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OFFICIAL REPORT
(HANSARD)

Tuesday, September 20, 1994

Speaker: The Honourable Gilbert Parent

HOUSE OF COMMONS

Tuesday, September 20, 1994

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

[*English*]

COMMITTEES OF THE HOUSE

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons): Mr. Speaker, I have a motion I would like to put with unanimous consent.

It deals with the 28th report of the Standing Committee on Procedure and House Affairs. It was concurred in yesterday by the House with consent. Apparently it has caused some difficulty in the committee's branch to have this report take effect as of today. It would prefer to defer the implementation of the report, which deals with the allocation of rooms for committees, until October 3.

Accordingly, I move:

That the committee room assignment system contained in the 28th report of the Standing Committee on Procedure and House Affairs and adopted by the House of Commons on September 19, 1994 come into effect on Monday, October 3, 1994.

I think there would be unanimous consent for that motion.

Motion agreed to.

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PETITIONS

HUMAN RIGHTS

Mr. Janko Peric (Cambridge): Mr. Speaker, I have the honour to table a petition containing approximately 75 signatures which was forwarded to me by a constituent in my riding of Cambridge.

The petitioners pray and request that Parliament not amend the human rights code, the Canadian Human Rights Act or the Charter of Rights and Freedoms in any way which would tend to indicate community approval of same sex relationships or homosexuality.

Mr. Lee Morrison (Swift Current—Maple Creek—Assiniboia): Mr. Speaker, I have two petitions from constituents of mine in the two districts of Burstall and Maple Creek. The petitions are very similar in content so I will read only one of them.

Whereas the Criminal Code of Canada, section 241, states that anyone who counsels a person to commit suicide or aids or abets a person to commit suicide is guilty of an indictable offence and liable to imprisonment for a term not exceeding 14 years; whereas the Supreme Court of Canada recently upheld section 241 of the Criminal Code of Canada in the Rodriguez decision, recognizing that section 241 was enacted to protect all individuals, including the disabled, the terminally ill, the depressed, the chronically ill and the elderly; and whereas if section 241 were to be struck down or amended such protection would no longer exist, we, your humble petitioners, therefore pray that Parliament not repeal or amend section 241 of the Criminal Code in any way and uphold the Supreme Court of Canada decision of September 30, 1993 to disallow assisted suicide or euthanasia.

I concur with these petitioners.

(1005)

Mr. David Chatters (Athabasca): Mr. Speaker, in accordance with Standing Order 36 I would like to present four petitions from various districts of my constituency. All are of similar content.

The petitioners request that Parliament not amend the human rights code, the Canadian Human Rights Act or the Charter of Rights and Freedoms in any way which would tend to indicate societal approval of same sex relationships or of homosexuality, including amending the human rights code to include in the prohibitive grounds of discrimination the undefined phrase sexual orientation.

I concur and support these petitioners and would like to present these petitions.

WITNESS PROTECTION

Mr. Tom Wappel (Scarborough West): Mr. Speaker, I have three petitions this morning.

The first petition contains 1,018 signatures from across the country concerning the subject of witness protection. This simply adds to the total of thousands upon thousands of signatures that I have presented in this and the last Parliaments dealing with the subject of witness protection and calling on the

Parliament of Canada to enact a witness protection and informant law.

I draw to the attention of the House that my bill on this subject will be coming up for a final hour of debate and vote on September 26.

YOUNG OFFENDERS ACT

Mr. Tom Wappel (Scarborough West): Mr. Speaker, the second petition is signed by people from Scarborough, Ontario and points close thereto concerning the Young Offenders Act calling on Parliament to provide heavier penalties for those convicted of violent crime.

I remind them that we are currently debating a bill in the House on this subject.

HUMAN RIGHTS

Mr. Tom Wappel (Scarborough West): Finally, Mr. Speaker, I have a petition signed mainly by people living in the city of Etobicoke in the municipality of metropolitan Toronto.

The petitioners call on Parliament not to amend the Canadian Human Rights Act or the Charter of Rights and Freedoms in any way which would tend to indicate societal approval of same sex relationships and to ensure that no amendments are passed using the undefined phrase sexual orientation. I completely concur.

SERIAL KILLER CARDS

Mr. Walt Lastewka (St. Catharines): Mr. Speaker, I rise today to place before the House a petition signed by over 1,000 people from St. Catharines and surrounding area.

The petitioners state that they abhor crimes of violence against persons. We believe that killer trading cards offer nothing positive for children or adults to admire or emulate but rather contribute to violence.

The petitioners ask Parliament to amend the laws of Canada to prohibit the importation, distribution, sale and manufacture of killer cards in law and to advise producers of killer cards that their product, if destined for Canada, will be seized and destroyed.

I have spoken in the House before about the harm to society of serial killer cards. I would like to reiterate my support for this petition.

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QUESTIONS ON THE ORDER PAPER

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons): Mr. Speaker, the following questions will be answered today: Nos. 66, 68 and 70.

[*Text*]

Question No. 66—**Mr. Szabo:**

For the years 1992 and 1993, have any departments, agencies or crown corporations contributed funding to Planned Parenthood of Canada or to Planned Parenthood International and, if so, (*a*) which ones and (*b*) in what amounts?

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons): I am informed by the Canadian International Development Agency (CIDA) and the Department of Health as follows:

(a) & (b)

Planned Parenthood Federation of Canada:	1992–93	1993–94
CIDA	$100,000	$97,594
Health	$146,000	$146,000
Planned Parenthood International:		
CIDA	$10,467,996	$7,949,736
Health	None	None

Question No. 68—**Mr. Fillion:**

What are the government's plans for the development of the sea terminal at Grande–Anse over the short, medium and long term?

Hon. Douglas Young (Minister of Transport): The port of Saguenay has sought approval to develop a new forest products terminal at Grande–Anse. It proposes that on the basis of its own traffic forecasts, current facilities will soon be at capacity and a new facility is required.

Port Saguenay is administrated by the Canada Ports Corporation, a commercial crown corporation. Infrastructure developments undertaken by the corporation must be commercially viable.

The proposal to expand the Grande–Anse terminal was only put forward on the basis of $23.5 million in grant funding being available to finance the project. This grant funding is not available and the expansion is currently on hold. The Canada Ports Corporation will continue to monitor the viability of the proposed expansion.

Question No. 70—**Mr. Crête:**

With regard to the $70 million cut in the budget of the Federal Office of Regional Development (Québec), what is the distribution by sector of the $14 million for 1994–95 and how is the remaining $56 million being distributed for subsequent years?

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development–Quebec): The Federal Office of Regional Development–Quebec resource envelope consists of appropriations for programs approved by Treasury Board—we call this our ''A Base''—and a sum of money not yet allocated to a specific program (regional development reserve).

It is anticipated that the $70 million cuts will partly be applied to our ''A Base'' ($34.77 million) over the three–year period. The balance ($35.23 million) will reduce the funds in the regional development reserve.

The breakdown in $ millions by year and by sector is as follows:

	1994–95	1995–96	1996–97	TOTAL
Enterprise development program	2,000	2,000	7,000	11,000
Manufacturing productivity improvement program	1,755	5,245	3,000	10,000
Assistance program for disadvantaged areas	3,000	5,000	2,000	10,000
Regional development program (Quebec)	3,445	325	–	3,770
Regional development reserve	3,800	19,430	12,000	35,230
Total	14,000	32,000	24,000	70,000

[*English*]

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STARRED QUESTIONS

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons): Mr. Speaker, would you be so kind as to call Starred Question No. 33.

[*Text*]

Question No. 33—**Mrs. Lalonde:**

What effect do the new unemployment insurance measures contained in the Budget have on the accounts kept for the Unemployment Insurance Account, and what impact will they have on balancing the books for the Account?

[*Translation*]

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons): The answer is as follows: The changes to the Unemployment Insurance Program announced in the February 24, 1994 budget will reduce benefit expenditures by $500 million in 1994, $2.1 billion in 1995 and $2.4 billion in 1996. These are calendar years. The planned annual surplus for 1994 in the Unemployment Insurance Account is $240 million, which should bring the accumulated deficit down to $5.6 billion, by December 31, 1994.

(1010)

Premiums rates will be rolled back to their 1993 level in 1995 and 1996, and the accumulated deficit in the UI Account should be eliminated by the end of 1996.

The Speaker: Shall the remaining questions be allowed to stand?

Some hon. members: Agreed.

* * *

[*English*]

REQUEST FOR EMERGENCY DEBATE

WEST COAST FISHERIES

The Speaker: I have received an application pursuant to Standing Order 52 for an emergency debate. I would call on the hon. member for Kamloops.

Mr. Nelson Riis (Kamloops): Mr. Speaker, I rise under the provisions of Standing Order 52 to ask that the House now adjourn to examine what can only be considered to be a crisis on the west coast of Canada.

The disappearance of 1.3 million salmon from the Department of Fisheries and Oceans management surveys ought to give rise to an immediate examination of our policies on the west coast. This crisis is now attached to the commercial fishery, to the aboriginal fishery and to the sports fishery in the salmon sector, to say nothing of other species as well.

Considering what has occurred on the east coast as a result of years of ignoring the reality of what was happening to the resource, a similar situation may exist on the west coast. One point three million salmon have disappeared and no one knows what has happened to them. This ought to result in a special debate in the House of Commons. It is a non–partisan issue, a non–political issue, but one that I know all political parties here, as well as others, would feel very strongly about.

SPEAKER'S RULING

The Speaker: I can well understand the great interest the hon. member has in this particular issue. As the House will recall, yesterday we had application for a similar request for an emergency debate.

In my view, the situation has not changed in the last 24 hours. I would rule that the application will be denied at this time. Perhaps at a later date we could look at it again.

GOVERNMENT ORDERS

[*English*]

CORRECTIONS AND CONDITIONAL RELEASE ACT

On the Order: Government Orders:

June 21, 1994—The Solicitor General of Canada—Second reading and reference to the Standing Committee on Justice and Legal Affairs of Bill C–45, an act to amend the Corrections and Conditional Release Act, the Criminal Code, the Criminal Records Act, the Prisons and Reformatories Act and the Transfer of Offenders Act.

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada): Mr. Speaker, I move:

That Bill C–45, an act to amend the Corrections and Conditional Release Act, the Criminal Code, the Criminal Records Act, the Prison and Reformatories Act and the Transfer of Offenders Act, be referred forthwith to the Standing Committee on Justice and Legal Affairs.

He said: Mr. Speaker, I am pleased to open debate on this motion to refer Bill C–45 to the justice and legal affairs committee before second reading.

This approach makes it easier for the committee and the government to consider changes to the bill in light of the proceedings of the committee. I am pleased to present this bill under the new House rules, which I sponsored as House leader last February and which were adopted unanimously by all parties.

Again I express my appreciation for the approach to these rule changes on the part of the various parties in the House. As I said at that time, the government was implementing a number of commitments that we made during the election campaign in the red book, and subsequently in the throne speech, aimed at revitalizing the House of Commons. In particular, we wanted to give members the opportunity to be more actively involved in the development of legislation.

Changing the rules of the House does not on its own bring about this revitalization. It is the extent to which the new procedures are used that makes the difference. It is up to members on all sides of the House to make the changes work. Therefore I am pleased to help bring these changes into effect in a meaningful way by proceeding with Bill C–45 under the new framework.

(1015)

Turning to the bill, I believe it is important because it addresses significant issues of public protection in the area of corrections and parole. These are issues on which this government promised action in that same red book as part of its agenda to bring about safe homes and safe streets for Canadians. With this bill we are delivering on these promises.

[*Translation*]

Mr. Speaker, this government is sensitive to the public's concerns about criminal justice. Canadians are particularly concerned about violent crimes and sex offences, especially when the victims are children. With this bill, we will be able to tackle these problems.

[*English*]

Time is limited as each of us has only 10 minutes to speak in this debate. I want to highlight a few of the important provisions of the bill. I will discuss others in more detail when we go to committee.

This bill will change the test for the detention to the end of sentence for those offenders who commit sexual offences against children. At present, the Corrections and Conditional Release Act permits the National Parole Board to detain sex offenders and certain other high risk offenders until the end of their sentence if they cause serious harm and are likely to commit an offence causing death or serious harm if released.

In the case of child victims, serious harm caused by an offender may not be evident for a number of years. The victim may be too young to adequately communicate the impact of the offence. Therefore it is difficult for the parole board to make a determination that serious harm was caused to a child so that the offender should be detained until the end of sentence.

The amendments in the bill would make it easier for the parole board to detain in penitentiary until the end of their sentence sex offenders who victimize children by removing the requirement that serious harm must be established as the criterion for detention. This would give the board authority to detain such a sex offender if a further sex offence against the child is likely.

I should point out the measures in this bill are needed not because we say that sex offences against children are considered more serious than those against adult victims, but because the current legislation has proven less effective in cases involving children.

We will also be making other improvements in the availability of treatment for sex offenders in the community and in prison.

Another area of concern to the Canadian public is the credibility and accountability of the National Parole Board. Our priority is the protection of the public. One way of achieving this is through a responsible and well managed conditional release process.

In most cases gradual transition from custody to the community under supervision and control and with support and assistance is the safest way to release offenders. It enables parole authorities to gauge an offender's ability to maintain a law–abiding life and to return him or her to custody should the level of risk appear to be increasing. Successful adjustment by the

offender during the conditional release period provides the best chance for his or her continuing law–abiding behaviour and as a result for long term public safety.

[*Translation*]

Mr. Speaker, the adequacy of the people designated by the National Parole Board is critical if judicious decisions are to be made. We undertook to have commissioners selected on the basis of merit and qualification. I would say that the latest appointments made by this government, particularly in the case of the president of the board, did meet these high standards.

[*English*]

In addition, board member training has been strengthened especially around the difficult process of risk assessment. This will become an ongoing process. A code of conduct has also been finalized. The bill before us will strengthen the accountability of the board by establishing a disciplinary review scheme for board members.

Let me turn to another matter which has rightly been the cause of strong expressions of concern. I am talking about the way our present law requires the calculation of sentences of offenders serving multiple terms. Because of the formula set out in the present law, it can happen that an offender on conditional release who receives a new sentence of imprisonment can remain eligible for release and even stay out of custody. Under Bill C–45 however, people reoffending while on parole will have to serve a substantial portion of any new sentence before even being considered for parole.

(1020)

Finally, dealing with the issue of post–sentence detention, which is not treated directly in this bill, I want to remind the House that we are working with a special federal–provincial task force on high risk violent offenders. It is studying legislative and policy changes that would improve public protection from high risk and violent offenders once their initial sentence has expired. The task force is expected to release its report at the end of this year. In the light of this report, I and my colleague, the Minister of Justice, will move to develop practical, workable responses and measures to deal with the issue of post–sentence detention.

[*Translation*]

In closing, I would add that this bill and related initiatives make for a balanced response to the legitimate concerns of Canadians and their request for reform. A stronger system will thus improve public protection.

[*English*]

This bill is part of a strategic framework of initiatives that work together in order to carry out our red book agenda and demonstrates our commitment to safe homes and safe streets for all Canadians.

I look forward to the committee review process and anticipate productive discussion of amendments which will reinforce the intent of the legislation. The end result I am sure will be the improved safety of the public. Therefore, I conclude by formally moving:

That, pursuant to Standing Order 73(1), Bill C–45 be forthwith referred to the Standing Committee on Justice and Legal Affairs.

[*Translation*]

The Deputy Speaker: I now recognize the hon. member for Bellechasse for l0 minutes as he knows.

Mr. François Langlois (Bellechasse): Mr. Speaker, it gives me pleasure to speak on Bill C–45, particularly with the new rules of procedure under which it is now possible to refer a bill to parliamentary committee before second reading. These rules, which we have unanimously ratified in this House, will permit broader debate, as the positions of the government and the opposition will not have hardened before debate at second reading.

The various provisions in Bill C–45 are of great interest and address a concern of a large majority of Canadians and Quebecers, especially the release of criminals determined likely to commit a repeat offence immediately or at some time in the future. In this regard, the bill is on the right track.

One might, however, question the manner proposed by the government for detaining likely repeat offenders. It is the National Parole Board which is given these powers under Bill C–45.

We have a different approach. We would much prefer that the decision to detain potential repeat offenders be left to a court of law rather than to a quasi–judicial tribunal, appointments to which would often be open to criticism. I will come back to this in a few moments.

We cannot have it both ways—either we choose the approach of mandatory sentencing, of sentence without parole handed down by the trial judge, or another possibility would be to leave this decision with the Parole Board, with the possibility of appeal to a court of common law, the right to review by another tribunal to which judges would be appointed according to generally accepted and well known criteria.

(1025)

Which brings me to the subject I touched on earlier, the Parole Board. The process to appoint Parole Board members should be much more open and we have an excellent opportunity to look at what other parliaments did, that is, hold confirmation hearings on the appointments this government wants to make. Before securing an order–in–council appointing someone to the Parole Board, the government should have to submit the names of the candidates either to the Standing Committee on Justice or to the

Standing Committee on Procedure and House Affairs and appointments should be subjected to confirmation hearings in such a way as to avoid media circuses like we saw in the U.S. during confirmation hearings for certain candidates to the position of Supreme Court judge. In my opinion, this confirmation process would enhance the work of parliamentarians and the role citizens want to see them play in this Parliament and in all parliaments in general.

Until the appointment process for Parole Board members is reviewed, Canadians have a right to ask questions on how these people are appointed, on the decisions they make and on the validity of these decisions, as they prevail every time.

Some of the provisions in Bill C–45 seem a little strange at first and perhaps should be reviewed by the parliamentary committee. First of all, clause 12 of the bill before us states that inmates are not entitled to a hearing when their case is being reviewed. Why deprive inmates of such a hearing? Is there a valid reason to do that? I think the burden of proof should rest with the government, with the minister introducing this bill, who should demonstrate that inmates should not have the right to be heard when their case is being reviewed, because there may be new evidence justifying a hearing. I think it would be much wiser to preserve the right to a hearing, even if it must be cut short if no new evidence is produced.

Clause 25 of the bill stipulates that the head of the Parole Board may automatically allow a person to serve the rest of their sentence. The institutional head may do so automatically or at the inmate's request. If it is at the prisoner's request, we would have to see under what circumstances he could ask to serve his full prison sentence, if he does not consider himself fit to be released, but if the institutional head can act on his own authority, there would have to be a hearing before a judicial tribunal. I have trouble seeing a public official who is not a judge deciding issues of basic rights like an offender's release on his own say–so, without the possibility of having his decision reviewed by a judicial tribunal. I have some concerns about this provision.

Clause 27 provides a new definition, a flagrant example of expansionist centralizing federalism. Clause 27 as it now stands defines the board as the National Parole Board. The new clause 27 would define it as the National Parole Board and adds:

> and includes a provincial parole board where it exercises jurisdiction in respect of parole as provided by section 112—

(1030)

But if provincial parole boards are to be included, would it not be preferable to do so under clause 27 at the request of the lieutenant governor in council of a province? Why force the provincial parole boards to join? Since it is not the case now, why bring them in, unless it is at the province's request? That would show respect for provincial jurisdiction.

A rather disturbing provision is that those in detention for less than six months could not be paroled. Such prisoners are usually held for minor offences. Why would there not be a fast–track procedure in such cases so that a request for release from a person held for less than six months could be heard quickly, in summary fashion, especially given the overcrowding in prisons in Canada and Quebec. These matters should also be reviewed.

Clause 56 would add to the Act. It provides for the appointment of a judge to review the conduct of members of the parole boards. It is all well and good to add clause 56, but subsection 7 says that the judge conducting an inquiry is not bound by any legal or technical rules of evidence and may receive and base a decision on evidence adduced in the proceedings and considered credible or trustworthy in the circumstances of the case. The judge could act on hearsay; he is not bound by any rule of evidence.

I think that the judge named to investigate the actions of a member of the Parole Board should do so in accordance with the rules of evidence in Canada and the other legal provisions that ensure the supremacy of the rule of law. I find a provision like 56.7, which sets no rule of evidence for an investigator to follow, to be unacceptable.

Finally, section 155.1 as it now stands allows the minister to act as soon as the judge's report is filed; if it is unfavorable to the person under investigation, the minister can revoke that person's mandate. I think that an appeal procedure should be allowed at this point.

That is, the minister should not decide immediately once the judge's report is filed with him; rather, the judge's report should be filed with the Federal Court and any interested party should have a certain period, say 30 days, to appeal to the Appeal Division of the Federal Court so that the issue can be discussed in a judicial forum, in the absence of specific rules of law that are not mentioned in the Act.

These are the brief preliminary remarks that I had to make; in committee, we will no doubt be able to improve what is proposed in Bill C–45, which on the whole meets our concerns.

[*English*]

Mr. Randy White (Fraser Valley West): Mr. Speaker, it is a pleasure to talk to the particular aspect of Bill C–45 which is going to committee.

Several items in the bill are actually good points that we could support. However the proposals are yet another example of the Liberal government wanting to do something to convince Canadians that it is really getting tough on law and order. In many cases it is much to do about nothing. This is the story of our lives in Canadian government in 1994–95, is it not?

We support some of the points. We obviously support the measures to counter child sexual abuse. Full term sentence before release is and has been a Reform position since time immemorial, since the party was started. We obviously support it and agree the government should pursue it in Bill C–45.

(1035)

We also support empowering any law enforcement officer to detain and return an offender violating parole requirements. That is a good step. The government is to be complimented on that. It is not often I stand in the House to compliment the Liberal government on something it does.

The other item I wish to compliment it on is expanding offences wherein an offender must serve full term sentences to include serious drinking and driving offences, criminal negligence causing bodily harm or death, criminal harassment or stalking, and conspiracy to commit serious drug offences. That is also a positive move in the right direction.

