime deserve to have their rights considered as well. It may take a constitutional amendment at some point but we have to make it clear that when the rights of victims are in direct conflict with the rights of criminals, the rights of victims must prevail.

I believe that the majority of Canadians can accept the premise that criminals should lose some of their rights on conviction. Poll after poll shows that Canadians feel less secure in their own communities now than ever before. We must change this perception. We have to make it abundantly clear to Canadians that their protection is the main priority of our criminal justice system.

It is easy to criticize, it is more difficult to provide a construction alternative. As always my party is prepared to present such an alternative. The first thing we have to do is pass legislation that gives the victims of crime legal standing in court proceedings and parole hearings.

These changes do not infringe on the rights of the criminal but rather provide the court with a clear picture of the result of criminal activity. I would like to think that in many cases, especially those involving young offenders, it would be beneficial for them to hear what the results of their actions are. Even in the case of a simple break and enter, the offender should have to listen to the sense of violation the victim feels. If criminals still have a conscience maybe they can accept the fact that their activity has hurt another person and that it is not just a matter of insurance companies replacing stolen property.

Supply

In more serious crimes, it is important for judges and juries to hear the extent of pain and suffering that is being brought on the victim and the victim's family.

While some may argue that this is already in place, my response is that while the victim impact statements are no longer rare, they are still at the discretion of the court. We need to pass legislation that gives the victim legal standing in the process.

Likewise, the same legal standing needs to be provided to the victims in parole hearings. Presently the victim can attend these hearings but their participation, if any, is at the discretion of parole board members. While the parole board members should hear how the criminal has done since his incarceration, they should also hear about the effect that crime had on the victim.

(1035)

The second major initiative of the House should be to pass legislation that makes the criminal financially accountable for his crime. Once an individual is convicted, there should automatically be a restitution order against the criminal. The criminal should have to make restitution to the greatest extent possible.

Obviously there will be cases in which the accused has no hope of ever repaying the entire debt. However if they were required to pay a certain percentage of their income in restitution, there would be that constant reminder of their criminal activity.

Even if criminals are sentenced to a correctional facility and their institutional income is minimal, they should still be required to relinquish a portion of that amount taken in a token bid of restitution. No matter how small the amount is, they should have that reminder of accountability.

At the other end of the scale there are individuals who have been involved in very profitable criminal activity. The illicit drug trade and some commercial crimes are prime examples. Restitution for their crime should go beyond the immediate offence of which they are convicted. While there is legislation in place to deal with the profits of crime, it has not been enjoying the success that it should.

Convicted drug dealers and other well to do criminals should have all their assets seized that are derived from the drug trade or other criminal enterprise. While it would be almost impossible to compensate all the victims of a major drug dealer there should be a formula devised to allocate funds among law enforcement agencies, correctional facilities and a general victim compensation fund.

A few large seizures would go a long way in subsidizing the losses of victims who would have little chance to otherwise receive restitution.

Mandatory financial restitution will in the long term serve two important functions. First it will provide the victims with some financial compensation. If the victim can be made to feel less victimized by this action then that in itself makes the action worthwhile.

Second, restitution may bring a greater sense of accountability to the offender. If criminals are compelled to give up some of their income to compensate their victims maybe they will finally get the message that crime does not pay.

These two initiatives are a beginning that is long overdue. We can no longer ignore the fact that the criminal justice system must officially recognize the victims of crime. It will be a significant step in showing Canadians that Parliament is prepared to make definitive changes to the system.

It is difficult for any of us to ignore a petition that carries two and a half million signatures. The public is demanding change and it is demanding protection. Anyone who ignores this cry does so at his or her own peril.

While I have a lot of respect and admiration for CAVEAT and other victims' rights groups it is a shame that these groups have to be created. The most inspiring leaders of these organizations have invariably been parents who have lost their children to violent crime. It is tragic that so many parents are in this position. I would like to think we could take some action so that their numbers do not expand in the years to come.

In my response to the speech from the throne I mentioned that I had already spoken to parents of two murder victims. I now have spoken to the parents of three murder victims. It does not get any easier. As a parent I can imagine how difficult it would be to lose a child. The pain these parents feel is even greater knowing they have lost a child as a murder victim.

We need to take whatever steps we can to ensure that fewer parents experience this pain. My caucus colleagues are dedicated to bringing justice reforms to fruition. I have also been encouraged by some of the comments and private members' bills from the government side of the House.

I hope that members of all parties can get together to pass legislation to provide society with the protection it deserves. I do not imagine that many of us think it is necessary to cater to the criminal lobby. While I would like to think that the protection of society is a goal that all parties would strive for, I have yet to see any such commitment from the government.

(1040)

We have received vague promises of new legislation to deal with violence against women and children, yet violence against women, children and men for that matter is already illegal. What we do need is a change in philosophy. It can start with the recognition of victims' rights. If the government fails to re-

Supply

cognize these rights it is telling society that victims should remain unseen and unheard.

Nothing would give me greater pleasure than to stand in the House and congratulate the government for bringing in legislation that recognizes the rights of victims and takes precedence over the rights of criminals.

I see no indication that the government is prepared to take such a step. That is why I stand in the House today to condemn the government for its inaction with regard to the reform of the criminal justice system, in particular for its allowance of the rights of criminals to supersede those of the victims.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm): Mr. Speaker, I listened with great interest to the member's speech; she raised several points which, as I see it, relate to provisions that exist already. However, the law is enforced by men and women who use their own intellectual capabilities, limits and ways of tackling and understanding problems so that there is no consistency in the way it is done. As several of the member's suggestions are already in place, maybe we should do more education and ask judges to enforce legislation in a more consistent manner; I will come back to that when I have the floor later on.

The question I would like to ask the member concerns what could be done about the points she raised and particularly about the compensation she proposed be given to victims.

If we examine the case of persons sentenced to prison or what have you, in most instances these people live on welfare or have hidden whatever they own and have nothing to their name.

In such cases, should we restore prison sentences for civil debts? If so, would the member not agree that this would be like going the clock back two centuries? If not, who will compensate victims as she proposed before?

[*English*]

Ms. Meredith: Mr. Speaker, we recognize that our prisons have some of the wrong people in them, people who are imprisoned because of their financial situation, because they cannot afford a good lawyer, because they have done petty crime due to their financial situation. We have to recognize that there is a better way of dealing with those people rather than throwing them into a prison system.

As a parent I know that when my children damage something, I expect them to use part of their allowance, not necessarily all of it, to reinforce that what they have done is not acceptable.

If the people who are getting minimum payment in prison for jobs have to give a small portion of that amount to the victim or into a fund that would go toward victims' restitution, they would be constantly reminded that what they did was not acceptable. It does not have to be a large amount but it is a constant reminder

that there are things in society that are acceptable and things that are not.

I think the message is more likely to get through to the individuals so they do not offend again if we treat them in that manner.

(1045)

Hon. Allan Rock (Minister of Justice and Attorney General of Canada): Mr. Speaker, I am grateful for the opportunity the hon. member's motion presents for us to discuss in the House today the important question of Canada's criminal justice system and the various issues that arise with respect to the competing values we seek to serve in the criminal courts.

Let me acknowledge at the outset that this government and this minister recognize we have no monopoly on wisdom or insight. We welcome constructive suggestions from any quarter of this House. We will pay close attention today to those suggestions and proposals that come from members of all parties as we address this issue.

Let me also make clear at the outset that I fundamentally reject two aspects of the motion the hon. member has put before the House. First there is her suggestion of inaction on the part of the government and I shall come in a few moments to the concrete and specific proposals we intend to implement. Second is her suggestion that our system has allowed the rights of the criminal to supersede the rights of the victim.

It is suggested by the hon. member there might be some prospect of catering to the criminal lobby. Her submission today is suffused with the notion that criminals are running rampant in our criminal justice system and that victims' rights are being subjugated.

What goes on in this country's criminal courts day by day, hour by hour is the prosecution of crime in accordance with the fundamental values of Canadian society. We reject torture as a manner of extracting confessions. We reject fraud as a way of putting proof before the court.

We hold in this country that in the enforcement of our laws as with everything else government does there are standards of decency, of integrity and of fairness which must prevail. In every court case, in every courthouse in this country day by day and prosecution by prosecution the issue is whether the state can prove against an accused person criminal wrongdoing in accordance with those standards of integrity and fairness.

Since the enactment of our Charter of Rights and Freedoms that process has become all the more exacting. It also reflects what the Canadian people expect of their system: that people will not be unfairly accused; that only evidence which is fairly obtained will be tendered to establish their guilt; that the appropriate test of reasonable doubt will be used in establishing whether the person is to be convicted; and that proper principles will be put into play in determining the appropriate sentence.

Supply

If one stands back and looks at that system, if one looks at this case or that, it is altogether possible and indeed relatively easy to find instances that can be used to support an argument that in a given case a certain victim was not given appropriate consideration or there is a disproportion between the sentence that was imposed and the gravity of the offence.

We must not mistake in this House a commitment to fundamental fairness and integrity in the justice system for catering to the criminal lobby. It is an unfair and inaccurate way to characterize the exercise. I reject it at the outset.

May I also express a word of caution about basing criticisms of the entire criminal justice system on reactions to our natural horror at certain specific crimes. We must not forget that 90 per cent of all reported crime in this country is non-violent and the vast majority of that is property crime. That is not to say that property crime is not serious, but I wish to put the issues here into a perspective that the facts afford.

In 1991 the homicide rate in this country was 2.82 per 100,000 of population; in the United States of America it is four times higher. The proportion of violent crime involving firearms has been decreasing over the last 10 years. In 1975 firearms were used in 42 per cent of all robberies. In 1991 it was only 27 per cent, a reflection in my respectful view of the effectiveness of gun control legislation in this country.

In 1991 there were 59,000 drug offences in this country, a 21 per cent decrease from 1981.

(1050)

In the 10 years between 1982 and 1992 the Criminal Code crime rate increased an average of 1.5 per cent per year. Compared with every other civilized country that is a modest increase in all the social circumstances and with all the social change we have experienced in this country.

Any crime is too much crime, but I ask the hon. member and all members of the House to keep this discussion in the context of the facts of the Canadian experience.

Let me turn to the steps that have been taken and are being taken by this government to address the needed improvements in the criminal justice system. The criminal justice system is not good enough. There is room for improvement. We intend to take steps in good faith to improve it.

Before doing that let me touch upon the rising prominence in recent years of the role of the victim in the justice system and the sensitivity which the system shows to victims as it goes about its difficult business.

In 1988 a statement of basic principles of justice for victims of crime was endorsed by the federal government and the provincial and territorial governments. This document serves as a guide for all of those governments in dealing with victims of crime.

Many provinces along with the federal government have enacted legislation to reflect those principles. The Criminal Code has a number of provisions now relating to victims' rights. There are sections dealing with the identification and prompt return of stolen property; protection of the identity of witnesses or victims in certain offences including sexual offences and extortion; the imposition of a victim fine surcharge at sentencing, which was expected to raise \$11 million last year; the use of victim impact statements at the time of sentencing. These and other measures have ensured that the focus is indeed on the victim.

May I observe that when the crown attorney walks into the courtroom to present the evidence against the accused person, while the crown attorney represents the interest of the state, implicit in the presentation of the evidence and the prosecution is the interest of the victim as well.

What is it that this government will do in an effort to improve the criminal justice system in Canada? We recognize that the criminal justice system alone will not succeed in dealing with crime and its consequences in Canada. We recognize that we need both an effective criminal justice system and a broad holistic and integrated approach by all departments of government for crime prevention objectives.

I speak here not of vague promises, as the hon. member has suggested. I speak of concrete proposals for action. Let me come to them now. One aspect has to do with ensuring that the laws on the books are effective and can be enforced effectively.

Turning to the Young Offenders Act, I have already made clear that we intend to take two steps. The first step is to introduce in the short term a bill that will propose specific changes in the Young Offenders Act to make what we regard as improvements, including longer maximum sentences for serious crimes of violence and more sharing of information about offenders with community groups, school boards and others where community safety requires.

After my meeting next week with my provincial and territorial colleagues and ministers of justice I will bring forward a specific bill reflecting the approach of this government for needed changes in the act in the short term.

Supply

The second step is I will ask the House to turn the statute in its entirety over to a committee of Parliament so that a thorough review can be made of the Young Offenders Act in this, the 10th year of its life.

That committee can hear the views of Canadians. It can listen to victims' groups, police officers, offenders, criminologists, sociologists and others who will speak of their experience over the last decade with the act. In my belief they will demonstrate that the act substantially has been a success and that in principle it is the right approach. I am certain improvements are needed but I am equally certain this process will result in a confirmation of the enlightened approach which the Young Offenders Act contemplates.

This government will also undertake to introduce changes in the Criminal Code with respect to sentencing. This will be done to restate the broad and comprehensive purposes of sentencing, to put the focus on intermediate sanctions, to stress restitution and non-custodial sentences and to deal as well with the issue of dangerous offenders.

(1055)

We will deal with part 24 of the Criminal Code to ensure we are dealing as effectively as we can with those persons who are provided for in that part. We will deal with high risk offenders, those persons who may come to the end of their term of incarceration but who may not be safe to release back into society.

Another specific proposal this government will put before the House will deal with pimps and the serious problem in many Canadian cities of heartless individuals who exploit the bodies of children for commercial gain.

We will address the issue of violence against women. The fact is that domestic violence in this country and particularly violence against women is a national scourge. Statistics released just this morning confirm its seriousness and its extent. We will take steps in this House through legislation to deal with that matter, including more stringent provisions with respect to peace bonds which are often used in such cases, steps to remove the abuser from the home, and funds for shelters for spouses who are victims of abuse.

We shall deal as well with gun control to make it more effective, including measures to counter illegal importation.

Let me turn briefly to the second part of the government's approach to the criminal justice system. That is to recognize that the justice ministry alone cannot resolve the problem of crime and its consequences in Canadian society.

The Prime Minister has asked me to co-ordinate the efforts of nine ministries of the federal government to deal with the issue of violence in Canadian society generally. I have met with my eight colleagues to begin that work. I met with the Secretary of State for the Status of Women, the Minister of Health, the

Minister of Indian and Northern Development, the Minister of Canadian Heritage. Each of us in our own way has a part of governmental jurisdiction or responsibility that deals with violence in Canadian society.

Surely this comprehensive and integrated approach is exactly what the all party Horner committee recommended when it called upon government to develop a holistic strategy for dealing with crime.

The strategy should recognize the causes of crime. It should recognize the role of poverty, of racial intolerance and the role of family breakdown and of domestic violence itself. There is also the role of the parent who no longer accepts responsibility in providing standards for children. It must also recognize that sometimes whether a child has a hot meal has as much to do with crime prevention as putting a police officer on the beat.

It must also recognize that the work being done by my colleague, the Minister of Human Resources Development, in modernizing and making more effective the social programs of this country has just as much to do with crime prevention as the criminal justice system.

I travelled across this country and discussed this matter with chiefs of police, school board trustees, civic officials, worried parents and troubled teenagers, victims groups. I discussed it with parents of murdered children, community groups and the John Howard and Elizabeth Fry societies.

I have come to the conclusion that there is in Canada an enormous energy of enthusiasm at the local and community level toward crime prevention and addressing the underlying causes of the kind of behaviour we are talking about in this House today.

As I spoke to those individuals in Moncton and Fredericton, here in Ottawa, in my own riding of Etobicoke, in Edmonton and Vancouver, I found that among the police departments and community groups and the parents there is an energy waiting to be tapped. Local initiatives are now being taken, many of which are very successful.

In Edmonton, for example, the strategy for community policing and making Edmonton a safer city has over the last 18 months resulted in a 26 per cent reduction in the crime rate, an extraordinary result. Imagine the savings in terms of government dollars let alone human suffering with a drop of 26 per cent in the crime rate. If we could replicate that experience nationally, there would be no need for a debate such as we have in this House today.

That must be our goal. This government is committed to creating a national crime prevention strategy. We will establish a national crime prevention council. Through that process we will bring together, we will harness and focus the energy and the commitment of which I spoke which is evident in so many communities across Canada.

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We will recognize formally and effectively that if we are to do something about crime instead of simply talking about it, the answer lies not in simply putting more police on the streets and more guns in their hands nor in harsher sentences and more prisons. If that was the answer the United States of America would today be nirvana. That is not the answer.

(1100)

Certainly we must deal effectively through criminal law with criminal conduct. That is why we are going to have the changes to which I referred earlier in the code and in statutes. Equally and at the same time we must mobilize an offensive toward crime prevention in this country that will truly produce results.

The National Crime Prevention Council will bring together those groups, those individuals, those interests, victims groups included, from across this country to a central place which will serve as a focus of leadership in this effort, a repository of information, an inventory of what is being done in various places across Canada, a source of advice for neighbourhoods, communities and cities that want to take action, and also a mechanism for innovative and constructive thinking as to what we can do in Canada to bring down the crime rate and address the causes of crime.

Today in my response to this motion I reject absolutely the premises upon which it is based. First of all, this government does not propose inaction—quite the contrary. We will in the months to come be putting specific proposals before this House in respect of legislative change and we will be actively pursuing the objectives of which I spoke across the country for crime prevention.

I reject as well the contention that criminals' rights supersede those of the victims. The system as it is at present is sensitive to victims' rights. That is shown in a variety of ways.

There is room for improvement and, as I said at the outset, we are happy to have the constructive suggestions of members in all parts of this House. I look forward to the debate which this motion has begun today. I shall listen with interest to the points made by members of the House and I assure the House that this government is going to move quickly to implement the agenda of which I spoke.

Mr. Art Hanger (Calgary Northeast): Mr. Speaker, I thank the minister for his statement. It is certainly one in which many Canadians are interested. They definitely want to see things change in this whole area.

Will the minister clarify a point in reference to the support mechanisms for victims when comparing what is in place already for the offenders.

An individual will commit a crime and immediately he has various people coming to his aid. In fact, he need not even ask. First, he has legal aid and he is represented at the expense of the taxpayer by a lawyer. He has counselling at his disposal. He is

placed in a system of incarceration that looks after his every need, health needs included. He has rehabilitation programs offered to him which he has no requirement really to follow through on. There is in effect little or no punishment other than the fact that he is removed from society and cannot move about with any degree of freedom, until he is placed on parole.

Before the end of his sentence of course he is eligible for parole. The Parole Board gives every consideration to him and little consideration of the effect of his presence in society after that decision is made. Again, I am referring to the view that many people in society have of the parole department.

As of late, several Supreme Court rulings have further jeopardized society, creating more victims, due to the fact that they have ruled on cases that have actually inhibited investigators from effectively doing their jobs.

My question to the minister is where are the forces, the established agencies, you might say, rushing to the aid of victims when in fact everything is moving in the opposite direction?

Mr. Rock: Simply put, Mr. Speaker, there are not enough. We have to do better to deal with the victim, to provide that person with a sensitive and effective way of overcoming the trauma of crime and its consequences.

(1105)

At the same time the point that my friend makes is surely rhetorical. With regard to the characterization of the cushy experience for the offender, the free legal aid, the counselling and the rehabilitation, there is a fairer way to characterize that. In my response to the member please let me try.

First, aid is nothing more than a recognition by society that those who are charged with an offence which might result in their incarceration are entitled if they cannot afford it themselves to make full answer and defence to the charge against them. I would not take my friend, the hon. member, as suggesting that we deny that. I hope not.

It is fundamental in our society that if the powers of the state, the mechanisms of the police with all their investigative powers, the prosecuting authorities with all their resources and the power and majesty of the court itself are being brought to bear against an individual who might be put away as a result of the charge, and it is part of the values of this society that we are going to furnish that person with legal representation to answer the charge in that circumstance through legal aid if they cannot afford it.

Second, my friend referred to counselling and rehabilitation. In the criminal justice system we try to achieve a number of things at the same time. Yes, we try for retribution when we can. We try always for fairness in our process and justice in the outcome but we also try for rehabilitation because it has been recognized throughout that unless we take the offenders and make an effort to turn them around through counselling if

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necessary, through rehabilitation if necessary, it is more than likely that they will be back again.

If we can reduce that prospect and the financial and human cost that it involves through an investment in rehabilitation then that is the wiser course. I do not take my hon. friend, the hon. member, as suggesting that we abandon that as one of our responses to crime.

In terms of prisons themselves they must be humane. Obviously we are revoking the person's liberty. The last time I visited it did not seem to be a terribly comfortable environment. Often it is terribly uncomfortable. Prisons reflect the values that we have as a country. We incarcerate. Our purpose is not to torture.

In terms of parole, the system expressly falls upon the parole authorities to take into account all circumstances, including the victim and the offence itself. I can assure the hon. member that is exactly what happens in parole hearings from day to day.

Are we doing enough for victims of crime? We are not. We must make every effort to be responsive to their needs and to ensure that their perspective is brought to bear throughout the system. At the same time I suggest that there is a balancing as in everything else in life. At present matters are roughly in balance.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm): Mr. Speaker, I want to thank the minister for sharing with us once again his views on the present legal and judicial system. I can even say that I share the views he espoused in his "philosophical" speech because it touched on broad principles.

However, it remains to be seen whether I will still agree with him after he has put forward the amendments he has in mind. In light of the speech that I just heard, I would ask the minister to proceed with caution, as he seems to want to get involved with local problems that fall under provincial jurisdiction. The minister should take care not to always present bills with a national flavour, as he seems to want to do, because some of Quebec's laws could contradict what he is proposing. Quebec is feeling pressed on certain issues that were raised by the minister.

My question is very concrete. The problem with the motion presented by the Reform Party is primarily one of public perception. In the red book, the government referred to the fact that public perception was very negative, particularly in terms of how battered women and children are treated by the justice system.

(1110)

In its red book, the government made an undertaking to provide or increase funding for agencies that assist battered

women and their children. In my view, this would, be one way of showing the public that the system does in fact consider the rights of victims and not merely those of criminals.

Can the minister tell us what additional funding was allocated to these agencies in the last budget and how these agencies plan to use the funds?

[*English*]

Mr. Rock: Mr. Speaker, if there are specific programs or steps in place in the province of Quebec that touch upon the issues I have covered in my speech, I would be happy if the hon. member would let me have the particulars. I am not sure what programs in particular he is referring to, but I would be happy to give my assurance to work in collaboration with local authorities as we will across the country.

I recognize that crime prevention in particular will only work if it is driven at the local and community levels. It is for that reason that the municipalities and community groups are going to have a role of prominence in crime prevention.

The federal role must surely be one of leadership and co-ordination. This is the approach we are going to take, enabling communities across the country to work together.

The hon. member asked about funding for shelters and transition houses for spouses who are abused. Even in this fiscally challenging time this government is going to stand by the commitment it made in the campaign to provide that additional funding.

I do not have dollar amounts which I can give the hon. member today. I can say how it will be spent will be determined in consultation with the provinces and the local authorities and community groups which may know best how most value can be received for the money.

I do not have the dollar amounts at this point but I can tell the hon. member the commitment remains and as to where the money will go we will determine that in consultation with the groups we intend to benefit.

Mr. Myron Thompson (Wild Rose): Mr. Speaker, I will try to make my statement very quickly.

Nobody on this side of the House including myself disagrees for a moment that prevention has to have a high priority in our system of dealing with people, particularly when it comes to crime.

I want to get down to the grass roots, down to the level of things. How is this government finally going to answer? I say finally because I have been involved in this since the early 1970s and even before when I was mayor of a town and crime was a serious problem.

I am thinking particularly of violent crime. When is the government going to come forward with something for the seniors I talked to on a radio talk show in Calgary, which is certainly not a renowned city of crime in comparison with others, who say they are scared to death. One lady said she lives alone with her cat and she is scared to death every night that somebody is going to tear her door down, bash her head in and steal all her belongings. They live in fear.

In rural communities you see bars on the stores and on private homes. Law-abiding citizens lock themselves in to try to protect themselves from what is on the street on the loose.

During the lifetime of this 35th Parliament, we are going to have 80 parole hearings. My research shows 80.

If we have a record like we have had in the past I fear for a lot of people. Our research has already provided approximately 40 names of people who have been released on parole who have killed a high number of people. One of those persons who got out of jail said before he killed four other people: "The only thing crazier than me is a system that allows me to get on the street and do what I did".

We hear this from the criminals themselves. We hear it from the victims. When is the government going to quit the rhetoric and get down to the grassroots, talk to the people who are suffering and listen to what the victims of violence are saying and do something about their causes and concerns?

(1115)

The Deputy Speaker: Time is almost up. Please be brief in your reply.

Mr. Rock: I will be brief, Mr. Speaker. The hon. member says that he has been involved in this for 20 years. I respect his experience, but I predict that we are going to be involved in this for a lot longer than 20 years to come. It is part of the human condition.

We are going to do our level best to balance the interest we have been talking about. So far as fear is concerned, I am aware of the fear to which the hon. member refers. One thing we must be careful not to do is feed into or amplify those fears if they are disproportionate to the reality.

The unkindest thing we can do to the senior citizens to whom the hon. member referred is to play on those fears, to make them worse by suggesting that the problem is worse than it really is, that the challenge is greater than it really is.

Of course we have a challenge in front of us, but let us keep it in perspective. As I said earlier concerning high risk offenders in the parole system, we recognize that changes have to be made. We have to take the person at the end of the sentence and examine them to determine whether they are fit to be returned to

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society. If they are not, we have to find a way of working with the health system to keep them confined for our own protection.

Next week when I meet with my colleagues in the provinces I will be talking about that, among other things. We cannot do it alone. We will do it in concert with them. I am very aware of the problem and we will address it.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm): Mr. Speaker, the motion put forward by the Reform Party is not a simple one. If we are not careful, it could foster an ideology which is not in agreement with who we are as Canadians and Quebecers. What this motion calls for is not approval or disapproval, but a thorough review of the current system.

In my legal practice, I sometimes heard people say, in a fit of anger over a gross injustice in a court of law or an irrational judgement on the part of a judge, that the legal and judicial system protects criminals better than victims.

Let us not jump too quickly to that conclusion. Many extraneous factors, factors outside the legal system, can influence a sentence, a release, the judgement of a lenient judge and even—and we hear of it happening more and more on the news—of a dissident judge or one advocating reform.

We must, however, look at the means at the disposal of the judicial branch to enforce the legislation that we legislators pass in this House. For example—and I shall be brief since I have only 20 minutes—how can a judge send a first-time offender to jail, knowing that our penitentiaries are overcrowded? If the judge finds in favour of the Crown and the victim, the offender will indeed be sentenced to imprisonment. But he will soon be discharged, conditionally. It happens all the time.

When faced with this kind of judgement or finding, people dealing with the judicial system are always left to wonder. But the judge has no other choice.

For years now, there has been a general consensus that violence can take many forms. This is not to say that our society is necessarily more violent than others on the whole, but rather that we are better at recognizing violence and its various manifestations and at doing so more quickly. There has always been violence. It is just that we talk about it more today. Victims are less intimidated by the system and come forward more freely, but violence in itself is nothing new.

The question we have to ask ourselves is this: Do the rights of criminals supersede those of the victim in the present legal framework? If so, what can the government do to correct the situation?

I think that this issue involves competing rights between victims and criminals and the two members who spoke earlier really put their finger on it. Both Quebec and Canada have passed legislation that brings out this duality.

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However, discrepancies between the rights of the parties to a criminal case have existed for a very long time, since the Quebec Act of 1774 clearly addressed these concerns by introducing British criminal law to Canada. Section XI of this act reads in part as follows: “And whereas the Certainty and Lenity of the Criminal Law of England, and the Benefits and Advantages resulting from the Use of it, have been sensibly felt by the Inhabitants, from an Experience of more than nine Years [—]shall continue to be [—]observed as Law in the Province of Quebec, as well in the Description and Quality of the Offence as in the Method of Prosecution and Trial; and the Punishments and Forfeitures thereby inflicted—”

(1120)

We must not forget that they had capital punishment back then and that the victim's only consolation was the condemned person's last breath.

That said, we must define the issue raised and, in order to resolve it as clearly as possible, we must first determine if this finding is justified and true, or quite simply false in legal and social terms.

What in our current system could help us weigh the pros and cons without being swayed by feelings and sensational cases that quickly stir up the emotions?

Daily newspapers emphasize the system's failures rather than its successes. The press usually focuses on the negative and that is what readers remember.

It must be said that, in recent decades, our society and therefore our legislation have quietly put a particular emphasis—I am not saying that everything is just rosy and that there is nothing left for us to do—on the victims of crime, at the urging of federal and provincial lawmakers.

The laws of Quebec and several other provinces that deal with the victims of crime are a striking example.

We must also be honest and mention that the Criminal Code contains provisions aimed at helping crime victims. There are for instance the provisions on the identification of criminals and the restitution of stolen goods. An hon. member said earlier that there should be such provisions, but I think they already are in the Criminal Code. We would only have to enforce them. We should urge the courts to enforce the current legislation designed to protect witnesses who testify and to award exemplary damages or impose fine surcharges—this principle still exists today. Do the courts apply the law in all cases? That remains to be seen.

Legislators are not here to make laws for the sake of it because they could make a lot that would never be enforced. I think there is a principle that legislators do not act frivolously. If they make

changes, it is to make things better and not to leave everything up to a court that would not enforce them anyway.

Is this not enough for victims? Perhaps, but we should not endanger the whole legal system by trying to correct an age-old duality.

Another argument in favour of balancing rights between the victim and the criminal is the release on bail of the accused. It may be where we see an increasing number of reports in the press, which has a field day whenever a judge makes a wrong assessment. Again, society gets a negative impression of the legal system.

Under the Criminal Code's general rules, the police officer responsible for the temporary detention of a person charged with an offence punishable by imprisonment for a maximum of five years must release this person, unless he has reason to believe that it is necessary in the public interest or to ensure that the accused will show up for the trial.

Of course, the decision to release the accused is left to a justice of the peace. As the legal evaluation criteria are very complex, I will not go into them in this debate. One thing is for certain: a presumably impartial judge—and I think it is true in major cases—looks at the facts before deciding to release the accused.

In some cases, in particular in murder and hard-drug trafficking cases, it is up to the accused to prove that he should not be detained while waiting for his trial. In both cases, there is a major reversal of the burden of proof that somehow helps make the victim more secure.

The current code also requires the judge to issue a firearms prohibition order for anyone released on bail who is charged with an offence involving actual, threatened or attempted violence. In many cases, the judge will also ask for a commitment not to disturb the peace.

(1125)

Of course, the judge can ask any accused person to make certain commitments and you will say that in many cases they are not respected. What little experience I have, although I am not a criminal lawyer, shows me that in most cases, people who are released under certain conditions respect them. We do not see them in the newspapers, because what is interesting about knowing that someone obeys the law; it is much more interesting to know who does not obey it.

You will tell me that is all very well on paper, but that in reality there are injustices and victims who are afraid, victims who are victims of the system. I must reply that unfortunately it is so. A perfect system where everyone would seem to win in a balanced legal system does not exist. The big problem in this question of justice between the victim and the criminal is, I think, one of society's perception.

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Yes, the verbal excesses of some judges have damaged the esteem in which the present legal system is held. Fortunately, these verbal excesses are condemned by scathing criticism from society and by the peers of those who commit these excesses. Legal cases which make it to the front pages of the newspapers are not necessarily typical of everyday reality. These articles contribute to the mistaken opinion people have of justice.

I think that the observation we are considering does indeed reflect society's perception, but it should be qualified from the legal point of view. To show why I am saying this, we must refer to the Canadian Charter of Rights and Freedoms. I wish to remind this House that this charter is the same one that Quebec did not have the privilege to endorse when the Constitution was unilaterally repatriated in 1982, as the present Prime Minister surely recalls. So I am in a special position to criticize it.

Let us look for a moment at some provisions of the Canadian Charter of Rights and Freedoms regarding the rights and legal guarantees of individuals and of criminals. We are told that the Charter is the highest law in trials and in the legal system, so let us look at what this charter provides both for criminals and for victims.

Section 7 says: "Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice." Section 8 gives "everyone the right to be secure against unreasonable search or seizure." Section 9 says: "Everyone has the right not to be arbitrarily detained or imprisoned." Section 10 says: "Everyone has the right on arrest or detention (a) to be informed promptly of the reasons therefor; (b) to retain and instruct counsel without delay —and (c) to have the validity of the detention determined by way of *habeas corpus*."

In any case, I thought on reading these sections that everyone, criminal or victim, is indeed protected by law. Nevertheless, the legislators felt the need to insert additional sections on the rights of an accused person. That is the whole series of section 11 of this charter, where it says that "any person charged with an offence has the right to be informed without unreasonable delay of the specific offence" —I thought this redundant, given the previous sections—to be tried within a reasonable time, not to be compelled to testify against himself, to be presumed innocent until proven guilty, not to be denied bail without just cause, to the benefit of trial by jury, except in the case of an offence under military law tried before a military tribunal, not to be found guilty on account of any act or omission, if finally acquitted of the offence, not to be tried for it again, etc., etc.

Section 11 adds several factors to what was already there for the accused.

(1130)

I wanted to read this, even though the members of this House are well acquainted with the Canadian Charter of Rights and Freedoms, to highlight the existing imbalance, in my view, in a law which supposedly supersedes all others, between the rights of the accused, the criminal, and the rights of the victim.

The Charter of Rights of which the Prime Minister is so proud clearly brings into focus our negative perception of the justice system. There is absolutely nothing in the Charter to protect the victim, to ensure that he or she benefits from the support of the state throughout the lengthy criminal justice process. And this process is very lengthy indeed. More money needs to be invested in this process. It is not legislation that is lacking. We need to allocate more funding to the administration of justice. It is not by enacting laws that we will strike a better balance between the rights of victims and of criminals.