Let us get down to some of the concerns that are obviously omitted. This is where we get into the flaccid approach. I always said the dictionary term for flaccid means limp wristed and so on. I like to think of flaccid meaning the federal Liberals are crafty Conservatives in disguise. I will explain that at the end of my 10 minutes.

The legislation does not insist child sex offenders must receive treatment during or after their incarceration. How could that be missed? The country must stress that no serious child sex offender should be allowed to enter society whether or not full sentence completion exists, without assurances that future child sexual abuse by the offender will not occur. They should think about that when they are sitting on the committee. It is something that is very important to Canadian citizens. If they look at the area I come from in the lower mainland of British Columbia they will see this is a serious problem.

Mandatory treatment must take place. Currently if an offender refuses treatment no treatment is forced upon the offender. If an offender refuses treatment during incarceration some means must be at the disposal of correctional services that force the individual to take treatment. The offender should not be allowed to re–enter society until assurances are received that the offender will not reoffend.

There are no provisions in the legislation to account for sexual offenders that stalk and with violence violate adult women. It is not only young sex offenders we are looking at. They had better get real serious about looking at all sex offenders.

The proposed legislation does not force mandatory review of parole board decisions that go wrong. The legislation states the chair of the parole board may recommend such a hearing take place. This is really preposterous considering some of the boondoggles parole boards have been undertaking. We know that in many cases they are patronage appointments. Liberal Party hacks came into the jobs. Perhaps their qualifications and abilities do not quite match the job they are used to.

However let me give a little indication about a fellow by the name of Wayne Perkin in my area who was supposed to do six years for taping up a young lady's arms, beating her over the head with a hammer and sexually assaulting her. He served about 14 or 16 months and the parole board let him out. After that he bludgeoned to death Angela Richards in Langley, and the story goes on.

When I went to the sentencing in this particular case I thought how ironic it was the parole board was not even represented there to listen to the damage that was done after it let this person out. I really think accountability of the parole board has to come into play. It is not in the legislation and I suppose those folks over there will let it go by. The committee should really look at the matter. I know that Reform members of Parliament will be talking to it extensively at committee level.

The chair of the parole board has a vested interest to keep foul–ups by board members as quiet as possible unless media make a big fuss about board foul–ups that forces the chair to ask for an inquiry. Why would the chair of a board actually critique what happened in the bad mistakes made by a board? It would do our country well to have some of the Liberal MPs involved in assessment at committee level of Bill C–45 go to a parole board hearing. They might have their eyes opened.

(1040)

The proposed legislation still leaves board members as investigators and decisive people in parole. Nowhere does the legislation insist frontline workers like case workers, prison guards and those types of people, make direct representation at hearings. The frontline people know the serious offenders very well. Their input would offer board members details that otherwise may escape their investigations. Let us think about that. The onus is on a parole board to assess whether or not an individual should be eligible to get back on the street. What it really needs is the maximum amount of input it can get, not the minimum amount.

The legislation makes a half hearted attempt at correcting a problem with short shrift eligibility for parole violators. Instead of saying parole violators must serve one–third of a new sentence the legislation should state that if an offender commits another crime while on parole the offender should be forced to fill the entire remaining period of the old sentence, face a minimum sentence for committing a crime while on parole, and face full term for the offence committed while on parole.

It is rather ironic to talk about the next item since I raised it in the House in the last session. It is nice the government wants criminals to contribute toward their room and board. What about the victim? If the criminals have any income that income must

be directed toward restitution to the victim prior to or as well as the cost of their upkeep. Once again the victim is forgotten.

We disclosed in the House in last session that the government's benevolent attitude is allowing criminals in our system to get old age security, income supplement, GST rebates and CPP. What I heard from the Solicitor General was that it really did not work and they would make a change. Then I saw in the change they would have to pay 30 per cent of it, which is ridiculous.

They should not get one cent of old age security, the people I checked up on. There was one person in for a double murder who was getting old age security. The government should tell me the logic of that. Why should that money not go toward the victim? Why should all that money not go toward board and upkeep? For the government to suggest that it is going to take another tough measure, that it is going to take 30 per cent, is ridiculous.

The Liberal government will have to smarten up one of these days and look at what is right in the country. It should not be too shy about being tough.

Currently our investigations have discovered that there are far more sexual offenders needing treatment than there are treatment facilities. We have been told of 1,800 serious sex offenders currently incarcerated. There are only 200 slots for treatment at any one time. The legislation only promotes treatment for sex offenders abusing children. What about offenders who assault teenage or adult women? Once again the victim is forgotten. Where is the treatment for victims of assault? Have you not remembered the victims? It should keep that in mind.

How will the government pay for increased treatment? We must push for treatment for all violent or sexual offenders. At the same time where will the money come from? I know they are not overly concerned about where the money comes from in Canada today, but they should try to think about it in Bill C–45.

I have a final point. This was a fine opportunity for Liberals concerned about guns to include full sentences served for offences where any gun is used. Why did you not do this? Why is it not in here? Where is it going to be?

Once again I do not think the courage exists on the other side to deal with the tougher issues about taking away money that the criminal element should not have in our prisons, about dealing with gun laws, about dealing with violent sex offenders from an adult point of view, and about dealing with the victim.

(1045)

I hope that in Bill C–45 they look at these issues in committee.

The Deputy Speaker: We have just come back and I again would ask members to please direct their remarks through the Chair. The theory is that it will reduce the conflict between members if remarks go through the Chair rather than back and forth across the Chamber.

Mr. Arseneault: Mr. Speaker, on a point of order, I will not take much of the time of the House.

Today is sort of an historic day in the sense that it is the first time I believe that Standing Order 73(1) has been invoked. I would like to point out to the House that on May 11, 1994 I stood here on a point of order. At that time I was introducing a private member's bill and I pointed out to the Speaker that I would like to invoke Standing Order 73(1) for my bill. I pointed out some of the problems as the standing order presented itself where a minister of the crown could send any public bill to committee before second reading and this would include a private member's bill sponsored by a private member.

In reply the Speaker took it under consideration and made a ruling on June 1 at which time he suggested the redrafting of Standing Order 73 to grant the sponsor of a private member's bill the same prerogatives with regard to that bill that a minister of the crown enjoys with regard to a government bill seems to merit further consideration. He referred that issue to the Standing Committee on Procedure and House Affairs and asked it to take that into consideration.

I realize the standing committee has been very active and very busy on a number of subjects. I would ask on my point today, Mr. Speaker, that you again ask that committee, seeing that this standing order has been invoked for the first time and could be invoked again for other opportunities, since the matter is an urgent one, especially for private members, backbenchers, that we would like to have a ruling on that as soon as possible.

The Deputy Speaker: I thank the hon. member and I thank the member for giving notice of the point of order. He is absolutely right that the Speaker on June 1 did suggest that the committee look at the matter. As the member will know the Speaker does not have the power to direct, as I understand it, any committee to consider any matter.

If I can characterize what the member has said, he is really asking the committee to deal with the matter as quickly as possible. I see the chairman of that committee nodding. I hope he will take under advisement what the hon. member has said.

[*Translation*]

Mr. Patrick Gagnon (Parliamentary Secretary to Solicitor General): Mr. Speaker, I am pleased to have this opportunity to discuss the government's plans to solve the pressing problem of public protection as it relates to the correctional process.

The amendments proposed in Bill C–45 will allow for a better control of those who generate the greatest fears, namely violent offenders. The changes proposed by the government will be supported by improved treatment programs for sexual offenders.

These changes are an essential component which the government intends to use to deal with violent crimes and to improve the public's faith in correctional services as well as in the conditional release program.

The Solicitor General pointed out that to pass harsher legislation to alleviate the public's concerns is not enough. Indeed, if we are to solve the social problems within our communities, we cannot merely increase the number of inmates in our jails.

In recent months, the media have given a lot of coverage to the serious and increasing public concern regarding some issues related to the judicial process.

[*English*]

Almost every day there are story headlines, news broadcasts, telling us of the violence which is present in our communities. The television programs we watch also recount quite graphically at times details of violent crime, whether real or fictional. It is difficult to escape the feeling that violence pervades in our lives.

(1050)

[*Translation*]

This is why most Canadians believe that crime is on the rise in their communities. It must be remembered that studies on victimization, not the media, best describe the current crime trends.

These studies show that, in 1993, global rates remained stable or decreased compared to 1988 levels. Moreover, they show that the crime rate dropped by 5 per cent in 1993, the biggest decrease since we started keeping statistics on crime, over 30 years ago.

Statistics show a substantial decrease of some 15 per cent in the case of murders, for the second consecutive year. The figure for 1993 is 27 per cent lower than the all–time high of 1975. Nevertheless, Canadians are more and more concerned about crime and are asking the government to find solutions and put a stop to its presumed higher incidence.

It must also be recognized that certain ways of dealing with crime and the fear that it generates can have results opposite to their objective. One only needs to look at the situation in the United States to realize that some strategies against crime can have unpredictable and serious consequences.

Do you know that 13 states have abolished their parole system, essentially in an attempt to slow down the rise in crime? Yet, studies show that crime rates in these states have not decreased and are, in several cases, among the highest in the country. Canada is second to the United States as regards the incarceration rate.

[*English*]

Correctional Services Canada has determined that if the current rate of admissions to penitentiaries continues there will be over 18,000 offenders in federal penitentiaries by the year 2002. This would represent a 30 per cent increase in the next eight years. The cost of housing these offenders is not decreasing. On average it costs the Canadian taxpayer over $50,000 for each incarcerated offender.

[*Translation*]

While the public is concerned about the consequences of criminal activities, we are increasingly recognizing that, for the most part, crime arises from social problems, like unemployment, poverty and illiteracy.

As members of Parliament, we are responsible for protecting the public and, like all our fellow Canadians, we must look beyond the immediate repercussions of crime and take into consideration the underlying causes of criminal behaviour. That is why our government has implemented a national strategy on security and crime prevention in urban areas.

[*English*]

One of the key elements of this national strategy is the creation by the Minister of Justice and the Solicitor General of a national crime prevention council this past July. The objectives of the council are to unify crime prevention efforts across the country and to give them focus and direction.

[*Translation*]

Despite the creation of this national crime prevention council, we have to realize that repression and crime prevention are not the exclusive responsibility of the criminal justice system. To come to grips with the many social and economic issues leading to crime requires a multidimensional and integrated approach. We must co–operate and work in partnership with every segment of our society, including parents, teachers, social services organizations and all levels of government.

As the Solicitor General said earlier, in order to undertake an effective and in–depth reform aimed at protecting the public against crime, the federal and provincial governments must work together to find overall solutions.

However, the federal government realizes that control of violent offenders is a complex problem for which it would be pointless to seek a universal remedy.

As you know, governments share responsibility for criminal justice, but mental health is a provincial jurisdiction.

(1055)

Since searching for ways to deal with high risk offenders is not the exclusive responsibility of any one level of government, a federal–provincial task force on high risk violent offenders has also been set up.

The task force is reviewing all policies and legislation that could help to treat, manage and monitor high–risk violent offenders.

[*English*]

In closing, let me emphasize that the legislative reforms of the Corrections and Conditional Release Act proposed in this bill are clearly measures that will contribute to the protection of the public; balanced measures augmented with comprehensive activities such as crime prevention through social development, through strengthening meaningful partnerships with other levels of government and through community involvement in order to ensure safer homes and safer streets for all Canadians.

[*Translation*]

Mr. Bernard St–Laurent (Manicouagan): Mr. Speaker, going through Bill C–45 raises a great concern about sexual offenders and sentences that they are given. In these days, sexual offences make headlines in all the media everywhere in the country.

Our duty, as elected people, is to legislate in such a way that the action we are taking will have positive results. Public safety is everyone's responsibility. But there is no point in passing legislation just to pretend we have done our job and this piece of legislation must be the least confusing possible. It is important that its enforcement be as easy as possible and, finally, this whole series of action must be efficient. Killers must not kill any more, thieves must not steal any more and rapists must not rape any more.

I will deal mainly with clause 3 of the proposed bill. It says, and I quote: ''The Commissioner may in writing designate any staff member, either by name or by class, to be a peace officer, and a staff member so designated has all the powers, authority, protection and privileges that a peace officer has by law in respect of an offender subject to a warrant, and any person, while the person is in a penitentiary''. It is that point I have a problem with.

I knew that the job of a correctional officer in a penitentiary was not well known, but I am very disappointed to see how badly it is known. In that clause of Bill C–45, it is clearly written that the commissioner may in writing designate, for instance, a night security officer from some warehouse to be a correctional officer in a penitentiary. I have nothing against security officers who protect warehouses and other buildings and I am sure they do a very good job. But that has nothing to do with the job and responsibilities of a correctional officer in a penitentiary. Absolutely nothing!

A correctional officer is a person who has been very carefully chosen. The time is long gone when people would offer their services as a policeman or a prison guard because they could not find jobs and had big muscles. That was the case at the beginning of the century. But this should not be the case at the end of this century. For instance, if there is no corrections officer around inside a penitentiary, it is highly unlikely anyone would try to break in. In fact for centuries, the tendency has been for people to try to break out.

However, in a warehouse without any security, it is very likely some people will likely help themselves, in the absence of security personnel. I mentioned earlier that corrections officers are very carefully screened. Among the many qualifications these people must have, there are some that everyone should have, including honesty and impartiality. I think we can assume every upstanding citizen has those qualities, but he must also have above average judgment and tremendous self–control.

(1100)

He must also have very acute powers of observation. His personal safety and the safety of his colleagues and the public depends on it. And last, but not least, he must pass an impressive battery of tests to determine his personal and interpersonal strengths. Government personnel departments, also known as human resources, invest many months' worth of tests, analyses and studies in each case before they select the individual or individuals best suited to perform the duties of a corrections officer.

Do you know that at the Port–Cartier penitentiary, which opened in 1988 or 1989, more than 23,000 applications were received and processed? Port–Cartier has about 250 employees, including 188 corrections officers. The selection process took more than 20 months, from the day the initial advertisement was published in the media to the first day on the job.

In the same area, the Government of Quebec regularly takes from 16 to 20 months to complete its selection process. I am sure this also applies to the nine other provinces as well.

We must not wait until something terrible happens to take the proper action. We must act now, as soon as the bill goes to committee, to consider the impact some clauses may have. You do not wait until a book is published to correct the proofs.

About the proposed deductions from inmates' income mentioned in cluases 21 and 26, it seems inmates might see the cost of room and board deducted from their income. How would this measure be implemented? That is a question Bill C–45 fails to answer. What would it cost to introduce such a measure? Here again, the bill does not deliver.

Finally, and this may be why the bill does not provide an answer, how much will these measures save the Treasury? We

cannot afford to introduce measures for their own sake. Getting four quarters for a dollar is certainly not worth the trouble.

On the subject of parole, the bill proposes that individuals serving a second sentence for the same offence should not be eligible for parole. We must look at this very carefully. People complain that some individuals were poorly assessed before their release on parole. If we deny an individual the opportunity to be released on parole, this means there will be no evaluation, either negative or positive, in his file. Once he has served his sentence, he will be forced back into a society he has not seen for months or, in many cases, years. He will be on his own in a world that has continued to evolve and grow and which will certainly have changed. Do we have the moral right to do this?

In concluding, I wish to say that we in the Bloc Quebecois will work on improving this bill, in committee and in the House. We will do our utmost to make this bill as transparent and, above all, as efficient as possible.

[*English*]

Ms. Colleen Beaumier (Brampton): Mr. Speaker, in last year's federal election members on this side of the House listened to Canadians express their desire for the federal government to introduce reforms to the criminal justice system.

We listened to Canadians tell us that they no longer feel safe walking on our streets and that they fear for the safety of their children, a fear that has never been felt before in this country.

We listened as Canadians from all walks of life and from all parts of this country told us that they want a criminal justice system that is responsive and effective in dealing with the criminal element in our society.

(1105)

When we took office we committed ourselves to reforming the criminal justice system to more closely resemble the kind of system that Canadians want. We continue to listen to Canadians and to their ideas for reforming our system. We listened as Canadians told us that they want the red tape of government replaced with the common sense of concerned citizens.

It is because this government is committed to listening to the concerns of Canadians and to acting in a constructive manner that I am pleased to speak today on Bill C–45.

Bill C–45 introduces amendments to key pieces of legislation resulting in a criminal justice system which is more consistent with Canadian values. The protection of our children must be our primary concern in the justice system. It is clear that more needs to be done in this area.

The statistics are staggering. Fifty–three per cent of females and 31 per cent of males are the victims of unwanted sexual acts. Eighty per cent of these assaults occur when they are children or youths. This is horrendous and totally unacceptable.

Under existing laws, the National Parole Board is able to detain an individual who has committed a sexual assault against a child only if the offender has committed serious harm to the child. Serious harm is defined as severe physical injury or severe psychological damage. Proving serious harm so defined with respect to a child is difficult because the psychological harm caused by an offender may not be visible for years to come.

Bill C–45 addresses this problem by removing the requirement to demonstrate serious harm for a sexual offence involving a child. This legislation authorizes the National Parole Board to detain an offender where it is satisfied that an offender is likely to commit another sexual assault involving a child before the expiration of their sentence. This really means no parole. This measure is in direct response to concerns expressed by Canadians that our justice system is too caught up in red tape to respond to the common sense concerns of Canadians and to the protection of our children.

Such a move cannot be made in isolation and Bill C–45 provides the necessary accompanying changes to ensure that the removal of the serious harm criteria with respect to child sex offenders is done in a responsible and effective manner. Rehabilitation programs for sex offenders will be strengthened under this legislation to ensure that the time which those convicted of a sexual offence against a child or an adult spent behind bars is constructive.

The strengthening of our rehabilitation programs is greatly needed. A recent study found that 40 per cent of convicted sex offenders reoffend within five years after being released from prison. This is simply unacceptable.

While significant progress has been made by the correctional service of Canada in recent years in the treatment of sex offenders further improvements are needed. Bill C–45 contains provisions to ensure that the Correctional Service of Canada has the resources to improve its capacity to treat offenders by allowing it to make deductions from an offender's income for room and board costs. This covers part of the spending.

The removal of the serious harm provision also places greater importance on the expert abilities of members of the National Parole Board. This legislation strengthens the accountability of the parole board by establishing a mechanism for the discipline or removal of National Parole Board members in instances where a member is clearly not performing up to acceptable standards.

Bill C–45 moves to fulfil a number of our red book commitments to promote safer homes and safer streets.

In addition to the provisions I have already mentioned which deal with the treatment of child sex offenders, this legislation expands the list of offences for which an offender could be ineligible for parole until the end of their sentence. Bill C–45 adds stalking, conspiracy to commit drug offences and serious

drinking and driving and criminal negligence offences which result in bodily harm or death to the list of offences for which an offender could be referred for detention until the end of their sentence.

The recognition of stalking and drug offences in particular as social societal problems in need of intensive treatment is relatively recent. This bill acknowledges their severity in law. By designating stalking, drug offences and drinking and driving as offences for which offenders could be detained until the end of their sentence we are bringing key criminal justice legislation into the 1990s.

(1110)

These reforms are the product of consulting Canadians on the issue of justice reform. A representative of the Canadian Police Association has described the reforms contained in Bill C–45 as the best improvements in the overall corrections and parole system in this country in the past 15 years. I concur and attribute the responsiveness of this bill to concerned Canadians who have demonstrated a strong commitment to Canadian society. It is their willingness to address these issues in a frank and open manner which has shaped the proposed changes to the criminal justice system.

I congratulate the hon. Solicitor General on Bill C–45 and thank Canadians who participated.

Mrs. Jan Brown (Calgary Southeast): Mr. Speaker, I rise today to discuss Bill C–45, one component of the Solicitor General's safe streets package.

I have to confess that I am not very pleased as I stand here. Like most of the Liberal agenda for change, this bill tinkers with it. There is no bold face of change at all. The bill has taken an alarmingly wrong turn in making neighbourhoods safe for Canadians when considering changes to the Corrections and Conditional Release Act.

My Reform colleagues and I have often spoken of the need for widespread criminal justice reform. In order to demonstrate the poignancy of our arguments we often refer to specific cases. When we do members from across the floor dismiss our arguments as irrelevant because they are exemplified by anecdotes. However, we do not trot out examples to whip up public sympathy but to demonstrate in clear, understandable human terms what the real life implications are for Canadians when the justice system goes wrong and fails to protect the victims.

Today I will share with the House the real life tragic story of a woman and her family who live in fear. As I explain the particulars of the case it will be evident where and when mistakes are made in the processes involved for conditional releases, escorted temporary absences, known as ETAs, and unescorted temporary absences, UTAs.

In 1983 Robert Paul Thompson was issued a day pass from prison. He had committed numerous assaults dating back to 1969. Obviously his proclivity for violence was at that time not deemed sufficiently problematic and he was given a day pass. While out on this day pass Thompson went to the home of his former common law spouse Brenda Fitzgerald, the daughter of Mrs. Helen Leadley, a constituent of the riding I represent, Calgary Southeast.

When he arrived at Brenda's home Thompson found her in the company of another man. He tried to kill the man by beating him with a hammer and stabbing him. His viciousness was completely unleashed as he brutally stabbed Brenda Fitzgerald to death. How stupid, how irresponsible that he was issued a day pass.

For this brutal murder and attempted murder Thompson plea bargained and pleaded guilty to second degree murder. He was sentenced to life which made him eligible for parole in the spring of 1995.

The case does not end with his conviction and sentencing unfortunately. Two and a half years after his incarceration in December 1985 Thompson stabbed two prison guards and took a 63–year old prison nurse hostage. During the hostage situation it took 10 guards to restrain Thompson. For these subsequent crimes Thompson received a sentence of 11 years to be served concurrent to his original sentence with parole eligibility still in April 1995.

Thompson has been denied two requests for conditional release since his last conviction. In 1992 he was denied day parole and in 1993 he was denied an ETA. These decisions are extremely important for the Leadley family's safety. Since his incarceration this man, Thompson, has managed to get a letter to Mrs. Leadley threatening to kill the family. From prison a convicted murderer has been able to violently threaten the family of the woman he murdered. The family lives in fear and any quality of life has virtually disintegrated. The grandchildren have been given different names and moved out of the city and Mrs. Leadley is not even able to see her own grandchildren.

However, the reason that I stand here today should be of concern to the members of this House, as it is to me.

(1115)

Thompson recently applied for an escorted temporary absence. His brother has a non–life threatening illness and is in hospital. Thompson wishes to visit him for two hours. In its infinite wisdom in an eight–page decision, the parole board has recommended that the ETA be granted.

The parole board gave its reasons for denying his first parole request: the viciousness of all of his crimes. Now has something happened in the past 12 months since his last denial to make the board suddenly comfortable with this man's criminal character?

The parole board cites the fact that Thompson has participated in some rehabilitation programs since his last request for release as reason for its sudden change of heart. In 1993 he was a dangerous criminal but just 12 months and a few courses later he is suitable for release it suggests.

To justify its new position, the parole board refers to anger management courses that Thompson has taken. He was required to participate in a program that required only one hour per week for 10 weeks. Are these 10 hours of participation enough for the board to have changed its position? Also in its decision the board encourages Thompson to request to be transferred to a lesser security prison.

These are the decisions and recommendations of a parole board that alleges its reason for being is to protect the Canadian public. There is certainly no accountability here. I fail to see how such decisions protect the Canadian public.

The parole board is saying to this criminal that he deserves a special treat for having been a good boy for 12 months. The irony of the situation is that the case management team supports Thompson's request, as does the warden of the prison and the parole board. The Canadian public does not support this request. I do not support it and the Leadley family does not support it.

The Liberals keep saying they want safer streets but I do not believe it. Whenever they get a chance to make a tough decision to make the streets safe, they balk. They fail to act. I sent a letter to the Solicitor General, the National Parole Board chairman and to the Minister of Justice. My office has had numerous contacts with these offices since the board rendered its reprehensible decision on September 13. The Solicitor General has the power to overturn this ridiculous decision but has done nothing. Not one of these people has acted yet nor has responded to my letter and phone calls requesting the reversal of the decision of the parole board.

In fact, the chairman of the National Parole Board has demonstrated his complete disdain for the safety of the Canadian public by responding to my requests by saying: ''Mr. Thompson will be escorted. I really do not see what the big deal is''. It is no small wonder that Canadian confidence in our criminal justice system is so low. What reason do they have to be confident when such ignorance is demonstrated by the National Parole Board?

In the board's decision for Thompson's pass, it is mentioned in a section on general statistical information on recidivism that two out of three offenders will not commit an indictable offence after release. The corollary of this is that 33 per cent will reoffend after release. This is a substantial number, an unacceptably high number. Further to this frightening figure is the amount of recidivism of day parolees. The number of people who have breached a condition of release or reoffended has increased by 41 per cent in five years.

Despite these alarming figures, the National Parole Board chairman still fails to see what the big deal is in letting a convicted murderer out on an ETA. I am absolutely furious. The irony is that it is his job to protect the Canadian public.

The big deal is simple. In the Corrections and Conditional Release Act, section 17(b) grants to convicts the privilege of receiving escorted temporary absences for the following reasons: medical; administrative; community service; family contact; personal development for rehabilitative purposes; or compassionate reasons, including parental responsibilities.

These people demonstrated no compassion when they killed their fellow man. Escorted temporary absences are expensive luxuries which should not be so easily obtained, especially for violent offenders.

As well, section 17(c) states that an inmate's behaviour while under sentence does not preclude authorizing absence. This section should be struck from the act and is worth pursuing at the committee stage.

Thompson's example is one case in point. He was out on a day pass when he committed murder. This fact should necessarily be considered when he applies for subsequent passes. In fact, it should be sufficient reason to deny all subsequent requests.

(1120)

I have used the Robert Paul Thompson case to demonstrate some of what this bill fails but ought to do. In retrospect, the decision in 1983 to issue a day pass was flawed. I am very personally connected to this situation.

I challenge the Solicitor General on this matter. If he really cares about making Canada safer for all of us, then he can begin here and now by reversing the terrible and disgusting decision of the parole board to grant Robert Paul Thompson a day pass for family contact. Canadians demand no less.

Ms. Shaughnessy Cohen (Windsor—St. Clair): Mr. Speaker, I am very pleased to have the opportunity to address the House today on Bill C–45. As a former prosecutor for Essex county in Ontario I recognize the need for changes in this area to provide Canadians with greater public protection and a greater sense of security. Police officers, prosecutors and victims groups with whom I have discussed these amendments tell me that this is a wonderful and a strong step forward in this area.

The Liberal red book told Canadians that we share their concerns. It told Canadians of our promise to take steps to help protect our citizens from repeat offenders. Safe homes and safe streets are a theme for this government, but it is a theme that goes hand in hand with our other themes of job creation and of respect for human rights. Indeed, these themes of prosperity, security and human rights merge to make Canada the kind of country that really is the envy of the world.

These amendments address the issue of public security. With these amendments our government is following through on our commitments to the public, commitments published in our red book, commitments we have consistently followed up on and that you can literally check off as we go through our mandate. They are sensible commitments which help to improve our security and our rights in this country.

Public safety is the primary consideration in putting forward these changes. As we follow through on our red book commitments we are improving protection from repeat sex offenders. These changes are part of ongoing reforms to increase and improve our handling and our management of these offenders within the federal corrections system. In particular we have focused on those offenders who victimize children, although of course others are included in the sweep of this legislation.

These changes will help to restore public confidence in the corrections process by closing gaps and by responding directly to shortcomings that have been perceived by the public. We will tighten the system for those convicted of sex offences against children. We will pass changes which will allow us to detain in the penitentiary until the end of their sentence sex offenders who victimize children.

Other offences will be caught within the mandate of this legislation. Those include: serious drinking and driving offences; criminal negligence offences which result in bodily harm or death; criminal harassment, more commonly known as stalking laws; and conspiracy to commit serious drug offences. All of these will be added to the list of offences for possible detention until the end of sentence.

Of those offences however I think all Canadians find crimes against children to be among the most reprehensible acts. That is why it is so important to increase the powers of the National Parole Board to enable that body to keep repeat sex offenders behind bars for their full sentence.

Under the existing legislation the National Parole Board must establish that serious harm was done to a victim during the commission of the offence or that it is likely to occur during a future offence involving a child. This criterion of serious harm can be difficult to identify among children who often do not exhibit the full effects of the trauma until later in their lives.

This legislation seeks to improve the protection of children and is also a response to the report on serious harm by the Standing Committee on Justice and the Solicitor General.

(1125)

In addition to strengthening the sentencing side of sex offences the legislation will also strengthen and expand treatment programs for these crimes. This is another part of our red book commitment.

As important as it is to keep repeat sex offenders in penitentiaries as long as they remain a risk, it is equally important to recognize that their sentences will inevitably expire and that we must therefore strengthen our rehabilitation programs. Although we have made some strides in this area in the past, it is important to keep our focus in that direction and to make sure these programs improve. These amendments will also provide additional reasonable resources for those programs.

We are also following through on a commitment to create a mechanism for the discipline or removal from office of National Parole Board members where members are not performing competently. This proposal, together with increased training, the continued advertising of board vacancies and the appointment of qualified, competent board members will further increase the accountability of the board. This is something Canadians have demanded, something we have promised to Canadians and once again, something we have followed through on.

While this legislation targets repeat sex offenders and other serious criminals specifically, it also addresses the issue of sentence calculation. There has been a longstanding concern about the way sentences are calculated. Changes to the process will ensure that offenders on parole in the community who are convicted of a new offence are automatically returned to custody, and would serve a substantial part of the new sentence, at least one–third, in penitentiary before being eligible to be considered for parole.

Like other legislation we have promulgated since our election and which we will table throughout our term this act is the result of consultation with Canadians. I speak specifically to my friends across the way when I say that unlike some legislators, Liberals do not limit their consultations only to those who share their own view. We have the nerve, we have the mandate and we have the strength to dare to involve all Canadians. We are not afraid to hear other views. We do not sit with narrow, little minds hiding in a hot house. Instead, we go to all Canadians. We seek to widen our horizons. We seek to criss–cross the country and to consult widely in both languages.

That is something the Solicitor General has done. I know my friends on this side of the House join me as should those across the way in commending him for this consultation and commending him for having the guts and the courage to go out and speak to all Canadians.

I ask all members in this House to support this bill.

[*Translation*]

Mrs. Pierrette Venne (Saint–Hubert): Mr. Speaker, the Solicitor General had been promising major amendments to the current legislation in order to crack down on adults who commit crimes against children. In particular, the government said it would take extremely harsh measures in view of the demands of

a society totally disgusted with the courts' failure to deal with child molesters.

Like all Canadians, I was expecting a massive overhaul of the current legislation. It seems, however, that the Solicitor General does not have the same perception as the vast majority of Canadians on this point. It seems that the government has chosen to continue to favour administrative justice, which is arbitrary and secretive, over the courts. Clearly the Liberal Party does not want to toughen the act with regard to with rapists and child abusers.

If I understand this bill correctly, individuals serving a two–year sentence following assault on children, will be referred to the Parole Board which will determine whether they can be paroled at the time legally set or whether they should be kept in jail until the end of their sentence or subjected to special control measures.

People should not be led to believe that the amendments proposed by the Solicitor General could be used to keep these individuals in jail after the end of their sentence.

(1130)

You should not think either that this is tougher for abusers and pedophiles or that it would apply to all sexual offenders.

All the Solicitor General is doing is proposing to give the Parole Board the discretionary power to parole before the end of their sentence individuals guilty of sexual crimes against children.

This measure already exists for violent offenders and drug dealers; we are merely adding pedophiles.

Two observations before I move on to more legal aspects. Sexual crimes against children are probably the most horrific, the most despicable and the most repugnant crimes that a court can find an individual guilty of.

It is not without reason that nearly every crime of that nature is punishable by maximum penalties going from a 10–year prison sentence to life.

When an adult sexually assaults a child, he destroys the person within the child, the child's vision of the world as well as his or her trust in mankind. Such crimes are no less serious when the victim is an adult, but the latter is already equipped with a psychological immune system that might help him or her get over the pain and suffering. The assaulted child dies inside.

I feel no sympathy, no mercy for molesters; I despise and loathe these cowards who take advantage of a child's innocence to satisfy their narcissistic drive. Until proven otherwise—the burden of proof rests on the criminal's shoulders—I do not believe that rehabilitation is possible. I do know that in certain rare cases there appears to be a change in behaviour, at the cost of tremendous personal sacrifices and after a painful process. But certainly not as a result of some ridiculous prison therapy criminals agree to with the sole objective of improving their chances to get paroled.

Crimes of a sexual nature against children deserve the maximum sentence; those which leave them injured, mutilated or harmed in their physical or moral integrity should result in a life sentence for the offenders.

This brings me to publicly question once again the professional competence of the members of this inept organisation, namely the Parole Board.

I do not question the need for a parole monitoring body or its usefulness. Every western nation relies on such government agencies responsible for closely monitoring criminals in the community at large, until the end of their sentence.

However, I am extremely sceptical about the professional competence of the Parole Board members who are all political appointees.

This body has become the haven for the friends and survivors of defeated governments or governments reaching the end of their mandates, whichever the case. The good faith of these people in carrying out their duty is not at issue, but I cannot help but notice that the lack of professional hiring criteria sheds a cloud of doubt on the credibility of their decisions.

And yet, the Solicitor General has decided to entrust this board with the authority to release criminals convicted of abusing or raping children.

The board's job would amount in fact to reviewing the sentence imposed by the court. If at least the Solicitor General had given authority to the court to impose a prison sentence without parole in the afore–mentioned cases, we would be closer to a reform. But such is not the case.

The court already has the power to give very harsh sentences to child abusers. Every sexual crime involving children is punishable by penalties that the court should not hesitate to pass.

The court already has in hand all the elements necessary to determine the sentence. We will discuss later, probably at the end of the day, the amendments that Bill C–41 brings to sentencing principles. The court will have all the facts at hand and will be able to evaluate all the factors relevant to the case, including elements of the pre–sentence report describing in detail the personality of the accused.

I believe that by simply giving the courts the power to order that the sentence imposed be served completely before a criminal can be released, we could have achieved what the bill seeks to do.

(1135)

I am against giving this new quasi–judicial role to an organization which has neither the stature nor the competence to assume such responsibility towards society. We must give the courts all the necessary latitude to reach the legislation's goals. Those were my comments, Mr. Speaker.

[*English*]

Mr. Pat O'Brien (London—Middlesex): Mr. Speaker, it is my pleasure to speak on Bill C–45 brought in by the Solicitor General as part of the strategic framework of initiatives to which the government committed itself in the red book during the last campaign. It seeks to implement the safe homes, safe streets strategy which is being very much demanded by Canadians from coast to coast to coast as we in all parts of the House know.

The bill recognizes the all time low level of confidence Canadians have unfortunately demonstrated in our courts and in our current parole system. I must confess that this low level of confidence is justified and as a Canadian I certainly share it to a large extent.

Contrary to some opinions we have heard today from other members of the House, the bill is worthy of support. It is a major step in the right direction. It puts forth several important initiatives much awaited by Canadians and I would like to speak to them briefly today.

It adds several offences to the list of serious crimes for which people can be required to serve their full sentence such as drinking and driving and drug offences, to name two.

There is an important initiative in that the bill would seek to increase the accountability of the National Parole Board by establishing a mechanism to discipline and remove members that have performed in an unacceptable and indeed incompetent manner in some cases. Unfortunately we know that this could be the case and the provision is badly needed.

The bill seeks to strengthen rehabilitation programs for sex offenders. This is one of the most important initiatives undertaken. All too often repeat sex offenders such as pedophiles come out of the institutions in which they were incarcerated just as unbalanced individuals as when they entered incarceration. This is simply unacceptable and must be addressed. The bill seeks to do that.

The bill increases the authority of officials to make deductions from the income of offenders to help defray the increasing costs of incarceration. This is something which Canadians will applaud no matter what is their overall view of the bill. It is obviously a very important initiative and makes good common sense.

In my personal view the most important guiding principle in our system of criminal justice should be that violent criminals will be considered in a category altogether separate from non–violent criminals. Violent criminals should be experiencing stricter sentences from our courts and much stricter conditions for early release.

It is my view that the almost automatic release after one–third of the sentence of criminals has been served, even the most violent criminals, is a big mistake. Violent criminals, whether they be sexual offenders or non–sexual offenders, should be serving much closer to the full sentence. I would hope to see the day when repeat violent offenders will be serving the full sentence.

Bill C–45 moves substantially in that direction. It permits the retention for full sentence of criminals that have offended against children. While I applaud it as a step in the right direction I hope to see the day when such heinous crimes will be met with a mandatory serving of a full sentence for violent criminals, be they sexual offenders or non–sexual offenders. This is very important in the case of someone who has demonstrated a pattern of repeat violent offence.

(1140)

Canadians know, and we in the House know, that in many cases sentences have been too light and out of all proportion to the nature of the crime and to the incredible harm inflicted on the victim, be they children or adults. For any adult who has been a victim of violent crime, particularly violent sexual crime, it is an horrendous experience to try to live through.

Bill C–45 requires an offender on parole who reoffends to serve at least one–third of his or her sentence for the latest crime before being eligible for parole. I applaud that. I say again I hope to see the day when repeat violent offenders serve their full sentence and not one–third. I hope to see the day when they forgo any opportunity for early release if they have established a pattern of repeat violent offences. The bill is a major step in that direction.

The issue of the serious harm provision against children is very important. The bill removes that condition and states it is not required for serious harm to be demonstrated. This makes good sense. For me personally violent crime is by definition serious crime. It inflicts serious harm on the victim especially if the victim is a child. Violent crime of a sexual or a non–sexual nature against an adult obviously is serious and should be treated in such a manner.

I very much applaud Bill C–45 and the Solicitor General for the initiatives he has undertaken. It is not a perfect bill. I suppose we see very few of those in this land or any other. I personally hope to see the day when we will go further, when we will be stricter on repeat violent offenders whether they be sexual or non–sexual offenders, and when we will be much more vigilant on early releases than what we have been.

The bill is a major step toward the stricter approach being called for by Canadians from coast to coast to coast.

Mr. Gordon Kirkby (Prince Albert—Churchill River): Mr. Speaker, I rise on this occasion to speak in favour of Bill C–45 which was given first reading in the House last June.

Since 1984 there has been a marked increase in violent crime across the country. Dealing with this growing incidence of crime was certainly listed as one of the priorities of the Liberal Party and the new government as set out in the red book.

There is no doubt that for many years Canada was viewed and is still viewed, and rightly so, as a non–violent nation. It was a nation in which all of us could carry on our business, our daily affairs, without fear for our personal safety or for the personal safety of our loved ones. However in the last decade Canadians have become less certain about that reality as we have seen example after example played out across our television screens and in our newspapers of violent crimes being perpetrated within our communities.

Our government believes the issue of safe streets is not achieved simply by strengthening legislation in relation to criminal behaviour such as the Criminal Code, the Young Offenders Act or the Corrections and Conditional Release Act, the present legislation. There are some in the House who tend to simplify the issue of public safety to the extreme by saying that by making harsh incarceration rules, by sentencing people to long sentences or by introducing corporal or capital punishment our streets will suddenly or magically be safe.

Some would have us believe that if we toughen our parole release provisions to the extreme in all cases suddenly there would be no more crime and we would not suffer from violence to our person and to our families. The government disagrees with that approach.

(1145)

We recognize that in order to reduce the incidence of criminality within our society that society must provide meaningful employment opportunities for all people. The direct link between economic hardship, lack of opportunity and criminality is well known. To that end the government has implemented policies which allow for economic growth.

Roughly 275,000 new jobs have been created since the new government took office. The Canadian economy has grown by 4.2 per cent annual growth rate in the first quarter and an astounding 6.4 per cent in the second quarter. This assists to reduce the incidence of criminal behaviour within our society.

Another factor that certainly helps reduce the crime rate and the violence within our society means doing something to alleviate underlying social conditions which create an environment where criminal behaviour can flourish, whether it is poverty, racism, hunger or whatever the social issue might be.

We have begun to address those issues as a government. We must continue to alleviate negative social conditions which create an environment where crime can flourish, whether it is fighting racism or increasing educational opportunities or providing our young people with experience in the workplace through the Canada youth corps. We are moving toward safer communities in our nation once again.

No doubt there are other things that governments and communities can undertake to increase public safety. The creative nature of our communities will make this happen from coast to coast. I am not saying that the government cannot move to improve the Criminal Code, the Young Offenders Act or the legislation currently before the House where it makes sense to do so.

The government recognizes that action to combat crime must be a multi–pronged approach involving the enhancement of criminal laws, the Young Offenders Act, the parole legislation where it is reasonable to do so and demonstrably justified. Where flaws are located in the current legislation we must move to correct those flaws. We have a responsibility to do so.

Not only must our economies be strong, not only must our social programs be relevant and scratch where the country itches but also we must deal with our criminal legislation through these various criminally related statutes and to fix them where they have proved inadequate.

We see this approach being taken whether it is in this bill brought forward by the Solicitor General or whether it is other bills such as the Young Offenders Act being brought forward by the Minister of Justice or amendments to the Criminal Code. These types of approaches allow for the House and our society to improve, to enhance the laws which govern our land, the laws which make it safe for all of us to enjoy our communities and to enjoy our homes without fear of violence.

Within this specific legislation a number of changes have been made which will make our parole system better, our criminal justice system better and will ultimately improve the safety of our communities across the nation.

The individual legislative proposals which I support make it easier to detain in penitentiary until the end of sentence sex offenders who victimize children by removing that serious harm must be established as a criterion for detention in these cases. There is no doubt that the young person by having to provide testimony as to serious harm is revictimized and we certainly see no need for that. The fact that an offence has been committed

certainly establishes beyond doubt that serious harm has been done.

This legislation will also establish a mechanism for the removal from office of National Parole Board members who become incapacitated from executing their duties by infirmity or misconduct or have failed to carry out their role in a manner that is expected of them. This is to maintain the integrity of the system. We certainly will reduce the number of errors that are made in releasing people who should not be released.

(1150)

In addition to these types of changes, we are also expanding the list of offences for which an offender could be referred for detention until the end of sentence. These offences include serious drinking and driving and criminal negligence offences which result in bodily harm or death. In addition there will be more emphasis placed on the rehabilitation of people through programs. This is also a very important step forward.

What is typical of the government is that we are utilizing some of the parliamentary reforms we have brought forward in this term to allow individual members more say in the development of legislation.

I want to commend the Solicitor General for referring this bill at this stage to the committee so that we can, as individual members, provide input and make additional changes. Certainly where it is clear and obvious that changes ought to be made the government has made those changes but it is allowing the opportunity for further changes, for further amendment, as the bill moves along.

This is a very progressive step. Through the committee stage we can hear what Canadians think of these changes and write a bill that reflects the desires of our people for a safe society but one balanced with our desire always to ensure that people can have the opportunity to be rehabilitated.

I am very proud of the efforts the government has made so far and will support these legislative changes as the bill moves on to committee.

The Deputy Speaker: As no other member is rising, is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: On division.

(Motion agreed to.)

CRIMINAL CODE

Hon. Allan Rock (Minister of Justice and Attorney General of Canada) moved that Bill C–41, an act to amend the Criminal Code (sentencing) and other acts in consequence thereof, be read the second time and referred to a committee.