However, I think it should have been stated clearly in the Charter that victims' rights always take precedence over the rights of the accused, of criminals. Since no mention is made of the need for this kind of balance, those who come before the courts only hear about how the Canadian Charter of Rights and Freedoms protects the accused, about how it is invoked to obtain the release of an accused person or to quash a ruling by a lower court which convicted a person, or how, as a result, the accused is released following a review on appeal.

Quite often, at the appeal stage, the issue is not whether a crime was committed, but whether all of the provisions of the Charter were upheld. The victim ends up being the one who, quite often, suffers extreme prejudice. Using the Charter of Rights and Freedoms as an example, we can easily demonstrate the apparent imbalance between the rights of the victim and those of the criminal.

However, the public's generally negative perception of the system goes much deeper than its appreciation of a particular piece of legislation. That is why I believe in the justice system given to us by our ancestors. We must not call everything into question for the sake of achieving a punitive, excessive objective. We have to be rational and pursue efforts to modernize the system, while looking to education. A more highly educated society which understands its rights is a society that has a greater appreciation of its justice system.

Since we know what the priorities of the Minister of Justice are in this 35th Parliament, and we heard them again in the House this morning, we will have an opportunity to get some messages across to him. We should seize this occasion to give greater importance to victims and, in the process, improve the perception that those who come before the courts have of our justice system.

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In conclusion, it would not necessarily be viable for Quebec and Canada to seek to improve the lot of victims solely at the expense of criminals. We should be focusing our energies on education, prevention and rehabilitation instead of on handing down heavier sentences to criminals. Does Canada want to become a totalitarian country insofar as the treatment of its criminals is concerned?

The members on this side of the House would like to establish a sovereign country, one in which a fair balance will be struck between the rights of victims and the rights of criminals. In my opinion, this balance will not be achieved by pitting the rights of one party against those of another.

Hon. Sheila Finestone (Secretary of State (Multiculturalism) (Status of Women)): Mr. Speaker, I listened with great interest to the hon. member's speech, I appreciated his carefully prepared arguments, and I think he gave a very clear analysis of the situation.

Certainly, individuals who commit violent crimes against women make us hate both the nature of the crime and the person who commits the crime. We must realize, however, that the proportion of such crimes is much smaller than you would think when you read the newspaper headlines and listen to the news, because we never talk about what is good and normal in society. When crimes are committed, they make the headlines and cause high levels of fear and anxiety, because these are very serious matters.

Since my colleague, the Minister of Justice, has shown that he has an open mind on the matter and would appreciate the participation and collaboration of all members of the House to find out what they think and let them help us all make any necessary improvements, could the hon. member tell us what he sees as the most important initial step towards dealing with the situation?

(1135)

Mr. Bellehumeur: Mr. Speaker, I believe that the people facing me were elected to govern and to draft legislation, and that they should do what they feel is useful and necessary, on the basis of their consultations and the principles outlined in their red book.

I would say that in many respects, the changes being requested are unnecessary. Take the bill to amend the Narcotics Control Act and the Food and Drugs Act, which is before the House. We already have a Narcotics Control Act. The government wants to update and amend this legislation, but as was explained in the House, in some very obvious cases this legislation is not even enforced.

We can pass as many bills as we want, but if the legislation we adopt is not enforced, if we do not have the political will to do

so, what is the use? I say we should first look at what we already have and see if we can enforce those laws.

Another item that will soon be before Parliament is the Young Offenders Act. I discussed this with judges on several occasions, and they said: Mr. Bellehumeur, the existing legislation is not even enforced. We could refer some young offenders to adult court but we do not, although we are allowed to do so under the Act.

That is my question: why? Because the system does not give us the tools we need. Are we going to send a young offender to a prison for adults, where they learn more about crime than anything else? Judges prefer to hand out a minimum sentence and then release young offenders or make arrangements to have them supervised by someone who will help them get back on the right track.

I think that before we consider extensive changes, we should look at the system we have now, and draw our own conclusions. Are these laws enforced? Do we give judges and the courts enough power to enforce them? Instead of extensive changes, perhaps we should improve the way this legislation is used.

Even if the hon. member wished, I will not go into great detail about extensive federal amendments to Canadian laws. I simply want to say that we already have laws, and we should find out whether they are properly enforced.

[English]

Mr. Garry Breitkreuz (Yorkton—Melville): Mr. Speaker, I would like to thank the hon. member for his comments. He explains the Charter of Rights and Freedoms and some of the problems in the charter very well, and also some of the laws that we have on our books.

We have many laws on our books, but the frustration is that people perceive that the courts are not really carrying out the mandate they have been given.

I would like to say too that while we disagree on a lot of things like debt and deficit and so on, if there is one issue we must get together on it is the issue of criminal justice reform and the need for it. We need to be co-operative about this thing, not confrontational.

One of the problems people see is that the courts often hand out very light sentences for very serious crimes. For example, in the southern part of my riding very recently an elderly gentleman was lured out of his home and savagely killed. The main perpetrator of that crime received four years and will be getting out shortly on parole. People find it very unacceptable that this man committed a terrible murder and will be out in a very short time because of extenuating circumstances. But the courts have found him guilty. People find this a real problem. It is not that the laws are not there but it is perceived that many of these people are getting away with murder.

Supply

(1140)

I have a question that people have asked me to pass on. When these people are sentenced should they not lose some of their rights? For example, could these people not be put into work programs when they are in prison? The issue of restitution has been brought up. People feel that a percentage of the earnings of prisoners could possibly be used to compensate victims of crime. In this case, it was a terrible hardship for the wife when her husband was lured out of the home and killed. Work has a way of producing self-esteem and people very often feel this is something that is lacking and can have a very therapeutic effect.

I wonder if maybe the hon. member would like to make some comments about the courts being part of the problem and not just our laws.

[Translation]

Mr. Bellehumeur: Mr. Speaker, this debate should not be on specific cases or on a particularly disgusting crime. If you use a specific case where the victim went through hell and the sentence was relatively light, you will obviously come to the same conclusion as the Reform Party. But these cases are a minority and as long as our laws are implemented by judges who are human beings, there will be some personal appreciation involved in their decision, which can lead to differences, as I was saying earlier.

As for the second part of the hon. member's question regarding the judge's comments, I think that a whole set of measures are already in place to compensate victims. I said earlier that in the case of stolen goods, I have seen judges sentence the guilty parties to return or repay the goods or even do community work. In Quebec, a whole series of measures are in place regarding community programs. But the problem is the follow-up. Indeed, the problem lie not in the legislation but rather in the means and how to deal with the whole issue.

We could pass laws which, for example, would provide that for a specific offence, the offender would have to pay a certain amount. However, if that person is on welfare, or is so well organized that he or she does not own anything, what are we going to do? What are we going to seize to recover the equivalent of what was stolen? We will get into proceedings and we will go through trials just to save face, because in the end we will be left with unenforceable sentences. What good will that do? None whatever. I think that we already have the necessary legislation. It is simply a matter of implementing it. Perhaps the judges and those who administer the law should be given additional resources for a follow-up, but it is especially important not to get into specifics, otherwise we will really get bogged down.

The hon. member might want to formulate his question during Oral Question Period and address it to the Minister of Justice in the coming month, so that we have something before us regarding his suggestion.

[English]

The Deputy Speaker: The hon. member for Macleod is next. I believe he plans to share his time with the hon. member for Yellowhead.

Mr. Grant Hill (Macleod): Mr. Speaker, I feel this is probably one of the easiest topics to speak on in the House. Surely we have a very common desire on this topic, to see justice and fairness in our justice system enacted.

I would like to start off by saying that in my view Canada does have a justice problem. It is a problem that is typified by the fact that homicides are climbing, our schools are unsafe and smuggling is rampant. We have recently had House business that dealt with smuggling. Fraud in our country is commonplace.

(1145)

I would like to put criminal justice on a priority list for members who are close to me on this side of the House. We have gone through social programs and prioritized them. We put health care at the top of our priorities along with education, pensions for the needy and environmental issues. We put justice as the one area in our social program system that we would spend more money on. This is the one area, in spite of our deficit and debt problems, we would spend extra money on. We put a high priority on this specific issue.

This discourse is not in any sense meant to be confrontational. This discourse is meant to be informational. I hope it will be taken in that context.

Some statistics in our country trouble me: 3 per cent of the population are natives and 11.3 per cent of our penitentiary inmates are natives. I have talked to the native elders and have tried to ascertain what they thought the answer to that problem was. They think the old values of the native community need to be better taught. They talk of sweetgrass ceremonies, sweat lodges, and improving the status of the individual by their old cultural methods. I say we need a return of dignity and self-sufficiency for natives. People can only be proud of their culture when they are proud of themselves.

Another thing I would pause to reflect on is something I call a prison revolt. This revolt comes from the sociologists and criminologists in our society. They approach crime with the viewpoint that crime is not the fault of the criminal in many instances. It is simply the fault of upbringing, of poverty and of abuse. I recognize there are major problems in our society that contribute to crime. I recognize that education, prevention of poverty and prevention of child abuse are extremely important. They say the answer to the problem is compassionate, caring

Supply

therapy in a nice warm jail, with retraining opportunities and better recreation and library facilities than people on assistance have. I frankly disagree. That is not the answer to that problem.

We allow prisoners to vote. We release dangerous offenders on unsupervised leave. We sentence them to life but that means little. In my view in some ways we as Canadians have lost our marbles.

Turning to some other backward moves in our criminal justice system, we take our law enforcement officers, our RCMP trainees, and do not pay them very well. As trainees we give them a relatively low wage scale. As they go through their training process they reach a point at which they are ready to take on the more major responsibilities and with our frozen civil servant wages we leave them at the training wage scale. What talented young men would want to serve in the law enforcement agency realizing that they would be penalized? This is one area in which the civil service wage freeze is absolutely unfair.

When gun control measures were started, they were started to curtail violence with guns, a proposition that no one could argue with. Homicides with guns have not improved over the lifetime of gun control. Stricter gun control has no correlation whatever to better results on homicides with guns. I hear now that one of the reasons for stricter gun control is that guns are inherently dangerous. I also hear that we are going to prevent accidents and suicides by having stricter gun control. It just is not the reason to have gun control. On the other end of the scale we have a free vote coming up that is going to allow doctors to assist in suicides. These are the two ends of the scale that I think are completely wrong.

(1150)

Honest gun users are also having weapons declared restricted and then confiscated without pay, a provision that is entirely unfair.

Another issue that I found fascinating about gun control is that when RCMP officers take their weapons off their hips, either in the detachment or in their homes, they must place bore locks in their weapons. Their weapons are then locked so that they cannot be used.

I spoke with RCMP officers at home and asked: "What advantage is there to you in doing that?" They said: "There is no advantage to us at all. We have always been extremely careful with our weapons, extremely careful because our own children could get the loaded weapons. The only advantage in that is to the criminal". In fact a criminal could wander into the detachment and spray the RCMP officers with rifle fire while they scramble to unlock their weapons. Again in my view in Canada on some issues we have lost our marbles.

It is not good enough to stand in the House and just complain, mutter and say that everything is wrong. It is only useful if we have some constructive comments to make. I would like to turn to that portion of my address now.

In our society family values have become less important. This has a major part to play in our problems with our criminal justice system. Single parent families today are 13 per cent of the families in society. Many reasons are given for this but a few stand out to me. More teens today are choosing to keep and raise their babies. There are fewer forced weddings and there is much more divorce in society today. I have tried to look very critically at why families are breaking down. I am partial to the one that says that families are spending too much time trying to raise their sights financially rather than raise their sights on their children.

When I was a young man of about 13 years of age and in grade seven my parents got their first home. It was a 1,300 square foot home; not very big, not very expensive. If they had paid for that mortgage over the span of their lives, they would have paid for it by the time that they were in their early sixties.

I look with interest as young families today set out very early in their lives to get big homes. Homes much bigger than 1,300 square feet would be the average. They borrow earlier. They take on more onerous financial duties. This forces both parents to get out into the workforce to try to pay that debt. This conscious decision does not allow as much direct parental contact with the children. I believe that contributes to some of the problems in our justice system.

Day care is not the same as parent care. Television care is not the same as parent care. A new BMW in the garage is not the same as close, loving parental care of a loved child.

The solution in part would be to change the tax rules so that there is encouragement for one parent to stay home. That need not be the woman; it could well be the man. Another change that could take place would be to allow our workforce to adjust hours so that there could at least be one parent at home.

The other specific area I wanted to address does not have very much to do with jails and what not. There is a very expensive area in our justice system. I want to refer to an article in the *Medical Post* from December that talked about obstetricians recommending defensive medicine to prevent lawsuits. The obstetrician in this article said that every single baby, just after it is born, should have a brain scan and the brain scan should be done to prevent a lawsuit ensuing in the future if things showed up in that baby's development. If cerebral palsy ensued the obstetrician could be blamed for problems at birth. Every single baby that had potential problems should have a brain scan, according to that obstetrician.

Supply

(1155)

The lawsuits that this obstetrician is trying to prevent are lawsuits that involve huge amounts of money in our court system and huge amounts of money in terms of the actual awards that are given, settlements of up to \$7 million.

In my view the confrontational legal system we are developing in our country mimicking the U.S. system when it comes to medical legal issues is costing untold amounts of money. The end result of the meeting—and this was a meeting that had a number of solicitors in it—was to suggest that no fault medical insurance would go a long way toward preventing the gladiatorial events of doctors against lawyers in our court system. I propose that as one specific item that we should be looking at. It involves the health ministry. It involves the justice ministry as well.

The justice issue transcends every political party. This issue transcends every personal philosophy, every level of income, and every age group. I want to co-operate in the House to make sure our criminal justice system is improved.

Mrs. Dianne Brushett (Cumberland—Colchester): Mr. Speaker, I listened with great interest to the comments of the hon. member.

As a model prototype of the penal reform system we are in the process of building a women's prison in Truro, Nova Scotia. That prison will be built on the model of a small home where women will learn to cook nutritionally with the guidance of a dietitian. They will take care of the home properly. They will have their children brought to them. They will be integrated into our community; into community recreation, into community education and into community training of various types. This is an integrated model so that when these women are free to be released to society they will be productive, sensible, mature women in the sense that they can be self-sufficient and go back to a so-called normal life. I hope this will be the model the country will establish and follow so that we do have results for the tax dollars invested.

The second point I would make is that in his comments the member appears or seems to project the notion that moral values can be legislated. We on this side of the House and I believe the people of Canada will watch with great interest and anticipation as his leader takes on the role of delegating moral activity and moral responsibility with regard to their own membership.

Mr. Hill (Macleod): Mr. Speaker, I might comment on the idea of legislating moral values.

I am sure the issue of code of conduct is one the member opposite would not care to disagree with. This issue has been blown all out of proportion, as a code of ethics is simply a statement that as public persons a very important part of our

lives is now public. I am sure the member opposite will be most interested in seeing what our code of conduct looks like when it comes out.

Mr. Clifford Lincoln (Parliamentary Secretary to Deputy Prime Minister and Minister of the Environment): Mr. Speaker, I would like to ask three questions of the previous speaker.

First, he referred to the aboriginal people of Canada and I would agree with him 100 per cent about the condition in which they find themselves. Has the hon. member taken the time to read our red book? It speaks of giving Canada's native people their own place, their own lives, their own destiny.

(1200)

That has been the subject of many questions here relating to better education, better training for the workplace, a better health system and conditions. Finally it speaks of giving them their own justice system and eventually transferring to their hands the whole of the huge budget of the department of Indian affairs. Does the member not agree that the solution has already been advanced and should be debated very constructively here?

Second, in regard to better gun control I do not think solutions are simply in gun control. The minister of justice has advanced the positive idea that unless society as a whole works itself on a holistic basis and we clean ourselves from within, gun control once more is only part of the puzzle.

At the same time to argue today that gun control is not necessary is to fly in the face of the opinion of 85 per cent of Canadians. It flies in the face of the fact that one of my friends in Montreal, Michael Hogben, was killed by a fellow teacher because of loose gun control. It flies in the face of Marc Lépine who killed 14 young women at the École polytechnique in Montreal. It flies in the face of Brady who was pleading for more gun control in the United States—

The Deputy Speaker: Order, please. The hon. member for Macleod very briefly.

Mr. Hill (Macleod): Mr. Speaker, to talk specifically about the gun control comment, I am not for one second saying that gun control should not exist. What I am saying and will say very strongly is that more stringent gun control measures are not the answer.

As the member speaks of Lépine's gun, he should realize that Lépine's gun would not be removed from Canadian society under our current gun control legislation.

Mr. Garry Breitkreuz (Yorkton—Melville): Mr. Speaker, it gives me great pleasure to speak in support of this motion. This House has been in session for two months now. Finally we are dealing with an issue which many of my constituents have told me is very important to them.

Supply

I am in the process of drafting a private member's bill on victims' rights. I welcome this opportunity to address an important dimension of victims' rights, namely restitution and compensation.

One hon. member mentioned we should not look at individual cases. Too often we speak in general terms and we lose touch with real events and real persons.

One of the first inquiries I received in my office was from a man in Sturgis, Saskatchewan who had his vehicle trashed by a group of teenagers in June 1992. The car was totally written off by the insurance company for a total cost of \$6,500. The victim was required to pay the \$500 deductible and the cost of a rental car so he could get to work. Total out of pocket expenses for the victim were \$817.45.

The owner applied for restitution to the RCMP in August 1992. In September the victim wrote to the Saskatchewan minister of justice expressing his disappointment that charges had not been laid against the teenagers who had destroyed his car. In December 1992 the RCMP advised the victim that charges were being laid against a number of individuals.

In May 1993 the crown prosecutor and the defence council negotiated for four hours. Charges were dropped against the six young offenders and one adult and charges proceeded against three others.

It appeared to the victim that the main consideration of the courts during the sentencing was that there would be no hardship imposed on the accused. What about the victim being out of pocket over \$800? What about the \$6,000 paid out by Saskatchewan Government Insurance? What about the inconvenience of losing the use of his car until he got another one?

The three convicted teenagers were ordered to pay \$500 restitution and two were fined for assault. The fines and restitution were to be paid by August 31, 1993. At the end of September after numerous phone calls to the provincial officials, the victim again wrote the Saskatchewan minister of justice complaining that he had not yet received the \$500 restitution. In November the minister responded saying the criminals had paid \$50 to the court and that he should be in receipt of it. After many phone calls to the RCMP, the provincial court wrote a cheque for \$50 which arrived on November 25. The victim wrote another letter of complaint to the courts and asked for the remaining \$450.

(1205)

I remind this House it is now a year and a half since the victim's car was demolished. The victim, by this time in a total state of exasperation, wrote to me, his member of Parliament. We wrote the federal Minister of Justice on behalf of the victim.

In January the victim wrote informing us that the balance of the restitution order had been received. In February 1994 the minister responded saying there was nothing he could do and

suggested the victim file the restitution order with the courts and have it enforced as a civil judgment in accordance with section 725 of the Criminal Code.

I have taken the time to explain this case because I want members of this House to get a feeling for what it is like to be a victim of a senseless crime. I want members of this House to put themselves in the victim's shoes and try to feel how this victim felt as he was being jacked around by the system.

Our goal as Reformers in this House is to make sure that laws are passed that put the rights of the victim first, ahead of all other considerations, especially the rights of criminals.

When we researched this particular case we proposed a number of possible improvements to the existing laws with respect to restitution and compensation for the victims of crime. The Minister of Justice in his reply to our letter also suggested some improvements which should be enacted.

Following are some suggested improvements which we will be including in our victims' rights bill. The rights of the victim and compensation for the victim's losses should be the top priority of the courts.

Restitution orders should be mandatory and not at the discretion of the courts. Restitution orders should compensate the full costs incurred by the victim, including losses resulting from personal injury and/or loss or damage to property, including insurance claims. Restitution orders should be enforceable.

Why should the only recourse be for the victim to pursue the matter in civil court? We send people to jail if they do not pay their fines. Why not garnishee a portion of the criminal's wages until the restitution order is paid in full? I believe there is far too much emphasis on rights and we forget that we also have responsibilities. In fact, we should not be entitled to our rights until we first discharge our responsibilities.

The province of Saskatchewan places a surcharge on every \$100 paid in fines. These are set aside in a victim services fund, but there is no legal obligation on the part of the province to spend the revenue collected exclusively on victims. Nor is there any compulsory requirement for the victims to be financially compensated for their losses.

In some provinces criminal injury compensation has been combined with workers compensation providing quicker response to the victim. This may be a solution for compensating victims of crime where convictions are not obtained.

What about the responsibility of the convicted criminals to pay for their crimes? Are they only responsible to the state after they are convicted? Are criminals not also responsible for repairing the damage they have done? I and many other Canadians feel they are not only responsible but should also be totally accountable for their actions and compensate their victims in full.

Supply

The charges against the young offenders in the case I reported earlier should never have been dropped. The very least the court should have done was make the young offenders pay their share of the damages. They had the fun of wrecking the victim's car; let them at least learn a lesson by having to pay their share of the damages out of their own pockets.

How many of these young offenders who are let go have gone on to commit other crimes? If young offenders are unable to compensate the victims of their crimes, then the parents of the young offenders should be held totally responsible for compensating the victim. This will ensure that parents take a greater interest in what their children are doing outside the home.

When criminals are serving time—and I am talking about low risk offenders now, those who do not pose a risk of physical violence—they should be involved in work programs. They should not be granted the luxury of lounging around at taxpayer funded correctional centres. Convicted criminals involved in work programs should have a portion of their wages deducted. This revenue should be used to repay the victims of the crime. Another portion of the wages should be used to help pay for the cost of the correctional services, including guards, food, accommodation and so on.

(1210)

I have outlined nine ways in which the government could act to place the rights of the victim ahead of those of the criminal specifically as they relate to restitution and compensation. As a now famous politician once said, we have a lot of work to do. For far too long victims' rights have had to take a back seat to the rights of criminals. It is time to bring some real justice to the justice system.

The man who had his car trashed by the teenagers did not get justice. He lost the use of his car for days. To get to work he had to rent a car for which he was not compensated. He had to wait 20 months to get the partial compensation the courts awarded. He had to make many phone calls and write many letters at his own expense to get the restitution ordered by the court. Add to that 20 months of worry and frustration.

The criminals in that case got away with one more thing: They have not made restitution for the \$6,000 paid out by Saskatchewan Government Insurance. Every policyholder in Saskatchewan will have to pay higher premiums as a result.

The government can take action which would improve the situation for victims immediately and would not require any change in legislation. As an interim measure victims must be better informed of the limited rights they now have.

Much of the frustration suffered by my constituent could have been avoided if he had not been forced to fight for his rights with bureaucrats and politicians for over a year and a half to get back just some of the money owed to him.

If the victims of crime were a real priority of the justice system this travesty of justice would not have occurred. Why should honest, law-abiding citizens have to pay for the misdeeds of criminals? It is cash out of their own pockets in higher premiums paid to insurance companies.

In closing, as a member of this House I vow to support common sense criminal justice reforms regardless of the party or member initiating them. That is why this morning I was pleased to second a private member's bill introduced by the hon. member for York South—Weston calling for the repeal of section 745 of the Criminal Code which would put an end to early parole for first degree murderers who have been sentenced to life imprisonment without eligibility for parole.

I look forward to the continued debate on this. We need to work together.

[*Translation*]

Mr. Michel Daviault (Ahuntsic): Mr. Speaker, I found the hon. member's comments very interesting. I am not a lawyer or a notary, and I have no particular interest in judicial matters, but I represent a constituency that includes the inmates of Bordeaux, a well-known prison in Montreal. In fact, I heard several remarks during the two previous speeches made by members of the Reform Party which seem to reflect some prejudice against the penal system, in that they call for yet more legislation but ignore the lack of resources endemic in the system.

Bordeaux prison is a provincial institution, in other words, for offenders sentenced to two years or less, and it is full of so-called weekend inmates. The penal system does not provide enough prisons, and often when inmates who serve their sentence on weekends come to the prison, they are told: No room, come back next week. And this can go on for two years.

We do not need more legislation. We need resources, as my colleague argued earlier.

(1215)

I heard some remarks by my Reform Party colleague—speaking of prejudice—who referred to nice, warm jails. I do not think they are nice, warm jails. This smacks of demagoguery, and we can do without that. I think we should concentrate on improving the availability of resources.

I have a more specific question about the hon. member's speech. He made a presentation on a private member's bill concerning compensation for victims of crime. At the present time, victims can go to civil court to sue criminals. However, criminals usually do not have any income or resources to pay fines and that sort of thing.

Supply

Could he explain how this would be dealt with in his bill, to give victims a better chance to sue criminals for damage arising from their crimes?

[English]

Mr. Breitzkreuz (Yorkton—Melville): Mr. Speaker, I would like to pick up on a couple of things the hon. member has mentioned. One is the people who spend their weekends in prison. Very often we sentence people to sentences that may not be appropriate. I would like to put this idea forth.

Many times when we send people to prison, instead of improving on their attitude and their lot and so on, they in fact deteriorate because they get to mix with other people who may be of more disrepute than they are.

With regard to non-violent offenders, possibly the courts could have the option of putting them into work programs rather than sending them to prison. The prisons could be reserved for the worst offenders, the most violent offenders in society. This ties in with the second matter that was raised, how would these people be compensated.

That is where work programs need to be put in place in the prisons. A percentage of the wages these people earn could then be used to compensate their victims. A problem we have is that a victim has to go through the civil courts, through the whole legal and justice system to try to get back some of that money. It is a great inconvenience and very often unsuccessful because the criminal has no income to be able to pay the victim.

If there were a work program this would help solve that problem. Work would also give these people a better feeling about themselves. It is no different for them than for us. When someone meets someone else for the first time, the one thing they ask is: "What work do you do, what job?". It does something for us and I think it would do the same for many of these people in society.

Mrs. Dianne Brushett (Cumberland—Colchester): Mr. Speaker, I will be brief.

In terms of charging the parents under the Young Offenders Act if they cannot charge the child, what is the hon. member's recommendation as to punishment? Quite often we find that the parents have very little asset or ability to pay or to compensate the victim.

I work closely with the Citizens United for Safety and Justice in my community and we see that there is no real asset or opportunity to make the parent pay.

Mr. Breitzkreuz (Yorkton—Melville): Mr. Speaker, I am not saying that we should be charging parents. Do not get me wrong. My constituents are telling me that very often parents have the attitude that it is someone else's problem. I think it is that attitude we are trying to get at. If they were required to make

some compensation in that regard and if they were held accountable for what their children are doing, they might take a greater interest in what they are doing. This is the kind of attitude we need to foster. It all ties in with the erosion of family living that we have in Canada and I think we need to address that whole area. It is not going to be done in just one minute.

(1220)

Mr. Russell MacLellan (Parliamentary Secretary to Minister of Justice and Attorney General of Canada): Mr. Speaker, I am very pleased to have this opportunity this morning to speak on this motion.

I realize in our country at the present time there is a tremendous outrage against crime. It is not the outrage against crime with which I have a problem. On the contrary, I have trouble understanding and I condemn the simplistic solutions to complex interdependent and intertwined problems that exist in our society which cause crime.

As long as we as members of Parliament and members of society say that there is a possibility for quick fixes, we cannot count on the support of the people of Canada to work with us.

The problem today is that crime is not like a common cold, it is not like a mortgage, it is not like foreign aid. It is something that is entirely different. It is something with which all of society must become involved.

I have listened to the member for Yorkton—Melville and I appreciate the point he made that prisons are not the answer for punishment for all those who have offended. This is true.

This is especially true with respect to young offenders. In prison young offenders do acquire some of the tricks of the trade that allow them to be professional criminals when they are released.

Maybe there is a way of working with young offenders that will be to the benefit of young offenders other than the standard incarceration in adult institutions. Certainly watching television and playing pool during the incarceration would not be the answer. There has to be rehabilitation but there has to be an appreciation.

I do not agree that people who offend should not be entitled to rights until they discharge their responsibilities. There we are creating a very dangerous line, a line that people in our society are not entitled to rights. Criminals, people even though incarcerated, have to be entitled to rights. We have to say that all Canadians are entitled to rights. If not then we absolutely revert to barbarism.

These rights are defined in the Charter of Rights and Freedoms in the Criminal Code. We cannot say that these rights can only be extended to some Canadians.

The member for Surrey—White Rock—South Langley talked about the fact that our Charter of Rights and Freedoms has been a problem. There are people who have offended who got away from the punishment they deserved because the lawyer was able to rely on the Charter of Rights and Freedoms. That is just absolutely and utterly wrong.

The Charter of Rights and Freedoms takes the rights of all Canadians and enshrines them. These rights are fundamental. If we do not abide by the Charter of Rights and Freedoms and acknowledge these rights are applicable to all Canadians then we are in fact one step closer to chaos.

(1225)

We are one step closer to saying that there are certain rules that apply to one group of Canadians and not to another group of Canadians. Incarceration takes away privileges that certain Canadians will hold. There is no question about that and that is as it should be. Rights have to be fundamental. If they are not we get into the situation in which people in our society tell other people what they can have and what they cannot have, not only the courts.

The courts then lose the power to weigh a matter and decide what is going to be the punishment. If we take away these rights, then when do these rights reappear? Who is to say when these rights reappear? Who is to say that the person taking away the rights from somebody is not going to be the person who loses these rights at some later date?

We cannot destroy the fabric of the law in trying to solve the problems in our society today. That is not to say of course that there is not a great deal that needs to be done.

The resolution talks about condemning the government for its action with regard to reform of the criminal justice system. I do not think any politician can cop out and say: "Well, we inherited this from the former government". I think it has to be a consideration. To say that we should have legislation in place is somewhat unreasonable in many instances considering the fact that the House did not convene until January 17.

However, there is a great deal that is in place and ongoing at the present time. The Minister of Justice mentioned that next week on March 23 and 24 there is going to be a federal-provincial-territorial conference on justice matters that will examine all of the important details, concepts and subjects that have been brought forward in this debate today.

This is very important. It is fundamental because we live in a federal system of government in which certain responsibilities in the same sphere of activity are shared by the federal government, provincial governments and territorial government. We must get these governments working together.

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In so many areas things have fallen between the chairs so that justice is not being done, not because the rules and the laws are not there, not because the determination is not there, but because we have not had the two systems of government working together. That has to be the case. It has to be the case certainly in family concerns, in violence against women and in custody matters with respect to children where there are federal, provincial and territorial jurisdictions in these subject matters.

We have to be able to enforce maintenance orders to look after the children who are left by fathers and in fewer cases mothers who do not want to remain with their family.

In the red book we call for a national council on crime prevention. This is tremendously important. We have here in this interlocked system this complex problem with really two main aspects.

(1230)

First, what do we do with those who are offending at the present time? Second, how do we prevent these types of offences from happening in the future? While it is unrealistic to say that certain offences will not happen in the future, if we work together and if we are prepared to look at new concepts, we have in our power the means of reducing these crimes. We have to do that.

I want to start with the recommendation in the red book which calls for a national council on crime prevention. The Minister of Justice has said he has spoken with the provincial and territorial ministers responsible. This matter will be brought up at the conference next week. The concept is taking shape. How it is going to be implemented is not an easy matter but one which is well on the way to complete definition.

This will bring together departments whose activities can relate to the prevention of crime. For example, Canada Mortgage and Housing with respect to housing, which is a factor in crime; the Department of Health which is a factor in crime; the Solicitor General—these departments will come together and work together through this council under the leadership of the Minister of Justice.

What will they do? They will be able to look at all legislation. We look at the legislation and we want the best for all Canadians. Through this council legislation will be looked at to find out how crime can be prevented more effectively. How can this legislation deal with possible crime in the future? This is an aspect that is so important.

Also on this council will be agencies from the aboriginal society, from the provincial society, from all of the working groups that are dealing with crime prevention.

Through the council we will look at how we can prevent crime, with the input of these groups, which will enable us to work down into society itself through the provincial and muni-

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vincial levels and determine how on each of these levels the work of the national council can be broadened and improved to become more effective.

At the municipal level, for instance, how can community policing more effectively deal with crime. How can we have police stations or depots in more areas of the community, where officers can patrol the community on foot, and where people can relate to the officers of a particular police station and go to them for advice?

On the provincial level as well, how can we work through education. Right now the situation is that education is the right of every young Canadian, regardless of how obstructive or how destructive a student may be. Is that going to continue to be the case? Can we have an educational system, for instance, where we can at an earlier age try to identify the children at risk? We have to be able to identify children at risk at an earlier age. They are together in our educational system, certainly today that is not the role of the teacher. But should it be? Should it be an aspect of education? Should we have special classes that deal with children at risk? Should we be able to say that this is a common problem of society and not just the problem of the parents?

(1235)

Perhaps the parent is a single mother who is working as hard as she possibly can to keep a roof over the head of herself and her children. She wants to do more but she cannot and still provide for that child. Is it not then that society must step in to try to help? We cannot just throw money at people in need, at low income people with children at risk. There has to be community involvement. We have to start identifying where we can best make this involvement, where we can best have this input.

When we did our study on crime prevention last year, a psychiatrist appeared before us. He was asked at what age could we have the best impact on children and how they conduct themselves as they grow up. The psychiatrist said that from the day a child is born to that child's third birthday is the time when we can have the biggest impact on how that child will turn out through his or her youth and adulthood. This is a very important consideration.

A teacher came to me two years ago from the Toronto area who wanted the age of the Young Offender's Act lowered because in his school where he was principal a 10-year old and an 11-year old both turned up at school with handguns. No one would take responsibility. No agency would get involved and finally the principal sent the two children home with the handguns. Later on that afternoon he received a call from somebody in the children's neighbourhood blasting the principal for daring to send two children into the neighbourhood with handguns. As far as that person was concerned it was fine to

have them in school with handguns but it was not fine to have them in the neighbourhood with handguns.

Something is sadly lacking. We have to find out where we are going in this regard. We are not only talking about victims although victims are tremendously important and we have to be more mindful of their rights. They are in the law. We have always considered victims to be part of the law that we dispense in this country.

Perhaps we can do more with compensation for the wrong that was done to a victim. We have to consider it more in terms of compensation rather than incarceration. We cannot have both. One cannot have someone paying what in the opinion of the court is a full penalty and then come out of incarceration and have for a good part of his or her life thereafter to pay a large sum of money to the victim. It does not give the person who committed the wrong any incentive to change his or her ways if he is constantly being reminded and torn by his or her mistake.

The victim suffers a tremendous harm, there is no question about it. This harm has to be compensated as best as possible. Part of this compensation to the victim however is that we have that person coming out of incarceration able to live in society.

With young offenders no matter what crime they have committed, they are going to be coming out of incarceration. If they come out of incarceration more confused, more jaundiced toward society than when they went into incarceration, then we have failed. We have paid \$60,000 a year for the right to fail.

This is a very complex situation but we have to be able to address the wrongs that are done today. We have to be able to anticipate and guard against future wrongs and reduce our crime rate. The two working together have to mesh but they both have to be aspects of what we are trying to do.

(1240)

The government is beginning well with the co-operation of all members of the House of Commons and with the open dialogue which the Minister of Justice has encouraged. I think all members would agree he is open to discussion, and of his own volition has initiated dialogue on gun control, and will be doing this with other subject matters as well.

I look forward, as I know the Minister of Justice does, to working with all members in dealing with this very complex and important situation.

[Translation]

Mr. Michel Bellehumeur (Berthier—Montcalm): Mr. Speaker, I listened carefully to the comments and speech of the hon. member for Cape Breton—The Sydneys. I would have two questions for him.

First, does the hon. member agree with me that the Canadian Charter of Rights and Freedoms puts too much emphasis on the accused and the criminal and not enough on the victim? Does he

Supply

agree with me on that? Would he be prepared to add something to the Charter to favour victims, to have the rights of victims supersede those of the accused?

Second, and this is more a clarification than a question, I hope I heard wrong, in the part of the hon. member's speech where he talked about municipalities, community policing and an educational system providing special classes for children at risk. I just want to make sure that the government does not intend to intervene in areas which could not be more under provincial jurisdiction.

I would like the hon. member to confirm that he brought this up in his speech but that the federal government plans no direct intervention in areas of provincial jurisdiction.

[*English*]

Mr. MacLellan: Mr. Speaker, I would be pleased to deal with both of those questions.

First, the rights of victims are very important and have to be of paramount consideration in our criminal justice system. The Minister of Justice stated in his speech that they are being considered at the present time in the Criminal Code and that they are a very integral part of the dispensation of justice in Canada right now.

We have also said that we are looking at ways of increasing this. The member for Surrey—White Rock—South Langley spoke about the rights of the victims and said there should be more dialogue and interfacing between the offender and the victim. That is a very good point if the offender, especially if it is a young offender, can get an actual appreciation of what he or she has done, then it may go a long way toward helping that young person rethink the way they have conducted their activities.

I think that maybe we can, through diversion programs, deal more with the compensation of the victim, more with the rights of the victim. Certainly to say the rights of the victim are not being considered would be incorrect.

With respect to community policing and education I was talking about them on two different levels, with the community policing on the municipal level and education on the provincial level. Just to give the hon. member an idea of what I meant, there is in my riding right now a project which I am working on and which I am encouraging called The Learning Centre.

This centre has young people who have dropped out of school and who have had problems with different types of learning systems. The centre offers a learning mode in which there is more of an interest in the individual. The success of this institution has been absolutely incredible. I hope we can develop and expand it so that it will have positive effects through the whole country in time.

(1245)

Mr. Myron Thompson (Wild Rose): Mr. Speaker, I would like the hon. member to comment on a couple of things in regard to crime prevention of which I am a strong supporter regardless of what some people might say. I am also a strong supporter of punishment. I believe in both ends of the spectrum.

I like the idea of setting up the national council. The minister suggested some ideas of who should be members of this council. I did not hear the possibility of there being members from Victims of Violence, from the good old grassroots, the farmer who never had anything more than a grade six education, or the ordinary Canadian. From his speech it seems it could be stacked with people who have the class and the ability to speak rhetorically, as we hear so much, and yet do not get to the root of the problem. Would the government consider including all kinds of people on this council?

Second, on the children at risk program, I tried to implement that program in the school where I was principal. We had a great deal of success with it at the beginning but that success deteriorated. It was hindered because parents complained that we were attempting to move in on certain children without their permission although they were targeted. Under the Charter of Rights and Freedoms we virtually had to withdraw and therefore could not provide any help. The charter was a hindrance to the program in my view.

I would like the hon. member's comments on those two points.

Mr. MacLellan: Mr. Speaker, I thank the member for Wild Rose for those questions. With respect to the national council on crime prevention I agree with him most emphatically that at least one member on the council should be from Victims of Violence or a similar organization.

The member for Surrey—White Rock—South Langley talked about CAVEAT and her appreciation and tremendous respect for it. However, one problem she had was that there had to be these organizations to bring these concerns forward.

We are always going to have these organizations and we are going to be better for it. They have done a tremendous amount of good in bringing concerns forward. They certainly helped me in understanding the concerns. Only people who have gone through the trauma and tragedy can fully understand, but the work these organizations do allow the rest of us to understand. It is very helpful.

With respect to children at risk, there really are two problems. The hon. member identified one as being the parents. There is a concern here. The other of course is that it is a provincial jurisdiction and the federal government is very limited in what it can do.

Supply

There is a precedent in that the Canada food guide is very much a part of the school curriculum. We have to deal with this matter at some point in meetings of the federal, provincial and territorial governments.

I applaud the member for having tried the program. I appreciate what he ran into but I still feel he was on the right track. It is hoped that with a more broadly based project and an idea of the pitfalls, thanks to his sharing with us the problems he ran into, we will be able to anticipate where the problems lie. Then if it is decided this is the way to go, we will be able to carry it through to society's benefit.

(1250)

Mr. Paul E. Forseth (New Westminster—Burnaby): Mr. Speaker, I rise today in support of our Reform motion. It is to stimulate new Canada thinking about where we have been with the justice system and what are the emerging expectations of the community about where we need to go. As we formulate a vision of hope for a new Canada of equality, the sense of proportion and balance in the justice system needs to be examined.

Many in my community of New Westminster—Burnaby are fearful, frustrated and angry about the operation of the justice system. In fact they make the point that we do not have a justice system at all; we merely have a legal system.

It is seen that this legal system is largely unaccountable to the community and that the community has no sense of ownership of what goes on in this seemingly convoluted system. The legal system operates on doublespeak, legalese and jargon and is characterized by a professional "we know best" attitude toward an interfering community.

There are glimpses of hope, however, such as the community policing efforts of the last few years, the block watch programs, and extensive volunteer programs such as the Burnaby RCMP victims assistance program.

This program began in January 1987 and currently involves 50 volunteers. During the seven years of service the program has been in contact with 9,250 victims or witnesses. In 1993 it handled over 1,650 files and volunteered 6,700 hours.

The primary role of the victim assistance program is to provide emotional support. It provides information and updates on police files, court information, court orientation and accompaniment, referrals to community agencies and information on legal services and criminal injuries compensation.

In Burnaby the police based team of volunteers is on call 24 hours a day to provide assistance in whatever way possible. Also in New Westminster—Burnaby and in New Westminster specifically we have a similar program which is run out of the crown counsel's office.

However, it is time that a more cross-systems approach be applied in bold terms to put the victim's and the community's general concerns before the offender's concerns. There is a relationship between the offender and the offended, whether that be another individual, a family or a community.

In reference to the community as victim, the Young Offenders Act passed by a previous Liberal government has become the single chapter of criminal law that is in most disrepute. Poll after poll reflects it and the news clipping service of the Solicitor General is full of references to community dissatisfaction. Even the Liberal red book reluctantly admits the act needs review.

It is with the Young Offenders Act that the community feels most left out. The operation of the act violates the fundamental sense of equity and balance the community expects.

The wording of the motion today and our proposals for amendments to the Young Offenders Act are directly connected.

For example, section 3(1) of the act states: "Policy application with respect to young offenders". There are nine paragraphs of definition, then a total of 70 sections limiting how the substantive part of the Criminal Code and other criminal statutes will be administered for young offenders.

Allow me to paraphrase parts of section 3(1) of the Young Offenders Act: (b) society must be afforded the necessary protection from illegal behaviour; (c) a young person who commits an offence requires supervision, discipline and control, and because of their level of maturity they also have special needs and require guidance and assistance; (e) a young person has rights and freedoms as is stated in the Canadian Charter of Rights and Freedoms and should therefore have special guarantees of their rights and freedoms; (g) young persons have the right to be informed as to what their rights and freedoms are.

Not once in the preamble list is there mention of the rights of the victim. The act largely drives how social services are administered. There is little to make a young offender realize there is a victim or someone who has been hurt and that it is the community to which the offender should be held accountable.

We need an additional paragraph in the Young Offenders Act preamble that reads something like this: "The community, or victims in particular, shall be given equal consideration where making dispositions for youth and victims shall be heard upon their request at sentencing and at reviews".

(1255)

In almost every instance the victim or the community is barred from knowledge of what is happening or is going to happen to the offender. The system is similar to what goes on at most job interviews when the employer tells the hopeful can-

didate: "Don't call us, we will call you". All of us know the employer will only call if the candidate is needed.

In the case of a victim, the victim is forgotten after the offence has occurred. They are made to feel they did their part and should now step aside because the offender is the one who really needs the attention. Is it any wonder then that the public is so frustrated with the justice system.

A victim is usually not asking for a great deal. In most cases it is just for a bit of involvement, some dignity and more than anything else, some empathy. In response to that my riding has two volunteer programs but it is now time for recognition of victims in legislation.

In some jurisdictions an overreaching interpretation of the Young Offenders Act does not permit the young offenders court list to be displayed on the courtroom door.

In British Columbia fortunately the youth court is open to the public and exclusion orders are not very common. However, no local reporter can advise the community as to what goes on there or report when an offender is going to be released. The community as victim has the right to know who the offenders are through the media.

It seems disproportionate to the public for youth court to revolve only around the offender. For example youth workers cannot disclose what they know to a high school counsellor. Social workers in the community cannot always inform the court of everything they know about a situation.

We fall all over ourselves to protect or avoid a potential negative circumstance for the offender with secrecy. The Young Offenders Act also contains provisions to deliberately mislead the court at sentencing concerning a youth criminal record because of the time limits stipulated in the act.

Who focuses on the victim? When one carefully looks at the act it is glaring in its absence of a provision that the plight of the victim be heard at court or become real to the young offender in the process. I recently read an article in the *Toronto Star*. It concluded that victims of crime can be victimized twice, first by the criminal and then by the system.

Victims and witnesses have special needs and they must be treated with dignity and respect. Offenders must be held accountable for their acts. The law should reflect current values held by the majority of Canadians. The legal system should be accountable to the society it serves for its operations, methods and results.

What should be paramount in the Young Offenders Act is the protection of the community. Let me give an example of a case that took place in Alberta in 1990.

Supply

A young offender was so infatuated with his girlfriend that after she broke off the relationship he knifed her but fortunately did not kill her. As a young offender he only received eight months in custody. Apparently he told workers he still wanted to kill his former girlfriend. Exactly one year from the first incident the young offender killed the girl. In this case the victim had no chance because the rights of the young offender had to be protected.

The act has a title: the Young Offenders Act. It should truly deal with young offenders, not youthful adults. The natural sense of balance the victims want restored would envision an age application of 10 years to 15 years inclusive. This is the most significant and fundamental required change to restore credibility to the trust that is now broken within the Canadian community.

Mr. Bernie Collins (Souris—Moose Mountain): Mr. Speaker, I commend the member on his thoughts. I want to relate to him some incidents with regard to people falling into that category. My 31 years in the field of education gave me the opportunity of coming across many youngsters who would fall into that category.

More specifically, I made reference in my maiden speech in this House to one young fellow who had run away from a boys' school where he was being held in custody. He returned after going home to North Battleford to his parents. Upon his arrival his father said: "What are you doing here? I thought you had run away. Get your belongings. You have 15 minutes. Get out of this house and don't ever come back". I remember the cases of many others. In particular I asked one individual: "What was your family background? How did you get into this kind of thing?" He could remember 30 homes he had lived in and he was about 15 or 16 years of age.

(1300)

In the city of Regina two youngsters of about 10 or 11 years of age physically abused youngsters who were 7 and 8 years of age. My concern is what we are to do with them. A speaker on our side said that between the ages of zero and three we had to make some impact on the lives of young people. Having heard the proposals and knowing the youngsters with whom I have come in contact, I would ask the hon. member opposite what should we do to alter the lifestyle of these people? Does he really think that if we incarcerate them we will resolve the problem?

Specifically I think of a young fellow from the Northwest Territories who spent six months in incarceration where more damage was done to him than he would have ever done in the north in 60 years.

In summary, the member may have some answers. I would be interested in knowing them because I had to deal with some of these youngsters. How would he resolve some of these issues in light of where we are going?

Supply

Mr. Forseth: Mr. Speaker, the medical model or philosophy in correctional rehabilitation that someone is sick and therefore an institution is somewhat like a hospital has been long abandoned.

The Young Offenders Act in general sends the wrong message to the community. We should check with the young people themselves instead of with professionals in the justice system. We should go to high schools to find out what seems to be the community sentiment. The greatest pressure I receive from my community is often from the high schools indicating that the balance is off and that balance needs to be restored more in favour of the victim and accountability to the community.

That is not to say that the Young Offenders Act is completely unworkable. There are some good measures in it, especially the provision of alternative measures and the possibility of giving due process. It was certainly an improvement over the old juvenile delinquents act.

The typical response is to throw more money at the problem. We need more community learning situations, work programs, more social workers or whatever, rather than continue to throw money at dispositional alternatives.

My comment today arises out of the community sentiment that the Young Offenders Act inherently sends the wrong message. We must bring the impact of the consequences more directly to offenders. The community message out there that the Young Offenders Act is a soft touch must be changed.

Mr. Myron Thompson (Wild Rose): Mr. Speaker, I would like to approach the motion from a different angle. I support the motion and I want to talk about the healing process victims must go through.

Because of legislation and certain things that seem to take place in our government the healing process is hindered a great deal. This motion is intended to help—and I believe it could—a great deal in the healing process. The thing I fear about raising a motion in the House is that it seems like, in my short four months, that if a Reformer from the west stands to speak about a motion he or she has to be one of those ultra right redneck scoundrels. We should be careful about what how strongly we say things. At the same time a person like me could stand and think of experienced individuals on the opposite side of the House who have been here for a number of years. I could attach the name Liberal to them, but I have to be cautious that I suddenly do not think I am trying to talk sense to some people who are nothing more than bleeding hearts and surely it will fall on deaf ears. Those extreme attitudes should not exist. I hope somehow or another we can pull those attitudes together and address a motion which I believe is essential to helping victims.

(1305)

I refer to the specific case of a lady in her mid-forties, a mother of three children. I may not have all the facts straight, but I know about the case. She was apparently working in the church secretarial office on a Saturday. An intruder came in and apparently beat the lady severely, raped her a number of times, and caused a great deal of havoc in her life. By the way, the perpetrator was out on a day pass. Apparently he had been incarcerated in the past for the same kinds of charges.

This lady went through the turmoil and trauma of the event. She is scarred the rest of her life, physically to some degree but certainly mentally to a larger degree. This will impact on the lives of her family, her children and her husband, over the years. I realize they are seeking help and would like to do something about the healing process.

The victim in this case would very dearly like the criminal tested for HIV-AIDS since he comes from a high risk category. That is a very simple request. It comes from the heart. With all the other traumatic things they will have to live with, they would certainly like to be able to eliminate that thought. When it reached the courts under the Charter of Rights and Freedoms it was declared that he did not have to submit to an HIV test, to protect his rights.

In a nutshell the motion is trying to address those kinds of situations. It is not that the criminal should not have some rights. However, if the situation is going to create a conflict, for heaven's sake let us use common sense and help the healing process to take place in the lives of this woman and her family. We should demand that criminal be submitted to this test and eliminate that problem or worry, or at least give them the opportunity to do something about it.

It is a conflict between the rights of two individuals. We constantly see these conflicts in our judicial system. The circumstances are not the same but there are similarities. We must consider the rights of the criminal and the rights of the victim. In practically every case the criminal's rights override the rights of the victim. The particular case I have just illustrated would probably be the worst example of saying to a victim: "We are sorry but we cannot do it because of his rights".

This is not a simplistic solution. It is a common sense solution. For the life of me I cannot understand why any government would say that it is going to take ages to resolve these problems. They could be resolved overnight if there is the political will to do it. These problems do not need to exist. We could wipe them out if we developed an attitude in the House that regardless of where the motion comes from it makes sense.

(1310)

Recently I had the opportunity to visit for a length of time with a mother in the city of Calgary. She was the victim of violence in that her five-year old daughter was taken from her backyard where she was playing. It was not until later that night

that the young girl was found. She had been mutilated, beaten, her throat cut and dumped in a garbage dumpster in an alley behind their home.

An arrest was made of a 37-year old man who admitted to the crime. He was quoted in the papers as saying he had a difficult time controlling himself because he was sick and tired of this little girl always coming on to him. Everyone in the House must agree that some pretty traumatic things are taking place in that family. This little girl had brothers and sisters as well.

Immediately the 37-year old man had a lawyer to provide legal assistance. There was nothing for the victim. Immediately the 37-year old man had psychologists, psychiatrists and counsellors at his disposal. There was nothing for the victim. There was nothing for the mother. I take that back. There was something for the mother. She could have the same services but she had to pay \$50 to \$100 an hour out of her own pocket.

When we asked for help to be provided to this family we were brushed aside. We do not have anything in legislation that would allow for this to happen. The boys on the great white hill in Ottawa have not come up with anything in the charter of rights to protect victims.

I cannot for the slightest moment believe anybody would not want to vote in favour of a motion that would protect the rights of victims like the ones I am talking about. It is high time we did it.

My last point is why have we not brought in some legislation that would help tremendously? It has been proven throughout many countries, parts of the States and other parts of the world, that we could legislate DNA testing. There would be some real value in that. It is my understanding that it is incorrect one in thirty billion times. In samples of skin, hair, semen or whatever the case may be, no two people in the world can have the same DNA with the possible exception of identical twins.

It would be a useful tool for our enforcement officers to apply for a conviction and, believe it or not, to have someone released who was wrongly charged.

It has been reported to me that in British Columbia there are 45 unsolved murders, 20 sexual assaults and several other serious crimes where DNA evidence is available, but there is no law that allows them to make a suspect give a sample. A sample cannot be taken from the suspect because under the Charter of Rights and Freedoms the criminal has the right to refuse the test. I could go through several examples. Consequently there are people walking the streets who ought to be behind bars.

Do we have the political will or the courage to stand and allow the people of our country to have the right to be safe from people

Supply

who would be behind bars if we took the proper action? The first step is to recognize the rights of victims.

(1315)

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm): Mr. Speaker, I listened attentively to the hon. member's speech and he said a few things that I do not agree with. I cannot understand how, in 1994, we can still hear such comments.

I said earlier that today's debate should not be limited to repugnant cases that were extensively covered by the press. I too could mention cases showing the opposite, cases where, after a realistic rehabilitation period, young offenders were successfully reintegrated into the system. Some people returned to society after psychiatric evaluation and treatment.

If I understand the logic used by the hon. member from the Reform Party, we should put everybody in jail without treatment. My question is how will we have enough prisons if we put everybody in jail without anything to treat them?

[*English*]

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

The cases I cited are sample cases of an extremely violent nature where there is a direct conflict between the rights of the criminal and the rights of the victim and it has always gone toward the rights of the victim.

I did not talk about incarceration other than the fact that when we have those kinds of dangerous people on the street they should be locked up. Does that mean we throw away the key, not feed them and not treat them? I did not address the penal system. I will be more than pleased to give another 10 minute speech on what I think we should do there.

I believe in rehabilitation. I believe that we need to treat and do as much as we possibly can, but I also believe that we have to be realistic in our penal system, realistic enough to realize that across the way or anywhere the world, if we work hard and earn money, we probably will eat pork chops and steak and will love it. If we go out into the same world and do not work and are not able to achieve as much as some other people, we may have to resort to something less than that.

Maybe in a realistic sense that is part of the treatment that needs to take place in the penal system. Let us provide a work program. If one works hard in this penal system it will be like in society, one will eat well. If one does not work in this penal system, one's reward will be the same as in society. One will eat macaroni and cheese and may not get any cheese.

Supply

Mr. Roger Gallaway (Sarnia—Lambton): Mr. Speaker, I found the discourse by the member for Wild Rose extremely interesting.

In a sense I thought it was an overview given by *Reader's Digest*. It was very anecdotal. At one point he mentioned two examples, two anecdotes, one being the very tragic case of the lady who was raped. He made the observation and the conclusion that in most cases the rights of the accused are greater than those of the victim.

I would like to ask the member what empirical data he has for this. This is one example given. He jumps to a very broad conclusion.

He also made the observation of the very tragic case of the young girl who was murdered. He then made the conclusion that there is no one to act for the wife or the mother in this case. I want to ask him in a very open ended way, who does the crown act for if it does not act in this case for the mother of this child?

Mr. Thompson: Mr. Speaker, I believe the crown acts for the state. If we take it down to an individual case, we have a different ball game. When we talk individually we talk about (a) one person, the criminal, and (b) person number two, the victim.

I referred to a conflict where a person was a rape victim, requested an HIV test and that request was denied to protect the rights of the criminal. I can give lots of examples. I have a whole briefcase full of them. That is difficult to do in 10 minutes. If every member of this Parliament has been paying attention to what is going on out there, I am sure they can find case after case.

(1320)

Another examples is a fellow by the name of Thompson—no relation. When in prison he stated that he was going to kill his estranged wife when he got out. He was going to eliminate her and others associated with her. He stated that over and over. The victim, the lady in question, requested the authorities to please not let him out as he meant it. Nothing was done about her request. They simply followed the line of the rule: He was up for parole and was eligible because he had been a good boy and he really did not mean it. However, we will request that he stays in Toronto and does not go out to the west coast.

Big deal. He got to the west coast and he accomplished his mission. Three people are dead because nobody listened to the potential victim.

That is not asking too much. I am sure the hon. member will agree that if we ignore the wishes of the victims as we have in the past and only concentrate on the straight legal legislation, we are doing a disservice to our people.

Mr. Patrick Gagnon (Parliamentary Secretary to Solicitor General of Canada): Mr. Speaker, I rise today to speak on the motion put before this House by the hon. member for Surrey—White Rock—South Langley.

The hon. member has put forward the motion that this government should be condemned for its inaction with regard to the reform of the criminal justice system. Specifically the motion accuses this government of allowing the rights of criminals to take precedence over the rights of victims.

The hon. member is quite right. In the five short months that this government has been in power it could have done much more than it has done to take action on criminal justice issues. We could have taken the easy road and won cheap popularity by pandering to those who want change without proper consideration of the consequences. We could have acted precipitously rather than proceeding deliberately and systematically.

We rejected this type of approach in favour of a broad and reasoned strategy to reform our criminal justice system. In short, this government honoured the pledge it made to Canadians in its electoral platform to work for a fair, balanced and humane justice system.

[*Translation*]

Finally, a key component of our election platform, better known as the red book, is a program designed to ensure safety in public and private places. We propose a comprehensive approach, namely a twofold initiative which recognizes the need for measures against violent crimes and high-risk criminals, while also emphasizing the importance of crime prevention.

The project is well under way in all these important areas. It is obvious, however, that some members are not aware of the work being done, or of the reasons why we concentrate our efforts on these particular areas.

I want to provide members with some information to enable them to better understand what the government is doing, and why it is doing it. Let us first look at the important issue of crime prevention. It is no surprise that the costs associated with crime in our country are enormous, both human and financial costs.

We know that the United States is the only nation in the Western world which has a higher rate of incarceration than Canada. In 1991, the costs related to our police, courts and correctional services reached a staggering \$8 billion. We know that the human costs of crime and fear of crime, including the consequences of victimization for communities, are also very high.

The facts speak for themselves and we must adopt a comprehensive approach against crime in our society, one which recognizes the traditional role of our established organizations but also takes into account our social policies.

Supply

(1325)

To be truly effective, crime prevention must tackle the social and economic factors linked to crime; it must go to the roots of the problem, which include poverty, unemployment, drug addiction and family violence.

[English]

We know that the human costs of crime and the fear of crime, including the effects of victimization on individuals in our society, are all too high. I believe the facts speak for themselves when I say that we must pursue a broad based approach to crime in our society, an approach that recognizes the traditional role of our established agencies, but also examines social policies.

To be truly effective the prevention of crime must involve examining the underlying social and economic factors associated with crime and criminality, the root causes of crime such as poverty, illiteracy, unemployment, alcohol and substance abuse and finally violence, to name but a few.

Fundamental to this approach is a shared responsibility among governments, their criminal justice systems, social service agencies, education systems and communities not only to fight crime but to deal with the social problems which ultimately lead to criminal activity.

The establishment of a council on crime prevention that would bring key players together to address crime prevention and safety within our communities is one of the commitments of this government. It is one that the Solicitor General is working on in collaboration with the Minister of Justice. The council will serve as an advisory body to all levels of government on broad policy priorities and activities related to crime prevention.

The composition of the council will reflect the wide variety of stakeholders in crime prevention and social development. To succeed then in our efforts to prevent crime and find practical solutions we must not only work in tandem with our partners in the criminal justice system but broaden our partnership to include our communities and neighbourhoods.

Without this support we cannot present a strong and united front in solving the difficult problems that touch us all, whether our efforts are directed at family violence, youth at risk, illiteracy, high risk offenders stemming from the drug trade or eliminating hate crime. Crime prevention is also an important part of the work of the National Parole Board and Correctional Services of Canada. Both of these agencies are concerned with the safe reintegration of federal offenders, those who have served sentences over two years, in society.

It is a fact that the majority of federal offenders, two-thirds, serve their sentence and do not break the law after being released into the community. Ensuring greater public safety for

Canadians entails reducing the risk of those who do reoffend. Public safety remains the primary and constant factor of all correctional decision making. It is recognized that public safety is best served when offenders are given the treatment and training they need to successfully reintegrate into the community.

Correctional Services of Canada's life skills program for offenders is a good example of the type of fundamental work under way in our federal penitentiary system to help offenders acquire the skills they need to make a clean start in life.

I said earlier that our approach to fighting crime is a two pronged approach. The other side of the public safety coin is the need to find more effective ways of dealing with repeat violent and sex offenders. Improvements to handling and treatment of these offenders in the federal corrections system is a priority.

In its election platform the government recognized that Canadians want better protection from dangerous offenders and we are serious about following through on our commitment. Several reports, including those coming from inquests and Commons' committees on justice and legal affairs, have stressed the need for action in this regard.

We are developing a series of amendments to the Criminal Code and the Corrections and Conditional Release Act. For example, we are working on measures that would enable us to more easily detain until the end of the sentence repeat sex offenders who victimize children.

(1330)

The Solicitor General has also stated that he wants to look at tightening up the sentence calculation process so that offences committed by repeat offenders on conditional release will result in more time served in penitentiaries.

We are also reviewing with the provinces a number of measures which could improve public protection from high risk offenders, including the greater use by the provinces of the dangerous offender provisions at the time of original conviction and sentencing. As well, the federal government will take steps to address the release of high risk offenders into society at the end of their custodial terms.

Society must protect itself from individuals who may be unfit for release and we are working with the provinces to deal with this issue in a way which is consistent with the charter.

Also being studied are methods of bringing the corrections and mental health fields together in a co-ordinated and integrated manner. While supporting tougher measures for violent and repeat sex offenders we must also highlight their need for enhanced rehabilitation programs while in prison to reduce the chances of these individuals reoffending.

Supply

The government in line with its red book commitment is putting various measures in place to improve the parole process. Among them are better training for National Parole Board members, legislative changes to better deal with those who are not performing satisfactorily and the requirement that members' appointments be based on merit, competence and integrity. After all, parole board members have a difficult and demanding job and only the best qualified people will be considered for future board positions.

In recent years a relatively small number of well publicized cases involving high risk offenders on conditional release have done much to erode public confidence in the institutions that have been entrusted to protect society.

In the parole system the Solicitor General is working to rebuild that public trust and restore that confidence. I believe the government's commitment to work to improve public safety from high risk offenders and to improve the parole process are firm examples of the type of action that will put us on the right track to win back that confidence.

Another example is the government's commitment to address the issues of youth violence.

[Translation]

I can of course only be concerned about the marked increase in violent crimes committed by young Canadians in recent years. We have all heard or read media reports on youth gangs and their criminal activities. Most incidents occur in large cities such as Toronto, Montreal and Vancouver, but small communities are not completely immune to the problem.

We do not yet know the real scope and seriousness of the problem of violence and criminal gangs among young people in Canada. According to some research on criminal justice, the crime rate among young Canadians is rising, but the rates for homicides and serious offences involving violence have remained relatively stable.

The number of charges for minor assaults such as slapping, punching and kicking has significantly increased. However, we do not know if this reflects an actual increase in the number of violent offences, or if it simply means that victims are more inclined to go to the police, or that the police is more likely to lay charges.

I want to be clear: I am not trying to minimize the problem of violence among young people, which is unfortunately worrisome. As a concerned citizen, I know how acts of violence can generate fear and intimidation in our communities.

In its program to promote justice and fight crime, the federal government clearly states that one of its priorities will be to take action on the increase in violent offences and delinquency

among young people. Canadians of all ages should be able to enjoy the fundamental right of being safe in public and private places.

[English]

Last, I would like to turn to the issue of victim's rights. When the hon. member for Surrey—White Rock—South Langley tabled the motion we are debating she was obviously unaware that victims have more rights under today's criminal justice system than at any other time in Canadian history. Victims of crime are now formally recognized as legitimate and essential players in the federal corrections and parole process.

(1335)

This recognition ensures that victims can be kept informed of an offender's prison and parole status if they so do request. Information from victims can now be considered at parole hearings and the victims may now attend parole hearings at the discretion of the parole board. No longer is their attendance dependent on the agreement of the defendant.

Aside from these changes police services and courts across the country are now much more sensitized to the needs of victims and this sensitivity is embodied in guidelines and new police policies which reflect an understanding of victims and the emotional trauma that they have often suffered.

These are positive and much needed changes. The government also recognizes that further change to accommodate the needs of victims is still necessary. As I said in my opening remarks we are not going to act in haste only to have to repent at leisure. When the government brings about change to the criminal justice system it will be lasting change, change that will stand the test of time.

Last year we travelled across the country meeting and listening to thousands of Canadians and seeking their input as we built our electoral platform. We did not spend all that time reflecting, consulting and listening just to turn our backs on Canadians the moment we were elected to office.

Canadians told us then and they are telling us now that they want change based on a thorough examination of all the issues, consultation with all interest groups, and a calm and rational appraisal and weighing of all the facts.

That is the type of change that we are committed to bringing to the criminal justice system and that we are working for even as I speak. It is the type of change that Canadians expect and deserve and the type of change that the government will deliver.

Mr. Jack Ramsay (Crowfoot): Mr. Speaker, I listened attentively to the hon. member's speech. I found it an affront that this member would suggest we are asking for a quick fix.

Supply

I have a newspaper clipping here that tells about an injustice that occurred to Mr. Howard Gowan from the Swift Current area of Saskatchewan where 27 years ago he was picked up by the RCMP and taken from his farm and interned in the Weyburn Psychiatric Centre where he underwent a month of electroshock and drug therapy. After that month was up he was released.

The commissioner of the RCMP then sent him a letter expressing his sincere regrets, trusting he had not been inconvenienced and acknowledging that the RCMP member strictly speaking acted outside the authority provided by the Saskatchewan Mental Health Act. This man and his family have been striving for some degree of reconciliation with the justice system for 27 years without avail. I am sure that this man would find the comments of the hon. member quite hard to understand and accept.

The weaknesses of the Young Offenders Act have been emerging over the last number of years and are clear to all who want to examine it. We have been waiting and waiting for some kind of action that would show up the weaknesses of that act. We are still waiting.

I suggest that we have a cottage industry built around consultation in the justice system which simply results in delay and more delay. It was this government that produced the Young Offenders Act and the Conservative government that implemented it. Where was the leadership at that time when it came to enacting new laws? Where was the foresight and the vision that produced that kind of a flawed legislation?

(1340)

We have talked, both in the House and privately with members, concerning the whole question of the mercy applications I have spoken about here and privately with the Minister of Justice where again there seems to be an inordinate amount of delay in the process of our justice system.