He said: Mr. Speaker, as I rise to begin the debate on second reading of Bill C–41 with respect to sentencing, may I first observe that the bill is a response to and product of over 14 years of effort to achieve comprehensive reform in the sentencing process as part of the criminal justice system in Canada.

Indeed the need for such reform in the sentencing process has been long recognized by judges, by parliamentarians, by lawyers, by Canadians themselves.

(1155)

For over a decade there have been calls for such reform: a royal commission on the subject, the law reform commission, the Canadian sentencing commission which reported in 1987, and in 1988 an all–party committee of the House which had a comprehensive set of recommendations with respect to sentencing, conditional release and corrections.

Many of those recommendations are reflected in this bill. It is in recognition of that need for reform that my party gave its commitment last year during the election campaign to introduce this legislation.

I tabled Bill C–41 on June 13 last and today I recommend to the House that it be considered and approved in principle and referred to the Standing Committee on Justice and Legal Affairs.

The bill we are considering today is a significant one. By its terms, for the first time Canadians would have a say through Parliament on the purpose and the principles of criminal sentencing. No such statement exists at present in the Criminal Code. Parliament's role to date so far as sentencing is concerned has been limited to setting certain maximum levels of incarceration and rarely minimum levels rather than dealing with the policy objectives of the sentencing process.

Bill C–41 brings together first, a statement of the purposes and principles of sentencing; second, the rules governing procedure and the admissibility of evidence in the process; and third, the various sanctions that the courts may impose to punish, to deter, to rehabilitate, all in a form that represents the collective view of Parliament.

The changes proposed in this bill have been broadly accepted by criminal justice professionals, by the provinces and by the territories. The establishment of these statements of purposes and principles has been endorsed by the Canadian Sentencing Commission, by the justice committee of this House and the former Law Reform Commission of Canada. I would not want it to be thought that Bill C–41 is the product only of the so–called elites, the professionals, the government administrators of the

system. The bill reflects rather, in my respectful view, the broadly based need, the widely felt need in Canada for uniform and effective statements in the code for what sentencing is to achieve.

I believe that sentencing practices in Canada must consistently reflect the values that Canadians have told us are important to them in the treatment of offenders. But considering the fact that criminal sanctions provide for one of the most serious intrusions by the state into the lives of individuals, indeed depriving them of liberty, it is really quite remarkable that the criminal law to date has not contained such a policy statement.

[*Translation*]

Through this bill, Parliament provides the courts with clear guidelines. Parliament stresses the need to punish certain types of behaviour by clearly stating that the purpose of sentencing must be to denounce unlawful conduct, to deter offenders and other persons from committing crimes and to separate offenders from society, where necessary.

In addition, the statement of the purpose and principles of sentencing provides that the sentence must take into consideration the will to protect society, to assist in rehabilitating offenders and promoting their sense of responsibility and to provide reparations for harm done to victims or to the community.

The bill also defines various sentencing principles, for instance that the sentence must be proportionate to the gravity of the offence and the offender's degree of responsibility. When appropriate, alternatives must be contemplated, especially in the case of Native offenders.

(1200)

[*English*]

The bill provides courts with clear policy direction from Parliament. The elements of punishment are addressed. Denunciation is there, as are deterrents and separation from society. The bill is a comprehensive and detailed one. I would like in the moments during which I will speak to the House today to highlight a number of issues that I feel are particularly important.

First, the statement of purpose and principles augments the normal sentencing practice of considering extenuating factors by specifying two important circumstances. It provides that when the evidence demonstrates that an offence has been committed by a person who abuses a position of trust or authority in relation to the victim, that shall be considered as an aggravating circumstance in determining the penalty.

Numerous recommendations have been made respecting breach of trust for offences involving violence against women, for example, and involving vulnerable persons including children. The 1993 violence against women survey by Statistics Canada demonstrated that almost one–half of women reported experiencing violence during their lives by men known to them. In too many cases positions of trust were exploited, for example, by adults against children or a physician against a patient.

The 1984 Badgley committee called for protection of children from persons they already know and trust. Including this specific aggravating circumstance will express Parliament's determination to extend criminal law for the purposes of protecting such persons, persons made vulnerable through the disarming effects of a trusting relationship.

The bill also specifies that if an offence is motivated by bias, prejudice or hate, this shall be considered an aggravating factor in determining the sentence. It seems to me that this provision responds to growing concerns about hate motivated crime.

The last report of the league for human rights of the B'nai Brith established that the number of reported anti–Semitic incidents has grown significantly over the last few years.

Moreover, hate motivated violence against individuals based on the offenders bias toward other sexual orientations has sparked public anxiety. General concerns have been raised about the pervasiveness of racism in Canada.

Recognition in the Criminal Code of hate motivation as an aggravating factor in sentencing will send an important message to minority communities and to the public at large.

A second feature of Bill C–41 merits special treatment in this debate. The bill reflects also the importance of our recognizing the plight of victims of criminal acts. Bill C–41 goes some distance in achieving that objective.

The statement of purpose and principles specifically indicates that objectives for sentencing include the provision of reparation for harm done to victims or the community and the promotion of a sense of responsibility in offenders, an acknowledgement of the harm done to victims and the community.

It goes further, specifically in relation to section 745 of the Criminal Code. That is the section that makes it possible for a person who has been sentenced to life with a period of parole ineligibility longer than 15 years to apply after 15 years for permission to seek parole. Such an application is heard by a court composed of a judge and jury, and two–thirds of the jury must agree before such a person is given permission to apply for parole.

The section has become controversial and it is alleged that life should mean life, that no such application should be permitted. Against that there are those in the correctional system who insist that persons who are rehabilitated after 15 years should have the opportunity to appear before a court and seek not parole but permission to apply for parole, to establish that they have

changed and society's best interests would be served by their being considered for parole release.

(1205)

Earlier this year I met Marie King Forest, a woman from Saskatchewan whose husband was a member of the Royal Canadian Mounted Police, murdered in the course of his duties.

Mrs. King Forest attended court earlier this year during the hearing of an application under section 745. She was accompanied at the meeting by three other women whose husbands had been police officers and who had been killed in the course of their duties.

Mrs. King Forest described to me the anguish she felt at reliving the tragedy of her husband's death and at the whole process surrounding the 745 application. It is out of respect for that anguish, for the feeling on the part of the families of murder victims, homicide victims, that they should have some role to play in the process.

Bill C–41 proposes a change to section 745, a change that would specifically require the court to take into account on such an application the perspective and the evidence of the victim's families in deciding whether permission should be granted to the applicant to seek early parole.

While it does not go as far as some would have it go—indeed they would have us revoke the section—that change goes a long way toward accommodating the concerns that have been expressed by, among others, the Canadian Police Association and the Canadian Association of Chiefs of Police. I believe it achieves a balance. It permits the court to take into account at the time of such an application the continuing anguish and loss of the victims' families and measure it against other societal values and objectives, including the importance of reintegrating into society someone who has been rehabilitated and who can demonstrate so at the time of the hearing.

Still on the subject of victims in the criminal justice system, the restitution provisions which have been in the Criminal Code for some years, since they were passed in 1988, have largely remained unproclaimed due to provincial objections with respect to the complex procedures that they contemplate.

Bill C–41 sets out a new set of measures respecting restitution developed co–operatively by the federal government and our provincial colleagues. There is a priority given to restitution. If a court finds it appropriate to award both a fine and restitution, the priority will go to the victim. Restitution must be honoured first.

Provision is made to ensure that restitution orders can be enforced by the civil courts. One can register them, like a judgement, then ask that they be executed upon so the property or the money of the offender can be seized to satisfy the order.

Finally, the Criminal Code will specifically state that any restitution ordered by a criminal court will not limit a victim's right to sue for damages in the civil court. A victim will be able to take a restitution order to the civil court for execution.

[*Translation*]

At the present time, nearly a third of the people liable to incarceration in provincial jails are in that situation because they did not pay fines. Studies have shown that Natives are the most at risk of being incarcerated for failing to pay fines. Since we know that these offenders rarely go to prison for long periods and, in fact, often do not spend any time in jail, the administrative burden involved in treating these cases is heavy and of little use.

The bill recognizes this situation.

(1210)

These provisions state that the court must be convinced that the offender can pay the fine contemplated before imposing it. In case a fine is not imposed because the offender would not be able to pay it, the offender will be liable to other penalties such as probation or community service.

[*English*]

Measures are provided in the bill to help provinces collect outstanding fines. Provinces will be able to use the same mechanisms to enforce fines under the Criminal Code as they use for provincial statutes. Persons designated by the court will be able to make adjustments to the order. Provinces will be able to refuse to issue or to renew permits or licences until a fine is paid. They may refer the case for civil enforcement. Incarceration would be retained only as a final enforcement option.

Ultimately I believe that these proposals will result in less crowded institutions and should decrease the costs for the system. They will do this without compromising the effectiveness of criminal justice and its administration.

[*Translation*]

In the last few years, we have learned a great deal about the administration of justice, about how to protect the public better. Incarceration must remain an option for offenders who need this form of punishment and must be separated from society to ensure the safety of the population. It is worthwhile to remind the House that Canada's incarceration rate is extremely high compared with other industrialized countries.

Furthermore, studies show that for minor and first–time offenders, incarceration is not very useful or effective and may even be harmful if the goal is to turn the person into a law–abiding citizen.

The provisions of this bill concerning alternative sentences for adults and the new approach to collecting fines, which I talked about earlier, will allow the courts to handle cases differently according to their specific sets of circumstances by expanding the range of options available for serious and minor offenders alike. Our goal is above all to create a more equitable, less costly and more effective system which Canadians can trust.

[*English*]

A general principle that runs throughout Bill C–41 is that jails should be reserved for those who should be there. Alternatives should be put in place for those who commit offences but who do not need or merit incarceration.

What alternatives will be available? For the first time Bill C–41 introduces diversion for adult offenders. At the discretion of the investigating officers and the appropriate authorities persons charged with a minor offence, particularly the first time, can be sent into a parallel stream away from the courtroom to be counselled or to be helped to overcome whatever problem led to the infraction.

Courts will continue to have probation as an appropriate sanction in the cases which require it. Fines, as mentioned, will be improved. There will be a new sentence provided for in Bill C–41 called the conditional sentence. I will speak to that remedy for a few moments.

Where a court imposes a sentence of imprisonment of less than two years and where the court is satisfied that serving the sentence in the community would not endanger the safety of society as a whole, the court may order that the offender serve the sentence in the community rather than in an institution.

Offenders who do not comply with such conditions as may be imposed at that time can be summoned back to court to explain their behaviour, to demonstrate why they should not be incarcerated. If the court is not satisfied with that explanation, it can order the offender to serve the balance of the sentence in custody. This sanction is obviously aimed at offenders who would otherwise be in jail but who could be in the community under tight controls.

(1215)

It seems to me that such an approach would promote the protection of the public by seeking to separate the most serious offenders from the community while providing that less serious offenders can remain among other members of society with effective community based alternatives while still adhering to appropriate conditions. It also means that scarce funds can be used for incarcerating and treating the more serious offenders.

There is much in the bill to remove uncertainty and mystery about the sentencing process. The principles and purposes are spelled out once and for all. The theme of the bill is that such matters should not be left just to the justice professionals but should be there for all members of the public to see.

In keeping with that approach there is a provision in C–41 requiring reasons for sentencing to be given in all cases. This measure will encourage well–reasoned decisions, will assist courts of appeal in dealing with appeals from sentences and will serve an educative function.

Giving reasons will assist the courts in expressing their objectives in demonstrating how they are applying the principles of sentencing and should enable the public better to relate to what is done in sentencing and to the policy approved by Parliament. Without overstating the provision, I hope it will help us to evolve sound government policy in criminal justice with broad and better informed public support.

All of these proposals and C–41 in its entirety are designed to increase public accessibility to the law concerning sentencing, to make it more understandable and to make it more predictable. The bill includes a complete restructuring of part XXIII of the Criminal Code of Canada. It brings together most of the provisions relating to sentencing now in the code. It presents them in such a way as to make them, I hope, more logical and more accessible both to criminal justice professionals and to the public.

With this bill and with the other initiatives in the area of criminal justice the government is providing a balanced and a comprehensive approach to the challenge of crime in Canada. Improving the process and clarifying the principles of sentencing is not going to solve all of our social problems but the bill will, I hope, contribute along with crime prevention initiatives to respect for the law and the maintenance of a just, peaceful and safe society.

Jails and prisons will be there for those who need them, for those who should be punished in that way or separated from society. We must remember as well that only 10 per cent of all crime is violent and that over 53 per cent of all crime involves property, not people. Therefore, this bill creates an environment which encourages community sanctions and the rehabilitation of offenders together with reparation to victims and promoting in criminals a sense of accountability for what they have done.

It is not simply by being more harsh that we will achieve more effective criminal justice. We must use our scarce resources wisely. It seems to me that Bill C–41 strikes that balance and I commend it to this Chamber for its consideration.

[*Translation*]

Mrs. Pierrette Venne (Saint–Hubert): Mr. Speaker, before stating my position on Bill C–41, I would like to point out both in my own name and on behalf of all voters in the sovereigntist federal riding of Saint–Hubert the resounding victory of the Parti Quebecois in the elections. The party was voted in with a much higher global percentage of votes than the one allowing

the Prime Minister of Canada to claim to be governing on behalf of all Canadians in Ottawa.

I speak as a sovereigntist member of Parliament and, whether we debate Bill C–41 or any other issue, the laws of this country entitle me to do so as a member of the Official Opposition in accordance with the mandate I was given by nearly 60 per cent of the voters in the federal riding of Saint–Hubert. I did not hide my stance. Must all those who strive to disprove the logic and legitimacy of our position be straightened out at the beginning of this new session? My sovereigntist beliefs do not interfere with displaying all the judgement and competence required to carry out my duties as Official Opposition critic for matters under the jurisdiction of the justice minister.

(1220)

To those who, contrary to all rules of democracy, dispute our right to sit in this Parliament as the Official Opposition, I say this: my voice and that of my 52 colleagues joins the chorus of the 77 sovereigntist members elected in Quebec. Sovereigntists now account for about 70 per cent of the total deputation in both Quebec City and Ottawa.

May those who dispute our legitimacy and continue to doubt that our constituents voted for our program stifle their fantasies. The voters in Quebec like anywhere else in Canada vote according to their beliefs and with their heads, contrary to what the Prime Minister would have the rest of Canada believe.

This Prime Minister, whose party barely managed to muster one third of the vote in Quebec and a little over 40 per cent in the rest of the country, has no qualms of conscience about claiming to have been elected by all of Canada, while in fact more than half of his caucus comes from Ontario, where 45 per cent of the vote ''from coast to coast'' was concentrated.

I maintain that the legitimacy of the Parti Quebecois in Quebec and that of the Official Opposition in this Parliament is stronger than that of the federal Liberals. I would add that the Prime Minister would never have won the latest elections in Quebec and that Canadians should be aware of who speaks for Quebec from now on.

In my analysis of Bill C–41, I speak for all the people of Quebec and the 60 per cent of voters from other provinces who did not vote for the Liberals. The Parti Quebecois is now in power in Quebec, with nearly two thirds of the seats in the Assembly. It was voted in with 53 per cent of the francophone vote and massive support from the community which says ''no'' to stupor and lethargy and refuses to be bogged down in the status quo.

If the Prime Minister did not want to hear any more about the Quebec issue and if he thought that the pitiful attempts of Meech and Charlottetown would end the debate, he now realizes, after the September 12 election held in Quebec, that he was fooling himself as well as Canadians.

Just as I am about to do regarding Bill C–41, the Bloc Quebecois will always fulfil its role of Official Opposition loyally in this Parliament. As long as Quebec remains an integral part of Canada and as long as Quebecers pay their share of taxes to the federal revenue minister, the Bloc Quebecois will play its opposition role and fulfil the mandate it was given by Quebecers on election night, October 25, 1993.

I now open the debate on Bill C–41 as the official opposition critic on justice. I will never give up my responsibilities and my convictions in this House for the sole reason that my opinions on the future of this country differ from those of the Prime Minister of Canada and his regional caucus.

It is with these principles in mind that I now turn my attention to Bill C–41. The Minister of Justice will be pleased to learn that I have no hesitation in saying that this legislation is a positive one, even though the minister did not make the full necessary reform to protect the rights of victims.

I see that all of Part XXIII of the Criminal Code is amended to make way for new measures to deal with offenders through an appropriate reform of the sentencing process. Thus the bill introduces a measure similar to the procedure we find in the Young Offenders Act, to deal with suspects who admit their guilt by using alternatives to judicial proceedings. According to the bill, alternative measures designated under a provincial program may be substituted for the usual trial, conviction and sentencing proceedings.

Our courts, especially our criminal courts, have a huge backlog of cases that never go to trial because they are constantly postponed. The courts are dealing with an ever–increasing number of criminal cases, mostly cases that should be tried on summary conviction.

(1225)

Visit the courts when they are in session, and you will get a good idea of the frustration felt by witnesses, victims, investigators and, in fact, all those who are faced with the inefficiencies of an outdated system that puts a heavy financial burden on governments and taxpayers.

Our current criminal procedure requires the presence of the accused and witnesses at every stage of the trial, even in the case of a guilty plea.

In most cases where there is so much evidence that a preliminary hearing is a waste of time and a trial an unnecessarily costly

exercise for the government, although compulsory for the accused, the case could have been dealt with by administrative means.

By proposing alternative judicial proceedings to deal with cases where suspects are prepared to co–operate, the minister has opened the way to some very interesting changes in criminal proceedings.

If efficiency is the goal, I think that will be achieved. However, I can imagine how some people will react. They will say this is another case of criminals getting off scot–free and legislation that is more intent on encouraging crime with these ridiculous measures than on punishing criminal behaviour. I suppose some people might have that impression.

I would be the first to say that the law should concentrate, first of all, on preventing and punishing crime. We must pass laws to protect society. That should be our only objective. The rehabilitation of offenders comes later, when society has all the instruments it needs to protect itself.

That being said, I suggest that those who may tend to react hastily take a very careful look at this bill. In section 717(1)(*a*) they will see that provincial jurisdictions may designate the type of offences to which the legislation will not apply when they set up their program.

In other words, provincial governments will be able to develop a program of alternative measures according to their perception of the priorities and views of the majority.

I am very pleased to say that if this bill is passed, it would restore much of the initiative in this area to the provinces. It will give the provinces greater flexibility to implement these measures in line with the interests of the local community, as is the case for alternative measures programs under the Young Offenders Act.

Is the Chair signalling?

The Deputy Speaker: No, and I would point out that you have 20 minutes left.

Mrs. Venne: So that might have been a nervous tic I noticed.

In addition, this would allow the courts of each province to clear thousands of minor cases or summary proceedings through admissions of guilt, thus sparing the taxpayer enormous legal costs. This is a laudable attempt to reduce public expenditure and contribute to administrative efficiency and I congratulate the Minister of Justice.

However, the bill seems to be trying to cover too many bases.

In fact, in order to attain the stated objectives, it is not necessary to subject co–operative suspects to publicity not imposed on those electing to be tried in a court of law. Thus, for example, the police will always have a suspect's fingerprints and photograph on file. And this file will be open, with the appropriate authorization, to various parties, including insurance companies, government departments and agencies, the courts and the general public so that the interests of justice may be served.

There is a large measure of naïveté here. We must ask ourselves what will motivate a suspect to co–operate with the police if his file can be accessed for two years by just about anybody and he is still subject to criminal proceedings, despite his desire to settle the matter once and for all through an alternative measure.

It should be obvious to the Minister of Justice that those who drafted this bill have never seen a suspect in their life, or have never witnessed the plea bargaining that takes place on a large scale just outside our courts of law.

For these alternative measures to be attractive and the program to work, the file must travel a private, administrative route, without publicity, eventually reaching the offices of the provincial ministers of justice, after all conditions have been faithfully met by the offender.

It is wishful thinking to believe that a suspect will co–operate with the police for the pleasure of repenting twice and having a file that resembles that of a criminal who has already been sentenced.

(1230)

The bill also consolidates a number of sentencing principles which are, for the most part, laid down in our case law and applied by our courts across the country.

The need for a codification of guiding principles regarding sentencing is obvious. Most of the applicable criteria and factors have become standard with time. They have been used and considered in criminal cases since the first Criminal Code of Canada was published. While the common law tradition gives preference to case law over written law, it may be a good idea to set some general guidelines to be followed by the courts in their consideration of the circumstances of each case. The criteria proposed in the bill, including the statement of principles, are not restrictive but cover a range of actions wide enough to apply to most cases.

There is nothing very novel about this. I would point out however that in the part dealing with the purpose and principles of sentencing, the bill very vaguely refers to the maintenance of a just, peaceful and safe society. I do hope that these words make sense to the people of Canada and that they will mean something to the courts because, as far as I am concerned, they simply reflect good intentions that the legislative background of the Liberals does not uphold. I would be inclined to believe that such principles could even lay the foundations for political courts. It all depends on what partisan view the power takes on a ''just, peaceful and safe society''.

Was it not just, peaceful and safe in the eyes of the Nazis to exterminate the Jews? What kind of just society do we have in mind now in terms of sentencing? That of the 60s? Is it through sentencing that we achieve just society status? Does the Minister of Justice leave it up to his predecessors, the illustrious instigators of Canadian liberalism, these great humanists who in 1970 had no other means to create their just society but mass imprisonment under the War Measures Act?

It all depends on one's perception of what constitutes a just society. From this flows the question: can a just society be achieved through sentencing?

This is the kind of wording you come up with when you do not have a clue what to do to look good in an enactment. Everyone is for virtue and against evil; everyone wants a just society. I simply wonder about this need for preserving a just society through sentencing in the country best liked in the world by its citizens.

This is hardly surprising on the part of the Liberals, always inspired by the model of generosity that was the former boss of the present Prime Minister, himself closely connected to the decision center in 1970. But this unfortunate legislative slip that the Liberals themselves must be embarrassed about must not prevent us from recognizing that this bill also contains innovative ideas that should be favourably considered.