Look at the stories in the newspapers today with regard to over 30 charges, indictments against Alan Eagleson by the American justice system. My examination of that case indicates that the law enforcement agencies in this country did nothing for long periods of time, which included the RCMP, the Toronto Metro Police and the Law Society of Upper Canada which is the law society of this province. They did nothing with the complaint information and nothing was done until the information was being looked into by the justice department of the United States of America. Only then was something done here.

This motion is appropriate and I believe we are filling a proper role. We do not know what the justice department is doing at the present time. Understandably this is all done behind closed doors and it will be brought forward at a later date.

Perhaps our job in bringing forward this motion is to put the pressure on the government and hold it accountable as is the rightful role of members in the opposition. I believe this motion is proper at this time.

I would invite the hon. member's comments on anything that I have had to say in response to his speech.

Mr. Gagnon (Bonaventure—Îles-de-la-Madeleine): Mr. Speaker, the hon. member raised a number of interesting comments.

He should keep in mind that the percentage of incarcerated people in Canada is second to the United States. We should also add that there are costs, \$8 billion a year. He is also telling us that the U.S. judicial system is somewhat better than the one that we have in Canada. When we look at the number of crimes, murders committed in the United States, it is nothing comparable to what we have here or anywhere else in the civilized world I should add.

I am shocked that the hon. member is saying that they have a better system when we know in the city of Detroit there is more criminality going on in one year than all of Canada put together. Look at the statistics.

I am asking the hon. member to check the facts. We have been here for four months. We have taken various initiatives. It is a very complex matter. We are dealing with aboriginals. We are dealing with children. We are dealing with all walks of Canadian life. It is not an easy issue to solve, granted. We know there are problems. There are cracks in the system.

The initiative being taken by the government is to ensure that we close these gaps. That is why we need the co-operation of the opposition. We also need their compassion. That seems to be lacking with the party opposite, certainly with the member opposite who says he is appalled at the way we want to address this issue.

[*Translation*]

In conclusion, I find it really offensive to hear the opposition member tell us that the American system is much better than the one we have here in Canada.

In closing, I am convinced that the plan in the government's red book will make all Canadians more secure in the years to come.

Mr. Michel Bellehumeur (Berthier—Montcalm): Mr. Speaker, we have heard everything today. Some members on this side want to separate while others seem to want annexation. There are some things that I do not understand.

Still, we have been discussing this Reform Party motion since the morning and many speakers have talked about the Canadian Charter of Rights and Freedoms. I would like the member for Bonaventure—Îles-de-la-Madeleine to tell me which section of the Canadian Charter of Rights and Freedoms protects the rights of victims and whether there is a balance between the rights of victims and those of the accused.

Supply

(1345)

Mr. Patrick Gagnon (Parliamentary Secretary to Solicitor General): Mr. Speaker, I am not able to talk to you about the provisions of the Charter of Rights and Freedoms, but I am here to confirm to hon. members that the government intends to deal with this rather sensitive situation.

We know that the crime rate is rising in Canada. The other opposition party tabled a motion asking for a total change in the way we treat not only victims of violence but especially prisoners. I will simply remind it that the government's purpose, which I am sure the hon. member will applaud, is to strike a better balance in the penal system and justice system we have in Canada.

Mrs. Pierrette Venne (Saint-Hubert): Mr. Speaker, the motion presented by the hon. member for Surrey—White Rock—South Langley on behalf of the Reform Party reflects in its wording and intent the obsessive fears of a society manipulated by certain media.

What I find disturbing in this motion is that it is a perfect example of disinformation. It cultivates and takes advantage of a tide of public resentment. Clearly, the motion before the House today is an expression of the gothic fantasies of an extreme right that is not living in the real world. I hope the hon. member does not base her concept of what is wrong with society by listening only to public rumours.

The motion asks us to condemn the government on two accounts. First, for its alleged inaction on reform of the criminal justice system and, second, because its penal laws allow the rights of criminals to supersede those of the victim.

Every single word, idea and gratuitous statement in this short motion raises a host of questions. What we have here is a compendium of reactionary, preconceived ideas. While we are at it, we might as well blame the government for the terrible winter we just had. The Liberals were elected in the fall, remember.

An hon. member: It is not over yet.

Mrs. Venne: And as the hon. member just said, winter is not over yet.

According to this motion, we should reform the whole criminal justice system. Does the Reform Party know why it wants this reform? Does it have any alternatives to suggest? What does it not like about the system? We all have complaints about the judicial system. Saying the system is not perfect is one thing, but to say it should be overhauled, without suggesting any alternatives, is something else altogether.

Does the Reform Party want to change our penal laws and the Criminal Code? Does it want to change the powers of the Minister of Justice, of our judges and lawyers? Is it dissatisfied with the procedure in the courts? Does it want to abolish the

presumption of innocence? What does it want, Mr. Speaker? We do not know, and I really wonder whether the Reform Party has a single constructive idea on the subject.

If I understood the motion correctly, it raises the whole issue of the rights of criminals as opposed to the rights of their victims. Here again, the Reform Party is echoing public dissatisfaction. I think this House should remind them of certain facts and explain some of the centuries-old principles of our criminal law. For better or for worse, since the Magna Carta, Canada, the United States and all democracies that adhere to the British system of law have enshrined certain incontrovertible rules in their laws and judicial systems.

The Reform Party is actually blaming the government for five centuries of Western jurisprudence. This may enhance their prestige with people who listen uncritically to what they have to say, but it is a clear demonstration of ignorance taken to rhetorical heights.

(1350)

The presumption of innocence, to start with this absolute of our criminal law, protects and, unfortunately, will continue to protect for many centuries, all criminals in society. Our laws oblige the police arm of the state to prove that an accused person is guilty beyond any reasonable doubt. The Reform Party cannot change this. It is the basis of our criminal law. Fortunately, that same rule of law also protects the honest citizen who is accused by the state.

When we say rule of law, we also mean procedural fairness for all accused persons. Our civilized society does not condone lynching. At one time, in some parts of America, people were hanged on mere suspicion. People wanted a conviction at any price, so they took the law into their own hands, committing murder in the process. In these societies, the presumption of innocence, reasonable doubt, due process and the right to a fair trial were concepts as foreign as cellular telephones. Sometimes I wonder, when I hear this kind of motion, whether its movers realize we are more living in the era of the cellular telephone.

The right to a fair trial is enshrined in the Charter of Rights and Freedoms. If the Reform Party wants to withdraw the fundamental constitutional document of this country, let it say so, and we will have an interesting debate on the kind of society we want. I am not sure Canadians are prepared to tear up the Charter, which represents what is universal in our society. How many citizens would follow the Reform Party in a crusade against the Charter? I think all the converts to this new religion would comfortably fit into a telephone booth.

I agree that our democracy pays a very high price for protecting fundamental rights and democratic freedoms. I am as upset as the next person about abuses of a judicial system that is often defeated by criminals who are aware that its weaknesses are in direct proportion to the generous principles by which it is guided. I know that murderers, rapists and swindlers manage to

survive because they are able to take advantage of the rules of law that protect them as they protect all honest citizens. However, the Reform Party should have checked certain statistics, and especially one that is very reassuring. In this country, nine out of ten accused plead guilty or are found guilty. Ten per cent of accused persons are acquitted, and I am sure that even if any of these were guilty, the rule of law helped to prevent conviction of the innocent. That is democracy, Mr. Speaker.

The Reform Party should have made certain distinctions in its motion and subsequent presentation. It should have told Canadians that the Criminal Code and the Corrections and Conditional Release Act are two different things. It should have said that the Criminal Code cannot be any stricter than it already is. If the judge does not impose the maximum sentence provided under the Criminal Code, as often happens, his judgment is dictated by the circumstances. Every case before the court is different, and judges have wide discretion in sentencing a person who has been found guilty.

We cannot say that the system gives criminals an unfair advantage in this respect. The police and the Crown prosecutors do their best with the resources they have. The courts hand down judgements. They are the judicial arm of the government. They are, and must remain, independent. When a judge hands down a judgement, he speaks as the judiciary power, not as the government. That is another fact that is often overlooked.

I believe our Criminal Code is an effective instrument in the fight against crime. It will be amended again and as often as required by changing circumstances, but it reflects a contemporary social consensus on what constitutes reprehensible behaviour.

(1355)

Once the sentence has been handed down, it is no longer the criminal justice system, but the Correctional Service, which is responsible for the individual who has been found guilty and sentenced to a prison term. I do not know if the Reform Party is calling for the repeal of the legislation governing the Correctional Service of Canada, but, hey, why not. And since we are considering reviewing all of the legislation governing the criminal justice system, why not simply throw everything out and start over, using the brilliant ideas of the right wing which is all-knowing since it has a direct line to God Almighty.

I would have liked to see the Reform Party deliver an enlightened and motivating speech, a speech inspired by a serious review of the shortcomings of our criminal justice system. Yet, even when she expresses compassion for the fate of victims, the hon. member who presented the motion is using a well-worn argument. The hon. member could have pointed out that the Criminal Code allows a judge to order the guilty party to

compensate his victim. He can do so at the moment of sentencing by ordering the persons found guilty to reimburse to the victim an amount equal to the value of the material damage suffered. The judge can also order the guilty person, in a probation order, to compensate his victim for bodily harm inflicted. The courts have these powers. They are in the legislation. We can only encourage the system to use them.

Mr. Speaker, do I have time to continue?

The Speaker: You have at least one minute remaining.

Mrs. Venne: Thank you, Mr. Speaker. I will not have time to finish, but I will continue, nonetheless. I would have liked to see the Reform Party give an objective speech. I would have liked it to focus not only on the public's dissatisfaction which itself is aroused, fuelled and sustained by the media which regards the public as someone it can easily win over. The public, whether rightly or wrongly, has a negative view of the protection which the courts afford victims of crime. It would be easy to go on and on about public sentiment, but we are being remiss in our duty as elected representatives when we use this dissatisfaction for purely political purposes.

When they speak about victims, why do Reform Party members fail to mention that the purpose of the criminal courts is not to arrange compensation for victims, but, first and foremost, to punish the guilty, according to the applicable rules of law?

Mr. Speaker, I see that you are about to rise.

The Speaker: It being two o'clock, perhaps the hon. member would agree to continue following oral questions.

Pursuant to Standing Order 30(5), the House will now proceed to Statements by Members, pursuant to Standing Order 31.

STATEMENTS BY MEMBERS

[English]

SEXUAL HARASSMENT

Mrs. Marlene Catterall (Ottawa west): Mr. Speaker, International Women's Day and Week for 1994 have passed into history. Tragically what is still with us is the violence that has damaged the lives of more than half of Canadian women.

One form of violence against Canadian women is sexual harassment. While 37 per cent of women experience sexual harassment, less than 40 per cent do anything about it because they feel they have no options.

A survey in our Canadian forces shows these equally frightening statistics.

S. O. 31

Sexual harassment both reflects and perpetuates women's economic inequality. Like other employers the federal government is legally responsible to ensure a workplace free of sexual harassment. Yet I continue to hear from victims of harassment who are often revictimized when they try to take action.

I therefore urge ministers of the crown to take personal responsibility to ensure that in their departments zero tolerance is not just a pronouncement but a reality.

* * *

[Translation]

ST. PATRICK'S DAY

Mr. François Langlois (Bellechasse): Mr. Speaker, on this March 17, St. Patrick's Day, I am pleased to pay tribute to all our fellow citizens of Irish origin for their outstanding contribution to the development of Quebec and Canada.

In my riding of Bellechasse, the Grosse-Île sanctuary, which for many years was a quarantine station where thousands of Irish families stayed after fleeing the hardships in their country, still symbolizes the courage and determination of our fellow citizens of Irish descent.

(1400)

[English]

To my Irish friends and neighbours of my constituency and to the whole Quebec Irish community, my best wishes for this very particular day which reminds us of our origins and the way we have achieved our common contribution to Quebec.

Happy St. Patrick's Day.

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CANADIAN BROADCASTING CORPORATION

Mr. Jim Abbott (Kootenay East): Mr. Speaker, last evening the Canadian Broadcasting Corporation on its Canadian News-world Service broke into regular programming for an emergency half-hour telecast. It showed us the interior of a courtroom in Portland, Oregon, in the United States.

The emergency telecast was the entry of a guilty plea by Tonya Harding in a made-for-America television soap opera of Tonya and Nancy "As the Skate Turns". The Tonya-Nancy show distorted television coverage of the recent Olympics, dominating American television for weeks.

Why are Canadians paying \$1.1 billion per year to support the CBC in its role of protector of all that is good and Canadian when it does quick knee-jerk reactions and follows the lead of the made-for-TV news of the U.S. commercial networks?

Canadians expect better from the Canadian Broadcasting Corporation and demand value for taxes.

* * *

ST. PATRICK'S DAY

Mr. Pat O'Brien (London—Middlesex): Mr. Speaker, I see from the shamrock you are wearing that you well know that today is March 17, St. Patrick's Day.

In this House we have many honourable members who are proud of their Irish ancestry. We have Clancy, Collins and Galloway, McGuire, Murphy and Shaughnessy, Tobin, Torsney and Whelan, O'Brien, O'Reilly and even Sergi O'Marchi.

Mr. Speaker, from the Irish harp and the shamrocks on our Canadian coat of arms above your chair to the beautiful ceiling of this very chamber, fine hand-painted Irish linen, there is evidence everywhere of the contributions of the Irish culture to Canada.

On behalf of all hon. members in this House, I would like to wish all Canadians, especially those of Irish ancestry, a very happy St. Patrick's Day.

* * *

[Translation]

RACISM

Mrs. Eleni Bakopanos (Saint-Denis): Mr. Speaker, Monday, March 21, is the International Day for the Elimination of Racial Discrimination. Since 1989, the City of Montreal, in co-operation with the provincial and federal governments, has held an event to mark this important day and I want to congratulate them for this initiative.

I invite all hon. members to participate in events organized in their ridings to mark the importance of that day, and to work harder to fight racism and discrimination.

I want to remind hon. members of the words of Martin Luther King who said: "I have a dream that one day. . . little black boys and black girls will be able to join hands with little white boys and white girls and walk together as sisters and brothers. . . I have a dream that one day all forms of injustice will disappear on Earth, for the greater benefit of all human beings. And when that day comes, we can all hope that freedom will be with us soon after."

[English]

I have a dream that my children will one day live in a nation where they will not be judged by the colour of their skin but on the content of their character.

Let us work together to fulfil this dream.

IRISH CANADIANS

Mr. Nick Discepola (Vaudreuil): Mr. Speaker, on this very special day I too would like to pay tribute to all Irish Canadians and especially those in my riding.

I would like first to pay tribute to my Irish wife of 22 years, Mary Alice, whose contributions like so many housewives and dedicated mothers are often taken for granted. She has dedicated herself unselfishly to our family and without her devotion I would not have the honour of serving in this House today.

I would also like to pay tribute to a long time friend and fighting Irishman in my riding. Last Sunday the residents of Kirkland, selected as one of Canada's top 10 towns best to live in, elected their sixth mayor and for the first time in their history an Irishman. To Mr. John Meaney and his wife Evelyn who have served the community with pride, love and dedication for over 23 years, I wish them all the true luck of the Irish as John faces the challenge of being Kirkland's chief magistrate.

Mr. Meaney has the difficult task of following in the very, very small footsteps of a colleague and former mayor in Nick O'Discepola. I am confident he will take Kirkland forward in great strides.

* * *

(1405)

[Translation]

THE GLOBE AND MAIL

Mr. Laurent Lavigne (Beauharnois—Salaberry): Mr. Speaker, yesterday the *Globe and Mail* carried a report filled with sensationalism unworthy of a serious daily newspaper. On page one of its Report on Business section, the *Globe* linked the explosion of a home-made bomb at the base of a hydro pylon tower to a lowering of the value of our dollar.

The *Globe* also took advantage of the opportunity to keep alive the fear of its readers by brandishing the threat of those "bad separatists" in Quebec.

The Canadian dollar, which has lost close to 4 per cent of its value since January, is affected by a whole slew of factors, of which the appalling state of the nations finances is certainly not the least.

For the benefit of this House, I would like to inform the *Globe and Mail* that yesterday the dollar closed up, despite the discovery of numerous acts of vandalism against Hydro-Québec facilities.

[English]

APPLE GROWERS

Mr. Jim Hart (Okanagan—Similkameen—Merritt): Mr. Speaker, world renowned Okanagan valley red Delicious apples are a major crop in my riding of Okanagan—Similkameen—Merritt.

This industry is also a major employer in the area. Recently apple growers have been threatened by the dumping of apples into Canada at prices below the American growers' cost of production. This not only affects Okanagan growers but apple producers across Canada.

Unless fair trade provisions under the current Canada-U.S. Free Trade Agreement are enforced, our apple producers may soon be forced out of business.

On behalf of the growers in my riding, I call on this government to immediately protect Canadian apple producers before severe damage is done to this important industry.

* * *

CANADA PENSION PLAN

Mr. John Harvard (Winnipeg St. James): Mr. Speaker, I am concerned about the distribution of survivors' benefits under the Canada Pension Plan.

A surviving spouse can be either a legal or a common law spouse to qualify for the survivor's benefit. A common law spouse must have been living in a conjugal relationship for at least one year. This is controversial because often a common law spouse gets all the survivor's benefits after a brief relationship. Meanwhile the legal spouse who was part of perhaps a much longer relationship gets absolutely nothing. This is just not fair. The government has already established the principle of dividing pension credits.

In 1978 provisions were introduced into the CPP providing for the division of pension credit on divorce or annulment. In 1987 this was extended to marriage breakdown resulting from separation.

I urge the government to apply this principle to split survivors' benefits for legal spouses. Surely if this principle is sound for one, it is sound for another.

* * *

JEANNE SAUVÉ AWARD

Ms. Albina Guarnieri (Mississauga East): Mr. Speaker, in June 1993 the Department of Canadian Heritage established the Jeanne Sauvé award for women in communications in memory of the former Governor General of Canada who had a long and distinguished career in media and in federal politics.

S. O. 31

[Translation]

The award entitles recipients to a three-month internship with the Department of Canadian Heritage to gain first-hand knowledge of how policy and legislation are developed in the federal government. The award program is administered in conjunction with Canadian Women in Radio and Television.

[English]

On behalf of the Department of Canadian Heritage I congratulate Jeanne Sauvé award recipients Susan Brinton, Manager of Business Affairs with Canwest Global, and Kirsten Embree, Director of Regulatory matters for Unitel.

[Translation]

I welcome them most heartily and I hope that they will find their stay interesting and informative.

* * *

ALUMINUM INDUSTRY

Mr. André Caron (Jonquière): Mr. Speaker, as the member of Parliament for Jonquière, I wish to inform this House that a committee of aluminum workers laid off by Alcan was set up, with a membership of 500. This committee has contacted the Prime Minister to let him know how disappointed it was because the federal government seems to pay little attention to those affected by unemployment in the aluminum industry.

These unemployed workers are asking for investments from Alcan in the Saguenay-Lac-Saint-Jean region in return for the privilege of using the hydro-electric power of our rivers. They also ask for job creation to be promoted by limiting overtime.

These workers denounce Canada's financial support for the construction and modernization of aluminum plants in South Africa and Russia while Canadian aluminum workers are being laid off. The committee therefore asks the government to develop consistent economic and employment policies.

* * *

(1410)

[English]

MEMBERS OF PARLIAMENT

Mr. John Williams (St. Albert): Mr. Speaker, what seems to be happening in this House is most disquieting.

I believe that millions of Canadians share my very deep concern that certain members opposite are trying to undermine,

perhaps even destroy, the reasons and ideas on which this place is built.

The result is that ideas, honest and vigorous exchanges and debate are being stifled by certain members opposite who label their opponents racist, redneck, bigoted and prejudiced.

It is a habit of certain members opposite to stand in this House and hurl insults or to go outside this House and amplify their remarks to the media.

Canadians want to know why the Prime Minister tolerates this behaviour. Does he truly believe that is Liberalism? Does he believe that this is what is called democracy?

* * *

ST. PATRICK'S DAY

Mr. John Murphy (Annapolis Valley—Hants): Mr. Speaker, today millions of people around the world are celebrating St. Patrick's Day. It is a day when our thoughts turn to our faith, shamrocks and the wearing of the green.

For me this is a special day. It is a chance to reflect on and celebrate my heritage and the important role our Irish ancestors have played here in Canada.

Irish people, like my family and those throughout this land, have made a significant contribution to help keep Canada whole.

In the mid-1800s thousands of Irish immigrants fleeing famine and poverty came to Canada for a better life. Many settled in Nova Scotia and the Annapolis Valley and helped make it the very special place it is today.

To paraphrase a famous saying, it is on a day like today when we realize there are only two types of people in the world, those who are Irish and those who wish they were Irish.

* * *

SOUTH AFRICA

Mr. Jesse Flis (Parkdale—High Park): Mr. Speaker, two years ago today South Africa made a bold choice to end the system of apartheid and instead embark upon democracy.

As Canadians we can take a great deal of pride in the fact that Canada has always stood on the forefront of international efforts aimed at promoting change in South Africa. We can also be proud of the fact that Canada is continuing assistance during the national elections taking place in South Africa on April 26.

Our Secretary of State for Latin America and Africa will lead a delegation of election monitors and observers which will be necessary in order to ensure a free and fair vote.

Oral Questions

I wish the Canadian delegation every success and hope that all of South Africa puts violence aside and in the interest of peace takes part in the democratic process.

* * *

STANDING COMMITTEE ON AGRICULTURE AND AGRI-FOOD

Mr. Bob Speller (Haldimand—Norfolk): Mr. Speaker, I rise today to congratulate members from all sides of this House who came together in an agriculture committee this week.

This committee, which I chair, deals with a very important issue called BST which is bovine somatotropin. It is an issue that divided a number of members who had a number of different views. However, for the first time since I have been in this House we had a committee that worked across party lines and came up with what I believe to be some very concrete recommendations to this government.

Mr. Speaker, as you know, the rules in this House have been changed to allow all committees more say in their agenda and the setting of their agenda and more power in making stronger recommendations to government.

I thank the Prime Minister and the leaders of all parties for giving individual members of Parliament more powers through our committees and more ability to work together in this House.

* * *

CHILD SUPPORT INCOME

Mr. Randy White (Fraser Valley West): Mr. Speaker, it is tax time once again and I implore the Minister of Finance to change the laws affecting the taxation of child support income.

A woman named Joan from my riding of Fraser Valley West is about to lose her home because she is being forced to pay \$1,300 in income tax this year on the child support money she receives from her ex-husband. Joan makes only \$9,800 a year in personal income and receives \$12,000 a year in child support payments to raise her children. She has to claim child support as taxable income while her ex-husband, who has already paid income tax on the money, gets to claim the child support as a tax deduction.

Joan says the government is literally taking food out of her children's mouths and she will have to move out of her home to pay the tax bill. I agree with Joan and thousands of single mothers like her. It is simply not fair.

ORAL QUESTION PERIOD

(1415)

[*Translation*]

HUMAN RIGHTS

Hon. Lucien Bouchard (Leader of the Opposition): Mr. Speaker, my question is for the Minister of Foreign Affairs.

In a surprising statement, the Minister of Foreign Affairs has announced that Canada will no longer tie Canadian foreign assistance to a country's human rights record. In so doing, the government is casting aside the policy announced at the 1991 Commonwealth Summit in Zimbabwe and later reaffirmed at the Francophone Summit in Dakar, a policy which ties Canadian foreign assistance to respect for human rights.

Are we to understand from the minister's statement that the government had a sudden change of heart and decided that from now on business comes first, even if it means willingly ignoring systematic human rights abuse in countries under dictatorial rule, just to establish trade relations with these countries?

Hon. André Ouellet (Minister of Foreign Affairs): Mr. Speaker, the Canadian government obviously has no intention of turning a blind eye to human rights abuse which may be reported in a certain number of countries around the world.

In the speech I made before the House, and in the presence of the Leader of the Opposition, I very clearly expressed the desire to pursue, but in a different way, our goal of getting all countries to respect these most fundamental civil rights. I also stated that it was not wise or appropriate to sever our ties with countries which may not pursue the same democratic goals as we do.

The Leader of the Opposition knows full well that we are confronted with high unemployment which has to be dealt with, that our government's priorities are economic recovery and job creation and that, consequently, part of our economic recovery plan depends on greater efforts to promote international trade.

Hon. Lucien Bouchard (Leader of the Opposition): Mr. Speaker, the problem is not with the minister's speech in this House, because it was an excellent speech espousing a very generous vision of Canada's contribution to restoring a kind of balance between countries of the South and the North. We even praised the minister for his magnanimous remarks. The problem is the surprise we had on hearing the minister say one thing outside this House, whereas he had said the opposite in this chamber. Outside the House, the minister said that Canada's trade policy was not tied to the issue of human rights.

Oral Questions

I would like to know if the minister recognizes that this new policy, which he defined outside the House—because there are two policies, one for the House, and one for outside the House—would not have allowed Canada to take part in the trade embargo which ultimately brought about an end to apartheid in South Africa. Furthermore, should we expect Canada to ease the trade sanctions imposed on Haiti to force the return of President Aristide?

Some hon. members: Hear, hear.

Hon. André Ouellet (Minister of Foreign Affairs): Mr. Speaker, I see that Bloc members are applauding their leader for expressing a desire to support President Aristide. They are well aware that the government is stepping up its efforts to bring about the Haitian President's return to his country as soon as possible. Therefore, in response to the opposition leader's question, obviously we will not yield on the sanctions issue. We will continue to push for President Aristide's return to his country.

As for the other part of his question, as to whether what I said in this House differs from my statement outside the Chamber, I want to thank the Leader of the Opposition for praising my speech in the House. However, I would remind him that one should always proceed with caution and check to see if the newspapers have reported all, and not just some, of the facts.

(1420)

Hon. Lucien Bouchard (Leader of the Opposition): Mr. Speaker, never in my five years in politics have I denied statements which the print media ascribed to me. I am not one of those who deny statements which the newspapers attribute to us.

Mr. Speaker, there appear to be two policies, one for poor countries which are guilty of human rights violations—and here, Canada takes a very harsh stand—and another for wealthy countries which are also guilty of human rights violations. In their case, however, the government turns a blind eye.

Does the Prime Minister not recognize that the Minister of Foreign Affairs was laying the groundwork for his trip to China, a wealthy country, when he made this statement outside the House? Could it be that the Prime Minister, in an attempt to restrict the focus of his trip to China to trade issues, was hoping not to have to deal with the human rights issue in China, even though dissidents have been waging an admirable fight to bring democracy to that country?

Right Hon. Jean Chrétien (Prime Minister): Mr. Speaker, I have spoken with the President of China and each time Canada has diplomatic contacts with the Chinese, we remind them that we are not pleased with the human rights situation in their country. However, this does not mean that we will not do business with them.

If the hon. Leader of the Opposition is telling us that we should have nothing to do with China, then we will take note of his position. However, if we refuse to do business with every country having a political system that is not to our liking, then we will not be doing business with very many countries. We are monitoring the human rights situation in China, but it is equally important—and this may be the best way to improve human rights in countries such as this—that we do business with them to open the country up to the world. This is the way to achieve democracy. This is precisely what happened with the Soviet Union. When the Soviets finally understood that human rights and democratic freedoms, as enjoyed by the Western world, were the right choice, that is when the Berlin Wall crumbled.

* * *

[English]

PUBLISHING INDUSTRY

Mrs. Suzanne Tremblay (Rimouski—Témiscouata): Mr. Speaker, my question is directed to the Minister of Canadian Heritage.

According to information received from the publishing industry Mr. Ward Pitfield, who was in charge of the Ginn Publishing file at CIDC, admitted last January to an attorney for Canada Publishing that CIDC did not intend to sell Ginn Publishing. Then a week later CIDC sold Ginn to Paramount. Furthermore Mr. Pitfield confirmed recently that he had never seen a written contract between CIDC and Paramount.

Is the Minister of Canadian Heritage aware of the fact that Mr. Pitfield, the representative of CIDC on the board of directors of Ginn Publishing, has never seen a contract of sale between CIDC and Paramount, and can the minister tell us whether or not the deal has effectively been completed?

[Translation]

Hon. Michel Dupuy (Minister of Canadian Heritage): Mr. Speaker, I am sure the question put by the hon. member of Rimouski—Témiscouata was intended to scare me.

[English]

I will continue in English as she used the other official language.

I take note of the information that was provided by someone and I am going to look into it.

The CIDC, according to the information I have, and I have checked, was determined to sell Ginn for reasons which I have considered and which appear to me to be legitimate reasons.

Mrs. Suzanne Tremblay (Rimouski—Témiscouata): Mr. Speaker, the president of Canada Publishing has informed me today that his publishing company is willing to acquire control of Ginn Publishing for the same price offered by Paramount. In these circumstances, is the Minister of Canadian Heritage

prepared to stop the deal between CIDC and Paramount with regard to Ginn Publishing?

(1425)

Hon. Douglas Peters (Secretary of State (International Financial Institutions)): Mr. Speaker, the government made a legal obligation some while back. It was committed by the previous government to complete the sale to Paramount. The legal obligation was there.

I might add, however, that it was made in January 1989 when the secretary of state in the cabinet of the previous government happened to be the current Leader of the Opposition.

* * *

ABORIGINAL SELF-GOVERNMENT

Mr. Preston Manning (Calgary Southwest): Mr. Speaker, my question is for the Minister of Indian Affairs and Northern Development.

The minister has been consistently unable to define the government's vision of aboriginal self-government except to refer to vague generalities in the red book. I ask the minister, whatever new order of government is negotiated with aboriginals, can he assure the House that the spirit and the letter of the Charter of Rights and Freedoms will be respected?

Hon. Ron Irwin (Minister of Indian Affairs and Northern Development): Mr. Speaker, certainly.

Mr. Preston Manning (Calgary Southwest): Mr. Speaker, I thank the minister for that assurance.

As the minister knows the Charter of Rights and Freedoms guarantees everyone: aboriginal, non-aboriginals, Reformers, even the member for Athabasca, freedom of thought, belief, opinion and expression.

How tragic it would be if a House which professes a profound respect for the charter would become the place where anyone who questions language policy is accused of being anti-Quebec, where anyone who questions immigration levels is denounced as being anti-immigrant and where anyone who questions a non-existent aboriginal policy is denounced as anti-Indian.

Why should Canadians believe any of the minister's assurances regarding respect for the charter when he denounces members of Parliament who disagree with him as racist and rednecks.

Hon. Ron Irwin (Minister of Indian Affairs and Northern Development): Mr. Speaker, throughout the campaign and our four months here it is apparent we have a different philosophy and it usually involves groups at risk, whether it is linguistic

Oral Questions

groups in the province of Ontario where we have a half million francophones, whether it is women, whether it is aboriginal people or whether it is multicultural groups or whether it is what we talked about yesterday.

I am not questioning freedom of expression. You are invited to make the expression. But certainly you cannot disagree with my right to disagree with your freedom of expression.

The Speaker: The hon. minister will address his remarks to the Chair please.

Mr. Irwin: Mr. Speaker, the leader of the Reform Party refers to the use of the word redneck. Where was that said?

An hon. member: Where?

Mr. Irwin: In this House.

An hon. member: Who said it?

Mr. Irwin: Who said it? A member of the Reform Party on January 27. What did he say? Do you want to hear me say it?

Some hon. members: Yes.

Mr. Irwin: "I have been called a redneck myself and it is a label I wear with considerable pride".

Some hon. members: Oh, oh.

Mr. Irwin: I see the hon. member is bowing. Now he bows. He still accepts that. Mr. Speaker, who am I to question such exact self-analysis given in the House where the hon. member is free to say whatever he wants.

(1430)

Some hon. members: More, More.

Some hon. members: Hear, hear.

Mr. Preston Manning (Calgary Southwest): The member for Swift Current—Maple Creek used that term to describe someone who did not believe in political correctness. The hon. member used that term to denounce someone as a racist and an ignoramus.

The minister apologized for calling Reform supporters Indian haters a few weeks ago. Just one day ago he called a fellow member a redneck. The minister's words provide no assurance.

What concrete thing is the minister going to do to demonstrate his intent? Will he apologize in writing? Will he go outside the House with the member for Athabasca and apologize in front of the cameras? Will the minister resign?

Hon. Ron Irwin (Minister of Indian Affairs and Northern Development): Mr. Speaker, I will tell the leader of the Reform Party what I am going to do. If he starts telling his people not to make these remarks in the House, I will not repeat them.

*Oral Questions**[Translation]***COLLÈGE MILITAIRE ROYAL DE SAINT-JEAN**

Mr. Michel Gauthier (Roberval): Mr. Speaker, the government says that its decision to transfer training activities from the College in Saint-Jean to Kingston was motivated by the need to save money. Unfortunately, we cannot get any credible figures. Yesterday, the Prime Minister said in the House: "I do not need to spend more money to see or to have experts tell me that we do not need three military colleges for 65,000 members" of the Canadian Armed Forces.

Considering that it will cost \$6 million to maintain an empty building in Saint-Jean, that it will cost a lot more to train students in Kingston instead of in Saint-Jean and that the Prime Minister's project may end up costing a lot of money, is the Prime Minister not afraid that all these expenses will considerably reduce the amounts saved by concentrating officer training at the college in Kingston?

[English]

Hon. David Michael Collette (Minister of National Defence and Minister of Veterans Affairs): Mr. Speaker, the hon. member came to the standing committee the other day and was given all of the facts that were available. He was not satisfied. He was not satisfied in getting the facts in the printed form or from the general in charge of personnel of the armed forces of Canada.

We really do want to satisfy the hon. member for Roberval who does have a Bloc mentality in some cases and pardon my play on words. Therefore later today I will issue a detailed financial statement to the hon. member and to members of the press gallery. Hopefully the hon. member will read it tonight and will not come back tomorrow for more explanation.

[Translation]

Mr. Michel Gauthier (Roberval): Mr. Speaker, either the Prime Minister and his Minister of National Defence have the figures and they refuse to make them available to Canadians by tabling them here in the House or the Prime Minister made this decision to close the only francophone military college on the spur of the moment, to save his Minister of National Defence.

Right Hon. Jean Chrétien (Prime Minister): Mr. Speaker, I would like to answer this question. First of all, I want to say that Saint-Jean is not a French college but a bilingual college, like Kingston. And I am very pleased to hear that people who fought against bilingualism in Quebec are anxious to keep a bilingual institution in Quebec.

Unfortunately, as I said before, we are making major spending cuts. The United States, with two million service men, have

three military colleges. In Canada, we have 65,000, so we can dispense with two of our colleges. We have decided to consolidate the two bilingual colleges, Saint-Jean and Kingston, and make one college in Kingston.

(1435)

I also think the hon. member will realize that, if he looks at this objectively, the defence cuts in Quebec were less severe than in other parts of Canada, and if I had acted on his leader's recommendations, we would have cut far more, because we did not cut 25 per cent of the defence budget.

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*[English]***ABORIGINAL SELF-GOVERNMENT**

Mr. David Chatters (Athabasca): Mr. Speaker, my question is for the Minister of Indian Affairs and Northern Development.

It is becoming clearer all the time that the minister does not understand the widespread concern over the meaning of aboriginal self-government. The minister must know there are several fundamentally different definitions of what self-government actually means. These range from the minimal concept of municipal government to the opposite extreme of absolute sovereignty as a nation state.

Does the minister still not understand why so many Canadians both inside and outside the aboriginal community believe we must define at least some broad parameters around what is and what is not acceptable in the definition of aboriginal self-government before it can be agreed to even in principle?

Hon. Ron Irwin (Minister of Indian Affairs and Northern Development): Mr. Speaker, I agree with the hon. member. It is a very difficult subject.

Self-government is something we are working with. That is part of our consultative process. As the hon. member knows, we have allocated \$4 million for discussions over the next six months. There will be models evolving which are culturally and regionally sensitive. It will come.

I ask the hon. member for two things: be patient and be constructive.

Mr. David Chatters (Athabasca): Mr. Speaker, aboriginal self-government sometimes if not always is a frustrating issue. The minister has demonstrated time and time again his inability to control his emotions when dealing with it.

As an elected member of this Parliament, I deserve the same level of respect as members opposite, even if we should present a different point of view on the issues brought before this House.

Oral Questions

If the minister is truly interested in the benefits of all concerned parties will he consider stepping aside so that we can proceed on this issue without further interruption?

Hon. Ron Irwin (Minister of Indian Affairs and Northern Development): Mr. Speaker, there is only one way to earn respect in this House: you have to work for it. You have to put your points forward and they have to be respected by your peers.

* * *

[*Translation*]

GOODS AND SERVICES TAX

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot): Mr. Speaker, yesterday I asked the Prime Minister whether he supported applying a new GST to health care and medication. He gave the following answer, and I quote: "All taxes collected by the government go into the government's consolidated fund and this money is used to pay for all the government's programs." With this answer, the Prime Minister left all of his options open.

Will the Prime Minister tell us, yes or no, if he is preparing to extend the GST to health care and medication, as some of his own members have hinted?

Right Hon. Jean Chrétien (Prime Minister): Mr. Speaker, the answer is no.

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot): Mr. Speaker, I am pleased to hear it. This is the first time I have received such a clear, direct answer.

The Prime Minister has stated very clearly that the new GST will not apply to health care and medication. Is he also prepared to say that the new GST will not apply to food either, given that his Minister of Finance was rather vague about this last week, as vague as the Prime Minister was yesterday?

Right Hon. Jean Chrétien (Prime Minister): Mr. Speaker, there will be no old GST and no new GST.

* * *

[*English*]

MEMBERS OF PARLIAMENT

Miss Deborah Grey (Beaver River): Mr. Speaker, my question is for the Prime Minister.

It is quickly becoming a habit in this Parliament that any MP who disagrees with Ottawa's politically correct dogma is labelled as racist, prejudiced, ignorant or now rednecked, the pejorative definition.

(1440)

When will the Prime Minister instruct his caucus that personal attacks are not acceptable? When will he demand the resigna-

tion of ministers and ministers of state when such attacks are committed?

The Speaker: I was going to make a little statement at the end of Question Period today as to how well we were doing together in the House. I hope at the end to make a brief statement.

I would hope, my colleagues, that we would continue as we have been for the most part since this Parliament first sat to come together and deal with each other on a very civil and very respectful plane. I would hope that neither the questions nor the answers would tend to inflame passion on either side.

That being said I will permit the Prime Minister, if he so wishes, to answer the question. It is of a general nature.

Right Hon. Jean Chrétien (Prime Minister): Mr. Speaker, it is very difficult for me to blame the minister of Indian affairs for quoting the member of the Reform Party.

The hon. member said that he was proud to be a redneck. He got up and said that a few minutes ago. Maybe he wants to withdraw what he said in the House. I never used that term myself. I invite the member from Edmonton and everyone else to be very generous with the diversity of this country.

When I was in Edmonton, I knew it would not be a popular statement on his part but the premier of Alberta said that he believed it is a good thing for Canada to have a policy on bilingualism. To me it is not imputing motives to people who do not subscribe to that but I have been in public life for 30 years. The fact that we have two official languages in Canada is a good thing. I can see some progress because some members of the Reform Party apparently are taking French lessons. I am very happy about that.

Miss Deborah Grey (Beaver River): Mr. Speaker, we on this side of the House are begging for generosity on behalf of cabinet ministers who are making inappropriate remarks.

For five years I sat as a member of this House and watched the current government members demand resignations for far less serious reasons while they were members of the opposition.

It makes me wonder, had George Orwell written a sequel entitled "1994", could he have foreseen the politically correct movement which seeks to eliminate not only words but ideas and even debate on issues of the day?

When does this government plan to begin living up to the promises made in the red book by reprimanding cabinet ministers and ministers of state who personally attack other members of this House?

Right Hon. Jean Chrétien (Prime Minister): Mr. Speaker, it is very difficult for me to reprimand somebody who is quoting *Hansard* when a member of Parliament said proudly that he was a redneck.

Oral Questions

When the word was mentioned today, the hon. member stood up in his place and bowed to all of us. As long as it is on the record and he is proud to be a redneck, I will honour him in calling him a redneck. That is what he wants to be.

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[Translation]

INDIAN AFFAIRS

Mr. Maurice Dumas (Argenteuil—Papineau): Mr. Speaker, my question is for the Minister of Indian Affairs and Northern Development.

We were informed last Saturday that \$21.7 million had been budgeted, according to the Minister of Indian Affairs, to buy land and various pieces of property which would form the nucleus of a future native territory in Kanesatake, near Oka.

My question is as follows: Can the minister tell us whether the \$21.7 million is for all, and I mean all non-native land along highway 344, including the land owned by the people who are called the forgotten ones of Oka?

[English]

Hon. Ron Irwin (Minister of Indian Affairs and Northern Development): Mr. Speaker, when I took over this ministry I found that the Conservative government had acquired over 80 pieces of property including 57 houses in the area to which my hon. friend refers. I have had four or five meetings with the chief of the First Nations to encourage him to take over the property. As of now it has not been taken over. There is a serious concern by the chief that if he takes it over he cannot properly administer it by allocating some type of point system.

(1445)

What has happened is that the houses have been taken over by other people who should not be in there. Until I solve that multimillion dollar problem I have been trying to solve I cannot go to the other side of highway 344.

[Translation]

Mr. Maurice Dumas (Argenteuil—Papineau): Mr. Speaker, this has been dragging on since 1990 and the minister has given no indication of being more anxious than his predecessor was to help out the people of Oka who are at their wits end. When does the federal government intend to act on this issue?

[English]

Hon. Ron Irwin (Minister of Indian Affairs and Northern Development): That is incorrect, Mr. Speaker.

My first meeting with the Mohawk nation was to deal with that point to which I brought Grand Chief Bill Montour, Grand Chief Ovide Mercredi and my wife. We drove down there to deal with that specific problem.

We have met on four subsequent weeks. It is still not solved. We are putting our best people on it. We are trying to solve it because I know it is of serious concern not only to the hon. member but to me.

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WALMART

Mr. Peter Adams (Peterborough): Mr. Speaker, my question is for the Minister of Industry.

The Walmart purchase of Canadian Woolco is now a fact. A network of manufacturers and suppliers in Canada was built up over the years to service Woolco stores. Some of those are in my riding of Peterborough.

Could the minister give us his assurance that he will do all he can to ensure that Walmart does not abandon these Canadian suppliers where they can show they are competitive with the U.S. suppliers?

Hon. John Manley (Minister of Industry): Mr. Speaker, I can and I do give that assurance.

I can also assure the hon. member that we have obtained from Walmart very specific undertakings with respect to the development and maintenance of a Canadian supplier network, as well as an undertaking to increase the acquisition and sale of Canadian books, magazines and other cultural products in their stores.

I took the undertakings seriously enough that I felt they warranted a direct call to Mr. Walton. He gave me his personal assurance of the importance of the undertakings to us and to him.

I would like to quote the CEO of Walmart who was quoted in the *Financial Post* in February as saying: "It is our intention to run a Canadian company with Canadian people, fitting in as best as we can with the Canadian culture". I suggest that is probably the best formula for success that Walmart could follow in coming into Canada.

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BOWDEN INSTITUTE

Mr. Bob Mills (Red Deer): Mr. Speaker, my question is for the Solicitor General.

As the hon. minister knows the Bowden Institute is located in my constituency. Recently it has come to my attention that the government is expanding the institution by 745 square metres with a new recreation complex which is to include a lavish weight room, new gymnasium, hobby rooms, barber shop, et cetera. The cost to the taxpayer is \$675,000.

In light of the recent budget does the government not find this expenditure on lawbreakers somewhat hypocritical?

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada): Mr. Speaker, the hon. member's question is an important one but it is quite detailed and technical. Therefore I will take it as notice and get back to him soon.

Oral Questions

Mr. Bob Mills (Red Deer): Mr. Speaker, a great number of constituents have asked this question and are quite concerned about it. At a time when they have to tighten their belts they are finding it a little difficult to understand this extravagant waste of money on this facility.

Could the minister assure us this sort of waste will not continue?

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada): Mr. Speaker, I do not accept the hon. member's premise underlying his question that what is happening is necessarily a waste.

I will look into it and get back to the hon. member. We are very interested in sound expenditure of taxpayers' funds and that is the starting point of my inquiry into this matter.

* * *

(1450)

[*Translation*]

INDIAN AFFAIRS

Mr. Claude Bachand (Saint-Jean): Mr. Speaker, my question is for the Minister of Indian Affairs. The eviction from Kahnawake of 143 families affected by the band council notice contradicts principles in the Indian Act as well as in the Canadian Charter of Rights and Freedoms. The Quebec minister responsible for native affairs, Mr. Sirros, recommended that federal authorities issue an injunction to prevent this eviction.

Does the Minister of Indian Affairs intend to take appropriate action to ensure that none of the 143 families are evicted from the Kahnawake territory, and not only the persons explicitly protected by the injunction currently in effect?

[*English*]

Hon. Ron Irwin (Minister of Indian Affairs and Northern Development): Mr. Speaker, the information I had yesterday which I brought to the attention of the hon. member was on the main action. There is an injunction. It stays there until the court hearing.

On the rest of the individuals, they received notice that if they sit tight it is up to the band to bring some type of judicial process. If the band does this then it is open to the rest to do the same thing and ask for the same type of injunction.

As I understand the situation now, no one is being forced to move until after the court case. If the court case solves the problem, so be it. If the court case does not solve the problem then we will have to look at legislation.

I do not think we should be interfering in a judicial process every time someone issues a writ. Under our custom and our creation we wait until a decision is rendered and deal with the decision accordingly.

[*Translation*]

Mr. Claude Bachand (Saint-Jean): Mr. Speaker, will the government finally assume its twofold responsibility under both the Indian Act and the Charter of Rights and Freedoms? How does it intend to respond to the Quebec minister, who refuses to negotiate on a discriminatory basis?

[*English*]

Hon. Ron Irwin (Minister of Indian Affairs and Northern Development): Again, Mr. Speaker, there is nothing to negotiate or legislate until the court deals with the issue.

As I indicated several times it would be inappropriate for me to comment on this judicial process. Naturally I will be making comments on the outcome of the process.

* * *

BREAST CANCER

Mrs. Jan Brown (Calgary Southeast): Mr. Speaker, my question is for the Minister of Health. I raised this issue in the House several days ago.

My question is based on the report that a researcher in Montreal has falsified information on breast cancer research. Incredibly it is suggested that he used patients in a study without their consent. The conclusions from this study have helped to formulate breast cancer treatment for the last 10 years.

Could the minister assure the women of Canada that the treatments they are receiving are safe and the very best possible?

Hon. Diane Marleau (Minister of Health): Mr. Speaker, I am very much concerned with what happened in the report that has come out of Montreal.

Let me assure Canadians first that no Canadian dollars were used to fund any of the research by this particular physician. Many other studies have proven the kinds of treatments being administered in Canada are good and effective in the treatment of breast cancer.

Mrs. Jan Brown (Calgary Southeast): Mr. Speaker, I do acknowledge the hon. minister's comments to me. Having said that then I am certain the hon. minister will definitely agree with the statement that I am now about to make.

Women across the country are outraged by such an incident. The medical community has known about this for three years. The Canadian public has been misled by yet another health related cover-up.

Oral Questions

To guarantee the quality of women's health in this country, will the minister agree to investigate this serious incident?

[Translation]

Hon. Diane Marleau (Minister of Health): Mr. Speaker, I will be meeting early in the coming week with the Medical Research Council which governs the use of research dollars and the studies which come out of those research dollars.

I am very interested in establishing some kind of practice guidelines for these kinds of reports in order that we can reassure Canadians that when these reports are made public they are indeed factual, using factual information and data.

* * *

(1455)

THE ENVIRONMENT

Mr. David Iftody (Provencher): Mr. Speaker, my question for the Minister of the Environment is about the recent spill of over 820 kilograms of the pesticide Busan-52 into the Winnipeg River by Abitibi-Price.

Abitibi-Price took four days to report the spill. Meanwhile 3,000 of my constituents who live on the Sagkeeng First Nation reserve and another 3,000 of my constituents in the Pine Falls-Powerview area were unaware that they may have been drinking contaminated water.

What is the minister doing about this intolerable action by Abitibi-Price?

Hon. Sheila Copps (Deputy Prime Minister and Minister of the Environment): Mr. Speaker, I had an opportunity to meet with representatives of the band who obviously are very concerned about the negligence shown by Abitibi-Price in this particular case.

Subsection 36(2) of the pulp and paper regulations makes it very clear that when there is a spill, the spill is to be reported immediately. In this case it is intolerable that the company waited four days before notifying authorities that 828 kilograms of this particular pesticide were dumped into a river which subsequently serves as drinking water for Canadians.

We are vigorously investigating with provincial authorities. There are a series of charges being contemplated, both charges for non-reporting and charges for deleterious substances being released into the river system. We intend to report back to the member and to other interested members on this issue as soon as we have a final conclusion.

ELECTRONIC HIGHWAY

Mr. Jean H. Leroux (Shefford): Mr. Speaker, my question is for the Minister of Industry.

The electronic highway will have a major impact on many aspects of society such as consumer activity, personal privacy, industry and education, to name only these. We have learned that the committee that will develop the government's strategy will meet behind closed doors.

My main question is this: Given the electronic highway's strategic and determining role in the economy, how can the minister justify his decision to have this committee hold its discussions behind closed doors?

Hon. John Manley (Minister of Industry): Mr. Speaker, we decided to have a consultative process with a committee, a fairly open process. All those with opinions to express can inform us if they wish; we even have an Internet address for submissions to help us prepare our policy on the electronic highway.

I do not understand why the hon. member thinks that a committee must open all its business to the public. Perhaps when the Bloc wants to open the doors to its caucus discussions, we can consider it.

Mr. Jean H. Leroux (Shefford): Mr. Speaker, I have a second question. To avoid looking too much like the Conservatives, whom the government denounced on many occasions in the past, does the minister not agree that the government should be more open and involve the public and Parliament in the work of this committee?

[English]

Hon. John Manley (Minister of Industry): Mr. Speaker, I think the member misunderstands what we are trying to do here.

We have formed an advisory committee. Everyone in the country is not on it. Therefore by its very nature some people are going to be excluded. The process is multifaceted. There are many ways for people to express their points of view.

With respect to the advisory committee itself, as we explained yesterday the committee will be receiving submissions from people as they wish. Reports as they become available will be made open to the public. For that matter, if the chairman and members of the committee wish to hold public hearings as far as I am concerned they are most welcome to do so.

We want a process that is both functional and inexpensive to get us to the conclusion of this part of our policy development process as expeditiously as possible and as I am sure the member would like us to do.

Privilege

(1500)

GOVERNMENT CONTRACTS

Mr. Chuck Strahl (Fraser Valley East): Mr. Speaker, my question is for the Minister of Health.

Yesterday I asked the minister if she would table the guidelines that help to guide her department in the allocation of advertising contracts under her jurisdiction. I hope to get those guidelines sometime soon.

When it is a sizeable contract, like the one that has been awarded to McKim Advertising in Winnipeg, surely the minister has conducted a detailed investigation into this or any prospective contractor, especially if the agency has come under new management just two weeks before the major contract was awarded.

Was the minister personally aware of the political background of the new owner of McKim Advertising when she signed off the new contract?

Hon. Diane Marleau (Minister of Health): Mr. Speaker, let me explain to the hon. member how this all works.

McKim is the advertising agency on specific issues for my department. It was chosen through the competitive process prescribed in the government communications policy and overseen by the advertising management group of the Department of Government Services.

By the way, this particular agency was chosen before this government came to office. Pending the review by government of contracting procedures for advertising companies, Health Canada was authorized to extend the contract to McKim for six months. It is not a huge contract. I believe yesterday the amount mentioned was \$185 million. That is the whole tobacco strategy. This extension of contract is very small.

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PRESENCE IN GALLERY

The Speaker: Colleagues, I wish to draw to your attention the presence in the gallery of the Hon. David Warner, Speaker of the Legislative Assembly of Ontario.

Some hon. members: Hear, hear.

The Speaker: I have notice of a question of privilege arising from question period. I will hear it because it did arise from the question period.

* * *

[Translation]

QUESTION OF PRIVILEGE

COMMENTS DURING QUESTION PERIOD

Hon. Lucien Bouchard (Leader of the Opposition): Mr. Speaker. I feel that, while answering a question today, the

Secretary of State for International Financial Institutions violated my privileges as a parliamentarian by attempting to put some of the blame on me for his government unacceptable abdication to the American giant Paramount.

What he suggested is absolutely false. I have never been associated in any way with this issue. It is the minister's responsibility to name the anonymous entity behind which he is taking cover to justify this abdication on the part of his government.

No minister has the right to cast such a doubt on me when the government knows who is the guilty one but will not name him.

Mr. Speaker, I am asking you to ask that the member have the decency to withdraw these allegations.

The Speaker: The Speaker was present during Question Period today. We heard an answer in which there may have been an allusion to a member having done this or that at some other time.

I am not sure this is a question of privilege; it may simply be a point of fact. I am taking the request into consideration, but I want to consult *Hansard*. Agreed? Thank you.

[English]

There is another question of privilege. If the question of privilege by the member from Swift Current is arising out of this question period then I will hear a question of privilege from the hon. member.

COMMENTS DURING QUESTION PERIOD

Mr. Lee Morrison (Swift Current—Maple Creek—Assiniboia): Mr. Speaker, it is a pity so many members opposite think that irony is something found in a scrap yard.

It is equally a pity the hon. Minister of Indian Affairs and Northern Development has attempted through my remarks to divert attention away from a personal attack he made on one of my colleagues. It was indeed a personal attack.

(1505)

If the minister would care to read my entire speech in *Hansard* rather than taking a few lines out of it, he would know full well that I was taking a shot at people who use the term redneck as a conversational A-bomb to devastate anyone who does not agree with their politically correct views. I then proceeded to define redneck in my terms and I stick to it.

I still am a redneck by those terms, but not by the insulting terms used by the minister which imply—

The Speaker: Once again I believe that surely the hon. member would have a point of debate and perhaps even a point of grievance. However, I would not see a point of privilege at this particular juncture.

Routine Proceedings

It is my understanding that any statements allegedly made by the minister were made in committee. I would ask hon. members involved if they could perhaps seek redress on their grievance first in committee. If the committee of course chooses to report this to the House, then it will become a matter for the House to decide.

My colleagues, if I may be permitted I would point out with all respect that this House has conducted itself immeasurably well. I encourage all hon. members to act with one another as they have for the greatest part of the few months we have been sitting. It is a measure of the Parliament that we have been able to have the quality and the substance of debate we have had. I would hope that is the forerunner of the good relations to continue.

I believe the hon. member does have a point of grievance and indeed of debate. I would ask him and other hon. members who would feel aggrieved in committee to please address themselves to the chairman of that committee. They would have recourse there.

* * *

[Translation]

BUSINESS OF THE HOUSE

Mr. Michel Gauthier (Roberval): Mr. Speaker, could the Government House leader tell us what business will be dealt with tomorrow and next week?

[English]

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada): Madam Speaker, I thank the hon. opposition House leader for his question.

As we know, today is an allotted day on the criminal justice system.

Tomorrow we will ask the House to consider Bill C-14 respecting borrowing authority. If this were to be completed we would turn to Bill C-17 regarding implementation of the recent budget followed by Bill C-9 respecting a previous economic statement.

On Monday the House will consider a measure now on the notice paper for introduction tomorrow concerning the electoral boundaries system. When this is completed we will return to the point where we left off on the list for Friday.

Tuesday shall be an allotted day under the auspices of the Official Opposition. Since it is the last allotted day in the present supply period, at the end of the day there will be motions to concur in final supplementary estimates and in interim supply followed by the passage of appropriation acts.

Starting on Wednesday and continuing for the rest of the week we will resume the legislative list outlined for Monday. If we

make progress on the items already mentioned, we will bring forward as well Bill C-7 regarding the control of certain substances, Bill C-11 respecting tobacco, Bill C-4 respecting the NAFTA side deals, and Bill C-2 respecting Revenue Canada.

Mr. Collenette: Madam Speaker, on a point of order. I was wondering if I could seek unanimous consent of the House to revert to statements by ministers.

The Acting Speaker (Mrs. Maheu): Is there agreement?

Some hon. members: Agreed.

ROUTINE PROCEEDINGS

(1510)

[Translation]

NATIONAL DEFENCE

Hon. David Michael Collenette (Minister of National Defence and Minister of Veterans Affairs): Madam Speaker, yesterday, in an answer to a question from the hon. member for Charlesbourg, I said: "I will not be able to comment on the chain of command or anything to do with the Canadian Airborne Regiment, anything that could be construed as interference in the judicial proceedings". I have a few more details to add.

[English]

I thank hon. members opposite for allowing me to add a few words to what I said yesterday to the hon. member for Charlesbourg.

As a result of the several incidents arising out of the Canadian Airborne Regiment Battle Group deployment on United Nations duties to Somalia, a series of investigations were undertaken by Canadian forces authorities.

Military police investigations into the incidents commenced on April 15, 1993. They have resulted in a series of charges under the National Defence Act being laid against members of the Canadian forces. These charges have and will result in disposition by courts martial.

As well, on April 28, 1993 the previous chief of defence staff directed that a board of inquiry be convened to investigate leadership, discipline, operations, actions and procedures of the Canadian Airborne Regiment Battle Group. Phase one of the board of inquiry is completed. Phase two will not commence before the disciplinary process which is presently under way is completed.

The evidence given at any of the courts martial will be reviewed by appropriate military authorities who will determine what, if any, further action is required.

[Translation]

Mr. Michel Gauthier (Roberval): Madam Speaker, this is a ministerial statement which complements an answer and does not require a long comment on my part.

I simply want to tell the Minister of National Defence that we appreciate obtaining supplementary answers. This particular one does not provide a lot of specifics. It simply tells us about how things should normally proceed from now on. But we want to point out to the minister that our colleague was very concerned about the negative situation prevailing on that military base, with a regiment whose behaviour seems very unusual.

I reiterate my colleague's concerns and remind the minister of the importance of ensuring that all the facts are known about the incidents which took place on that military base, which are disturbing, to say the least.

[English]

Mr. Jack Frazer (Saanich—Gulf Islands): Madam Speaker, all Canadians were disconcerted and disappointed by the incident that occurred in Somalia. We are watching with great interest the outcome of the courts martial.

We agree with the government that the appropriate time to discuss phase two in detail is following those courts martial when all the details are known.

We will be very attentive to the results of that phase two investigation and even more interested in the recommendations of the minister and chief of defence staff as to how to rectify it to ensure that this does not happen again.

The Acting Speaker (Mrs. Maheu): I wish to inform the House that, pursuant to Standing Order 33(2)(B), because of the ministerial statement, Government Orders will be extended by four minutes.

GOVERNMENT ORDERS

[Translation]

BUSINESS OF SUPPLY

ALLOTTED DAY—CRIMINAL JUSTICE SYSTEM

The House resumed consideration of the motion.

The Acting Speaker (Mrs. Maheu): The hon. member for Saint-Hubert has seven minutes left.

Mrs. Pierrette Venne (Saint-Hubert): Madam Speaker, I will now resume my comments on the Reform Party's motion. I was talking about damage and compensation suits that fall under the jurisdiction of civil courts.

Supply

Several provinces have programs to compensate victims of crime. Provincial and federal legislation on this is still inadequate, I agree, but let us at least be honest in our remarks.

(1515)

We all know that the judge in a criminal trial is not there to pass the sentence desired by the victim.

Madam Speaker, I would ask the two hon. members to my right to maybe move to the back if they want to talk to each other. Thank you.

As I was saying, we all know that the judge in a criminal trial is not there to impose the sentence we or the victim would like to hear but one that he deems fair and acceptable taking into account social standards and the circumstances of the case.

That a victim or his or her loved ones are dissatisfied with the accused's acquittal or shocked by a light sentence is understandable. Many people see a criminal trial as legitimate revenge on a thief or an assailant. They identify with one side of the criminal trial and see themselves as prosecutors. For these people, the trial is a game between themselves and the accused. We must correct this mistake and not reinforce it through comments such as those made in today's debate.

We must tell Canadians that the criminal justice system is adversarial. We have the public prosecutor on one side, the accused on the other, and the judge in the middle. And they all get together to decide if the evidence supporting the charge against the accused is conclusive.

The victim is a witness, not a party at the trial. That is where it would be appropriate, in my opinion, to suggest major changes to the spirit of the Criminal Code and to court proceedings. That is what the Reform Party should say if it is sincere in its motion.

Either the system remains as designed and victims continue to play the role of ordinary witnesses at trials, or the victim becomes a party in the proceedings. That is the true problem: victims as witnesses or as parties at the trial.

I am convinced that we will not start a real debate on improving the lot of victims before the courts unless we make a radical choice between these two conceptions of the criminal justice system. Either the criminal trial remains a judicial inquiry where evidence is presented against the accused, whom a judge or a jury must find guilty or acquit after hearing the defence.

Traditionally, the two opposing parties are the public prosecutor and the accused. Each party calls its witnesses who, in principle, are total strangers and independent in the case.

In this system, the victim must testify on the events he or she experienced, mainly to identify the accused as the one who committed the crime.

Once the evidence is presented, the accused is found guilty only if there is no reasonable doubt about the essential facts

Supply

with which he is charged. That is our system. In most cases, it works when the evidence is conclusive.

There is an alternative to this system which has reached its limits. We could now allow the victim to be a civil party in a criminal trial. If I understand what is behind the concerns expressed by the Reform Party, I believe that such a proposal would win immediate support from most of the public. I can very well imagine a victim participating actively in a criminal trial in support of the accusation, making representations on the sentence and demanding full monetary compensation for the material and physical damage suffered.

In France, for example, the victim can be a civil party for such purposes and I do not see why we could not amend our criminal legislation to permit an active presence of all interested parties in a trial.

The victim could be represented by lawyers, produce his or her own witnesses, question and cross-examine those brought by the Crown and by the defence, plead on the evidence presented, suggest the sentence or take part in negotiations; in short, participate in the whole judicial process and even appeal any judgement.

(1520)

We found out the wording of the Reform Party's motion only late yesterday afternoon. I would have liked a little more research on the subject of the motion, but I excuse the Reform Party because I believe that the motion was improvised and made up just hours before. We will agree that it only conveys a vague criticism of the whole judicial system and of the underlying legislation.

Still, I must admit that this slapdash motion gives us an opportunity to propose a major change in the spirit of criminal law to the government. I believe that the victim cannot be a mere passive witness outside the proceedings in which he or she should be a full participant, like the accused.

I think that if people feel that criminals are better treated than their victims by the courts, this perception is largely due to their exclusion from the proceedings.

[English]

Mr. Myron Thompson (Wild Rose): Madam Speaker, I listened with great interest to the speech of the hon. member. I was anxious to hear it. At first I was under the impression that she was a newly elected member such as myself who has been here for only a little while. Shortly after listening to the beginning of her speech I began to realize that she was not a newly elected member because she was running on with the rhetoric we have heard over and over from various members who have been here in the past.

It is the same kind of thing we hear constantly. Things are going well. We have a great system. We do not need changes.

She was making statements that had nothing whatever to do with the motion before the House but was suggesting that the motion states that a fair trial for criminals should be eliminated.

On searching the motion I cannot see anywhere it suggests anything like that. We are trying to say that in a number of cases, and it is an unlimited number, we have evidence that the rights of the victim are being overrun by the rights of the criminal.

I would ask the member the same question which I referred to earlier. To give a lady in Montreal peace of mind, to give her the ability to continue the healing process she is going to have to go through after being raped a number of times by an individual, she requested the perpetrator be tested for AIDS so she could at least eliminate that from her worries. The courts in our system ruled that the criminal did not have to submit a sample to determine if he had AIDS and the request from the victim was denied.

Had the hon. member been the person to make the choice I would like to know if she would honour the request of the victim and have the criminal tested for AIDS or would she make the decision the court made, that the criminal did not have to submit under his rights under the charter.

(1525)

[Translation]

Mrs. Venne: Madam Speaker, we keep saying that we are here as legislators and nothing else. So, I will not put myself in the shoes of a judge and, based on the very succinct summary of facts presented by our colleagues, tell you what I would have done. First of all, I would need to be apprised of all the facts, as a judge would, before I could hand down a judgement. I think that it is inappropriate to ask me what I would have done in the place of a judge, since I did not get to hear all the witnesses as the judge did at the time. I think that the hon. member's question is totally unjustified.

On the other hand, the member's comment tends to indicate that the system is flawed. That is exactly the point I made in my speech. In case the hon. member did not hear, I will repeat what I said, because that is exactly what I said: our system is flawed and there certainly is room for improvement. In fact, I brought up a suggestion whereby the victim would no longer be just a victim but rather take an active part in the proceedings. I think it was an interesting proposal, at least that was my opinion, but that may not be what the hon. member heard. So, this is my answer to the hon. member.

[English]

Ms. Val Meredith (Surrey—White Rock—South Langley): Madam Speaker, I listened with some interest to the first part of the hon. member's comments. I was a little surprised to hear her criticizing the motion that is before the House. It talks about changing that which has been part of the Canadian system over centuries.

Supply

Why is it that when my party talks about changing something because we feel it is not serving its purposes that we are criticized and yet the party that she represents is questioning the whole make-up of the country because it does not believe that it is justified? How can she criticize us for wanting to change the justice system when she wants to change the whole fabric of our country?

[*Translation*]

Mrs. Venne: Madam Speaker, the hon. member heard correctly. I did criticize the motion, which is very vague and is reminiscent of what any small tabloid would use as a main headline. That is what prompted me to say this motion was haphazard, disjointed. It is like saying that we are all in favour of virtue and hate winter. In fact, that is very much the style of this motion. I made an effort to debate it in an intelligent and appropriate manner because I found it to be incredibly general. That is why I criticized it the way I did.

[*English*]

Ms. Paddy Torsney (Burlington): Madam Speaker, I rise to speak against the motion of the hon. member.

As the member of Parliament for Burlington I spent much of my election campaign discussing these issues. As previous speakers on this side have quite rightly pointed out, the government has barely passed the 100-day mark in office.

My constituents are very concerned about justice issues. They are also concerned about crime. They look to the government to address these issues and they want changes that will have a positive impact on Canadian society.

The government has just assumed its position. We have only been here for 100 days but we have already signalled quite clearly and the Minister of Justice and the Solicitor General have forcefully stated that we are committed to action to reform the criminal justice system.

I speak here of balanced, thoughtful reform that addresses the needs of Canadians for protection and Canadians' belief in compassion.

[*Translation*]

I must remind hon. members that this government has already provided full details on its policy concerning criminal and justice issues. Even before the election, we laid down our agenda for reforming the criminal justice system once we would be in office.

(1530)

This agenda reflects the expectations of Canadians, as they have expressed them. The Liberal Party has consulted the people of Canada and obtained their full support.