For example, the principle of mitigating or aggravating circumstances is introduced in positive sentencing law. Aggravating circumstances include all aspects of an offence which reflect bias, prejudice, breach of trust and abuse of power.

Let us take for example the therapists recently convicted of sexually abusing their female patients. These professionals who were then in a position of authority abused their patients' trust. I would have liked a better French translation for the expression ''position of trust'' found in the English version but I imagine the courts will take this into account.

Offences committed within a therapist–patient relationship would come under this provision and the courts would be authorized by law to impose sentences more in keeping with this type of offence.

Finally, again with respect to the purpose and principles of sentencing, it is deplorable that the bill tries to sneak through the back door the concept of a parallel system of justice for Aboriginals. It is so well hidden that it is almost necessary to read Clause 718.2(*e*) twice to discover this enormity hidden under nine sneaky words, and I quote:

> **718.2** A court that imposes a sentence shall also take into consideration the following principles:
>
> (*e*) all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of aboriginal offenders.

We have (*a*), (*b*), (*c*), (*d*) and

(1235)

The French text fails, unintentionally no doubt, to point out like the English text that the said sanctions would exclude imprisonment.

Why should Aboriginals, who make up less than 2 per cent of Canada's total population, benefit from a legal system different from that which applies to all other Canadians? Why should an Aboriginal convicted of murder, rape, assault or of uttering threats not be liable to imprisonment like any other citizen of this country? Can we replace all this with a parallel justice, an ethnic justice, a cultural justice? Where would it stop? Where does this horror come from?

Why should Aboriginals, who are adamantly opposed to the distinctiveness of Quebec society—which is still subject to all Canadians laws without exception—, who claim full Canadian citizenship, who take full advantage of the generosity of our welfare state and who enjoy tax exemptions and benefits, be treated differently from other Canadians when they commit crimes? If such is to be the case, I ask that all criminal laws applicable to the Quebec nation be transferred to the exclusive jurisdiction of Quebec's National Assembly.

Other aspects of this bill deserve special attention. Not because it proposes reforms but because these reforms are incomplete, when we had an opportunity to correct some clearly unacceptable shortcomings of our criminal justice system.

The government seems concerned about the fate of victims in criminal trials. It seems to care, but its intentions are expressed so timidly that we cannot take them seriously. Indeed, the bill adds nothing that could reassure Canadian society that this government wants to protect victims.

I agree with all those who tell you that it is time to forget about the fate of unfortunate criminals and think of the victims, it is time to punish crime and compensate the victim, it is time to silence the criminal and listen to the victim. This talk about rehabilitation puts us to sleep or revolts us when we see that victims are obviously pawns in criminal proceedings, mere witnesses tossed about as the court case drags on and called at the whim of the Crown's lawyers.

We must finally see that the victim is the key person in the criminal trial when the crime involved a violation of the person or his property. The victim is the one who was assaulted or lost property, so the criminal's sentence should depend on the victim. The victim should be what drives the criminal justice system and gives society the opportunity to impose just senten-

ces on criminals in order to prevent them and their kind from making more victims.

Countless pressure groups in all provinces denounce lawmakers for their laxity in treating victims of crime. It is time to think of the victims of crime.

Despite the public outcry, the calls for redress and the continuous pleading from these thousands of women, men and children who are victims of horrible acts, what does the bill give us on this score? A timid concession made very condescendingly, probably in the name of archaic common–law principles. That is why a victim's written statement on the damages suffered can be read during sentencing. If the public prosecutor wants to consider the loss or damage incurred, he can ask the judge to impose a financial penalty that would have the effect of a judgement rendered by a civil court.

All the groups dedicated to the protection and support of victims, mainly women, will tell you that such measures are quite simply insignificant and insultingly inadequate. They are insignificant in that they are trifling and ridiculous because they will have no real effect on the outcome of the trial and the judge's decision. What should be done, and I ask the House to set partisanship aside, is more radical.

(1240)

That the victim has the right to examine the accused and the witness; that the victim may object to the admission of evidence and has the same right to contest the evidence as the prosecution and the defence; that the victim may make representations on sentencing and, if necessary, appeal the verdict and the sentence.

I may refer to the French penal system where the victim may take part in the proceedings. We see this in cases involving non–political crimes, and we saw this at the trial of the Nazi criminal Barbie for crimes against humanity, where survivors and parents of victims who had died took an active part in the trial.

Under this system, the victim is able to play an effective and active role in the proceedings. I am convinced that when the victim is able to take part in the proceedings on the same terms as the Crown and the accused, instead of being a mere witness, at the mercy of parties who do not share the victim's involvement, the outcome will not be the same.

I am not saying that the trial is all about the victim. It is not. I have no intention of introducing a concept in our criminal law that would be entirely alien. I am simply saying that the victim is one of the parties concerned, on the same terms as the Crown and the accused. There is no rule of law that justifies excluding the victim, and we cannot afford to do so if we are to rehabilitate the victim's status in a judicial system that still lets many criminals escape or diminish its authority; a system that most Canadians see as a sinister farce in which criminals and their lawyers ''get away with murder''.

I know that is not true and that the vast majority of offenders are found guilty or plead guilty. I do not deny that, but I have a problem with the way criminals are treated by the system.

What is the use of finding a rapist guilty of rape if he only gets six months? I find that outrageous, Mr. Speaker. Let the victim take part in the proceedings and, mark my words, there will be some major changes.

I will conclude on this note, Mr. Speaker, and I want to say that I am pleased nevertheless with this very prudent attempt which I see as a sign of progress, considering this government's generally conservative approach to criminal law and criminal proceedings.

I would have liked to take this opportunity to say that personally, the whole field of criminal law should be turned over as soon as possible to the provincial legislatures, but I will have plenty of opportunities in the course of this session. The usual unavoidable overlap between bureaucracies will provide a splendid excuse.

I also want to say that the Minister of Justice can count on my full co–operation in preparing legislation that would change the status of the victim in criminal proceedings. It is a matter of great concern to me, and I believe we urgently need to address these issues. I would ask all groups and individuals who share my concern to get in touch with me.

[*English*]

Mr. Paul E. Forseth (New Westminster—Burnaby): Mr. Speaker, there comes a time in the affairs of a nation when the opportunity is at hand to change the course of events. Most often at that particular moment, little notice is given and the significance of the missed opportunity arises only in retrospect when we search for the cause or the seeds of some disaster. Such may be the situation before us today with Bill C–41.

We have in this bill many technical amendments to the Criminal Code which the public may not deem as momentous or strategic. It will be interesting to see if the press gives this bill much more than a day's worth of print. This is a sad and disheartening situation. In many respects the Canadian Criminal Code is a national document, is a particularly Canadian creation and has been one of the things that has bound us together as a nation. How we as a society write down the limits of personal conduct and define our sense of national morals reflects the basic character of what it means to be a Canadian. The written code gives substance to the national sense of community.

In the Criminal Code we are dealing with life and death, with the very tools of peace, order and good government. In a most basic way it is an aspect of how we as Canadians describe ourselves, who we are. We are not American or European but distinctly Canadian in our interrelationships with one another in our local communities.

(1245)

The Criminal Code is a statement of how we as a national community attempt to protect our society. The Criminal Code by reflection describes what Canadians hold dear and value. It can also reveal the limits of our ability to govern ourselves through our institutions. Unlike the United States and most of the less viable principalities of the third world, our Constitution does not include a lofty statement of transcendent national principles. Nor do we have a charter mythology.

We are very permissive in allowing our fellow citizens, provincial governments and business establishments, to fly the flags they prefer for allegiance or anticipated commercial advantage. We have disloyal parliamentarians in the Chamber who have given up on Canada and who are working to have the representative voice of their great province no longer heard from these desks.

July 1 is our Canada Day but some Canadians get more emotional satisfaction out of celebrating St. Jean Baptiste, Christopher Columbus or Robert Burns. No doubt for a few here and there it would be Queen Victoria or even Joey Smallwood. When a most gracious and forbearing lady visits one of the countries under whose constitution she continues to be the head of state, she is met by most Canadians with respect and adulation, some with indifference and a few with discourtesy.

If nationhood is sharing and Canadians seem to share few common sentiments, what are the bonds of Canadian association? It is meaningless to say we share a common territory, that citizens of Windsor share a common territory with their fellow citizens of Halifax or Yellowknife but not with their neighbours in Detroit, only because of the way the national boundaries are drawn. It is not very helpful to say that Canadians share a common citizenship without some account of the obligations and the privileges of that citizenship.

There is perhaps an alternative definition of nationhood. A national community is based on a sharing of claims both individual and collective. These claims are made against individual citizens, private groups and public authorities both within the nation and outside the nation. These claims are honoured by a structure of political relationships that acknowledges no superior authority. In the idea of shared claims and responsibilities we find the reality of Canadian nationhood in such places as the Statutes of Canada and the Public Accounts of the Government of Canada. Here are some things Canadians share.

The first is a national Criminal Code and rules of criminal procedure. In these are embodied some of the most important mutual claims of citizens and the Canadian community. Canadians share a common system of penitentiaries for the incarceration of those guilty of the graver offences against these laws.

Second, we have a national commitment to the Canadian social safety net to be implemented through joint action of the federal, provincial and local authorities. The most important elements are the various programs of income maintenance and the removal of financial barriers between citizens and their access to medical, hospital and educational services.

Canadians can move freely throughout the nation without thereby suffering a termination of health or income security benefits. Yet within these national characters Quebec has been permitted the freedom to go its own uncoordinated way and create duplication in medicare, unemployment insurance and immigration.

As Canadians we are proud we have a national commitment to the alleviation of regional economic disparities and to interprovincial fiscal equalization. We have had a national commitment to the support of the arts, letters and sciences, along with other creative activities in broadcasting, film making, et cetera. We have a commitment as a nation that wherever practical Canadians will have access to the Government of Canada and its departments and agencies in the official language the citizen chooses.

Through trade and tariff policies and national taxes we have a national assertion that Canadian capacity to produce can be shared on a nationwide basis. This list is by no means exhaustive. Other items might be added in terms of environmental policy, public legal aid, equality before and under the Canadian law, foreign ownership rules, the extension of broadcasting services to remote uneconomic areas and a national approach to international competition in sport.

Only in terms of national community is it possible to explain or defend the magnitude of the budget of Indian affairs compared to the absence of Canadian assistance to other traditional peoples undergoing the strains of modernization elsewhere in the world. Only national community justifies Ottawa's help for Newfoundland fishermen and its lack of help for the people in similar circumstances living in nearby St. Pierre and Miquelon.

(1250)

Bill C–41 is certainly a measure of the view of the government about what it thinks is going on in our Canadian society and community. Amendments to the Criminal Code can be a measure of the government's sense of the need to move, to change or to alter the status quo. The bill represents the status quo, business as usual and perhaps maybe even a cynical view of Canada. It sends the message that the best we can do is a little maintenance and housekeeping, and that a sense of vision of a new and better Canada is not worth seeking. More likely the vision of a new Canada is not within the capability of the government.

The sense of urgency I hear from constituents about the grave need of government to mind the store, to take care of the business of the people and to reform the justice system is a theme that comes from every region of Canada. Like so many other things for which the government has lost the sense of proportion, the lack of fundamental inspiration to govern responsively is clearly evident in this timid housekeeping bill. It seems that the times have passed by the government. My

colleagues across the floor do not seem to have heard the cry from Canadians concerning law and order.

My Reform colleagues represent, therefore, a new wave of change. In Bill C–41 we can see the comparison that the government is stuck in the past. The bill is clear evidence that the old line parties which embody the old line attitudes and ways of thinking do not adequately address community expectations of today.

From this side of the House we have been calling upon the government to wake up. We call it to action to deal with the needless tragedy we are facing from debt and deficit, to rethink the responsiveness of our democratic institutions, and most especially to address law and order reform.

I am here to tell the government benches that the justice system is not sound. The justice system needs more than tinkering from a Bill C–41. There are few, save those within the professional criminal justice community, that have any respect or even basic tolerance of how the government minds the store concerning crime. They know the justice system does not work sufficiently well.

It is from within this context that Bill C–41 and Bill C–42 come to the floor of the House of Commons. It certainly is a measure of where the government is at. I do not need to get into name calling for evidence of inadequacy and the lack of vision is on the table for the nation to see. Bill C–41 will do little to respond sufficiently to what the community wants and needs. Here we have a piece of legislation that is interesting in parts, irritating in others, but utterly fails to respond to what the country is asking for in terms of reforming the criminal justice system.

The government desperately needs to get the machinery of the justice system moving to respond to community needs. I have heard the pleas of my constituents and have responded by stating them clearly in the House. The time has come for the government to listen to all Canadians.

At some point one must draw a line in the sand, draw attention to a bill and then the attitude it represents, the magnitude of the inadequacy, the missed opportunity and the disappointment of the community when comparing results with promises. The bill is such a disappointment.

As Canadians begin to understand that in bill after bill the same pattern emerges, that there is no vision or comprehension of what the community wants, they will likely elect Reformers in sufficient numbers to govern. The nation then can get on with real law reform and build a criminal code that would probably be half as long but clear and resolute, understandable and, above all, would operate in a manner that represents mainstream Canadian values.

The change that my election to the House represents is a new type of change. Reformers represent not business as usual, incremental change as reflected in Bill C–41, but discontinuous change that is not part of old patterns. The courage to make bold changes is sometimes confusing and disturbing, particularly to those in power and to those who are being left behind like the authors of the bill.

It is sometimes small, fundamental changes that can make the biggest difference to our lives. Even if it goes unnoticed at the time it is the changes in the way we view our relationship to our constituents that make the biggest difference in the way we legislate. If we can change the justice system, this nationally shared structure, we can demonstrate that in all areas we can build a Canada where all its citizens will want in for the goodness we share rather than want out to keep for themselves what serves their own purpose.

(1255)

The discontinuous change I am talking about, the vision of a new Canada, may require upside down thinking different from the old patterns even if the bold changes appear not understandable or discordant at first sight.

Certainly the self–described Quebec militants on this side of the House have a quest that has outlived its usefulness. Their aspirations longed for in view of the problems we all face cannot be fulfilled by the passé dreaming of the militants for a former age. No longer can they squarely respond to the problems in a world of new international realities. We are all in the same boat. Indeed the ship of state is leaking and the tired ideology of the current government can only think of patching a little here and there as evidenced by the inadequacy of Bill C–41.

There is a leaner ship to be built of a new order of technology and thinking. For the militants to use a lifeboat to try to separate from the old ship will only bring them to a situation of drifting through rough seas in a small boat with no protection or capacity to ride the storm waves of international change. It will not accomplish the results they seek.

There is too much crime in Canada. We want safer streets. We want community mechanisms to break the cycle of violence. The Criminal Code sets the standards and the boundaries; our community institutions must fill the need.

Change begins with the recognition that a problem exists. In Canada everyone knows we have a crime problem that is at unacceptable levels. Our justice system is operated apart from the community. It is time the justice system accounts for its results and what it has done on a delegated basis on behalf of the community.

Who owns the justice system anyway in the long run? Crime, and society's response to it, is a big industry. A lot of precious community resources are spent on its seemingly unaccountable operations. The way it operates Canadians could believe that it is the insiders in the criminal justice community that run things for themselves.

We need an interrelated sequence of process in the administration of criminal justice that is simple and cost effective. There must be consistency in philosophy from the moment an offender has the first contact with the police to the time of final discharge. The new thinking required hopefully will bring a general policy which woven into the entire system would guide the various services with a uniform theme.

The community intuitively knows a coherent philosophy to integrate the various stages of administration of criminal justice does not exist. The system as a whole is more like subsystems within which pragmatic guidelines have been developed to enable the professionals involved to fulfil their occupational roles as they perceive them. This situation must change.

For example, what frustrates an outrageous public opinion is justice delayed. It is offenders roaming the community unaccountable. It is sentencing that does not reflect mainstream community values. It is the misplaced priorities of an offender focused system. It is a system that by its poor account of itself fails to earn the confidence and support of the community it is supposed to serve.

Specifically in the bill we have heard the government side describe the efficacious substance of Bill C–41. It is a reworking of Bill C–90 from the last Parliament. I like some things in the bill as it codifies what we have been doing in British Columbia for years, specifically alternative measures in the adult system akin to the provisions of the Young Offenders Act. In B.C. the crown simply exercises its prerogative to refer files to the B.C. corrections branch where probation officers will explore alternatives to court and arrange dispute settlement arrangements. We have even had some private contracts for offender–victim reconciliation projects.

The form of the law is now following the function of the law. However, what the government gives with one hand in modernization in this section, it takes away with the other by denying victims assistance in establishing responsibility in civil proceedings. Disclosure of records of diversions can be made to insurance companies but cannot be used to establish liability in civil proceedings. A nice double standard. The records of the alternative measures cannot be used in evidence in subsequent offences after two years. This is unacceptable.

Specifically section 718.2 goes in the right direction by outlining sentencing principles but the aggravating circumstances section is incredible to say the least.

A vicious assault based on hate criteria is to be dealt with more harshly than an equally violent assault that was done for money or just for kicks.

(1300)

In this section interestingly the grounds listed are the same as in the charter of rights except this bill has added sexual orientation.

Section 718.2 goes in the right direction in part (b) by saying that a sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances.

This notion has always been an operative principle of argument at the sentencing stage of the court process. However, with our tremendous capacity to quantify statistics with computers we have the ability to produce a comprehensive sentencing grid of what currently is happening across the nation in sentencing. A rational sentencing grid that plots the hierarchy of offences with their prevailing tariffs against the culpability and history of the offender could go a long way in responding to the inequities of sentencing and the lack of public confidence in the system.

If there are no benchmarks to compare the principles of specific deterrence to the individual and general deterrence to the community it fails to operate very well. In producing a national sentencing grid document the community could then deal with appropriate retribution as distinct from revenge.

Retribution is based on the principle that the punishment should fit the crime and be properly meted out and controlled by the state. Revenge on the other hand is characterized by lawlessness and its excesses.

The government had an opportunity here to be bold in this respect and it has failed. This bill outlines old principles but then fails to provide the tools to accomplish them. Then to top it off the very next section in part (c) reads, and pay attention now because I know my community will chortle at this one: ''Where consecutive sentences are imposed the combined sentence should not be unduly long or harsh''. What is the sense of this type of language in the Criminal Code?

While I am talking about basic sense I can hear the insult to aboriginals inherent and implied in section (e) of this part: ''All available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders with particular attention to the circumstances of aboriginal offenders''. Here we go with paternalism again.

Further in this section it is time that a sentence including a fine, some jail and probation be possible rather than just two of the three. Again this bill fails to modernize and provide latitude for innovation.

It is heartening to see that in the last few years because of community agitation the victim is gradually being written into the statutes as having standing in law and a valid interest and stake in criminal proceedings. Nevertheless the wording of 722 prescribing what is permissible in victim impact statements is far too narrow.

Nowhere is the relationship of the victim to the offender allowed to be described. Neither are the views of the victim concerning appropriate consequences allowed to be heard. This paternalistic controlling view over victims at court is out of date and not worthy of this well intentioned but inadequate bill.

In section 722.1 a similar controlling attitude is reflected in the letter of the law where the clerk of the court shall provide a copy of a document after filing. At the behest and convenience of the author presentence reports and psychological evaluations should optionally be made available directly to the offender or counsel and the prosecutor. There is no need for the clerk to control or have complete ownership of the transmittal of documents. Here is another case where the law should follow function and practice but it does not.

In section 724(e) proof beyond reasonable doubt is unreasonably harsh for the crown to refer to any previous conviction by the offender. In the same vein section 727 is completely archaic and unnecessary as it does not accomplish any tangible objective.

It is an anachronism to have special procedure requiring the crown to give special notice that a greater punishment would be sought because a criminal is a repeat offender. There should be no such item in the code.

Section 732.1 is irritating in sub (3)(g) where an offender's permission is needed for the judge to be able to sentence them to a treatment program when offenders have specific problems such as substance abuse or sexual problems.

Sentencing is given to an offender in court on behalf of the community. There is not a community meeting to explore palatable choices to the likes of the offender. Here we have 1960s thinking again that invokes all the arguments about the utility of court ordered treatment.

(1305)

We are long past this mentality with the vast experience of dealing with sexual offenders. I suppose the justice minister's advisers hang on to their old fashioned notions about criminals. The outdated principle is repeated again in section 747.3 concerning hospital orders.

Certainly a probation order should be able to be extended beyond three years for special cases. Under section 732.2(1) an offender can be called back to court by the initiative of the probation officer. The section allows the offender and the prosecutor to be heard in such circumstances, but what about the probation officer who initiated the proceedings in the first place?

When an offender is messing up or revealing new or previously undisclosed problems new, more onerous conditions should be allowed to be added to an order. This only makes sense but the law prohibits common sense response.

Additionally when a probationer violates the order of the court section 733(1) should involve a reverse onus provision for the offender to show cause why a sanction should not be applied for breach of the sentence and make the section parallel to section 742.6(9) of the breach of the conditional sentence.

Section 743 states: ''Everyone who is convicted of an indictable offence for which no punishment is specially provided is liable to imprisonment for a term not exceeding five years''. Simply put, it should read 10 years.

I now come to section 745.6. This section is so disturbing it alone brings the law into disrepute. This section allows first degree murderers to apply parole after serving only 15 years of their sentence. Private members' bills have been introduced to repeal this provision. There is little support from the community for this measure. I cannot emphasize enough how fast this procedure should be done away with.

The minister is all too well aware of the national feeling on this clause, yet he persists. It is utterly incredible and an insult to Canadians.