[*English*]

As a party we said explicitly what action we intended to take on a range of issues, issues such as young offenders, crime prevention, gun control, prostitution, sentencing and rehabilitation of sex offenders, violence against women and children, and we talked about parole.

The range of issues speaks volumes. It cries out for a comprehensive approach, one that considers root causes, that thinks of prevention as a key element of every solution, not just shutting the barn door after the horse has gone.

That does not mean, as the hon. member opposite would have us think, that considered approaches somehow place the rights of criminals over the plight and the rights of victims. This is a cant. This is a one dimensional perspective that does not stand up to scrutiny.

As I have said, we have already signalled clearly that we intend to follow through on our promises. The Minister of Justice and the Solicitor General have indicated that work is already well in progress on these areas. This work will reform our system so that the victims of crime, the public, both specifically and in the larger sense, are first, the paramount consideration in the operation of our criminal justice system.

The Minister of Justice has indicated in the House that he intends to bring in amendments to the Young Offenders Act. The Solicitor General has said here and elsewhere that he intends to bring forth amendments to the Corrections and Conditional Release Act.

I am pleased that all the foregoing topics are on the agenda next week at the meeting of federal, provincial and territorial ministers of justice which both the Minister of Justice and the Solicitor General will attend. The government has also signalled its intent to bring forth amendments to sentencing, again with the intent of improving the lot of victims during the judicial process.

Probably the most crucial plank in our paper on crime and justice issues had to do with crime prevention. I am pleased that we are working on the elimination of root causes of crime. Many of Canada's criminals have known a life of poverty and inequality, an environment that taught them little about positive conflict resolutions, an environment quite unfamiliar to many members of the Chamber.

I am pleased we are focusing on a national crime prevention program because we can perhaps make the biggest strides in helping victims there. I believe we must do our utmost to ensure that as few Canadians as possible become victims of crime in the first place.

Members opposite would have us believe that one dimensional answers such as increasing the rate and length of incarceration would be a key solution. We already have one of the highest incarceration rates in the world. If locking up people was a

Supply

measure of absence of crime we would be one of the most crime free countries in the world. As I have said, we are looking at approaches that address underlying causes of crime and that integrate crime prevention strategies.

Law enforcement has been the traditional mainstay of crime prevention strategies, but law enforcement is not enough on its own and that has been demonstrated. Experience shows that for truly effective crime prevention law enforcement must be integrated with social development, including social programs and better education, community level participation in crime prevention and in crime solutions, not just locking up people.

Burlington as part of the Halton region has been extremely successful in its crime prevention strategy. Under the direction of Chief Harding, Burlington in the Halton region has become the safest community in North America. Block Parent programs, community involvement in conflict resolution strategies and incorporating support groups such as rotary clubs ensure that we will have a multipronged approach to crime prevention.

It is important to remember as well that Burlington has seen some very sensational crimes and has been wracked as a community by crime. Two of our young women died very violent deaths: Nina de Villiers and Leslie Mahaffy. Kristen French from down the highway a ways was found in our community. We were all brought home very horribly one summer to the reality of violence in our communities.

However, the government recognizes that when incarceration is the only solution to protect the public it is in fact what we must do.

(1535)

The Solicitor General has promised tough measures for repeat sex offenders and high risk offenders who offer little hope of immediate rehabilitation. The Parliamentary Secretary to the Solicitor General has enumerated the reforms the minister shall be bringing forth to offer better protection from those who would prey on the vulnerable. He has also noted that the government does not intend to give up on these offenders.

Surely the mark of a civilized society is how it treats its offenders. Communities need to become participants in the process of safely reintegrating offenders into Canadian society. Rehabilitation programs need to be expanded and improved so that offenders return to our communities with a much lower risk of reoffending. We need more victims aid programs, to be sure, and our crime and justice paper focused on that concern. It also identified the need for more public education and research on criminal justice, recidivism, crime prevention and alternatives to incarceration and victims aid.

Surely a grave cause of concern in the area of victims of crime is the suffering caused by violence within our families. Family violence results in a great many victims, both directly and indirectly. I believe we are paying a very high cost for allowing such violence to continue. We have pledged as a government to do our utmost to break the cycle of family violence.

Statistics demonstrate the undeniable link between sexual abuse of girls in their own families and prostitution. Many of Canada's prostitutes are also drug addicts, condemned to a very dangerous life because of the misfortune of being born into an abusive family.

I believe the Reform motion is motivated out of fear. While we cannot ignore the very real fear and the very justified fear some Canadians feel, we must temper it with rationality. As a woman I am aware that I can become a victim in two ways. Merely because I am a woman I am more vulnerable to assault including sexual assault and, second, the fear of crime takes away my freedom. Like other vulnerable groups, children and the elderly, women must always be conscious of their environment on the streets, at home and at work. We must think of these issues all the time. We must never let our guard down. Sometimes it is exhausting; always it is unfair.

The member speaks of elderly women at home and afraid. I too am very concerned about this issue, not just because I have a significant number of single and elderly women in their homes in Burlington. I also recognize that at one point I too will be one of those women. However, I am encouraged that some of our young women are starting movements and marches such as "Taking Back the Night". My old high school in Hamilton, Cathedral Girls, organized such a march after the death of Nina de Villiers.

I am also aware that pornography, killer cards and sometimes advertising campaigns which present women as objects rather than as persons deserving respect and safety, encourage violence against women.

As a nation we must address these issues. We must educate our young people to respect others, to respect their person and to respect their property. The government must lead that discussion. We must enact laws that reflect our abhorrence of violence against women, against children and against the elderly. These are the issues we must address if we are to ensure the rights of victims. I hardly think we can be expected to redress imbalances in these complex issues overnight, but we can be expected to think long and deep about solutions and to ensure these solutions are comprehensive in scope.

There are many crimes, many victims of crime, and many causes for such crimes. That is what our crime and justice issues paper recognized.

Supply

Any knee-jerk reaction that promises to help victims is doomed to failure. I do not condemn the outrage crime causes, especially to its victims. On the contrary. What I do condemn, however, is offering simplistic solutions to complex interdependent and intertwined problems of society. For example, perpetuating the perception that all criminals are violent is grossly misleading, as is the myth that the system is somehow dedicated to the rights of criminals over the public.

(1540)

Maintaining that solutions to crime simply involve the criminal justice system getting tougher, meaner, stiffer, is to offer totally inadequate and in the end bankrupt answers. In fact such a philosophy will prevent us from ever getting to and fixing the root causes of crime and victimization. As long as we pretend to the public that there is the possibility of easy answers we cannot count on its support and participation in the search for a multidimensional solution to crime will be limited.

I will concede and even argue that the public is increasingly concerned about crime and about being victimized. That is why the Liberal Party took the unprecedented step of laying out a comprehensive crime and justice agenda almost one year ago. The government plans to act deliberately, methodically and systematically with this agenda. I for one will be an active participant.

We do not wish to rush in with hastily drafted laws, with a scatter-gun approach, so that when the smoke has cleared something would not measure up. These are crucial issues. They need to be carefully addressed, closely studied by Parliament and properly debated. They need a wider public airing in cities, in towns, in villages and in neighbourhoods, and often even within families.

In the end we will be measured by what we accomplish, not by what we promise. We will proceed in a measured pace with our agenda, an agenda I remind members that recognizes the complex nature of crime, its origins, and the corresponding need for proper solutions.

The Canadian public expects solutions from the government and we will deliver on that.

[Translation]

Mr. Antoine Dubé (Lévis): Madam Speaker, I listened carefully to the hon. member's comments. Her approach is very generous and her objectives noble. I know that she is not a Cabinet member, but I would appreciate it if she could elaborate on some comments she made concerning young people and prevention.

As the opposition's youth critic, I have a particular interest in this issue. Young people are often described as being a problem when, in fact, they are the human resources of the future. I believe it is very important to have programs, especially for first-time young offenders, to rehabilitate them, to help their social reintegration, so that they can become productive citizens.

I want to make a comment before the hon. member answers. I notice that, in spite of the observations made by government members in general, a whole slew of measures, such as legislation on young offenders, juvenile prostitution, etc., are announced by the government. Yet, when we ask why nothing is done, we are invariably told about how difficult it is to implement even existing legislation. There is nothing wrong with suggesting a new piece of legislation, and parliamentarians will certainly co-operate, but it is obvious that the government has some problems with implementation.

I now go back to my question, which is: What specific measures will the government take for prevention and rehabilitation?

Ms. Torsney: Madam Speaker, I thank the hon. member for his question. This is a pressing issue in my riding and I often referred to it in the election campaign.

I believe there is a serious problem. We seem to be saying in our committee that there is a problem with young people, that young offenders are really dangerous, that they are terrible children, that they murder people, etc. This is not fair since it does not apply at all to the young people I know. We must do something about this notion some members have in our committee.

(1545)

There is a problem with some young people. When a young person breaks the law, it must be recognized that such an offence will have consequences, and it must be understood that there are laws in our society and that they must be respected.

We often hear some people say that they would like to see young offenders appear before an adult court, which I think is very dangerous. I have a problem with that approach. I think that if you send a young man to Millhaven, you are only giving him the opportunity to become a smarter criminal which, I think, is terrible. This government discussed amendments to current laws with provincial justice ministers, because provinces are responsible for rehabilitating children and young people.

It must be spelled out in the Act that some young people are dangerous and we must have another approach to them, I think. We must have specific rules on this.

I think we must review changes to the system by having, for instance, a record that would follow these young people.

[English]

I will have to speak in English on this part or I am going to get myself into trouble.

We have to change it so that there is a record kept on youth who have committed crime, especially when they are very dangerous. We have to ensure that society is protected and that in some cases the record is not wiped out. In some cases we could do a better accounting of these young people and ensure that they do not get caught up in worse crime.

Supply

However, in terms of crime prevention I think we can do a lot through education and by removing the root causes of crime. I mentioned family violence in my speech. Kids learn this stuff at home and from television sometimes. They learn it from an environment that is hostile to many people in our communities. They learn that it is okay to be violent against women.

All of us have to take responsibility for that and we have to change that system. We have to tell kids that it is not okay, that they can resolve conflict by discussing things, by coming to resolutions, by using alternative methods whether it is in the school yard, in the family or with others as they grow up.

I think we can do a lot as a nation about improving our society if we can address that. We as a community have done very well in Burlington on some of that. I have been pleased by some of the initiatives in the greater Burlington area and the greater Hamilton area that have incorporated Rotary Clubs and school children and teaching them this sense.

However, we do have to address those issues.

(1550)

Mr. Dale Johnston (Wetaskiwin): Madam Speaker, I think the hon. member missed some of the point in the motion of the Reform Party today, the point being that when there is a question of whether the convicted person's rights are to be weighed against the victim's rights that the victim's rights should supersede in every instance.

The member referred to prevention as far as crime is concerned. That is great. That is exactly the route that we have to go in the long run.

If your house were burning down, I suppose you should at some time figure out what caused that, but before you do that you should put out the fire. That is kind of what we are facing here today.

We have problems with young offenders particularly. I would ask the hon. member if she agrees with the way young offenders are treated today, especially repeat offenders who are not tried in adult courts. I know she made some allusion to adult court treatment. Nobody in the Reform Party, by the way, agrees with incarcerating young offenders in facilities like Millhaven.

The Acting Speaker (Mrs. Mahen): I gather the hon. member is asking the hon. member for Burlington to respond. With unanimous consent I can give the member a couple of minutes to respond, if she wishes.

Some hon. members: Agreed.

Ms. Torsney: I do not think that I in fact missed the comments in the motion.

I think there is a perception perhaps by some members of our community, and some members of the Reform Party, that suggests that the house really is on fire and that we are all running from it at this very moment. That is not correct.

I have heard hon. members say that people are falling left and right every day. That is not what is happening in Canada. That might be happening in the United States and I certainly will be working to make sure that our community of Canada is never like the United States. But the house is not on fire. There is smoke in one of the rooms, maybe in two rooms, but the house is not on fire.

We have to address the right of victims. I for one believe that we have to consider victim impact statements. In Burlington CAVEAT and other groups addressed this issue and they are working on solutions with the government.

I do not buy this perception and the encouragement of this perception that we are all at risk all the time. I am probably at risk most of the time, but we have to recognize that there is a careful balance. I do not want this government to turn around and have knee-jerk reactions to everything that is going on. We need to have a very careful balance. We need to have a methodical approach. Otherwise we run the risk of making mistakes that will only further encourage crime in our communities and I do not want that.

I will be encouraging the minister, as I have on many occasions, as he will say. I think we are big enough to address crime prevention as well as some of the issues related to the Young Offenders Act and current criminals, as well as prevention and removing some of the root causes of crime. I think we can handle the job.

Mr. Jack Ramsay (Crowfoot): Madam Speaker, this is a very strong motion. It is strongly worded in that it condemns the present system. Condemn is a strong word, but the people of Canada are in fact doing that.

Certainly in my area of the country they are condemning various aspects and portions of the criminal justice system that turns murderers and rapists out on the street to commit those offences again, that cannot even hold 10-year-olds accountable for criminal conduct. These are some of the things that I will be touching on in my speech.

I am sure the Young Offenders Act was not a knee-jerk reaction. It was well thought out and planned by the previous Liberal government. We see the fruits that are being borne by that ill-conceived piece of legislation, at least in parts of it where now it has to be reformed. I ask, as I asked before in this House, where was the leadership and where was the vision.

Past and present governments inaction with regard to the reform of the criminal justice system, which is of course the topic of today's opposition motion, is of particular concern to me.

(1555)

I rise today to speak about a section of the Criminal Code which I believe is a blatant example of the growing disregard for the rights of victims versus the rights of criminals.

Section 745 of the Criminal Code, which gives convicted murderers access to the courts to seek a reduction in the number of years they must serve in prison before being eligible for release on parole, is a prime example of this disregard and makes a mockery of the term life imprisonment.

I would like to briefly provide members of this House with a history of this section of the Criminal Code. Murder was first classified as capital or non-capital in 1961. Before then only one punishment was prescribed for murder which was the death penalty. After 1961 only capital murder was punishable by death. This was the murder that was planned and delivered for the murder of a police officer or a prison guard. This was further reduced and only the killing of a police officer was punishable by death.

Persons convicted of non-capital murder were sentenced to life but were eligible for parole after seven years. However, this too changed and after 1967 all those serving a life sentence for murder could not be recommended for parole before serving at least 10 years.

In 1974 amendments were made to the Criminal Code which allowed the sentencing judge to increase the parole eligibility period to a maximum of 20 years. On February 24, 1976 Bill C-84 was introduced to abolish the death penalty and to create two new categories of murder, first and second degree murder, both of which carry the minimum sentence of life imprisonment.

Those convicted of first degree murder would serve 25 years before being eligible for parole, while second degree murderers would serve between 10 and 25 years prior to parole eligibility.

Apparently the 25 year minimum penalty was the trade-off for achieving the abolition of the death penalty. Instead of the death penalty, society was to be protected by incarcerating murderers for a minimum period of 25 years. Prior to Bill C-84, death sentences commuted to life imprisonment had resulted in an average of only 13.2 years served prior to release on parole.

Contained within Bill C-84 was a clause which created section 745 of the Criminal Code. Although first and second degree murderers are not eligible for parole for 25 years, under section 745 after 15 years murderers can apply for a parole review which effectively decrease their sentence.

Supply

Section 745.(1) of the Criminal Code reads:

Where a person has served at least fifteen years of his sentence—he may apply to the appropriate Chief Justice in the province in which the conviction took place for a reduction in his number of years of imprisonment without eligibility for parole.

In my opinion section 745 makes a complete mockery of the so-called life sentence. It provides what one parliamentarian said: "A glimmer of hope, if some incentive is to be left when such a terrible penalty is imposed on the most serious of all criminals". This former parliamentarian obviously had no consideration whatsoever for the victims of murder or their families.

What murderer in this country has ever given his victim or his victim's family a glimmer of hope? When a murderer takes an innocent life it cannot be returned. The victim cannot be brought back to life, and likewise when a murderer is given life imprisonment it should mean exactly that, life, with no glimmer of hope nor any incentive to ease the burden or the severity of the punishment for this awful crime.

The glimmer of hope advocates have made a farce of our penal system by extending to murderers a right they denied to their victim. Section 745 had not been reviewed until 1991 and 1992 when two private members' bills were introduced in the last Parliament challenging the existence of section 745.

This morning the hon. member from York South—Weston introduced a private member's bill to get rid of this law which gives convicted killers a chance for early parole. I would like to tell the hon. member that he has a great deal of support from our party for that bill. I am confident he will also have the support of many Canadians, including the Potts family of Hamilton, Ontario, whose daughter was murdered 15 years ago by Norman Joseph Clairmount.

In 1978 Clairmount was handed the statutory life sentence with no chance of parole for 25 years for the brutal and savage murder of the innocent 19-year old Potts girl.

(1600)

On February 8, 1993 an Ontario jury deliberated less than three hours before deciding to reduce the number of years. This murderer is eligible for parole in 18 years instead of 25 years. Because of section 745 and the jury's finding in favour of Clairmount, he was immediately eligible to apply to the National Parole Board for unescorted, temporary absences. He is now eligible to apply for full parole in 1995 instead of the year 2002.

This is not an isolated case. A number of convicted murderers have been successful with their section 745 applications.

Brian John Boyko of B.C., convicted in 1974 of capital murder, won a reduction in the period of parole ineligibility to 16 years from 20 after a 1990 hearing.

Supply

At a 1990 review hearing in Winnipeg, Larry Sheldon, convicted in 1974 of non-capital murder in the rape-murder of a nine-year old girl and sentenced to life imprisonment without parole for 20 years won a reduction to 17 years.

Convicted of first degree murder in the shooting of a Calgary policeman during a credit union hold-up and hostage taking in 1976, William John Nicols won a reduction of his parole ineligibility period to 20 years at an Alberta hearing.

Jean-Louis Rodrigue, convicted of second degree murder in the killing of a Montreal peace officer, Charles Simard who murdered two teenagers and convicted killer Gilles Levine, all of Quebec, won reductions in their parole ineligibility period to 15 years.

Also in Quebec, Real Chartrand, sentenced to hang in 1972 for killing a police officer after an armed robbery, obtained full parole after serving 17 years of his sentence because of section 745.

There have been numerous applications made under section 745 of the Criminal Code. Some murderers have been successful and some have not but those who have not can make application again and again, all at a tremendous cost to the Canadian taxpayer.

Under section 745(1) the convicted person must apply to the chief justice of the province in which the conviction took place. The jury review must take place in the same province which means the inmate must be transported to the appropriate jurisdiction.

The Canadian Police Association believes this is only the beginning. It says that approximately 655 murderers over the next 15 years and as many as 180 in the next four will apply for early parole under section 745. This, it contends, will effectively reduce a life sentence by about 40 per cent. In other words, killers could serve just over half of their 25 year sentences. This raises two important concerns.

The first is with regard to the financial aspects and the second involves the integrity of the criminal justice system. Repealing section 745 will result in an enormous reduction in the costs associated with holding jury reviews and in transporting inmates to the province in which they were convicted.

The greater issue at the heart of this matter and the purpose of today's opposition motion is that the criminal justice system is allowing the rights of the criminal to supersede those of the victim.

Section 745 is a prime example of this fact. It gives a convicted killer the right to apply for a reduction in his sentence in which a jury reviews only selected evidence—

The Acting Speaker (Mrs. Maheu): I am sorry but the hon. member's time has expired.

Mr. Paul DeVillers (Simcoe North): Madam Speaker, I see from the hon. member's speech that he has spent considerable time and effort in doing research and obtaining statistics.

Could he tell the House if he spent an equal amount or any effort in looking at some of the proposed measures in crime prevention that have been studied by committees of the House in the past? Has he reviewed any of the recommendations in looking at whether any of the measures would be of assistance?

Mr. Ramsay: Madam Speaker, I will try to be as straightforward and frank in answering questions as possible. I will try not to duck them or dodge them.

I would like the hon. member to make specific reference to the reports and surveys that have been done. I spent 14 years as a law enforcement officer and we looked at all sorts of plans and programs in the area of prevention. I support any program that will successfully provide results in the area of prevention.

(1605)

I know that the Young Offenders Act was designed to do that. I know that some of these other measures were designed to do that. However, I would advise the hon. member that mercy does not rob justice. When very serious acts are committed against individuals which denies them freedom to move and takes their lives in many cases, then there must be an appropriate penalty. If through our desire and feelings for mercy we create a justice system that is not going to hold an individual accountable for his or her acts, then do not expect the system to prevent crimes of that nature as a result of the sentence that is imposed. That simply will not work.

If we do not to enforce the law in areas where there is law, if we do not amend those areas that do not hold people accountable for their actions such as in the area of the Young Offenders Act and I refer specifically to 10 year-olds, all the preventive programs in the world are going to fail. We have tried many of them.

I hope my answer satisfies the hon. member.

Mr. Derek Lee (Scarborough—Rouge River): Madam Speaker, I want to intervene and comment for the purpose of clarifying the section 745 provision and ask a question of the member. I have considerable sympathy for his position on this issue and how his views relate to the position of victim, which is of course the way the opposition motion is phrased today.

The section 745 provision enables someone who has a 25 year minimum incarceration to ask a jury if they might have an earlier parole eligibility date than the 25 years. A person who is sentenced to life imprisonment has a sentence for life. Therefore, it is parole eligibility that is shortened not necessarily the sentence.

Supply

Could the member comment on how that would relate to the position of victims, victims beyond the person who is dead of course. I guess we are talking about family when we talk of victims of a murder.

Mr. Ramsay: Madam Speaker, I thank the hon. member for his question. I was not able to complete my speech. Perhaps if I had I would have been able to cover that area. The concerns raised by members of families of murder victims, when they see the murderer released early, are very significant. We would like to see provisions whereby the victim's family can appear and testify at the section 745 hearings. We would like that section removed. I would like to see it removed entirely.

The hon. member brings up a good point of whether or not a parole should be granted to someone who is sentenced to 25 years in prison. Those who have advocated section 745 and would advocate the retention of it would say yes. But then where do we stop?

If the murderer in court says: "I am sorry and I will never do it again" should that mean we should release the person? Or sentence the person to a month imprisonment? I think there is an area of penalty here that we must address and I do not think the system is addressing it.

I hope I have answered the hon. member.

Ms. Mary Clancy (Parliamentary Secretary to Minister of Citizenship and Immigration): Madam Speaker, I am delighted to take part in the debate today. I would like to commend the hon. member for Crowfoot on his comments. I did not know until he spoke just now that he was formerly a member of a law enforcement agency. I would like to say that in my years as a practitioner of law, both as a defence counsel and as a prosecutor, I worked extensively with members of various police departments; municipal police in Halifax and Dartmouth and the RCMP, and I have great respect and admiration for them in what is a very tough job. I know that the hon. member has obviously worked in that area and knows what a tough job it is.

(1610)

I want to make perfectly clear that I am not specifically referring to the member for Crowfoot here, I am referring to the resolution itself but when we debate these matters we tend to forget the basis on which our law is built and the fact that the system which we live under and the system that governs us is, at best, faulty. But it appears to be in the evolution of both politics and law enforcement the best thing we have come up with thus far.

I look at the words of the resolution: "That this House condemn the government for its inaction with regard to the reform of the criminal justice system, in particular its allowance of the rights of criminals to supersede those of the victim".

I guess I have to say that the resolution is almost charming in its naivety. I am not going to get into the question that the government has been in power a scant four months and that there are many things that have to be done within the legislative calendar to ensure that the government runs as it should and that the government fulfils its promises, which it has done to date and will continue to do. I want to talk about the phrase "the allowance of the rights of criminals to supersede those of the victim". As always I like to declare my prejudices early in any debate.

As those on this side of the House know, I represent the city of Halifax in the province of Nova Scotia. There is a name that will ring down the annals of criminal justice in Nova Scotia for many years to come, and that is the name of Donald Marshall Jr. I do not know whether my hon. colleagues on the other side of the House are aware of the Marshall case—they certainly should be—but I can tell them that for a period in the province of Nova Scotia, finishing in 1989–90, this case was a preoccupation of a great percentage of the legal profession, both prosecutors, defence counsel, the judiciary. There was a special royal commission to look into what had happened.

Donald Marshall was a young man who served 11 years in prison for a crime he did not commit. Some terrible things were uncovered in the Marshall inquiry in the way criminal justice worked, or conversely did not work, in the province of Nova Scotia.

We have talked a lot in the House lately about questions of racism and bigotry. There is no question that one of the reasons Donald Marshall served 11 years for a crime he did not commit was racism. One of the reasons was bigotry. There were police officers who suborned perjury, there were dreadful miscarriages of justice, a complete lack of accommodation for cultural and lifestyle differences in the fact that even the ability to communicate on the part of the accused was ignored and so on. Evidence was suppressed. It is a black mark on the escutcheon of the province of Nova Scotia.

The Marshall inquiry report is 26 volumes. I know I have a copy in my office and I have read major parts of it, but in the life of a member of Parliament it would be hard to read the entire thing. But it is something that most practitioners of criminal law in Nova Scotia have availed themselves of and have read.

Over and over again what rings through your mind when you read the reports of the Marshall inquiry, when you read the reports of what happened to Junior Marshall, the words "innocent until proven guilty", "the rule of law", "due process" come back again and again.

(1615)

I want to make another thing perfectly clear. In my years in the courts and practising law, particularly in my years as an advocate for women's rights and for the protection of women who are abused and battered and of children who are abused and

Supply

battered, I probably spent more time enraged at the lack of protection that our system has for victims of crime than anything else.

This country is littered, as unfortunately are other countries of the west, with the detritus of violence against women and children. Nonetheless we have to look to the whole picture to solve the problem and not merely zero in on one side and what I think, with the greatest of respect to the framers of this motion, what is ostensibly an inadequate response.

We have talked here about lowering the age of young offenders and with the greatest respect I do not think that is the answer. I can tell you as someone who has thought long and hard about this, someone who has served on committees dealing with criminal legislation in this House over the past five years, the situation that I think we must all remember is those two little boys in England who murdered the baby. This a situation that must come to the fore when we are talking about this very thing today.

I was discussing this in the lobby just a minute ago with one of the minister's staff. On the one hand we both agreed that we are horrified at the actions of those two boys, 10 years old when they killed the baby, to even go back and think of the testimony that came forward at that trial of that two-year old who kept getting up when he was hit again and again.

I am equally horrified that two 10-year old boys are found by the courts in English justice to be bad seeds, if you will. I think it very strange and very unlikely, too much of a coincidence, that two innately evil creatures would end up living next door to each other. There has to be more to it than that.

I use that example to illustrate the fact that merely increasing sentences, merely incarcerating for longer periods of time, merely going at the punishment angle is not going to give us the answer.

What we have to do is look at the causes. There are a variety of causes. I know that my colleague from Crowfoot and my colleague from Calgary who is also a former police officer would agree that other things come into the formation of criminal activity, that poverty is a part of it, that lack of education is a part of it, that poor nutrition is a part of it, that lack of education is a part of it, that the cycle of violence within the home is a part of it and on and on and on.

Criminals are made. They are very rarely born.

The whole question of how we deal with victims and how we deal with criminals should not be connected in this death battle if you will that is one before the other. The rights of victims must be respected. They must be listened to. There must be services for victims unquestionably.

The fact that we have not addressed this as a nation and as a society is, I agree entirely with the mover of the motion, something that we have to deal with and we have to deal with soon.

It is not an either-or situation. It is not going to improve the lot of the families for example of the McDonald's victims in Sydney River, Cape Breton, if you extend the sentences for the murderers, now convicted. Revenge is not what the framers of the criminal law should deal in. What we deal with in legislating the criminal law has to be deterrence and protection of society. Those are the reasons that we legislate in criminal law.

(1620)

If we look at it as redress, how do we redress the families of the McDonald's victims? How do we redress those families? We cannot restore the lives of the victims. We cannot restore shattered families in the emotional sense. No money could possibly come along to fill that terrible void at the loss of young people. No money can do anything to restore the fact that the McNeil girl has major and serious brain damage and that however long she lives, she will never be the bright articulate young woman she was when she went to work in that McDonald's restaurant last May. Nothing can change that. It should not be connected.

Yes, we prove the crime and we have the appropriate response to the crime and we deal with the victims, but we are dealing in a separate theatre. We are dealing in a separate area.

When we talk about the rights of victims vis-à-vis the rights of criminals, I go back again to the Donald Marshall case. To hon. members across the way who I feel think that we on this side are somehow lax on the criminal law, I say to each one of them to remember the adage that those of us who suffered through law school will all remember, that it is a truism in legal education that it is better for a thousand guilty to go free than for one innocent to be convicted.

I wonder whether those on the other side would agree with that or not. I see that my friend from Calgary does not agree. It is an interesting point that that phrase has hung around for a very long time. I wonder if each of those members on the other side would look at that question and if it was not objective, if it were subjective—in other words, if you were the innocent victim—does that phrase become more valid? If it were your child who was the innocent victim, does that phrase become more valid? If it was your neighbour's child—all politics is local, all issues are local—think of it within the context of your own group, your own circle, and whether that makes it more relevant.

It has been talked about here today that we should lower the age of young offenders. I do not have children. I borrow my friend's because I can give them back. I know that most of you on the other side are parents and you do have children and you

know that children get into difficulties. They make mistakes. Is the answer to deal harshly?

An hon. member: Yes.

Ms. Clancy: It is? I guess I have to say that is the reason that you are on that side and I am on this side and we are the ones with the majority, praise the Lord.

I can only say that in my years as prosecutor under the old Juvenile Delinquents Act I saw a number of cases where the child was given the benefit of the doubt. I remember one in particular where a young man came up before us accused of 40 counts of break and enter. He had made the mistake in the particular exercise on the day. He was breaking into cars and stealing car stereos. He happened to be doing it in a shopping centre in Halifax. The cars were all parked against the fence and an off duty policeman who happened to be mowing his backyard heard the noise, looked over the fence and the inevitable happened.

The boy was charged and I was prosecuting. There were a number of people who came along. It was a very difficult family background.

(1625)

A very well respected school principal came to speak for the boy, who had scored very well on intelligence tests, who had certainly a lot going for him as he had a lot going against him. In consult the prosecutor, the defence, the judge, the probation officers, the police officers, everybody got together and asked: "What are we going to do about this?" There was a compromise reached. A family member would be willing to take responsibility for this young man and ensure that he was not subjected to the same influences he had been subjected to in the family group, that he would not see the rest of the family who were the bad influences, et cetera.

To make a long story short, that young man eventually won a scholarship to a famed international institution of higher learning and is today leading a very productive and wonderful life in this country where he is making a great contribution.

I do not hesitate to say in the interests of truth, justice and the Canadian way that was one of the success stories. As I know my two colleagues on the other side from law enforcement would be quick to agree, we did not have a lot of those success stories. We had more of the other kind.

The point again is if that young man had been, as we used to say in those days, piped to the juvenile detention home I do not think he would be where he is today. I do not think he would be a productive member of society. I think he would probably be in super max or he would be dead in all likelihood.

Supply

I guess I have to say that success story means more to me than all the ones with whom we did not succeed because they were too far gone, it was too late and so on. The ones with whom we did not succeed went through the detention process, many of them in detention until they had passed the age of being juveniles, until they turned 18 whereupon they went out and committed some further offence and went to Dorchester Penitentiary or Sackville correctional centre.

If we do not take risks to attempt to save young people then we are just consigning young people to a life of crime. That is why I speak against this motion. That is why I say we have to look at the way the child is going. The word child is very important here because we are talking about children when we talk about young offenders. We are not talking about hardened criminals.

I also in conclusion would like to say that given the tenor of this motion and given the statements I have heard from the members of the Reform Party in particular, I am sure that we can then count on the support of such members as the member for Crowfoot and the member for Calgary Northeast to support us when we come in at some future time, as I am sure we will, with stronger gun control measures. I am sure as former police officers both of these gentlemen know how important it is that guns in particular be kept out of the hands of a majority of people who have no idea how to use them.

What about those kids who are potential criminals. You do not want guns lying around the house do you?

I hope that hon. members will see their way clear to support this kind of legislation when and if it comes up in this session of the House.

I have spoken with police officers in my riding in the province of Nova Scotia and among the strongest supporters of tougher gun control legislation are indeed the members of the police force.

At any rate, I would just like to say that I am delighted to speak on this topic today because I am very proud of the crime and justice package that was in the red book. I know that the crime and justice package will in due course come into this House in the form of legislation. I am sure that as with all of the promises in the red book those legislative measures will make Canada a better place. Also remember that being a better place is also a place of humanity and compassion.

(1630)

The Acting Speaker (Mrs. Maheu): Before proceeding to questions and comments, it is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Frontenac—the environment; the hon. member for Brant—guaranteed annual minimum income.

Supply

I would like to apologize to the member for Fraser Valley West for having missed his turn. We will now have the 10-minute questions and comments period.

[*Translation*]

Mr. Benoît Tremblay (Rosemont): Madam Speaker, I can only applaud what was said by the hon. member for Halifax, especially her concluding remarks on the issue of gun control. As you know, following certain tragic events, a committee was asked to make a thorough review of this question, but the result was a bill that was a compromise, both in substance and form, since in most cases any action that may be taken will be based on regulations that have yet to be approved by Cabinet or the government. At the time, the minister was able to get a bill through Parliament that could be seen as a major step forward but left the government with considerable discretion in drafting regulations, unlike the previous legislation, and this, we felt, was a major shortcoming.