Section 750 spells out when holders of public office such as members of Parliament will be vacated for conviction. Five years in jail is a most lenient if not absurd standard. I suggest the mere conviction of an indictable offence should be sufficient.

Section 751.1 outlines the civil option to recover costs for defamatory libel. Of course unless the personal bankruptcy provisions are also changed in other statutes this provision is meaningless as it is for civil court judgments arising from deliberate and malicious harm.

This bill really does nothing to address bringing greater certitude to the criminal sentencing process. Despite the codifying and writing down of the purpose and principles of sentencing judges will still have too wide a latitude in imposing inconsistent sentences. The aggravating factors section certainly flies in the face of the principle of equality before the law.

How can we on this side of the House support this most disappointing bill? I call on the government to bring in some

amendments so we can speed the bill on its way. Let this bill reflect Canadian values and bring forward Criminal Code amendments that are needed, rather than just tinkering with the system.

A needed change for example is the category of sex offences that are just summary and not dual which removes these offences from the identification procedure. Street prostitution is dealt with by the issue of a street–side ticket, a consequence of the summary status of section 213.

In this bill where is the ban on replica firearms and the needed amendments to section 85 of the criminal use of firearms? Where is the section on the public disclosure with respect to dangerous offenders and also the designation of such to be done at any time during a sentence, not just at the beginning? Where is the provision for the collection and analysis of DNA testing? I could go on.

The picture is clear. This government is in no mood to give Canadians the legal climate desired because it is not predisposed to renew a system that we have inherited from its type of outdated thinking. Criminal justice in Canada is not particularly systematic. At the heart of the system is the necessary conflict between the competing value systems of crime control and due process.

The administrative and legislative responsibility for its functioning is fragmented between different agencies responsible to different levels of government and in some cases between a number of private organizations and different levels of government. There will always be the task to balance individual rights and the general security of the community. I had hoped that Bill C–41 would have clarified what is paramount in this regard but it does not.

The next step needed is to inculcate a sense of the interdependence of the criminal justice system with broader social and political processes which have an impact on every Canadian.

(1310)

The criminal justice system in turn is part of a larger whole, the social forces such as health care, education and welfare services which bear upon the quality of Canadian life.

Those who have the disposition to resist the disintegration of the Canadian community from within or its absorption into the maw continentalism from without have for too long been on the defensive. We have been too slow in formulating the credentials of this glorious community, too bemused by academics who would rather define it out of existence, too preoccupied with the emotional, symbolic and cultural dimensions in nationhood.

It remains that as far as the political order is concerned, there is only one Canadian question. How can the over 27 million people who live within our national boundaries establish and sustain governmental institutions which are at once humane, effective and responsive?

The times now require a national community to be held together by a national government of a first class, triple–A rating; one that is approachable, accountable and most of all affordable. The bonds that we do have, the national values and national commitments of this country, are concretely embodied in particular measures for honouring the mutual claims and responsibilities of citizens and governments for each other.

If the present claims and ties can be sustained and new definitions agreed upon such as a renewed justice system, Canadian nationhood may need nothing more to reflect the greatness of the human spirit working together in common enterprise.

Mr. Stan Keyes (Hamilton West): Mr. Speaker, it is my privilege and honour to rise in this House to speak to Bill C–41, an act to amend the Criminal Code, sentencing and other acts in consequence thereof.

Legislation regarding criminal justice reform has always been of great importance to me. The legislation before us today on sentencing reform is no exception to that rule. As stated in our red book, this government has committed itself to introducing a broad range of crime and justice initiatives to reserve Canada's growing crime and violence rates.

People across this country have said that they want significant changes to the criminal justice system. Thankfully this government, through the work of my hon. colleague, the Minister of Justice and the Attorney General, has not only taken the time to listen to the people but we are doing something about it.

So far this government has introduced legislation in several key areas of criminal justice such as the recent amendments to the Young Offenders Act, amendments to the Corrections and Conditional Release Act and amendments to the Immigration Act. These initiatives are reflective of a balanced, fair and reasoned approach to the changing and challenging times and of course our criminal justice system.

Bill C–41 marks yet another important step in the delicate process of criminal justice reform. As the minister has indicated, the proposed legislation contains a number of key provisions including a statement of purpose and principles, measures to strengthen the level of fairness in our system of fines, greater penalties on offenders who have breached their probation, the introduction of conditional sentences, clarification of rules of evidence and procedures for sentencing hearings, as well as amendments to part 23 of the Criminal Code in order to create a more coherent and understandable method of documenting provisions related to the sentencing process.

Perhaps the most significant provisions of Bill C–41 are those related to enhancing the rights of victims. In this regard the Minister of Justice has proposed what I believe to be unprecedented amendments to section 745 of the Criminal Code which

deal with early parole hearings for persons sentenced to life in prison.

During the last Parliament through my private member's bill, Bill C–330, I attempted to introduce similar changes that at the very least would allow victims of violence to present information during a judicial review or early parole hearing.

Consequently I applaud the minister's intent to amend section 745 of the Criminal Code in order to provide victims of violence with the opportunity to make a meaningful impact on the criminal justice system by presenting victim information when convicted criminals apply for early parole consideration. This measure will ensure that victims of violent crimes have the opportunity to speak out about the harm done by the offender. This means that the victim's experience will be taken into consideration when deciding whether the parole eligibility period should be reduced.

(1315)

This particular provision also has been advocated by various victims rights' organizations and advocacy groups such as the Canadian Police Association, which has publicly acknowledged the merits of the proposed amendments to section 745 of the Criminal Code.

In fact, as I speak, right in downtown Hamilton in my riding of Hamilton West, the Canadian Police Association, the Centre for Victims of Crime and CAVEAT, an acronym for Canadians Against Violence Everywhere Advocating its Termination are concluding a three–day conference on various criminal justice issues including victim's rights and parole reform.

Today representatives of the 150 or so conference delegates will be tabling further recommendations to the federal government that will help us continue along the challenging road of criminal justice reform.

According to National Parole Board statistics there are over 2,000 offenders serving life sentences in the Canadian correctional system. According to the National Parole Board, on average approximately 40 offenders per year will be eligible to apply for a judicial review over the next 15 years. At the beginning of this year there were 128 offenders eligible for a judicial review.

The sheer volume of impending parole eligibility hearings which will take place in the immediate future necessitates swift action in the area of parole reform.

Crown attorneys tell me they are not prepared to handle the workload that is about to come crashing down on them. That is why it is necessary to take swift action.

Getting back to the statistics, as of March of this year, 42 decisions were made on early parole applications by first degree murders. Of those 42 decisions, 32 parole eligibility reductions were granted. That means 76.2 per cent of the offenders who applied for early parole consideration had their parole eligibility period reduced.

Many questions arise from this scenario. For example in each of these cases and in the first instance the accused must be convicted of his or her crime by a unanimous jury decision. Yet at the judicial review early parole consideration can be granted to that first degree murderer based on only a two–thirds decision of that jury at judicial review. Why?

In my humble opinion the status quo is unacceptable. I look forward to addressing these and other equally compelling questions when Bill C–41 is referred to the Standing Committee on Justice and Legal Affairs.

The government recognizes the shortcomings of section 745 and is ready, willing and able to initiate the ongoing process of change.

In closing I would like to encourage my hon. colleague, the Minister of Justice, to vigorously pursue his criminal justice reform agenda by continuing to weed out those inappropriate provisions such as section 745 of the Criminal Code in order to develop a balanced, fair and reasonable criminal justice system in this great country of ours. In doing so the government will fulfil its commitment to the people of Canada who have so passionately expressed the need for meaningful and progressive criminal justice reform.

With the support and co–operation of the concerned members of the House, the challenging work going to be faced by members of the justice committee and indeed the concerned citizens throughout this nation I am sure we will be able to meet the challenges we face in the process of rejuvenating Canada's criminal justice system.

(1320)

Mr. Jack Ramsay (Crowfoot): Mr. Speaker, I rise today to speak on Bill C–41 which is an amendment to the Criminal Code regarding sentencing.

I want to focus specifically on what the hon. member had touched on in his speech, that is, section 745 of the Criminal Code. This bill leaves section 745 in the code which makes a mockery of the term life imprisonment.

In 1976 the government abolished the death penalty and assured us that society would be protected by sentencing murderers to life imprisonment with no chance for parole for 25 years. However Bill C–84 which was to accomplish this contained a little known clause which created section 745 of the Criminal Code.

Section 745 nullifies the term life imprisonment and grants murderers the right to apply for parole eligibility after serving only 15 years of a life sentence. Section 745(1) of the Criminal Code reads: ''Where a person has served at least 15 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''.

This section makes a complete mockery of the so–called life sentence which was a trade–off for the elimination of capital punishment in our statutes.

One parliamentarian in support of section 745 called it ''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 parliamentarian reflects the typical, irresponsible, unaccountable, bleeding–heart mentality that underlines so much of the legislation passed in this House over the last 25 years, including our parole system, our Young Offenders Act, our Immigration Act. The same mentality has created the federal debt of half a trillion dollars and produced a budget that will add $100 billion to that debt in the next three years.

This irresponsible, unaccountable, bleeding–heart mentality has ignored the rights of the victims of crime, their families and society. This is the type of mentality that has betrayed our country. What murderer ever gave a victim a glimmer of hope when he or she viciously tore life from the victim?

Did Norman Clairmont give the 19–year old Potts girl a glimmer of hope when he brutally and savagely murdered her in 1978? No he did not. Did Larry Sheldon extend a glimmer of hope to the nine–year old girl he raped and murdered in 1974? No he did not. Did Charles Simard offer a glimmer of hope to the two teenagers he murdered in the province of Quebec? No he did not.

Now these murderers are lining up to take advantage of a glimmer of hope they denied our sons and daughters, our brothers and sisters, a glimmer of hope provided by irresponsible politicians and governments.

Murderers, rapists and vandals lose all their rights the moment they launch their deadly attack upon the life of another. In spite of this undeniable fact, we have watched the bleeding–heart politicians restore the rights of these criminals through legislation devoid of common sense, legislation like section 745 of the Criminal Code.

In a judgment rendered on April 28, 1994, Judge Demetrick of the Alberta Provincial Court declared that portions of the definition of a firearm contained in section 84(1) of the Criminal Code is so convoluted as to be ''legal fiction'' and ''twice removed from reality''.

How is it possible that the Government of Canada is producing legislation so convoluted that it is declared by our courts to be fictitious and twice removed from reality? The answer to this question is that the thinking that is producing this type of legislation has to be equally fictitious and twice removed from reality. It is the kind of thinking that comes from an ivory tower mentality, the kind of mentality that produced the Young Offenders Act, the Immigration Act, the national debt, this government's approach to gun control legislation. It is the kind of mentality that produced section 745 of the Criminal Code which returns rights to the murders of Canadian citizens.

(1325)

In March of this year the hon. member for York South—Weston introduced a private member's bill to get rid of section 745 of the Criminal Code which gives convicted killers the right to apply for early parole. I can tell the House that this member has a great deal of support from our party and I believe from Canadians all across Canada. We will watch to see how much support he has from his own governing party.

We will see if the ivy tower mentality, the twice removed from reality mentality identified by Judge Demetrick still controls the agenda in the Liberal caucus. If it does, then the only alternative the people of Canada have is to wait until the next election and remove this government from power as decisively as they removed the Tories from office in the last election. I stand in opposition to this bill.

Mr. Stan Keyes (Hamilton West): Mr. Speaker, I have a question for the hon. member.

As I said in my earlier statement I too had a private member's bill and my question is to the hon. member who just spoke. Those irresponsible bleeding–heart politicians that the member referred to did help the courts to create the best country in the world according to the United Nations. It is not as though we are all going to hell in a handbasket on one bill.

I would hope that the member opposite is not so opposed to this bill, as he stated at the end of his remarks, that he would not consider coming to the justice committee when it deals with Bill C–41 in order to give us his background, knowledge and expertise on section 745.

It is very easy for anyone to stand up in this place and condemn. I used to do it myself four years ago from across the way to the government. I always took the opportunity, when given, to go before a committee to try to reason with the government on why it did not act, or attempt to team up with other members of Parliament who wanted change.

I would hope that the member opposite will take the opportunity to make representations to the committee on justice in order to try to change the government's mind on section 745.

Mr. Ramsay: Mr. Speaker, I thank the member for his question. It is reasonable. As I have appeared before audiences all across certainly my constituency and other parts of Alberta I am quite prepared to appear before any committee or any assembly or any audience to put forward my concerns and my reasons for opposing section 745 of the Criminal Code.

The premise on which my concern is based is that it was a betrayal of the people of Canada at the time capital punishment was being removed from the Criminal Code. We were promised that the substitution would provide the protection that society was looking for and that substitution was life imprisonment with a minimum penalty of 25 years.

I have heard individuals, including open–line commentators, express outright disbelief when they heard about section 745 and its implementation. Now these murders come forward and use it in order to gain early parole.

My concern and my opposition is to the whole of the bill, of course. However with the time limit, I focused only on that one particular area and other members will focus on other areas of this bill.

My specific concern is that section 745 should never have been implemented in the first place. It was a betrayal of the honest people who are prepared to give this whole idea of the removal of capital punishment from the Criminal Code an opportunity. That was based upon a life sentence with a minimum term of imprisonment for 25 years.

(1330)

Ms. Judy Bethel (Edmonton East): Mr. Speaker, Bill C–41 is a major step toward safer homes and safer streets. I am pleased to speak in support of it.

This bill responds to many of the concerns about our justice system that I heard during the last election and that I continue to hear on the streets of Edmonton. It presents positive measures and practical common sense solutions, not rhetoric and sensationalism. Bill C–41 is effective action, not simplistic slogans, and that is what the people of Edmonton East voted for.

Edmonton has established a strong record in crime prevention, reducing the crime rate by 25 per cent in the last five years while rates in other cities have increased. It has achieved that goal through community co–operation and community policing. Based on its experience Edmonton has been calling for changes in legislation to support local action.

Today I would like to highlight a few of the specific measures of Bill C–41 that will be welcomed by the people in my city and other communities across the country.

First there is a clear statement of principles as the basis for sentencing. People in Edmonton East get angry about what seem to be arbitrary sentences handed down by judges without explanation.

How can one explain it when someone abuses a child, takes away the very foundation of her life and is back on the streets in a year or two with no change in behaviour? Edmonton East welcomes the provision requiring judges to take into consideration the misuse of a position of trust and authority as an aggravating circumstance.

How can one explain it when a repeated offence by a john destroying the safety of a neighbourhood gets a mere $100 slap on the wrist, less than a traffic ticket these days? Communities in my riding will welcome the explicit requirement that judges take into account other aggravating circumstances.

When a break–in leaves an elderly couple bleeding and dying and their house in shambles, the community understands the seriousness of the offence but the courts do not. We have been trying to make judges aware of the true costs of damage done by johns soliciting next to a neighbourhood school, an aggravating circumstance.

When charges are laid against drug traffickers who use drug houses and destroy neighbourhoods, judges should be able to consider the considerable damage to the community. Hopefully the police will not need to go back time and time again and that will also save money spent on expensive policing efforts.

The second is a greater voice for victims in the justice system. This bill responds to the public demand that victims have a greater role in several ways.

First, victims and their families will be able to make representations to the court in early parole hearings. This is a welcome change. People who receive threatening letters from convicts and fear their release on parole will now have a voice in that decision–making process and decision makers will have more complete information on which to base their decisions.

Second, restitution will now be a real option. Justice is not done when an elderly couple in our community loses most of their possessions in a vicious attack and at the end of the whole process they get nothing back. People are the victims of crime, not the state.

Greater use of restitution was one of the recommendations of the Edmonton safer cities report. I am happy to see that its recommendation has been followed here.

Experience with pilot projects has shown that offenders who understand the true impact of what they have done on another person are less likely to reoffend. For the first time Bill C–41 puts some teeth into that basic truth by making restitution an integral part of sentencing.

Third, Edmonton will welcome stronger rules for probation. Offences by people out on probation have eroded the public confidence in the justice system in my riding. Yet probation is an important vehicle for the rehabilitation of young offenders. The provisions in this bill will go a long way to restore credibility of the probation system and by extension, the public confidence in the justice system.

(1335)

Community groups that have tried to provide opportunities for people on probation report that they need more support to make these programs successful. Better supervision will encourage communities to participate in programs designed to help offenders change their ways and find their place in the community again.

Fourth, greater use of conditional sentences with clear penalties will be more effective than overcrowded jails. Canada has the second highest incarceration rate in the world next to the United States. One look south of the border is proof enough that high incarceration rates do not equal safe streets.

My riding contains a number of correctional facilities, enough for people to know that jails do not change many people. In fact we see the evidence that jails are often schools for crime. Doing time can turn a minor offender into a professional criminal.

For minor offences a conditional sentence with a severe penalty for breaking the conditions is a much better alternative. It will also allow us to spend our limited protection dollars on people who really need to be put away from society. The correctional service says it costs about $47,000 a year to keep someone in prison with little to show for it at the end.

Finally, expansion of the alternative measures program will be welcome. Edmonton has a successful program for young people who are going to court for the first time, often for shoplifting. One of the recommendations of the safer cities report endorsed by city council is the expanded use of this program. Young people who have already had a brush with the law, perhaps in another place or on a reserve, would also benefit from a program that forces them to deal directly with the victim and understand the consequences of what they did. Bill C–41 will allow that.

I am happy that the federal government is responding to suggestions made by people who are close to the problem and who have put a lot of effort into identifying practical ways to deal with crime in our communities.

In conclusion, Bill C–41 will have three positive results: better outcomes from our justice system; safer homes and streets; and better value for money spent on courts and corrections. That is what the people of Canada want for every community.

Mr. Randy White (Fraser Valley West): Mr. Speaker, it is a pleasure to speak to Bill C–41. Members have heard from our party why we feel so strongly about the government wimping out once again. However, we are getting used to that in this session of Parliament. There are so many issues in Bill C–41 to talk about but the one I want to spend a particular amount of time on is victim impact statements.

A case which comes to mind happened to Angela Richards, a young lady in my riding. I attended the verdict and the sentencing of Wayne Perkin, the individual who actually committed this horrendous crime. This individual had previously committed a sexual assault; he bound up a young lady and injected her with cocaine. He was subsequently sentenced and was then released by the parole board. Had he not been released, young Angela would still be alive today.

However, it would not be appropriate for me to stand here and give some political rhetoric. I want to read to the House and to anybody listening a victim impact statement provided by Corinne Schaefer, the sister of Angela Richards. This victim impact statement probably says it all about what is wrong with our system in Canada today. I will sum up with comments about Bill C–41 that truly identify what the problems are and why this government is so very ineffective. This victim impact statement was given on June 30, 1994 in Vancouver:

> Two years have just passed since learning of Angela's murder. It is extremely difficult to write down the impact of her death.
>
> I am confused about the value of this. A part of me feels this statement will have no bearing on whether or not an ''appropriate'' sentence will be handed down as I do not think there is any punishment great enough. I tend to think this may only be a therapeutic exercise for my benefit.

(1340)

Already it can be seen that Corinne's confidence in the system, as much as anybody else's in this country today, is lost.

> The other part of me wants to scream and cry out to you in my anger and pain. I want this statement to really make a difference. I know this is my only chance to finally have some say in this matter. All those days in court were gruelling and particularly upsetting when defence presented false allegations about Angie. It is awful to go through such tragic and deeply personal accounts of her death and do nothing but sit and listen. Now the opportunity for this statement presents itself, yet I am told I cannot comment on sentencing, nor how much I hate the accused and wish him dead. So through my fury and rage I will do my best to put into words how just two years ago my carefree and wondrously happy life was shattered upon learning that my precious baby sister was murdered.
>
> I love Angie very much, more than words can say. How can I make you understand how much I miss her when I am still denying her death? I do not want to believe this and though I know in my heart that it is true, my heart has yet to accept it. Angie was not only my sister. She was my friend. There were no secrets between us. She was funny and witty and bright and loving and mostly always happy. She was everything that the accused is not. And now she is dead.
>
> I want so desperately to know and believe that she was truly struck ''out like a light'' before being so viciously stabbed but I will never know, no matter how many times I replay that night in my mind. How horrible for her. I cannot help but feel guilty at not being there to somehow save her.
>
> How did we lose such a beautiful and vital human being? She is gone from our life. Yet we are plagued with remembering her murder for the rest of our lives. A despicable excuse for a person, a criminal with such an extensive history, a parolee, a repeat

offender, someone I hope you will consider to be a dangerous offender, considering the current charge he is facing: 13 counts of sexual assault with a minor, and administering a noxious substance.

This kind of person the victim is describing is the kind of person the government is talking about getting parole after 15 years.

It makes me sick to write his name. I wish him dead so I do not have to worry about when he appeals parole and the day he gets out, which could be in 15 years. Every day I fear for his next victim, my life and for his. I figure I will be barely 50 years old and he will be out on the streets and I will still have it in me to kill him. Who can predict what the future holds? I wonder if I will ever be kind and caring again. I certainly will not be forgiving of this. I have become cynical, hard and very sarcastic. I am humiliated by the person I have become. I also tend to be paranoid. After all, who can you trust?

This is a victim impact statement and is not made up by me. It is by someone who is affected by the laws this government is bringing into place.

Even my dreams are nightmares and often show Angie's body cut up and floating in water or in a dumpster. Once I dreamt that she was brought to the hospital and was going to make it. The reality hit once again upon waking.

For a while there I wished for my mom to die as I could see how much pain she was in. I cannot talk to mom about my sad feelings and how much I miss Angie because I hate to see her cry. She has cried so much I do not want her to see me cry because I do not want to upset her any more than she already is. It's crazy. Even though I need mom more now than ever I can't turn to her. I hate to see the pain on her face, how disoriented and scattered her thoughts have become, how tiny and frail she is to us all. It is disgusting and totally unforgivable. I am at a loss as to what life is all about.