Not surprisingly, we now have regulations that are largely unsatisfactory. For instance, so-called semi-automatic weapons, which are practically assault weapons, are still sold across Canada. The weapon used at the Polytechnique can still be purchased as a hunting weapon.

I know the Minister of Justice intends to take action. I simply want to point out that he can act very quickly on many aspects of gun control through the regulations, without having to go through the legislative process.

I may add that we would welcome improvements to the legislation itself, especially with respect to the registration of firearms. In the course of our consultations, I met many hunters and groups of hunters who had no objection to firearms registration. And contrary to what was said at the time, especially with respect to the cost, since we register cars and a number of other products, it would not be very difficult to use our current system to register firearms. We both encourage and request the government to act.

Would the hon. member for Halifax support us in our endeavour to get the government to speed up the passage of firearms legislation, perhaps even before the Act comes into effect?

[*English*]

Ms. Clancy: Madam Speaker, I thank the hon. member for his question. As he knows, unquestionably the minister has responded in the House on several occasions by referring to his own commitment to the subject of gun control.

On the actual legislative itinerary the member will have to ask the minister. Certainly it is part and parcel of our policy. Certainly, as the hon. member knows as well, this question is

extremely close to my heart and one that I along with many members on this side support very strongly.

I suggest to him that if he is just patient all things will come in due course.

(1635)

Mr. Art Hanger (Calgary Northeast): Madam Speaker, the hon. member has quite a spirit of debate, undoubtedly obtained through her years in the courtroom. I should point out that to debate an issue such as this, there has to be some basis of fact.

The example of the Marshall affair in Nova Scotia was one where Mr. Marshall had actually contributed to his own demise in the sense that he lied to the police as was evident at the trial.

I would also like to point out the member brings to mind certain things that happen in society that may be contrary to the norm, where mistakes in judgment could be made in court. We do not live in a perfect society. This is one of the reasons we have laws. We also have high expectations for members of Parliament, yet often they have gone awry. MPs should be held accountable and are not above the law, yet it has happened that they seem to have been above the law on occasion.

Justice must not only be done but it must be perceived to be done. I believe the hon. member should get out of the committees she is on and into the society which she talks about. We cannot have deterrence if we do not have punishment. Would the hon. member address that point. How can we have deterrence if we do not have punishment?

Ms. Clancy: Madam Speaker, I thank the hon. member for Calgary Northeast for his questions and comment. First let me speak to something that has been addressed because I know he would not want to carry on with a misconception.

The question of whether Junior Marshall contributed to his own misfortune was addressed by the inquiry. The appeal court judges who sat on the case were reprimanded by the judicial counsel for saying exactly what the hon. member said, with the greatest respect. I know the member did not mean to perpetrate it. He did not contribute to his own misfortune. He did not lie, absolutely not. He was in the park that night and was hurt by the same man who killed Sandy Feal. He did not lie and the judges who said that were reprimanded by the judicial counsel, in the words of Casey Stengel. The hon. member could look it up.

At any rate with regard to deterrence, not at any time did I suggest to the hon. member or to the House that there should not be deterrence and punishment. I did not say there should not be.

An hon. member: Capital punishment.

Ms. Clancy: Capital punishment, not on this side of the House. The hon. member should wait; he might get another chance. I never at any time suggested there should not be

adequate punishment. Of course there should. That is why we have the Criminal Code. That is why we have the sentencing policies that we have in place. Some of them are insufficient and some of them must be changed.

My point to the hon. member was that we do not, to use another cliché similar to justice must not only be done but must be seen to be done, throw the baby out with the bath water. We have children in this country who go wrong. We must do everything we can to put them back on the right track. Necessarily lowering the age to 10 and frying them is not the answer.

Mr. Randy White (Fraser Valley West): Madam Speaker, I do not intend to be so kind about the criminal justice system when I talk. I am not a lawyer but I am one who has been affected by such things as the criminal justice system and I live in an area with many prisons around it.

I want to refer quickly to a newspaper article that appeared not too long ago in the *Abbotsford Times* in my community:

Corrections Canada reports all 57 inmates granted temporary absences this Christmas from B.C. prisons have returned to jail.

But that doesn't impress local police.

I am going to refer to this point a little later. It is nice to see they came back from their Christmas break.

I rise today to speak to one of the most contentious emotional aspects of the Canadian criminal justice system, the reform of parole. The entire issue of the rights of victims revolves around the parole system and how it has let us down. Let us not mix words here tonight. It has let us down.

(1640)

Parole horror stories have become so commonplace in the media that the majority of Canadians has completely lost faith in the system. Nowhere is this more evident than when we talk to people who have lost someone dear to them as a result of the breakdown of that system. When we sit in the living room with a family whose life has been forever altered, as I have recently in Langley, British Columbia, we see their eyes. These people are victims. There is sadness, despair and anger in their eyes. It has been a powerful, moving experience for me. I do not know if I would have the strength to be as forgiving as some of those victims are.

What drives me to distraction is the attitude of the bureaucracy responsible for the tragedy. There is no emotion in those eyes; just cold, hard, vacant stares, and endless recital of the regulations. No one is responsible. It is no one's fault. No one seems willing to do anything about it.

In my riding we are surrounded by federal correctional institutions, as I have said, and there are no shortages of incidents involving parolees. Also the article in the *Abbotsford Times* quoted local RCMP members saying that whenever they have an unsolved crime they just check the list of parolees loose

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in the street, find out what they were doing at the time of the crime and, bingo, the crime is solved. At the time of story their success rate for solving crimes in this way was 75 per cent. While there were not a large number of those cases, the lasting impression in the public's mind was that criminals were simply being let out too soon.

What response do we get from the criminal justice system when it breaks down? I realize the Parole Board and Corrections Canada are two separate bodies, but in a recent meeting with the head of corrections for the Pacific region I was told that the responsibility for improving the criminal justice system lies with Parliament. They simply follow the rules laid down by politicians.

Another common response is to quote surveys. The Parole Board likes to quote a particular number. It says that long term research shows that 75 per cent of paroles granted were concluded without any return to federal custody during the sentence. As we all know, statistics are a matter of perspective and in some cases outright deception.

Benjamin Disraeli said it better: "There are three kinds of lies: there are lies, there are damn lies and there are statistics". If it is true that 75 per cent of paroles are successful, I want to know what the cost was to society of the other 25 per cent. In my eyes it is a failure rate of one in four and that is just not good enough.

It is time the rules were changed. It is time to stop awarding old friends and party hacks with appointments to the Parole Board. It is time to establish competency tests for board members which address the need for an understanding of the justice system. It is time there was a system of redress for victims who have been injured as a result of incompetence of the board. These board members must be held accountable. Most important, it is time criminals did real time for real crime.

At the heart of this discussion is the fact that somehow we have lost the resolve as a nation to stand and say that when a criminal is sentenced to 10 years he should serve 10 years; not 3, not 5, but 10 years. Sentencing reform is key. It must be mentioned in this discussion as an integral part of the solution.

Where do we start? One of the major hurdles is the way the public sees these issues as falling under one umbrella. In a sense they do. It is all in the justice system. What happens typically is that public outrage is diluted because it often takes a scatter-gun approach. People blame the police for not warning communities, even though they are handcuffed by the charter of rights. They blame jails for letting prisoners out, even though it is the Parole Board's job. Or they blame judges for not imposing stiffer sentences when it might have been a poor submission by a crown prosecutor who caused the miscarriage of justice in the first place.

Supply

(1645)

As I mentioned before, no one is to blame. If the system is so complicated and intimidating to those not close to it, then the first step we must take is to make it clear. We must commit to allowing victims greater access to the halls of what now passes for justice. The public has the right to take part in the decision making process. It must be an integral part of parole hearings.

Before that, victims must be given greater opportunity to be heard at the trial stage. Victims' impact statements are not given enough credence in the system as it now stands. In short, the simple request we have for the criminal justice system establishment is "open your eyes and open your doors to the people whose rights have been trodden upon, the victims of this country".

I would like to close on a personal note which will help to explain why I referred earlier to the eyes of victims. I recently sat in the home of Mr. Chris Simmonds of Langley, British Columbia. There is a picture on his coffee table of two beautiful daughters. The picture and the memory is all that is left to one daughter, Sian.

She was brutally murdered by a hired killer who claimed he was only trying to scare her with a loaded gun. He was out on bail on his own recognizance at the time. I do not have time to explain this complicated case today but what is striking about Mr. Simmonds is his calm resolve to have justice done.

The latest travesty in this case is the decision of the court to move the trial of the man alleged to have contracted the killing to Port Alberni from my constituency. The court says that he can receive a fair trial safe from the influence of the media. Once again, the victim's rights are secondary. The criminal's rights come first.

Out of respect for the Simmonds privacy I will not detail the effect of this savage murder on the remainder of the family. Besides the financial strain, emotionally they are near ruin. However they fight on.

When Mr. Simmonds approached victims' assistance for some kind of compensation for the extra expense of travelling to and from Port Alberni he was told by another steely-eyed bureaucrat that he did not qualify because he did not witness the death of his daughter. This is the only point in the story where Mr. Simmonds eyes give him away. He told that man: "Don't tell me I did not witness my daughter's death. Every night when I go to bed I close my eyes and I see her die".

Madam Speaker, from time to time in this House, you are called on to witness a vote and say that the yeas have it. When it comes time for us to vote on the long overdue reform of the criminal justice system, I for one will remember the eyes of Chris Simmonds.

I call on every one of my colleagues to join me in saying yes to the reform of parole and no to those who would put the rights of the law breakers ahead of the rights of the victim of crime.

Mr. Sarkis Assadourian (Don Valley North): Madam Speaker, I enjoyed the hon. member's speech, as I do all the speeches in the House.

My questions to him are these. First, what is his position on gun control and second on capital punishment? On this side of the House we are proposing changes to the laws. Is he prepared to let us know what his positions are on these two issues so that they can be taken into consideration by us and by Canadians watching us today.

Mr. White (Fraser Valley West): Madam Speaker, I will give my position on both of those but all we are hearing today is that we are going to study, study, study, talk, talk, talk.

This is not a new phenomenon, the criminal justice program we have and the problems we have with it. This is something that has been going on for years. If we study this for another term there are going to be some serious problems in the country. Let us stop talking and discussing. Let us just get on with the job.

(1650)

I suspect members opposite differ because they would be more liberal, but I think we have to stop worrying about trying to control the guns of recreation users, farmers and hunters and worry a lot more about the criminals and the guns they have. In fact if a crime is perpetrated by someone using a weapon while robbing a bank, in my opinion there should be two separate and distinct charges. Get off the backs of the recreation users, the farmers and the hunters and start worrying about the criminal for a change.

On capital punishment, I support capital punishment.

Mr. Ian McClelland (Edmonton Southwest): Madam Speaker, I am particularly pleased to follow my hon. colleague from Fraser Valley West. I thought he used a particularly poignant example to conclude his address. After hearing it, it is very difficult to move to another phase of the debate. However I would like to talk about the cost of crime as it pertains to ordinary citizens. We do not even think about it on a day to day basis.

I know when I was door knocking during this campaign, and I am sure it was the case of virtually everyone in the House, what we noticed was that everyone has a burglar alarm. Did hon. members notice that? When we went into the higher income areas, then everybody had burglar alarms plus dogs.

The cost of crime and the paranoia associated with crime and the fear of crime is a tax every one of us pays to businesses which have increased costs because they have had to install burglar alarms.

Supply

For those of us here and those Canadians at home watching, we all know what happens when we have been the victim of crime. During the campaign when I was making this point I would just ask people: "How many people here in the last year have been a victim of crime either personally or someone in their family?" Members would be amazed. I think it was something like 15, 20 or 25 per cent of the people would raise their hands every time. That was just in the past year.

I know as a victim the first thing that happens is you feel like you have been violated. You think your sense of safety is no longer there. The street that you have lived on, the neighbours that you have had all those years, all of a sudden you are locking the door. You just do not feel good about it anymore. Gradually that fades. You get over it. You get your alarm company. You get your alarm in. You start feeling good about it. Then you go into a drawer to get something that you have forgotten about and you find it is not there because that is one more thing stolen.

The frustration comes back in the neighbourhood with young offenders, when people know who is breaking in. A street with 20 or 30 houses and 5 of them have been broken into and they are all the same people.

That is the situation. It is partly due to our wonderful Charter of Rights and Freedoms that has put the cart before the horse. We have the rights of the criminal paramount to the victim.

Let me give another example. A rape victim wanted to find out whether she had been infected with AIDS. She went to court to get a court order so the convicted rapist would be tested for AIDS but it was said to be a violation of his rights. He raped this gal and it is a violation of his rights that she cannot have the peace of mind of finding out whether she ended up with AIDS because of what he did.

(1655)

My friends, we have to rethink, we have to deal with the situation as it is. No wonder people think that we have lost the handle on this.

In doing a little research I asked: Where did we start to go off the rails? No one on either side of the House got up one morning and asked: "Well, how are we going to screw up the criminal justice system? How can we make it worse instead of making it better"? It did not start that way. But that is how it has ended up.

It is only a mistake if it is recognized as a mistake and it is not changed, then it is experience. Let us get some experience from it.

This is how it started and I quote from *Hansard*, Thursday, October 7, 1971, and the words I am going to read from the Hon. Jean-Pierre Goyer, Solicitor General, are going to shock you.

Folks at home, when you hear the words I am going to say you are going to realize why we got into the mess we are in. It is quite a long and involved quote but it says: "Consequently we have decided from now on to stress the rehabilitation of individuals rather than the protection of society". That is right out of *Hansard*. The Solicitor General of Canada, Thursday, October 7, 1971 in this very House and I well bet he was standing right over there somewhere when he said: "Consequently, we have decided from now on to stress the rehabilitation of individuals rather than the protection of society". Is it any wonder we are where we are at today?

It started because in 1971 the recidivism rate was 80 per cent. People went to jail, they served their time and 80 per cent of them were back in after they were released. Something was wrong somewhere, so we had to change things. This was an attempt to change things.

I think they were on the right track. They just went too far. It ended up with the rights of the criminals coming before the rights of the victim. It has come to the point where we do not have enough money to go around to pay for day care and other things that people would love to have but we can put \$675,000 into expanding the recreation complex at Bowden Institution. Or we can build a jail in Grande Cache where all the rooms face the mountains.

I want to point out the fact that we did not get started on this track yesterday. We have been on this road for a long time and it is now time to make about a 180 degree U-turn.

Mr. Derek Lee (Scarborough—Rouge River): Madam Speaker, in listening to the member's speech I note that the quote was taken from a time, while certainly not the middle ages, some 23 years ago.

I would also point out and perhaps the member could respond, that about a year and a half ago in passing legislation dealing with corrections and parole, the statute dealing with penitentiaries and the Corrections and Conditional Release Act and in reviewing the draft of the statute the priorities which were to be considered by the department were listed in the statute. For some particular reason and we did not know why, the safety of the public was not number one.

I say that in revising the statute for passage we in the committee moved the item up from No. 3 or 4 up to No. 1. I want to suggest that perhaps the pendulum is swinging back the other way after some 20 years. I accept the member's approach and I wonder if he would comment on the swinging of the pendulum.

(1700)

Mr. McClelland: I thank the hon. member for the question. That was on my list but I did not get to it. That is a good example of one of the cases where we have to be careful. We do not want to let the pendulum swing too far in either direction.

Supply

At the time of reforming the penitentiaries in 1971 it was very Draconian and there is no question we were not saving as many souls as we were possibly able to under those conditions. Therefore in swinging the pendulum there is a very good possibility we went too far in the other direction. Now is the time to put the rights of the victims at least where they should be, which is always ahead of the rights of the criminals.

I accept the hon. member's point and thank him.

The Acting Speaker (Mrs. Maheu): I foresee the hon. member rising on a point of order. There was a mixup in the lists. Members of the Reform Party were splitting their time and had lost a 10-minute slot through an error of the Chair. I gave it back to them and the government spoke and now it is back to opposition.

Mr. Nunziata: Madam Speaker, on a point of order, is it your intention to have two members from the same party speak in a row?

The Acting Speaker (Mrs. Maheu): That is what I was just explaining. There was an error on the part of the Chair when I overlooked one Reform member and passed to a government member in his place.

Mr. Art Hanger (Calgary Northeast): Madam Speaker, it is indeed an honour to be able to address the House on an issue of such importance. I only hope that my colleagues on the other side of the Chamber will look upon this motion seriously and thoughtfully.

In the minds of a vast number of Canadians there is no more important issue than crime and the failure of the justice system to deal adequately with crime.

During the course of my campaign I had the opportunity to unscientifically poll the mood of the public in my constituency to find out which issues held their attention the most. In my riding perhaps no other issue touched people as directly as crime.

There is no more glaring and headline generating problem than that of crimes committed by non-citizens, especially those who have come to this open country. Some of them have actually abused Canada's generosity and to make matters even worse, are coddled by our justice system.

I know that given our present levels of immigration the number of immigrant offenders is relatively low. Certainly immigrants are overwhelmingly committed to living peacefully and making a better life for themselves in Canada. Nonetheless there is a broad opinion that the rights of criminals who are not citizens or legal residents of Canada are being given precedence over the rights of law abiding members of society, both citizens and non-citizens alike.

As I mentioned before, there have been numerous examples of criminal activity on the part of illegal residents and new residents of Canada. The focus of these headlines and the

subsequent public outcry over these examples has not been on the crimes per se, but on the fact that those criminals have been cycled through the Canadian justice system rather than simply removed.

In my own city I recently acquired information about two convicted drug traffickers, both of whom were in Canada illegally, having overstayed their visas. Both were sentenced to significant amounts of jail time. The obvious question to ask is: Why are these two criminals, neither of whom possess legal status in Canada, still in Canada after having committed these criminal acts and have served their time, or at least a part of their time? That is a good question to ask.

That is not the end of the story. These two gentlemen, predictably, did not serve their full sentences in prison. Instead, after a fraction of their sentences had been served they were released on parole. They were released back into the community where they could visit and live and begin to re-establish their lives despite the fact that neither of these men were legal residents of Canada.

The story still is not over. At the time of this case, one of these drug pushers when out on parole acquired the status of whereabouts unknown. In other words, he violated his parole.

The criminal justice system did not have the sense to simply run these two out of the country on a rail. Instead it used tens of thousands of taxpayers' dollars to prosecute and imprison them for a short time. Then the justice system was kind enough to allow these two out on parole, never mind the fact that neither should legally be allowed on Canadian soil in the first place.

(1705)

When I spoke to the parole officials concerning this case, they informed me that any Parole Board decision imposed on an illegal alien took precedence over deportation proceedings. This particular case is not an isolated one.

Some may interpret this as an attempt on the part of the justice system to dole out just punishment. However, my constituents and many more Canadians across the country see examples like this as a drain on the system and a risk to our communities posed by a justice system that is rule driven, not common sense driven.

When Canadians are forced to support criminal illegal aliens through years of incarceration on our soil and then are forced to live among them when those criminals are released on parole, then all of us become the victims. We are victims not only of crime but also victims of a criminal justice system that does not have the sense to deal expediently and in a common sense way with people who come to Canada and commit crime.

I wonder if this House is aware of the fact that refugee claims are often heard not in the offices of Immigration Canada nor in offices abroad, but rather in Canadian prisons. As hard as it is to believe, current policy allows for refugee claims to be heard in prison. Even more difficult to believe is that refugee board

Supply

members are not permitted to take into account the character of the claimant as demonstrated by the fact that the claimant is in prison as they assess the individual's acceptability as a refugee claimant.

There are two issues apparent here. The first is the ridiculous disregard for character inherent in the refugee process. The second is Canada's willingness to house in prison law breakers who have not yet received the right to legally reside in the country.

Canadians are outraged that this government would not only subsidize the trials and incarceration of aliens, illegal or otherwise. They are also outraged that their safety is being jeopardized when instead a speedy deportation order would be the way to go.

One of the guiding principles of the Reform Party is the attention we pay and the regard in which we hold the common sense of the common people of Canada. People outside the justice system, but who nevertheless provide for its funding through their taxes and who are the victims of it when it fails to provide for their protection, have expressed to me and my colleagues that Canada's justice system is in dire need of some common sense reform. That is not just shared by the Reformers on this side of the House, but I hope members on the other side.

My colleagues have pointed out the tragic irresponsibility of a system that promotes and protects the rights of criminals over victims. I stand before this House to report that Canadians have lost faith in the justice system which spends thousands of dollars to harbour illegal aliens when they commit crimes. As I stated before, that victimises every Canadian who either has to foot the bill for such nonsense or is forced to live in a community that must needlessly be the home for criminals from abroad.

Recently the existence of another kind of foreign criminal has been brought to light in Canada. It has been discovered that Ottawa is the home of a former minister of justice in the brutal Barre regime of Somalia.

The existence of this individual in Canada has been known for some time now. Members of the Somali community in Toronto have brought to my attention the fact that they had made this government aware of the presence in Canada of several other members of that regime, people who may also have perpetrated horrible crimes against their own people in Somalia, but to no avail.

After a great deal of correspondence with the government and several pieces of investigative journalism which proved the existence of such people in this country, law abiding Somalis who now call Canada home are still waiting for justice to be done.

(1710)

So many Somalis have fled Somalia and have come to Canada hoping to find a refuge. They soon discovered that Canada's immigration system seems unable to distinguish between genuine and non-genuine refugees. Also they discovered that Canadian politicians do not have the political will necessary to take action to apprehend and deport political criminals who have followed them to Canada. This is yet another example of the apparent disregard for the rights of the innocent and the law abiding while the rights and privileges of criminals are protected.

When will this government display the political will necessary to enforce laws that are on the books? I am concerned that we may never see that sort of political will exercised as long as this government is in power. Instead of firm proposals to help protect all Canadians from both Canadian and non-Canadian criminals, we will hear more soft talk about the charter, about the need to be fair, and about the need to protect the rights of the few.

This government will be in grave danger in four years. The unprotected may rise up in anger and demand that the criminal justice system be taken back from the constitutional attorneys. They will demand it be taken back from the special interests and brought back into the hands of those who can listen and respond to the common sense pleas for protection, truth, justice and national security which are being made across the land.

[Translation]

Mr. Antoine Dubé (Lévis): Madam Speaker, the hon. member who just spoke and some of his colleagues touched on some quite particular aspects. We see that they each chose a subject in turn. In this case, it is illegal immigrants who commit murders while they are in Canada illegally.

The motion before us today concerns victims' rights, we must agree, but it is very, very general. I would just like to point out to the hon. member that a study, which I do not have on hand now, reports that about 80 per cent of the murders in Canada are committed by family members or someone in the victim's immediate circle. We must keep that in mind, because a very large majority of murders are committed in such circumstances. Knowing that, I think that we should deal again with the whole issue of the availability of firearms or other dangerous weapons that violent spouses or other persons in the victim's circle might use.

There is also another aspect. Murder is not the only crime, theft is another, but all studies show that such crimes are often related to poverty and social problems.

I would like to hear what the hon. member has to say on these two aspects in particular and not only about illegal immigrants, which he emphasized before, since all in all, crimes committed by illegal immigrants account for very little of the problem that we are talking about today.

*Supply**[English]*

Mr. Hanger: Madam Speaker, I made general comments about more than just murder. If the member would recall, in my statement I was referring to drug pushers who have come illegally into this country although I am aware of other situations certainly. In several of them illegals have committed violent crimes as the member speaks of such as murder, robbery or assault.

It is not a question of directing our attention elsewhere. We have many problems in enforcement. There should be a deterrent to those with any serious negative intentions as far as our laws are concerned when individuals come into this country.

What I am expressing here is that they are not adequately being dealt with when they are perpetrating acts of this kind. We have laws. They should be enforced.

The opinion among the judiciary seems to be that aliens should be handled in a different way. People are fed up with that kind of thinking. They are looking for action. If you commit crime in this country, I do not care what your background is, you should be dealt with. You should be placed on the same plane as the individual who lives here and is breaking the law, the only difference being with the outsider is he should be immediately deported upon serving his sentence.

(1715)

Ms. Beth Phinney (Hamilton Mountain): Madam Speaker, I will be splitting my time with the hon. member for York South—Weston. I will try to cut mine down so that we both get time to do our share.

I am pleased to speak on this motion by the third party that indicates a concern that this government is not acting to reform the criminal justice system. I do not want to be too critical of the Reform Party. However I want to set the record straight about this government's action to bring reform to the criminal justice system.

Of course we are concerned about the rights of victims and those who are closely associated with victims of crime. These Canadians want us to take not just short term, but long term actions and to include the public in decision making, including the victims. The Liberal approach is an integrated approach. We want to get tough on criminals. We are looking to clean up the justice system.

As the minister stated on January 27: "Crime prevention must take account of the deep causes of crime: poverty, sexual exploitation of children, family dysfunctions, racial inequality and inefficient or underfunded social services".

He further stated: "Our government is determined to develop an integrated crime prevention strategy. Together with the other levels of government, the police, victims' groups and the community organizations, we will make a priority of looking at the deep causes of criminal behaviour and eliminating them".

I personally find it astounding that the Reform Party seeks to condemn the government for its inaction when they know the Minister of Justice the moment he was sworn in began to listen and act. In fact the motion before us seems to condemn the minister and this government for listening, something I thought was high on the priority list of the Reform Party. They should praise the Minister of Justice.

Finally we have a Minister of Justice who is taking action based on what Canadians want. Certain actions have already been initiated. A national crime prevention council is being actively planned and will be functioning within four to six weeks. Amendments to the Young Offenders Act will be tabled early in May. The re-establishment of the law reform commission is well under way. The court challenges program will be reinstated in about six months. Appointments to the National Parole Board are now made on the basis of merit and expertise.

Yes, we have to take further steps. The minister has promised that from the beginning. In his speech on January 27 among other things he promised to address concerns about the release of high risk offenders into society at the end of their custodial terms and to address the serious problem of violence against women and children. He has promised to tackle the problem of illegal arms smuggling. He will be looking into the broad category of equality before the law.

The minister will search for better ways of ensuring that justice needs of aboriginal people are recognized and acted upon. He will introduce legislation to deal with the sentencing aspect of criminal law.

I have worked for two and a half years with Priscilla de Villiers whose daughter Nina was murdered August 1991. Priscilla de Villiers began a petition telling the government that there are serious deficiencies in the criminal justice system of Canada. The petition asked that Parliament recognize that crimes of violence against the person are serious and abhorrent in our society.

We learned that Nina's experience was not unique. The petition brought to light similar cases where the justice system had failed. In fact 2.5 million Canadians have demonstrated their concern by signing the petition. The hon. justice minister accepted those petitions at a press conference on February 7 and stated his objective to provide and maintain the fairest and most effective system of justice for Canada and Canadians.

Supply

Mrs. de Villiers realizes that violent crime cannot be addressed through the justice system alone. We all have to make a long term commitment to a safer society that rejects violence and instills non-violent values in our children.

Through an organization called CAVEAT which Mrs. de Villiers formed, many deeply concerned Canadians will continue to promote public awareness and crime prevention in its broadest sense.

(1720)

Many groups across Canada are participating in dialogue regarding the changes that are needed in the justice system. The Canadian Chiefs of Police and the Canadian Police Association are both putting forward a suggested bill of rights for victims. Local police in many areas including Hamilton are moving directly into the community to better understand the needs of our citizens.

I have been listening and have become more and more convinced that we need this national, rational debate that is going on across the country. We all need to share our experiences. I find it strange that the Reform Party wants us to take action without taking the time to consult with all Canadians, including the victims of crime.

The opposition has to get a grip on reality. It needs to see the link between crime and the social structures of our society. It needs to see the need to consult with the citizens of Canada, with victims themselves, to make changes in the justice system truly meaningful.

In truth, we need to compliment our Minister of Justice. He has been listening not just in the House but across Canada. Priscilla de Villiers mentioned to me only this morning that she feels that the minister is moving in the right direction with his consultative process and the suggestions for change that he has been proposing.

The member who moved this motion may be interested that the minister while in Vancouver last weekend met with a group of victims and personally heard their concerns. The members of the opposition need to listen to their constituents and need to bring their concerns to the consultative process here in the House.

This would be a more effective use of our time and would better serve our common goal to bring meaningful change to the justice system. I look forward to working with members on both sides of the House while we work together toward our common goal.

Mr. John Nunziata (York South—Weston): Madam Speaker, the motion before us by the Reform Party is a mischievous motion.

The Reform Party was elected in part based on a platform that said that rather than being mischievous in the House, its members would be constructive and work with the government in order to achieve changes for the common good of the country. Therefore when the Reform Party puts forward a motion condemning the government for its inaction, given the early mandate of this government I would suggest that it is mischievous.

I would have expected more from the Reform Party. I would have expected its members to provide some constructive alternatives or suggestions in order to assist this government in its changes to the criminal justice system.

The Liberal Party in the last election campaign made it very clear in its red book that it would deal effectively, unlike the previous administration, with changes to the criminal justice system.

All I need do is refer the hon. member and the Reform Party to page 84 of the red book where the Liberal Party set out its commitment in advance of the election campaign with regard to the criminal justice system.

We said on page 84 that dealing with the growing incidents of violent crime will be a priority for a Liberal government. I can assure the member that members on this side of the House are dedicated and committed to changing and correcting the criminal justice system.

I have every confidence that the Minister of Justice will bring about significant change. He will ensure that in due course Canadians will once again have respect for and confidence in the criminal justice system.

The minister earlier today indicated a number of initiatives that he has taken. All I can ask of the Reform Party is to work co-operatively with the minister and other members on this side to ensure that the changes take place.

I have but a few short minutes to discuss some of the matters I wanted to discuss with regard to the criminal justice system. There is no question we agree that the justice system is in desperate need of reform.

I have before me the Criminal Code of Canada which is the basis of our criminal justice system. It tells us how we deal with criminals in this country and yes, this thick book needs a lot of reform. There are two areas that I have addressed through the private members' process in the last several weeks.

Today I introduced a bill that would eliminate section 745 of the Criminal Code. Section 745 as I indicated to the House earlier today allows individuals convicted of first or second degree murder to apply to a court to have their parole eligibility dates brought forward. In effect it means that a first degree murderer, for example, someone who commits a deliberate murder, premeditated, can apply to the court after 15 years to be released from prison. I do not believe that that provision has the support of the public.

Supply

(1725)

It means that life does not mean life. Most Canadians realize that when you commit a first degree murder it does not mean you are going to serve the rest of your life in prison. Most Canadians believe that life means 25 years. It does not even mean that. Under section 745 it could mean 15 years.

The likes of Clifford Olson will be eligible to apply in less than three years. Helmut Buxbaum who had his wife murdered would be eligible in the next five years. Colin Thatcher, in several more years, after 15 years will be able to apply for a reduction. That particular provision is a significant error in our criminal justice system in the Criminal Code and it ought to be eliminated.

The next subject I want to touch upon briefly is the Young Offenders Act. We all know that the Young Offenders Act is not working.

On February 17 I introduced in this House a private member's bill that would address three areas, and there are a number of other areas that must be addressed, that I believe must be addressed at the earliest opportunity.

The first is to change the age limits under the act. At present the Young Offenders Act defines a young offender as a child, if you will, between the ages of 12 and 17. The bill I introduced would redefine a young offender as being a child between 10 and 15. In effect 16 and 17-year olds would be dealt with as adults in criminal court. They would be prosecuted just like any other adult would be prosecuted.

In my view a 16 or 17-year old understands and knows the difference between right and wrong and ought to be dealt with accordingly.

With regard to the second aspect of my bill, the minister has already indicated that in the amendments that he will bring forward he will increase the maximum penalty for first degree murder to 10 years. I applaud the minister for that initiative.

The third aspect of this bill would allow for the publication of the name of the young offender after the second indictable offence.

In effect the young offender would be given two chances. The third time around, in my view, the public interest would dictate that the public should know the identity of the young offender and the circumstances of his or her crime.

There are other areas that have to be addressed. The minister indicated a number of the areas that he will be dealing with in the months ahead. I have taken the position in the past for example that the parole system is in desperate need of reform again. Mandatory supervision, the automatic release of inmates after serving two-thirds of the sentence, in my view ought to be eliminated. Sentencing reform is a package that the minister said he would bring forward. Parole reform again is very important. In the area of prostitution changes are necessary because of the effect of prostitution on communities right across the country.

In the few moments that remain I want to indicate to the Reform members that they certainly do not have a monopoly as far as having concern about the criminal justice system and reform of the criminal justice system.

Members of the cabinet and backbench members of the government are all dedicated and committed to making changes. I would ask members of the Reform Party to come forward with their ideas because I know that the minister and others will listen. In a years time or two years time I would ask them to look back and I think they will be proud of the work of this government in the area of criminal law reform.

Mr. Ronald J. Duhamel (Parliamentary Secretary to Minister of Public Works and Government Services): Madam Speaker, I thank my colleagues for their contributions today. There have been a number of important suggestions and recommendations.

Everyone heard the Minister of Justice say today that he would listen very carefully and in fact welcome the ideas of people.

(1730)

I have heard a number of points. I want to make a very brief comment. There is a tendency and a real need to ensure the victims of crime have many more supports than they now have. The Minister of Justice indicated that he agreed and wanted to do something about it.

There is also a feeling that for certain crimes there ought to be much tougher sentences. I applaud that and I believe it is true, but we have to be very careful, as one colleague in the Reform Party indicated, not to let that pendulum swing too far. Otherwise we distort the system in another fashion which is perhaps just as bad.

How important is it to attack the causes of crime embedded in poverty and unemployment in order to reduce crime? I would just like to get my colleague's opinion on that.

Mr. Nunziata: Madam Speaker, there is no question that a balanced approach is necessary. We have to deal with those people who commit criminal offences. That is a must. We have to deal with them effectively, taking into account the public interest and the rehabilitation of the offender.

I agree with those persons who say the pendulum has swung too far in one direction. We have to seek that equilibrium or that balance. On the other hand we have to do what we can to ensure that people do not embark on a life of criminality. We have to deal with and address root causes of crime such as unemployment. I am convinced the government will deal with the question of unemployment. If people are working they are less likely to commit crime.

Also we have to deal with the question of poverty and the fact that so many Canadians go to bed hungry at night. If we deal with poverty we will deal at the same time with crime. We will reduce criminality. A multifaceted approach is necessary. I agree with the hon. member that we must deal with the root

Private Members' Business

causes of crime because in the long run that would be a more effective way of dealing with crime in our country.

The Acting Speaker (Mrs. Maheu): It being 5.34 p.m. it is my duty to inform the House that pursuant to Standing Order 81(19) proceedings on the motion have expired.

The House will now proceed to the consideration of Private Members' Business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[English]

IMMIGRATION ACT

Mr. Derek Lee (Scarborough—Rouge River) moved that Bill C-219, an act to amend the Immigration Act (visitors' visas), be read the second time and referred to a committee.

He said: Madam Speaker, the background to the bill takes us into the inner workings of the Immigration Act. A bill similar to this private member's bill was presented in the last Parliament. I guess it is fair to say we are taking another crack at the issue.

The background relates to the procedures which are used by visitors who wish to come to Canada, visitors from what we call visa countries, countries where it is necessary for residents to get visas from Canada before they visit here. The bill would permit the Canadian relatives of such visitors to put up a bond or a surety. It would require a Canadian immigration officer who was considering a visa application to take the existence of that surety or bond into account when the application was made.

The best way I can describe the types of difficulties that the bill is aimed at resolving is by referring to an individual case. The individuals involved know I will be speaking about the case because I mentioned the same case a couple of years ago in Parliament. They are good enough to permit me to use it as a good example of why the bill might be of assistance.

It relates to members of the Saravia family who live in Scarborough. They have lived in Canada for about 20 years. They are originally from Bolivia. They have brothers, sisters and other family in Bolivia.

(1735)

A couple of years ago after some discussion it was proposed that one of the brothers visit for Christmas. He had never met his nieces and nephews here, and everyone thought it was a good idea. The mother had successfully visited Canada with a visa about a year and a half prior to that time. In this instance the visitor, Mr. Torres, travelled to Peru because we do not have a visa issuing office in Bolivia. He made his application about a

week prior to Christmas. He went with his airline ticket and a document sent to him by the family here and was turned down for a visa. Regrettably while in Lima he was robbed by some people there. The Christmas visit did not take place. That was the bottom line and my constituents were unhappy about it.

This is one case in hundreds I have had to deal with as a member of Parliament. I know all members of Parliament, particularly those of us from urban areas, have had to deal with the problem of applications by family members for visitors' visas.

In this particular case we received a letter of explanation in our office. It was a good letter, a good response. I am not in any way critical of our officials in Lima. They replied and gave their version of an explanation. I am going to read portions of the letter because they help describe some of the background. They wrote:

Visitors visas are a very tricky part of our work. As you know, a great number of aliens enter Canada each year as tourists and try to stay after their original stay has ended. We have to determine in each case, with very little information at hand if the applicant is really a visitor or if the person is an immigrant trying to enter Canada on a tourist visa. The only way an applicant can convince us that he or she is really a visitor is by demonstrating that he or she has very strong ties to his or her home country which will force him to return to that country.

This is what we expressed to Mr. Torres to show us. He explained he was leaving his wife and two children behind. He declared he had a job in Bolivia to which he wanted to return. Unfortunately he showed absolutely no proof that his financial situation in Bolivia was comfortable or that he had any property or good reasons to return.

It is very frustrating for a Canadian resident to know that a brother, sister, mother, father, son or daughter cannot make a family visit because he or she does not have financial resources, when often the family in Canada does have some resources.

Therefore the bill is intended to rectify the omission from the process. We were just speaking a few moments ago about the criminal process where the victim has been excluded from the process. Here is another process, the visitor visa process, where the resident Canadian, the relative, the person who has invited the father or mother to come and visit, has been excluded from the process and does not have role. The bill will provide for a surety or a bond that will give these Canadian families an opportunity to participate in the process and provide greater assurance that the visas will be followed through.

The surety proposed does not require cash. The amount would be set by the Department of Immigration in the ordinary course as it sets other bond amounts. It provides the resident Canadian with a role in the process. It gives the Canadian a stake in ensuring that the terms of the visitor visa are met. Because these are family members there is a reasonable amount of suasion existing. There is a bond, a relationship between the visitor and the inviting family. Surely there is a degree of what I would call suasion in having the visitor fulfil the terms of such a visit.

Private Members' Business

(1740)

The current law in section 8 creates a bit of a catch—22. Subsection 8(1) reads:

Where a person seeks to come to Canada, the burden of proving that that person has a right to come into Canada or that his admission would not be contrary to this act or regulation rests on the person.

That is the visitor. It has nothing to do with the Canadian. Subsection (2) indicates:

Every person seeking to come into Canada shall be presumed to be an immigrant until that person satisfies the immigration officer examining him—that he is not an immigrant.

Basic visitors have to obtain visas and are basically presumed not to be bona fide visitors. There is a presumption that they are not bona fide visitors. They are presumed to be immigrants.

That is built right into the act. It is a great procedural device to put the burden on the visitor. If I were a Canadian with a family visitor from abroad, I would not be too happy about it.

I suggest it is a bit of a catch—22. It is not fair to these Canadians. The challenge of setting aside that catch—22 is exacerbated when there is a language barrier. Many visitors coming to Canada do not speak English as a first language. If the visa officer is looking for some subtleties in intention here, it is going to be awfully difficult to pick up on those subtleties when the language being spoken is not a first language. In the few questions that are asked the information exchanged is going to be pretty basic.

Turning to some of the statistics behind the bill on the surface do not look bad. In 1993 the department issued 545,000 visas or over half a million visas around the world. It turned down almost 82,000 around the world. That is not a bad statistic. One might say that is not too bad in the face of half a million visas issued. I think about 79,000 of those turndowns were relatives of my constituents but that is not true. It just takes two or three of them to frustrate the heck out of a member of Parliament.

Over 50 per cent of the people in my riding are immigrants. This means it is likely many of those Canadians have families and relatives abroad who want to visit. Therefore 82,000 is a big number. Even if there were only 1,000, 2,000 or 3,000 affected by the bill, it is a big number when we are talking about Canadians who want family visits to take place.

There are two perspectives worth noting. One is the huge increase in the number of families in Canada with relatives abroad. People are moving all over the globe now. There are huge increases in travel and large increases in the numbers of immigrants to Canada so hopefully many more family visits can take place.

Second, the refugee claims process has poisoned the atmosphere for visitor visa applications. In all cases visa officers are on the lookout for phoney refugees. There might even be a real refugee who is trying to get here through a visitor visa. Our visa officers put their careers on the line when they grant visas. I understand and I am sure other members understand that they cannot be seen to be making many mistakes. Every time a fake refugee claimant stays here on a visitor visa the dollars start to add up. It is not \$1,000; it could be \$20,000 or \$30,000 in costs to the federal, provincial and municipal taxpayer by the time we are done with legal aid for a lawyer, welfare support during processing, the cost of the processing, the accommodation and so on. It is a very frustrating and high stakes games. These are some changing realities we have to keep our eye on. Canadians have been neglected in this process.

(1745)

I want to conclude by outlining some of the salient features of this private member's bill. It provides a formal role for resident Canadians to participate in the process. Right now all we have happening with resident Canadians is sometimes they will go to a lawyer or a notary and get a letter prepared that says: "My brother, John, is going to visit and I will support him while he is here". They get the notary to seal it. The notary charges them \$50 or \$100. I will not comment on the appropriateness of the fees. As can be seen in the letter from Lima, Peru that kind of intervention by the Canadian family did not carry much weight in the decision.

Second, my bill would provide a material financial assurance of compliance with the visa by the visitor.

Third, it provides a real linkage between the applicant and the Canadian family doing the inviting.

Fourth, my bill would not prejudice those applicants who do not have a relative in Canada or do not put up a surety. The bill specifically provides that the absence of a surety is not to be taken into account by the visa office.

Fifth, it provides for individual applicants who have Canadian relatives the same ability to be bonded as group visitors currently have under the existing act. Group visitors can have bonding arrangements. Individuals at the moment cannot.

Sixth, it will not change the test for visitor visas. It will not change the underlying test and we will have the same test and the same safeguards. It will provide a significant role for family members here and provide a further assurance of bona fide fulfilment of the terms of the visa.

Private Members' Business

To conclude, I am hopeful that the government will listen carefully and include this type of amendment, this mechanism, as a new feature of the Immigration Act when it next considers amending our Canada Immigration Act.

[*Translation*]

Mrs. Madeleine Dalphond–Guiral (Laval Centre): Madam Speaker, it is certainly not a coincidence that Bill C-219, whose purpose is to amend section 9 of the Immigration Act, is being discussed today, March 17, St. Patrick's Day. Wishing a happy holiday to Canadians and Quebecers of Irish descent is a privilege for me as one of my ancestors on my mother's side came from green Erin. To my Irish compatriots, in particular those from Quebec, who are proud of their roots and their culture, I am pleased to wish a most enjoyable holiday.

Some hon. members: Hear, hear.

Mrs. Dalphond–Guiral: Members of the Official Opposition have, on many occasions in this House, pointed out the considerable contribution made by new Quebecers and new Canadian citizens to the building here of a pluralistic society open to the world. A large number of people from every part of the world have made Quebec and Canada richer with their cultures and their skills.

Incidentally, the composition of this House mirrors the Canadian mosaic as many members, in addition to being Canadian citizens, also have deep ties to their or their parents' native countries. On Canadian soil, it has been proven that there is a place and a warm welcome for people who choose Quebec or Canada, be they from Europe, Asia, Africa or Latin America. But their new lives do not erase their strong attachment to their friends and families still scattered all over the globe. These ties are essential and their value must be recognized by any civilized nation by amending legislation to make it fair and humane.

(1750)

We believe that, if passed, Bill C-219, the bill to amend section 9 of the Immigration Act before us today, will make it easier for non-Canadian relatives of Canadian citizens and permanent residents to obtain visitors' visas. This bill is a legislative amendment which is both fair and humane.

The members of this House know that, depending on the planned duration of their stay on Canadian soil, certain people must obtain a visitor's visa from a Canadian embassy abroad.

To be granted entry, people requesting permission to come into Canada must meet a number of requirements. They must hold a valid passport and return ticket. They must also state the reasons of their visit. In other words, foreign visitors who apply for a visa to come into Quebec or Canada and visit with relatives must prove that they are genuine visitors and comply with the

provisions of the Immigration Act and Regulations. They must also prove to the visa officer handling their application that they have enough money to support themselves while in Canada and that they fully intend to return to their country of origin.

We agree with the law that people who want to Quebec or Canada for a visit must have sufficient financial resources for the cost of living in Canada. This provision stands to reason, since the length of the stay is usually one to six months, with the possibility of extending it once in Quebec or another province.

However, figures from the Department of Citizenship and Immigration for 1992 indicate that Canadian visa offices abroad have rejected over 100,000 applications. The majority of these applications, Madam Speaker, were made in Third World countries and certain Eastern European countries.

Are visas actually denied mainly on financial grounds? It may very well be so. As the movers of this motion, we think it is immoral and totally unjustified to assume that less wealthy visitors who come from these countries would not act in good faith.

Consequently, it is important that persons applying for a visa who are not well off have their applications examined by an official much in the same way as applications from persons who are more financially secure are considered, if indeed members of their family in Quebec or in Canada or members who are permanent residents are prepared to put up a bond or surety.

Some people may object to this bill on the grounds that increasing the number of visitor's visas only increases the number of refugee claimants. They will point to recent figures released by the Department of Immigration which show an increase in the number of refugee claims made by persons entering Canada with only a visitor's visa.

Our answer to them must be that whether in possession of a valid visa or falsified papers, persons fearing persecution for political, religious, ethnic or other reasons have rights which are recognized under international law, notably under the Geneva Convention to which Canada is a signatory.

(1755)

Madam Speaker, it is neither a crime nor immoral to seek refuge in a country which respects human rights.

In conclusion, the members of the Official Opposition, who believe in the fundamental values of Quebec society, values such as generosity and open-mindedness, will unequivocally support Bill C-219. The amended Immigration Act will show even more respect for the citizens of this country who, through their differences and their work, enrich our society.

Private Members' Business

[English]

Ms. Mary Clancy (Parliamentary Secretary to Minister of Citizenship and Immigration): Madam Speaker, I would like to congratulate the hon. member for Scarborough—Rouge River on the interesting work he has done on behalf both of his constituents and all Canadians on this issue.

I might add, and I know the hon. member made mention of this, that it is not just in this Parliament but in the previous Parliament as well. He deserves congratulations. His interest in this is both timely and a good reminder to all of us who work in this area.

This is an area that interests all Canadians and that is why the Minister of Citizenship and Immigration has announced a new consultation for a 10-year immigration framework and one that the minister hopes to be making the first statements about this coming fall.

Canada's Immigration Act lists clear policy objectives to facilitate the entry of visitors into Canada for the purpose of fostering trade and commerce, tourism, culture and scientific activities and international understanding.

The decision to issue or not to issue a visitor's visa is based on the intention of the person seeking to visit Canada. It is very interesting that this bill should come up for debate today because I was discussing this very matter with senior departmental personnel earlier today before an appearance at the committee. One of the more senior public servants was telling me that one of the things he makes a point to do when he visits our offices abroad is to go to the visa office and observe the visa officers.

I think it is very true and something that bears repeating here in the House that the particular knowledge and ability of our visa officers, who are a very small but very specialized group in our foreign service, to make the decision right there on the ground particularly in some of the offices that are very crowded, that are over-subscribed by vast numbers of people wishing to come to Canada for a variety of reasons, to make good decisions and to make the right decisions is pretty amazing. The senior staff I spoke to today made mention of this more than once as something that we should be very proud of, our foreign service officials who are working for Canada.

We have in place a network of 47 full service and 25 specialized officers abroad located in Canadian embassies, high commissions and consulates who are ready to process visitors' visa requests all the time.

In 1993 Canadian officials overseas received 627,394 applications for visitors' visas. They issued 546,457 of these visas. Only 81,937 of these requests were refused or withdrawn. That is an 87 per cent acceptance rate and I think that is, again, an amazing figure. Most of these visitor visa requests are completed within 24 hours.

(1800)

In general, the problems we hear of as members of Parliament make up a very small percentage of the volume that is done by our Canadian offices abroad.

I want to make very clear that the minister believes the hon. member raises some very important issues with his private member's bill. They are issues certainly worthy of review. I am sure the minister responsible for citizenship and immigration will take the member's words and bill for review. A great deal of interest such as has been generated here today will continue certainly on behalf of the minister and the department.

Mr. Art Hanger (Calgary Northeast): Madam Speaker, it is a pleasure to be able to speak on the subject of immigration for the second time today.

I am going to be taking another side to this debate. I should point out this House has not been active in the promotion or discussion of legislation dealing with immigration and I applaud my hon. colleague for breaking ground.

Our current Immigration Act despite its enormous length has the appearance of having no teeth as its enforcement is sorely lacking. This also applies in the area of visitor visas. In the minds of many Canadians it fails to ensure that Canada is adequately protected from abuse.

Canada needless to say is a nation with a sterling reputation for compassion and openness. However when that openness is abused the result can be a backlash and a decline in Canadians' tolerance for newcomers or even more so directed toward the legislation that does not seem to fit the abuse. Polls indicate that this is precisely what is happening now.

Canadians see example after example of abuse in the system. They fail to see that immigrants are not to blame per se since those immigrants or visitors who are abusing the system are only taking advantage of the incentives for abuse that our present immigration law provides.

One area of abuse that may not make the headlines frequently but that is nevertheless a growing strain on our immigration system is the failure of many to leave the country after the expiration of their visitor visas. As a result of this abuse, immigration officials have been tightening up the requirements needed for visitors to enter Canada on visitor visas.

Currently one of the determining factors in whether or not a visitor visa will be granted to an applicant is if the applicant poses a risk for non-compliance with the terms of departure from Canada. This security is especially hard on young males and unattached people who it is often determined may have little reason to return to their native land. This is especially so when Canadian immigration is unable in most cases to undertake the process of apprehension and deportation of people who have overstayed their visas.

Private Members' Business

However if family members who are citizens or permanent residents of Canada were able to post a bond and the posting of that bond were allowed to influence the decision making of the immigration official, then not only would the possibility of overstaying be reduced but so would the likelihood of unjust rejection for visitor visas. At least that is how it should work in theory.

In reality however this legislation may have the effect of actually encouraging more abuse of the system. This legislation if passed, may result in even more people coming to Canada with no intention of leaving and then staying on without ever being apprehended. Allow me to explain why.

This bill makes no mention of the size or the type of bond, whether it is cash or security. Therefore we must assume that the bond will not be overly sizeable. If that is the case then citizens or permanent residents of Canada who desire to bring to Canada a family member may well end up making a rational, economic decision to buy a family member into Canada using a bonded visitor visa rather than going through the long and complicated process of sponsoring under the family class.

Further, when one sponsors a relative there is an obligation to support the individual for a lengthy period of time. I know this requirement has been ignored by many and is also rife with abuse. Nonetheless it is a requirement that presents an obligation which could be enforced, if this government would only demonstrate the political will necessary to enforce it and to support its enforcement officers and divisions.

(1805)

Were one to sponsor a visitor visa by posting a bond, there could be at most the loss of a couple of thousand dollars. No further financial or more important, legal obligation would be pending. Instead of accomplishing what this bill on its face seems to, this bill would in fact open the doors for further abuse.

I have brought the text of this bill to the attention of individuals with far more knowledge than I possess in the field of immigration. After review, the response I received from them was that while this bill could help to make the visa process somewhat less discriminatory, the price could very well be a flood of visitors who intend to take up residence in Canada by overstaying those visas.

Furthermore I was told that it is virtually impossible due to manpower shortages and legal limitations to track down, apprehend and deport illegals who have overstayed their visas. A huge percentage of illegal immigrants to Canada have used this route to enter the country. This legislation, by making the process of acquiring a visitor visa easier for those individuals who pose a high flight risk could make the number of illegals that much higher.

Further this legislation could make it impossible to charge a citizen or permanent resident of Canada with aiding or harbouring an illegal immigrant. After all if one has posted a bond and then forfeited the funds then legal recourse may be exhausted.

There is also the issue of fraud to consider. Fraud permeates the immigration process in Canada in the form of faulty travel documents, falsified visas and the transfer of documents. It is regrettable that this bill does not address this issue. Rather this bill seeks to make the acquisition of visas even easier and ignores the rampant abuse of the visitor visa system that currently exists.

One other point should be made regarding this bill. This bill assumes there is some mechanism to determine if and when a visitor on a visa leaves the country. How else could the forfeiture of a bond occur? However there is no such process. While visa visitors do have their date of entry logged with Immigration Canada, their date of departure is not. Thus this bill is premised upon an enforcement mechanism which by all rights should exist but does not.

In short, I applaud my hon. colleague for having introduced this bill and to attempt the beginnings of a badly needed restructuring of immigration law. However this bill is shortsighted and suffers from the same malady that reflects so much of the legislation that comes into this House.

In theory we have a good idea here. I know the intentions of my colleague are laudable, but this bill would make a presently existing problem even worse. To make our immigration system function any worse than it does now would be to jeopardize the future of all immigration into Canada by further raising the level of intolerance that this failed system has begun to create.

I respectfully oppose this bill.

Mr. Sarkis Assadourian (Don Valley North): Madam Speaker, I second the private member's bill of the hon. member for Scarborough—Rouge River. In my riding of Don Valley North about 50 per cent of the population are new Canadians. Of course I am one of them.

This bill will help the system in many ways. It will cut the red tape in our embassies or visa offices overseas. It will help the families living here. It will give them the opportunity to celebrate holidays, important days, religious days or weddings together.

(1810)

It will help tourism in Canada. The more visitors we have and the less restrictions there are on visitors, the happier they are to spend their money and generate revenue to Canadian businesses.

I am more than happy to second this bill. I urge this House to accept this recommendation and take it to committee. In committee we will certainly support this bill. I hope the other committee members will do so when it comes to the vote in committee.

Adjournment Debate

Mr. Julian Reed (Halton—Peel): Madam Speaker, I proudly rise to support this bill introduced by the hon. member for Scarborough—Rouge River. He has set a course that is practical and realistic in terms of solving some of the problems we presently have in the immigration system.

I would like to see this idea expanded toward the family sponsorship of immigrants. There are increasing numbers of experiences where families sponsor immigrants to come to Canada. Then in a very short time for whatever reason they abrogate their contract with the federal government to continue their support. Therefore, seems that the principle of bonding would be a very practical means of accomplishing this.

I also suggest to the hon. member that in terms of student visas, young people who come to Canada to get their education, the principle of bonding could be applied as well. That would allow Canadian educational institutions to offer their services to young people from other parts of the world.

I speak from personal experience. Some of my friends and I attempted to have a young Dominican man admitted into Canada to complete his education which he could not get in the Dominican Republic. He was turned down twice. A write-in campaign was launched with the minister and with the adjudicating officer in Santo Domingo. He had to participate and take documentation with him to show he had won the president's citation four years in a row in that country and that he was a highly respected member of his community, and so on.

Finally after the third attempt, this young man came to Canada. He is here now completing his education in computer science. He will go home bringing something very new and special to that country. His mother continues to reside there.

This is a very positive step. Having run this idea by my constituents in the last few months in speaking to chambers of commerce and various people I have received only positive response. They felt very strongly that this was a good new direction to take and that it would help very much to solve some of those problems that end up often causing a backlash among settled citizens in this country. Anything we can do to overcome that is a positive step.

My constituency office has been in touch with various people in the immigration department. The suggestion has been floated there. I can say it has received positive response even there.

I commend the hon. member. This is an excellent move. I would like to see it expanded and moved into a larger base. I do not believe for one minute that my friends in the Reform Party can be serious that this would simply be tacked on as a cost of doing business, if you like, for somebody to buy their way into the country.

(1815)

It seems to me that all that needs to be dealt with there is how that bond is applied and at what level. This is a mechanical process and I do not think it needs to be simply the price tag for getting into Canada.

I appreciate the opportunity to endorse this bill.

[*Translation*]

The Acting Speaker (Mrs. Maheu): Since there are no more members who wish to speak, the period provided for the consideration of Private Members' Business has now expired. Pursuant to Standing Order 96(1), this item is dropped from the Order Paper.

Before asking unanimous consent to call it 6.30 p.m., I would like to wish everyone a happy St. Patrick's Day.

[*English*]

Happy St. Patrick's Day, everyone.

Ms. Clancy: Madam Speaker, I rise on a point of order.

Since it is St. Patrick's Day and I happen to know that you, Madam Speaker, are wearing a shamrock on your gown, I thought it would be appropriate to thank you on behalf of those of us in this House who are of Irish descent. Of course, I include the hon. Minister of Justice who is also of Irish descent. I would never mention his name, it is a weird name to be Irish, but it is there.

We do thank you very much, Madam Speaker, for your kind comments.

The Acting Speaker (Mrs. Maheu): May I call it 6.30?

Some hon. members: Agreed.

ADJOURNMENT PROCEEDINGS

[*English*]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*Translation*]

THE ENVIRONMENT

Mr. Jean-Guy Chrétien (Frontenac): Madam Speaker, we are starting the adjournment debate 10 minutes early, and although I cannot make any assumptions about the absence of members from this House, I would nevertheless appreciate it if a member of the government would respond to this motion.

On Tuesday, I put a question to the Minister of the Environment about Phase I of the St. Lawrence Action Plan. I protested the fact that Industry Canada spent only \$5 million in Quebec on Phase I to clean up a river which flows mainly through Quebec.

Adjournment Debate

I suggest we look at the figures that were given initially. I will round off the figures for the sake of convenience. Initially, Industry Canada had budgeted \$20 million. Because of the recession, the government cut \$2 million, which leaves \$18 million. More than \$6 million was spent on projects which, in the end, did not make the grade, so that Industry Canada actually invested a mere \$11.3 million of the initial \$20 million that was to be used to clean up the river. However, the worst part is that Industry Canada spent only \$5 million in Quebec.

(1820)

Madam Speaker, the St. Lawrence River flows mostly in Quebec. Consequently, I find it hard to understand why an amount close to \$6 million was used to subsidize an Ontario pulp and paper company located in Miramichi, in New Brunswick, several hundred kilometres from the St. Lawrence River. After all, there are dozens of plants like that one along the river. Why choose the Miramichi facility?

I also find it hard to understand the \$450,000 subsidy to Marsh Engineering, from Port Colborne, on Lake Ontario, for the treatment of oil discharged by ships which could some day navigate on the St. Lawrence River. Again, there are many ports along the St. Lawrence in Quebec, including Montreal, Quebec City, Trois-Rivières, Sept-Îles and quite a few more.

So, why was only \$5 million of the \$12 million spent in Quebec during Phase I of the St. Lawrence Action Plan? After all, as I said, the river flows mostly in that province.

I remember clearly that, in the 1980s, there was a serious problem with maple trees in Quebec. The Government of Quebec did not buy a plantation of evergreens or oaks to study the problem. It bought an enormous sugar bush, and its officials conducted tests and soil analysis, and found solutions to the problem.

To clean up the river, it would have made sense to concentrate efforts where the river flows. I find the attitude of the Department of Industry unjustified.

In conclusion, the report on this issue states clearly that the partnership between Environment Canada and the Department of Industry is a failure. The two departments went in opposite directions as regards technology.

Last Tuesday, the Minister of the Environment made a formal commitment to the effect that all monies allocated to the St. Lawrence Action Plan would be spent in Quebec. Can she tell us now how she will control the monies invested by other departments during Phase II of the Action Plan, in order to avoid a repeat of what happened during Phase I?

Hon. Sheila Copps (Deputy Prime Minister and Minister of the Environment): First of all, what I told the House was that

the funds earmarked for Phase II of the St. Lawrence Action Plan will be spent on cleaning up the river.

Having said that, I must point out that the St. Lawrence runs all the way from Brockville, Ontario, before reaching the sea in the Lower St. Lawrence district. My brother's father-in-law has a cottage in Carleton, on Chaleur Bay, just across from New Brunswick.

What we want to do it is to clean up the St. Lawrence and that is exactly what we have committed to do before this House. All the funds earmarked for this project will be spent on pollution control.

That being said, I think that the hon. member is taking a narrow view when he claims that, in the event of technological problems, investments will necessarily be distributed on a geographical basis. He must have heard of Dr. Jonas Salk, the medical researcher who developed the vaccine to stop the polio epidemic afflicting so many people around the world.

(1825)

We did not tell Dr. Salk, who was with the University of Toronto, that the funds had to be invested in Toronto.

What is important is to use the right technology. The technology used to clean up the St. Lawrence has to be good, whether it is developed in Quebec or elsewhere. If there were a problem in Lake Ontario or Hamilton Sound, near where I live, and a research scientist from Montreal could find a way to solve the problem, I would not tell him not to just because he is from Quebec.

I think that the decision to invest in cleaning up the river is a sound one. Our government is not the one that signed the agreement under which the funds were not distributed properly. This five-year plan for cleaning up the St. Lawrence River was signed by the current Leader of the Opposition, who was Minister of Environment at the time, and his Conservative colleagues. This plan did not specify how much was to be spent on pollution control. That is only part of the problem anyway.

The other one is making sure the right technology is used. I am sure that high-tech environmental companies in Quebec are very competitive and would not appreciate it if we decided that all funds for the Great Lakes could come only from companies around the Great Lakes. What we are looking for is good environmental technology that can be used in Ontario as well as in Quebec or in other provinces. That is what real environmental technology is about.

[English]

GUARANTEED ANNUAL MINIMUM INCOME

Mrs. Jane Stewart (Brant): Madam Speaker, I would like to follow up on a question I posed on March 15 regarding the concept of a guaranteed annual income.

Adjournment Debate

As the Minister of Human Resources Development continues his review of social policy, I want to encourage him to fully consider and do a cost benefit analysis on the concept of a guaranteed annual income.

Today I would like to present five benefits that I believe commend this notion to the minister for further consideration.

First, in terms of efficiency, we need a comprehensive program to consolidate the patchwork of social programs that presently exist. We could consolidate the guaranteed income supplement, child tax credit and exemptions, married exemptions, federal Canada Assistance Plan transfers, old age security and possibly GST tax credits under a guaranteed annual income. Unemployment insurance as well or parts of that program could also be included.

Does it not make sense to provide one form of support instead of continuing the multiple programs process and bureaucracy that exist presently?

We talk about streamlining government. The guaranteed annual income could help us in this regard.

Second, what about work incentives? Many people fear that a guaranteed annual income will encourage people not to work. I believe that is precisely what our list of programs does right now. Currently, social programs have a high taxback rate on additional earned income, some up to 100 per cent, that in many cases makes it not possible for recipients to return to work. If by finding low wage employment a person risks losing certain other important support, that person really cannot leave the system.

Because the guaranteed annual income would be integrated with the tax system it could provide a gradual taxback of benefits as a recipient finds other sources of income.

My sense is that there is only anecdotal proof that a guaranteed annual income would be a disincentive to work. In fact, the real proof may exist on the other side. A recent study of the Mincome experiment in Manitoba found that a guaranteed annual income did not affect people's work habits.

As well, the National Council of Welfare recently released a study which showed that low income Canadians respond to incentives to work better than people with above average incomes. A person struggling to make ends meet does not have the luxury to relax instead of work.

I am convinced that Canadians want to work and if properly structured a guaranteed annual income will support Canadians to do so.

As for effectiveness, social policy can be more effective if it responds to the different needs of Canadians. A guaranteed annual income is able to do just this. Flexibility in the taxback

rates and guarantee levels can provide effective income support for Canadians who cannot be expected to enter the workforce and those who are able to work as well. As well, in our changing economy skills and training are essential elements that create opportunities for lower income Canadians.

(1830)

A guaranteed annual income would provide income support for those people who participate in training and skills advancement.

Let us consider economic benefits. Good social policy makes good economic sense and allows us to get lower income people the money they need to buy the resources they need to serve their families and they spend it in our local communities.

Finally, let us talk about dignity for Canadians. I believe that a guaranteed annual income protects the dignity of lower income Canadians. First of all, it provides effective income support so that Canadians are able to meet their basic needs.

Second, there would be no requirement to go through the humiliating needs test that are part of the Canada Assistance Plan.

With a guaranteed annual income people do not need to remain on welfare just because it does not pay to work. Moreover, Canadians will have the support needed to gain the skills necessary to compete in today's job market.

In conclusion, I believe and I try to show that a guaranteed annual income could provide significant benefits for all Canadians. I urge the government to do a thorough cost benefit analysis of this concept. It is time to consider a real step change in Canada's social assistance policy.

Hon. Allan Rock (Minister of Justice and Attorney General of Canada): Madam Speaker, the Minister of Human Resources Development has asked me to furnish a response on his behalf this evening.

I know the minister would want me to begin by recording his gratitude and admiration for the continued interest of the hon. member for Brant as well as for the thought provoking suggestions which she has put on the record this evening.

I say on the minister's behalf that the Standing Committee on Human Resources Development has been listening to Canadians express their views on social security reform. The minister has also appointed a small task force of Canadians involved in matters of social security and employment reform to help him pull together the elements of the reform process.

In April the minister will be presenting an action plan setting out the options and the choices for the standing committee to consider during the course of the summer, using the widest possible means of public dialogue.

Adjournment Debate

The concept of a guaranteed annual income program to meet all the needs of persons with insufficient income has been considered time and again by previous governments, both federal and provincial.

The broad outlines of a guaranteed annual income are consistent with the department's goal of overhauling and streamlining current programs to make them more effective at addressing the social security needs of people today.

A guaranteed annual income would require major reforms to the structure and financial arrangements underlying several components of the income security network, including unemployment insurance, social assistance, child benefits and taxation.

One guaranteed annual income proposal which has garnered much attention in recent months has been the income supplementation program for Newfoundland and Labrador prepared by that province's economic recovery commission.

Federal and provincial officials are working together to review and assess the Newfoundland proposal to see how it could fit into the government's national social security reform process.

However, this government cannot consider a guaranteed annual income outside the context of the broad social security reform process.

A guaranteed annual income is a very innovative approach to reform that is not constrained by the existing program structure. Such a proposal could be presented as one of the many options available.

Before any such option is considered, careful consideration will have to be given to various government objectives, including job creation, achieving current fiscal objectives and addressing the inequities inherent in the current system of government programs.

The social security reform process is an ambitious plan with a tight timetable that will result in major changes for Canada. The action plan review process will be open to the public. Consideration on all options will require the participation of our partners, the provinces, as well as the Canadian public as a whole.

These are essential programs and this government does not intend to leave any stone unturned in considering how best to reform the social safety net.

The Acting Speaker (Mrs. Maheu): It being 6.35 p.m., this House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1)

(The House adjourned at 6.35 p.m.)

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