The joy of my sons' births were diminished greatly by my grief. They have been cheated out of what would have been innumerable wonderful moments with their Auntie Angie. I wonder why I brought them into such a horrible world.

I am just now forcing myself to get therapy as I've exhausted whatever coping mechanisms I had and I'm starting to want to hurt myself badly. I'm scared I'm going to do something stupid. My husband is at a loss as to helping me. At times I just want to run away from it all and not accept this. My grief counsellor has assured me that I'm not crazy (which is somewhat comforting.)

My job as an RN in emergency is affected. I'm not able to show compassion for IV drug users, especially cocaine users.

(1345)

This is what the convicted was.

In fact, I don't want to acknowledge them. There are increasing numbers of stabbing victims presented to emergency and I cannot help but think of Angie and how her beautiful little body was torn after 12 vicious stabs. I'm currently forced to look at alternatives.

The number one rule about doing unto others as you'd have them do unto you was taught to us at a young age. Angela understood and lived this rule; and only good should have come her way. I now realize that there are no guarantees to a happy, long life, especially within our faulty Canadian justice system.

I do hold the system responsible for her murder. I have learned a lot about the justice system and parole board. The foremost message I've received is that criminals seem to be rewarded, rather than punished.

Does that sound familiar?

How many more victims is it going to take before we stop tolerating this?

I am now compelled to join other victims in the fight to improve and strengthen our legal system in hopes that tougher sentences and less cushy prison environments will deter increasingly violent criminal activities.

Corinne knows what she is talking about. One has to ask why the government still includes a golf course at Ferndale penitentiary and so on. Where is the government coming from?

Believe me. I would much rather spend my precious free time with my family, than to have to fight to keep a murderer in jail for the rest of his life. He should never be paroled again.

Does that sound familiar?

The fact that he served only two years of a six–year sentence for attacking Ms. Eastman in 1986 is a joke. How lucky she is to be alive today. Again, I say, had he served his full sentence, my Angie would be alive today.

Why hasn't anyone taken responsibility for slipping up? How could he have been paroled so early? Are parole board appointees not aware of how manipulative these offenders are? Do they not realize that these criminals have nothing better to do than plan and plot for parole?

The emotional, mental and physical costs far outweigh any monetary losses we have encountered. I am however attempting to have the Criminal Injuries Compensation Board repay my mother over $800 for therapy she needed and probably should have continued, but for worry of the cost.

I'm also angry that reward money was used to entice certain individuals to give information. It is unfortunate but money talks. That $30,000 should have been used for a bursary in Angie's name at her high school. She would have like that.

My life has been tarnished forever. I am sorry for the people near and dear to me who put up with my broken spirit. All I know is this: I did make it through yesterday and am cautious about the future.

For the love of Angie, I write openly, honestly and beg that my statement will make a difference.

I can say to Corinne that her statement does make a difference. It has been read in the House of Commons for the government and all other people to listen to. However it is more than a victim impact statement. This is a statement from an average law–abiding Canadian citizen, hoping the government will finally clue in to the fact that legislation has to be a little stronger these days. We have to think of quotes like the one my colleague from Crowfoot referred to. It bears repeating. One parliamentarian in support of section 745 calls it ''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''.

(1350)

Where is the glimmer of hope for Angela Richards? Where is the glimmer of hope for all victims out there? A victim is not only the person who died. The victims are the direct relatives and friends of people who have been killed and maimed in this life. Where is the glimmer of hope? Why is a glimmer of hope being offered to the people who do this sort of thing?

The government had better clue in or the next time there is an election it will be sitting over here.

An hon. member: It has sat here before.

Mr. White (Fraser Valley West): It has sat here before and can do it again.

Angela's murder is not the end; it is the beginning. I sincerely hope what I have said here today not be considered a speech. It is an impact statement from a victim at a sentencing hearing. Government members whether ministers, backbenchers or wherever they sit in the House, and all other members, should remember this statement. It needs to be heard. It needs to be listened to.

I do not know what else can be said about the matter. We could critique each and every clause as some of our members so aptly have done, but we must remember that the life and property of the law–abiding Canadian citizen should always be paramount in the country. The government should get off the track of looking for benefits and for a better life for the criminal who has committed the offence.

Mrs. Jane Stewart (Brant): Mr. Speaker, I thank the hon. member for sharing Corinne's plea with us. I suggest to him that Bill C–41 speaks directly to her request to be heard. During the hearings for early parole the impact statements of victims will be included. That is a very important part and a very significant addition to our situation. I believe better decisions will be made on whether or not criminals will be paroled as a result of this change.

I suggest that you have made an important comment. I do not believe our bill is a wimpy bill. It speaks directly to the cries of Corinne.

The Deputy Speaker: I ask all hon. members to put their remarks through the Chair. The word you is to be avoided unless it is directed to the Speaker.

Mr. White (Fraser Valley West): Mr. Speaker, I do not know how to get government members to clue in to what is said in the House. I spoke to an immigration issue yesterday and it went over their heads.

This victim impact statement was read at a sentence hearing. What the government is talking about doing is hearing her again after 15 years and hearing her again after 20 years. We are saying we should not have to hear Corinne Schaefer again; we have already heard her. The government should clue in. This person has committed the crimes he has been convicted of. He stabbed this young lady 12 times. Why is the government looking for another impact statement to let him out?

We have to understand that this person should not be out. He should not attend parole board hearings. He should be left in prison. He should stay there. I do not want Corinne Schaefer to show up at another parole board hearing. Neither does her family. Neither does her mother.

(1355)

Hon. Sheila Finestone (Secretary of State (Multiculturalism) (Status of Women)): Mr. Speaker, at what point does the hon. member consider the parole board ought to relook at such an impact statement?

The person has been condemned to a period of serving his sentence in prison. Shall he just be released without any forewarning, without anything? In terms of his sentence at what point should there be any consideration of the impact on the victims and when should they have a say?

I would like to ask an even more fundamental question, not in terms of the individual but in general. What would you do with all the people who have committed crimes? Where do you intend to house them and how do you intend to run those prisons?

The Deputy Speaker: Before calling on the member for Fraser Valley West I would ask the minister, as I just asked her colleagues, to address all remarks through the Chair.

Having members speak through the Chair is designed to keep tension down. It is not because we need to have all comments directed at us.

Mr. White (Fraser Valley West): Mr. Speaker, I was talking about Wayne Perkins. I already said that he was let out on parole. He had bound a young lady, sexually assaulted her and injected her with cocaine. After he was let out he stabbed another young lady, Angela Richards, Corinne's sister, 12 times.

I am not talking about letting this fellow out. They have it all wrong. I am talking about keeping him there and leaving him there. I am asked how long. I am saying to leave him there, period, to close the door. Enough people have suffered.

In that courtroom 50 people were crying. All of them are affected, from her mother, Lorna, to her sister, her brother–in–law and so on. I am saying to leave him there. If he gets out we are into the same problem again. It was already tried it once and it failed.

An hon. member: Life means life.

Mr. White (Fraser Valley West): Life means life. What part of that does the government not understand?

Mrs. Finestone: Mr. Speaker, let me direct a supplementary question to the hon. member. I understood when he said Life means life. That is all very well and good. He is well aware of the fact, as I think many of us are, that the statistics on the level of crime show crime has gone down but the number of crimes being reported has gone up.

If we fill our prisons what are we to do? How does the member plan to keep our prison population in control?

Mr. White (Fraser Valley West): Mr. Speaker, I am a lot less worried about accommodating prisoners than I am with letting them out.

Let me repeat the quote. It will tell us the philosophy of where the government is coming from. It says we should provide 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.

What is a terrible penalty? Why is life such a terrible penalty to a person who has bludgeoned a young lady who would have been a contributing member of society? Why is that such a terrible penalty? Keep him in, keep him in. That is the answer.

The Speaker: It being 2 p.m., pursuant to Standing Order 30(5) the House will now proceed to statements by members pursuant to Standing Order 31.

STATEMENTS BY MEMBERS

[*English*]

GRANDPARENTS

Mr. Sarkis Assadourian (Don Valley North): Mr. Speaker, I rise today to pay tribute to that segment of our society we sometimes forget or overlook. With the United Nations having declared this year the International Year of the Family it is appropriate to recognize the importance of grandparents in the traditional family structure.

In provinces throughout Canada the second Sunday in September in each year has already been set aside as a day on which we honour grandparents.

I wish to extend my warmest wishes to all grandparents. We must not forget their importance to the structure of the family in the nurturing, upbringing and education of our children. Sometimes the greatest gift a child will receive will be the wisdom and experience offered by a grandparent.

I am certain many of us here today have experienced the joys of sharing a day or a special moment with a grandparent.

I urge the government to recognize the important role they play in society and set aside the second Sunday in September in each year as a day to remember grandparents.

[*Translation*]

FRENCH–SPEAKING SOLDIERS

Mr. Jean H. Leroux (Shefford): Mr. Speaker, the Commissioner of Official Languages, Victor Goldbloom, admitted again yesterday that the military college in Kingston is not at all ready to receive French–speaking soldiers and give them the training courses they need. According to him, the linguistic record of the Kingston college is markedly worse than that of the Saint–Jean college.

The commissioner also noted that only 6,000 of the 13,000 so–called bilingual positions in the Canadian Forces are held by people with a sufficient knowledge of French. Why are francophones always underrepresented? Why does the federal government insist on closing down the only French–language military college in the country? The Liberals are showing their true colours. The facts are there: the government refuses to make room for francophones.

The reality is that French is an irritant to the Canadian government.

* * *

[*English*]

TEAM CANADA

Mrs. Daphne Jennings (Mission—Coquitlam): Mr. Speaker, I rise to congratulate all the members of Team Canada who competed in the recent Commonwealth Games in Victoria, British Columbia. Their performance was the best ever with our team winning a total of 40 gold, 42 silver and 46 bronze.

I would like to point out that their performance gives an indication of the many years of dedication and training which these athletes have devoted to their sport. In particular, special mention goes to Corinna Wolfe who competed in the women's high jump and lives in Mission. I congratulate her on her entry to the games and her strong performance.

As well, I would like to give special recognition to Chris Wilson of wrestling fame. Chris, who lives in Coquitlam, also of my riding, won a gold in the 68 kilogram category in wrestling, an outstanding performance.

* * *

UKRAINE

Mr. Rey D. Pagtakhan (Winnipeg North): Mr. Speaker, Manitobans take pride in the federal government's recent decision to hold in Winnipeg, home to the Ukrainian–Canadian Congress, the upcoming special G–7 conference on partnership for economic transformation of Ukraine in preparation for the G–7 summit next summer in Canada.

The Ukrainian–Canadian community which has its roots in Manitoba and the greater west had long dreamt of independence for its motherland, a dream that was passed on from generation to generation and finally realized in 1991.

Political independence needs economic prosperity to sustain it. Thus this conference is both essential and timely.

It therefore behoves Canada to ensure that this conference leaves a permanent legacy, perhaps the creation of a Canada–Ukraine foundation to help secure the economic transformation and prosperity of Ukraine which benefits Canada as well.

* * *

ALBANIA

Mr. John Cannis (Scarborough Centre): Mr. Speaker, I would like to bring to the attention of the House the shameful actions of the Albanian government toward its ethnic minorities.

Last month the Albanian authorities held what can only be called a show trial against five leaders of the Greek–speaking minority. This show trial was held under the auspices of the penal code that was established by the communist dictatorship of Enver Hoxha and should not go unnoticed by the world community.

These convictions were nothing more than a malicious attempt to silence the representatives of the Greek–speaking minority in Albania in their efforts to secure the rights that are guaranteed to all people through the United Nations declaration on human rights.

I hope that our government will, should the opportunity arise, condemn the convictions of this ethnic leadership and contribute to the efforts to gain their release.

* * *

CANADIAN NATIONAL

Mr. Roger Gallaway (Sarnia—Lambton): Mr. Speaker, once upon a time there was a belief that crown corporations, those corporate representatives of the Canadian public, acted in the interest of all Canadians. To the surprise of certain Canadian National employees in my riding, management has informed them that some 25 positions will be phased out and replaced by American workers at Flat Rock, Michigan near Detroit, which I still believe to be in the United States.

(1405)

On behalf of those workers and indeed all CN employees I implore the board of directors and management to start working for the real shareholders of that company.

I believe all Canadians want trains inspected and repaired by Canadians. That is not an unreasonable request.

Canadian National employees expect a reasonable reversal of this mistaken decision of the management of our corporation, Canadian National.

* * *

[*Translation*]

CANADIAN RADIO–TELEVISION AND TELECOMMUNICATIONS COMMISSION

Mr. Benoît Sauvageau (Terrebonne): Mr. Speaker, the CRTC has made public its decision on the new telecommunications regulatory framework. Despite what was promised in June 1992, basic monthly rates will rise by 50 per cent over three years in some regions. For the first time, basic telephone service, which is an essential service, is being undermined.

Why such a sudden and rapid increase? Consumers are the ones paying for the CRTC's decisions. A less drastic hike could have been agreed to for the sake of poor people hurt by the recession.

While Minister Manley plays with the idea of regulations allowing the convergence of cable and telephone networks, the CRTC announces that this sector will be almost completely deregulated and presents everyone with a fait accompli.

The right hand does not know what the left hand is doing. That is another appalling example of the inconsistency of the federal system.

* * *

[*English*]

THE SENATE

Mr. Jim Silye (Calgary Centre): Mr. Speaker, last week the Prime Minister appointed some political friends to the other place, including a former Manitoba Liberal leader, a former Quebec Liberal cabinet minister, and the daughter–in–law of a former Liberal Prime Minister.

Is it any wonder that Canadians have virtually no respect for the other place or the patronage appointees who rest there. They know that an unelected, unaccountable, anti–democratic body like the other place has absolutely no place in a democratic society. It has no business shaping legislation. It has no business whatsoever in deciding how taxpayers' money should be spent. It has no legitimate role whatsoever and serves mainly to provide a retirement income for the Prime Minister's friends.

Canadians demand that the other place be reformed so that it is elected and accountable, an effective guardian of regional interests.

While the new appointees collect their pay cheques, whether or not they can walk to work, the national debt has risen to $531,172,948,085.41.

* * *

POLAND

Mr. Jesse Flis (Parkdale—High Park): Mr. Speaker, last week President Lech Walesa of the Republic of Poland paid his first state visit to Canada. Poland is emerging as the fastest growing economy in central Europe, proving that Canada's small but significant investment in technical assistance will eventually pay dividends to both countries in the long run.

President Walesa has a bold new vision to promote greater trade between our two countries and he invites Canadians to strongly consider Poland for private investment.

While travelling through Poland this summer, I had the opportunity to witness the tremendous progress the people of Poland have achieved both economically and in terms of their efforts to turn the tide of environmental degradation after decades of improper management.

On behalf of the Government of Canada I wish to congratulate the people of Poland for their success and pay a warm hearted thanks to their president for his visit.

Today we have another distinguished visitor in the gallery, Mr. Speaker, and I know you will introduce him at the appropriate time.

* * *

BURMA

Mr. Harbance Singh Dhaliwal (Vancouver South): Mr. Speaker, I stand in the House today to focus attention on Burma.

July 20 marked the fifth year of house arrest for Aung San Suu Kyi. Ms. Suu Kyi was elected by the Burmese people as leader of the opposition in 1989.

Despite suggestions that it is willing to open discussions, the current military regime in Burma has made no attempt to meet with Ms. Suu Kyi.

On April 12 of this year a motion was passed by this House to urge the Secretary General of the United Nations to appeal for the release of Aung San Suu Kyi and the restoration of civilian rule in Burma. A petition was also signed by 234 members of this House urging the same actions be taken.

I urge all of my colleagues here today to remain vocal on the subject of Burma and to continue to apply pressure on the Burmese regime to free Ms. Suu Kyi and restore the democratically elected opposition to government.

(1410)

OPERATION GO HOME

Mr. Ronald J. Duhamel (St. Boniface): Mr. Speaker, today I want to recognize the efforts of a national organization called Operation Go Home.

It is largely a volunteer organization which strives to return runaway youth in crisis to their families or to connect them with the appropriate existing agencies that can best help them. It has offices now in operation in Ottawa, Halifax, Toronto, Vancouver and Winnipeg.

Its success is noteworthy. In 1993 it assisted 1,429 young people in crisis. Between 35 and 40 per cent of the youth were directed to a caring environment.

There are over 100,000 children living on the streets of Canada on any given day. Sadly the number continues to rise.

[*Translation*]

I want to draw your attention, Mr. Speaker, to this organization that has been working for some 20 years to return children, to see that they are returned either to their homes or to support agencies.

* * *

VIOLENCE AGAINST WOMEN

Mrs. Christiane Gagnon (Québec): Mr. Speaker, the findings of Statistic Canada's latest survey on violence against women cannot leave anyone indifferent.

More than one out of four Canadian women who are married or living common–law say that they have been assaulted by their spouse. At one time or another in their married life, they were physically or sexually assaulted and few of them reported these assaults to the police. Even fewer of them sought professional help to allay their suffering and the trauma resulting from these assaults.

To stop wife abuse, the federal government must introduce legislation to end violence against women.

* * *

[*English*]

LACROSSE

Mr. Paul E. Forseth (New Westminster—Burnaby): Mr. Speaker, on September 4 the New Westminster Salmonbellies junior A lacrosse team captured the Minto Cup, making it Canada's number one lacrosse team. The Salmonbellies battled the Brantford Excelsiors for seven hard–fought games before being crowned Canada's best.

What makes this victory especially sweet is that the national championship has not been won by a New Westminster team

since 1960. The last time a western team won dates back to 1988 when a team from Esquimalt, British Columbia won the crown.

In the past it has been Ontario teams that have dominated junior A lacrosse. All of those from New Westminster know that the cup belongs in New Westminister, a city which holds dear to its heart the heritage of Canada's original sport as well as the home of the Lacrosse Hall of Fame.

My congratulations go out to the entire Salmonbellies team, in particular co–coaches Steve van Os and Stan Stewardson, as well as the team's five graduating players, Kevin Stewardson, Glen Bzowy, Steve Higgs, Chris Charlton and Curtis Palidwor, the series most valuable player.

Great going, Salmonbellies.

* * *

DYSTONIA

Mr. Paul Szabo (Mississauga South): Mr. Speaker, I rise today to bring to the attention of the House the existence of a condition which is more prevalent than Huntington's, ALS or muscular dystrophy.

This condition is dystonia, a neurological disorder that causes involuntary muscle spasms and twisting, resulting in abnormal body postures. Only 5 per cent of the estimated 250,000 sufferers of dystonia in North America have been diagnosed and sadly one third of those afflicted are children.

The Dystonia Medical Research Foundation, a national organization which provides funding for a research and patient support, is committed to raising public awareness of dystonia. As with many medical conditions the lack of public and medical awareness of dystonia contributes to the sense of isolation and alienation that many sufferers of dystonia experience.

I encourage my colleagues in the House as well as all Canadians to support the Dystonia Medical Research Foundation in its efforts to raise public awareness of this painful disorder.

* * *

[*Translation*]

REFERENDUM ON QUEBEC SOVEREIGNTY

Mr. Martin Cauchon (Outremont): Mr. Speaker, Jacques Parizeau, leader of the Parti Quebecois, repeatedly promised during the election campaign that if he was elected, there would be a referendum on the sovereignty of Quebec within eight or ten months following the election.

This is a firm commitment. There was never any question of postponing the referendum, and it is much better that way, since Quebecers want to settle the referendum issue once and for all. However, despite Mr. Parizeau's clear commitment, one wonders, in the light of a recent statement by the Leader of the Official Opposition, who speaks for the Government of Quebec?

Is it the Leader of the Official Opposition, who in his recent statement on the referendum explained that what counts is winning, never mind when the election is held, or is it Mr. Parizeau, Quebec's newly–elected Premier?

* * *

(1415)

[*English*]

LOW–LEVEL FLIGHTS

Mr. Len Taylor (The Battlefords—Meadow Lake): Mr. Speaker, yesterday in Goose Bay, Labrador, Innu protesters delayed the start of public hearings into low–level military flight training over their traditional hunting grounds. The Innu claim that the flights disrupt wildlife in the area, which is their major source of food, and contaminate the environment.

These public hearings are being held to evaluate a flawed Department of National Defence environmental impact statement that, according to scientists, contains more than 130 deficiencies, including the proposal to create one giant training zone and the use of thin aluminum strips that make animals sick when they eat them. The Innu have called into question the timing of the hearings, and the fairness and independence of the assessment panel conducting the review.

Therefore I call on the government to immediately suspend the hearings until the concerns of the Innu are addressed, and to consider the advisability of ending all low–level flight training over the territory of the Innu. The Innu people never ceded their land to Canada for military purposes. They have lived off this land in peace for 9,000 years and they deserve fair and humane treatment.

The Speaker: My colleagues, in the statements that we hear from day to day, many times we use language which could be interpreted as provocative.

I would encourage all hon. members to please be judicious in their choice of words especially, if I might bring it to your attention, when talking about the other place.

I would leave that with you. It is something that I would like you very much to take to heart.

[*Translation*]

We will now start Oral Question Period. The hon. Leader of the Opposition.

ORAL QUESTION PERIOD

[*Translation*]

HAITI

Hon. Lucien Bouchard (Leader of the Opposition): Mr. Speaker, we were all relieved to hear that the U.S. army would intervene in Haiti without bloodshed. However, the main objective of the mission has yet to be achieved, and I am referring to the return of President Aristide, and there are still some major concerns, especially after the Haitian police brutally attacked a demonstration by supporters of President Aristide in the streets of Port–au–Prince last night.

My question is directed to the Minister of Foreign Affairs. Has the minister been given assurances by the U.S. authorities that the return of President Aristide is imminent?

Hon. André Ouellet (Minister of Foreign Affairs): Mr. Speaker, it will be a pleasure to answer the hon. member's question, and I want to make it quite clear that the purpose of this UN initiative is to bring President Aristide back to his country so that he can take up his duties as president. I believe that what has taken place during the last few hours is an indication that the process to return President Aristide to his country is well under way and is irreversible.

Hon. Lucien Bouchard (Leader of the Opposition): Mr. Speaker, I beg to differ with the minister's optimistic statement, since the events of the past few hours seem to contradict what he just said, and I am referring to the fact that President Aristide has just dismissed the agreement concluded between a puppet president and the U.S. military.

Is the Canadian government still satisfied with the agreement concluded on Sunday between Washington and the military junta, now that president in exile Jean–Bertrand Aristide has publicly dissociated himself from this agreement?

Hon. André Ouellet (Minister of Foreign Affairs): Mr. Speaker, there is an important point I would like to make. President Aristide mentioned that as far as he was concerned, the Governors Island Agreement was the agreement he had signed and the agreement he intended to abide by. I can say that the Canadian government entirely agrees with his interpretation of the facts.

Furthermore, we must realize that at this very moment, the country is no longer totally under the control of a Haitian military junta and is gradually coming under the control of a multinational force, which has a mandate, under UN Resolution 940, to take control and ensure that President Aristide returns to his country as soon as possible.

(1420)

Hon. Lucien Bouchard (Leader of the Opposition): Mr. Speaker, of course we share the same expectations as the minister, but today's events do give us some cause for concern, especially the fact that the military junta is still there and will be, at least until October 15. We can only hope that all this will be over with by October 15, but for the time being, the junta is there, side by side with the U.S. peacemaking force.

I want to ask the minister if he could tell us whether Canada intends to send Canadian police officers to Port–au–Prince without the consent of President Aristide and without waiting for his consent, while there is still some uncertainty about his own return and the role of the military junta.

Hon. André Ouellet (Minister of Foreign Affairs): Mr. Speaker, the Leader of the Opposition mentioned a date, October 15, which is a very definite deadline for the Haitian military. Whatever they do and whatever happens, they will have to submit to the firm determination of the Americans and all those who supported and approved UN Resolution 940. Consequently, I am quite confident that President Aristide will be able to return to his country.

The hon. member had a question about police officers. I have been in touch with President Aristide on a regular basis, and we will continue our dialogue. Any steps to be taken by the Government of Canada will respect the wishes of President Aristide.

* * *

PUBLIC FINANCE

Mr. Yvan Loubier (Saint–Hyacinthe—Bagot): Mr. Speaker, the latest analyses of the Canadian financial situation are far from painting the rosy picture the Minister of Finance and his Prime Minister painted just a while ago. This year, the deficit will reach $40 billion, while the debt will approach $550 billion, jeopardizing both economic recovery and improved business competitiveness.

Does the Minister of Finance not agree that, in view of the sorry state of public finance in Canada, it is urgent, indeed extremely urgent, for the government to reduce drastically its operating expenditures instead of blindly relying on economic conditions and opportunistically reaping the meagre benefits as it has done recently?

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development—Quebec): Mr. Speaker, there is no doubt that government expenditures must be examined. We said that we were going to do so item by item. For that very purpose, the Prime Minister asked that a committee be set up under the Minister responsible for Public Service Renewal to take a serious look at government spending. This review is under way.

Mr. Yvan Loubier (Saint–Hyacinthe—Bagot): Instead of turning a blind eye as he has done so far, Mr. Speaker, will the minister finally commit today, before this House, to tabling an emergency action plan—because this is truly an emergency—to reduce operating expenditures in the federal administration by dealing as a matter of priority with tax leakage benefitting friends of the system and with the shameless squandering resulting from overlapping?

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development—Quebec): Mr. Speaker, the hon. member and his colleagues had the opportunity to voice their opinions last year, during the pre–budget debate. Throughout the spring, and the summer as well, they had the opportunity to make suggestions.

When I appear before the finance committee with the promised update, the hon. member will again have the opportunity to make constructive suggestions. As a matter of fact, I think that the committee will be considering the family trust issue tomorrow. I trust that the hon. member will take that opportunity to make constructive comments.

[*English*]

The opposition has had the opportunity on many occasions to give us constructive suggestions as to what it would do and has refused to do so.

Once again we are going to give members the opportunity to do so and we will see if they are prepared to put up.

* * *

(1425)

TAXATION

Mr. Preston Manning (Calgary Southwest): Mr. Speaker, the Prime Minister said that his first responsibility is to ensure the unity of this country. Surely that means refraining from actions that undermine people's confidence in the federal government. I have one particular action in mind.

Canadians are now among the most highly taxed people in the world. If the federal government wants to make federalism more attractive to all Canadians, it simply must refrain from increasing the burden of federal taxation.

I ask the Prime Minister to pledge today, for the sake of Canadian unity, to refrain from increasing the burden of federal taxation during the term of his mandate. Would he make such a pledge today?

Right Hon. Jean Chrétien (Prime Minister): Mr. Speaker, I will have a budget in the month of February. We had a budget some months ago and there were no tax increases. We do not plan to have any tax increases. We want to give very good administration to the country and the Minister of Finance looks at all aspects of all problems all the time.

Speaking about how long I will be Prime Minister, to promise that I will never increase taxes in the many, many years I will be Prime Minister makes it difficult for me to give a very categorical answer.

Mr. Preston Manning (Calgary Southwest): Mr. Speaker, I would not worry about being around many, many years. My question is just asking for the term of the government's administration.

Let me be more specific. The economies of Alberta and British Columbia are growing faster than the Canadian economy as a whole and the provincial government in Alberta is making a more strenuous effort to restrain its spending than any other provincial government. There is now growing concern in the west that the only reward for economic growth or spending restraint at the provincial level is going to be to attract a federal tax raid similar to the one that occurred in the 1980s.

Will the Prime Minister today assure western Canadians that his government will not try to solve the federal fiscal mess by launching a tax raid on their region?

Right Hon. Jean Chrétien (Prime Minister): Mr. Speaker, I do not think that the leader of the Reform Party will be more successful with this trial balloon that he is trying to scare people with than with the so–called carbon tax that he invented, something we were not even talking about. Having nothing else to do, not being able to criticize anything we are doing, he is trying to invent problems.

Do not worry, we have enough problems like that. We do not want you to feel that you help the credibility and the confidence of this nation when you invent canards like this one.

The Speaker: I know that although people who are responding to questions do not always look at me they are referring to me when they say ''you''. I am sure they are.

Mr. Preston Manning (Calgary Southwest): Mr. Speaker, it is not only westerners who will be unsatisfied by the Prime Minister's answer. There are other Canadians who are uneasy with respect to the federal government's tax intentions.

Mismanagement by successive governments of the Canada Pension Plan and OAS have undermined many Canadians' confidence in the government's ability to provide pension income. In response, millions of Canadians have endeavoured to provide for their own retirement through private RRSPs. Now these Canadians fear that their only reward for making this provision will be to attract a tax raid by the federal government on their RRSP contributions.

Yesterday the finance minister was unwilling to allay fears in this regard. Will the Prime Minister state categorically that his government is not planning to launch a federal tax raid on RRSP contributions?

Right Hon. Jean Chrétien (Prime Minister): Mr. Speaker, it is very funny. We are in September, at the beginning of this session and the leader of the Reform Party cannot find anything more to do than create fear among the public. He should relax. There will be a budget in February and he will have his answer that day. In the meantime we will carry on with running the business of this country and will try to have the best figures possible, like the one this morning on trade: a $2.3 billion surplus in the month of July.

* * *

(1430)

[*Translation*]

PUBLIC FINANCES

Mr. Michel Gauthier (Roberval): Mr. Speaker, according to two studies published by the C.D. Howe Institute and by Quebec economist Pierre Fortin, the government is an estimated seven to ten billion dollars short of being able to keep its election promise of reducing the deficit to 3 per cent of the GDP by 1996.

Since the Minister of Finance is quite obviously unable to say where he will cut, could he tell us by how much he intends to reduce government expenditures in order to keep the election promise?

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development—Quebec): Mr. Speaker, I was very clear when I tabled the budget last February. I said at that time that I would issue an update on the country's financial situation.

I said in the budget, and I quote: ''Next fall [—]the government will release a comprehensive statement that will clearly lay out changes in the economic and fiscal outlook since the last budget''. I intend to keep my word.

Mr. Michel Gauthier (Roberval): Mr. Speaker, faced with the difficulty of obtaining figures or anything solid from the Minister of Finance, I am asking him today—we know he has figures and a target—to tell this House by how much he intends to reduce government expenditures in order to keep the election promise made by him and the Prime Minister.

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development—Quebec): Mr. Speaker, the hon. member is asking me not to conduct an open public consultation. In other words, you want me to rise and table the budget immediately, not in February but now in September, without any consultation.

But this is not how we intend to go about it. We want the people of Canada and Quebec to be consulted and they will be.

* * *

[*English*]

FISHERIES

Mr. John Cummins (Delta): Mr. Speaker, my question is for the Prime Minister.

There are 115,000 early Stuart sockeye missing from the Fraser River system. A report prepared by staff at the Department of Fisheries and Oceans makes it clear that DFO mismanagement and lack of enforcement are responsible. Further, the report confirms that the minister ignored the advice of his staff and chose not to close the fishery even though there were inadequate numbers of sockeye returning.

What does the Prime Minister intend to do about this incompetence which has led to the devastation of this sockeye run this year?

Mr. Harbance Singh Dhaliwal (Parliamentary Secretary to Minister of Fisheries and Oceans): Mr. Speaker, I thank the hon. member for Delta. As he knows, there is a problem in that approximately 1.3 million sockeye are unaccounted for. This government has acted responsibly by asking for a full and comprehensive review of our present management techniques and the science.

As the hon. member is from the fishing community he should know that science is not perfect. We need to look at a number of areas like water temperatures which have a profound effect on sockeye.

We are looking for a full review, including all stakeholders, including the aboriginal community, to get to the bottom of this and to make the necessary changes to ensure we have confidence in the management of the fishery. We will do that and that is what the minister stated earlier.

Mr. John Cummins (Delta): Mr. Speaker, the minister has provided unsubstantiated excuses for this loss of salmon and has ignored data prepared by his own department. The people of British Columbia are tired of in–house excuses, tired of in–house reports.

Will the Prime Minister commit to an independent public inquiry into the management of the west coast fishery, or does he intend to wait until the fish on the west coast have reached the levels they have on the east coast?

(1435)

Mr. Harbance Singh Dhaliwal (Parliamentary Secretary to Minister of Fisheries and Oceans): Mr. Speaker, as I said earlier, the minister has already asked for a comprehensive review from the independent community and also the stakeholders. It will be transparent.

If the hon. member has something to contribute we are willing to look at what he has to offer because every once in a while they come out with an idea we can look at. We will be happy to look at his suggestions.

* * *

[*Translation*]

CANADIAN SECURITY INTELLIGENCE SERVICE

Mr. Michel Bellehumeur (Berthier—Montcalm): Mr. Speaker, yesterday in this House, the Solicitor General rejected the opposition's request to establish a royal commission to investigate the very serious allegations concerning the infiltration activities of the Canadian Security Intelligence Service.

My question is for the Solicitor General. Is he giving us to understand that by setting up CSIS, a monster was created that no one, including Parliament, can control anymore, although it was created for the express purpose of ending the RCMP's illegal activities in Quebec in the 1970s?

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada): Mr. Speaker, CSIS was created under a bill passed by this House. CSIS must work within this law, in a legal fashion. The Review Committee monitors CSIS and I think that we must wait for the results of our efforts in order to have an answer to the allegations which at this point are surely just allegations.

Mr. Michel Bellehumeur (Berthier—Montcalm): Mr. Speaker, does the Solicitor General know that a creature of this Parliament already committed illegal acts in Quebec, in particular by stealing the membership lists of political parties, by burning barns and by planting bombs?

Does the minister realize that by refusing a royal commission of inquiry, he is helping to recreate the same scenario as in 1970 and thus failing in his duty as minister?

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada): This government stresses the fact that any branch of the government operates within a legal framework and that is why we want the Review Committee to submit its report as soon as possible. I think that the people of this country, especially Quebec, will be rather surprised to see how the hon. member loves royalty so much that he is asking for a royal commission to investigate this affair.

* * *

[*English*]

PUBLIC SERVICE

Mr. Chuck Strahl (Fraser Valley East): Mr. Speaker, my question is for the Minister of Public Works and Government Services.

Many years ago the government started shifting civil servants around the country at astronomical expense with no apparent efficiency benefit except to try to get ministers re–elected more efficiently. Today we find out in documentation that the minister has struck a committee that is going to consider moving more public servants to Atlantic Canada for the same apparent reason.

Is the minister honestly considering trying this experiment again?

Hon. David Dingwall (Minister of Public Works and Government Services and Minister for the Atlantic Canada Opportunities Agency): Mr. Speaker, the hon. member raises an important question.

I wish to advise him and other members of the House that the mandate as indicated by the Minister of Finance in his last budget has asked each and every minister to do a review of his or her department to find ways in which to increase efficiency. In fact section 5(2)(a) of the Department of Supply and Services Act reads: ''investigate and develop services for increasing the efficiency and the economy of the public service of Canada''.

I find nothing inherently wrong with the Government of Canada embarking upon a study to try to ascertain the efficiencies in order to do away with duplication and overlap.

Mr. Chuck Strahl (Fraser Valley East): Mr. Speaker, we are concerned that public servants not be shipped around the country like sacks of flour for some form of patronage.

Will the minister demonstrate to the House, since we cannot get this program review from the other minister, that any moves for public servants will be made to save government money, to make government more efficient and not just to mess around with the lives of public servants? They have enough on their plates right now.

Hon. David Dingwall (Minister of Public Works and Government Services and Minister for the Atlantic Canada Opportunities Agency): Mr. Speaker, again I thank the hon. member. I thought he was going to stand in his place and congratulate the Government of Canada.

I will give the hon. member a demonstrable item that the Government of Canada concluded with the province of Quebec in order to rid itself of overlap and duplication. We consummated an agreement relating to housing and the delivery of housing programs in the province of Quebec. It thereby costs less money to the Government of Canada and enables more Quebecers to take advantage of Government of Canada programs.

(1440)

[*Translation*]

TAINTED BLOOD

Mrs. Pauline Picard (Drummond): Mr. Speaker, my question is for the Minister of Health. The Canadian people are very concerned about the contaminated blood affair and the minister has an obligation to act openly to inform and reassure the population.

Why, in these circumstances, did the minister at her September 12 press conference hide from the Canadian people that the FDA was conducting on that same day another investigation at the Halifax Red Cross Centre?

Hon. Diane Marleau (Minister of Health): Mr. Speaker, I thank the hon. member for her question. This government has always acted with transparency and honesty and from the very beginning we have admitted openly that every blood donor centre would be inspected by the FDA. The FDA has now decided to change its regulations and require a licence for each centre. The Red Cross is in the process of applying for this licence.

Meanwhile, each of the 17 centres in the country must undergo the same inspection.

Mrs. Pauline Picard (Drummond): Mr. Speaker, can the minister explain to me why she did not send a clear directive to the other Red Cross centres when she had in hand the American agency's report?

Hon. Diane Marleau (Minister of Health): Mr. Speaker, we must keep in mind that the FDA inspects these centres to enforce its own regulations. American regulations are somewhat different from ours because under the American blood collection system, donors are often paid, while the Canadian system depends totally on volunteers.

This does not mean that their regulations are better than ours or vice versa. We are working with the FDA and the Red Cross to harmonize the various regulations, to ensure that we have the best regulations, so that our blood collection system continues to be among the best in the world.

* * *

[*English*]

GUN CONTROL

Mrs. Karen Kraft Sloan (York—Simcoe): Mr. Speaker, my question is for the Minister of Justice.

In my riding of York—Simcoe there are a number of responsible gun owners who have expressed concern over impending gun control legislation. These individuals along with other Canadians recognize the need for measures to curb the violent and illegal use of firearms.

Will the minister give assurance to Canadians today that in any new gun control legislation responsible gun owners will not be unfairly treated and that his efforts will be directed against those who abuse the use of firearms?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada): Mr. Speaker, the proposals we are developing through caucus to bring forward to the House focus on three areas.

First is the presence of illegal firearms in this country and what we can do to stop it. Second is the question of whether the criminal justice system should have a sterner response to those who misuse firearms in the commission of offences, and it will. Third is the question of whether the regulation of firearms in the hands of legitimate and lawful owners can be improved to enhance community safety and to work toward crime prevention, detection and prosecution.

In that process we will indeed be respectful of the legitimate interests of firearms users. We understand and we respect the importance of hunting not only as a long tradition in this country but as an important economic activity. Those values will be reflected in the proposals we bring before the House.

* * *

(1445)

GOVERNMENT APPOINTMENTS

Miss Deborah Grey (Beaver River): Mr. Speaker, Michel Robert, a former Liberal Party president, has been given an untendered contract for $249,925 to act as an Oka negotiator. That is a whopping $74 under the limit for untendered contracts.

Somebody said recently this government and this Parliament would serve the interests of all Canadians, not the interests of the privileged few no matter how well connected. I doubt few would be fooled by the sham of the tendering process. I do not think anyone could now believe the words I just quoted, spoken by the Prime Minister last June.

Does the Prime Minister still understand what the word integrity really means?

The Speaker: The question is rather far reaching. I would hope hon. members would be very respectful of one another. As such it is not a question which brings about information from the government.

Perhaps the right hon. Prime Minister or one of the ministers would like to answer.

Hon. Ron Irwin (Minister of Indian Affairs and Northern Development): Mr. Speaker, Mr. Robert was hired back in May. I find it passing strange the Reform did not realize it. Six months have passed. The Bloc asked a couple of questions at the time.

May 25, 26 and 27 was a very volatile time at Oka. Trees were being cut down, with a threat of the army going in. I had to act

quickly and I had to get competent people. Judge Réjean Paul was available as a mediator and Michel Robert.

As a result of questioning from the Bloc at that time I was able to put some of his background in *Hansard*. He was past president of the Canadian Bar Association, a fellow of the Ontario Bar, a former member of the military and an author. He has a tremendous, competent background. I was quite lucky to get him at the time.

The result is that Oka is calm. Things are being worked out. We do not have the military there. We are not spending hundreds of millions of dollars on enforcement. I do not apologize for hiring competent people, albeit some of them may be Liberal.

Miss Deborah Grey (Beaver River): Mr. Speaker, I used Oka as just one example. That was just one of a very long list of patronage appointments. That was one example which I chose.

We want to get to the bottom of the tendering process. It was put in place to ensure that the best people could be chosen through the competitive process. It is a safeguard against patronage and ensures openness in the system. Since May there have been dozens of examples of competent people who only happen to be Liberals.

If Michel Robert was such a competent person as the Prime Minister and the minister maintains, why did he make a mockery of the tendering process itself, not that appointment? Why was he afraid to allow the contract to go through the competitive process to find the very best person for the job regardless of political stripe?

Right Hon. Jean Chrétien (Prime Minister): Mr. Speaker, when we hire professionals on a contract like this one on a short term we look for very competent people who can do the job. If we had to wait for the tendering process, asking tens of thousands of lawyers to apply and to pass an examination, we would never get results.

If the member had any guts she would try to prove that the person is not competent. Of course she will not. We are not afraid to get up in the House and say that this man was elected president of the Canadian Bar Association by lawyers in Canada. Yes, at one time in his career he had the good judgment of a Liberal. That is not a handicap.

* * *

(1450)

[*Translation*]

INFRASTRUCTURE PROGRAM

Mr. Gérard Asselin (Charlevoix): Mr. Speaker, just before the Quebec election, the Minister of Finance, who is responsible for the infrastructure program in Quebec, wrote to the Minister of Municipal Affairs to complain that several projects under that program had been announced by the Government of Quebec without federal authorization, in the middle of an election campaign.

Can the Minister of Finance promise to make public the list of projects announced by the Government of Quebec which he considers to be incompatible with the infrastructure program?

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development—Quebec): Mr. Speaker, I already explained publicly that there was an internal misunderstanding which was cleared up; not only am I prepared to publish the list of projects that have not been approved, I am also prepared to tell you right away that all the projects announced by the Liberal Government of Quebec comply with the regulations established by the President of the Treasury Board.

I must tell you that as a member of Parliament and minister, I had to co–operate with Mr. Ryan and Mr. Bourbeau and I am fully satisfied; I think that they should be praised for their co–operation and the work that they have done on this.

Mr. Gérard Asselin (Charlevoix): Mr. Speaker, when the Minister of Finance refers to a misunderstanding, of course he is referring to his letter. How can the minister explain that he signed a letter that by his own admission is completely incorrect and should not have been written? Are we to understand that the cat is finally out of the bag and that Quebec has no real control since the projects selected must be approved by Ottawa?

[*English*]

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development –Quebec): Mr. Speaker, there was an administrative error in my office which was discovered very quickly thereafter and the matter was cleared up.

Now that there has been a change of government in Quebec I would hope the new government would proceed with the same degree of dedication and hard work as the previous government in making the infrastructure program the tremendous success that it has been.

* * *

GRAIN TRANSPORTATION

Mr. Jake E. Hoeppner (Lisgar—Marquette): Mr. Speaker, as the Liberal government and the Minister of Agriculture and Agri–Food well know, in May of this year the subcommittee on grain transportation recommended that a man be appointed immediately to take over the entire allocation process from the Grain Transportation Agency. This was again explicitly expressed as a concern to the minister in a June meeting with the standing committee.

Could the minister explain why he did not act on this recommendation?

Hon. Ralph E. Goodale (Minister of Agriculture and Agri–Food): Mr. Speaker, as I indicated earlier in response to similar questions, the future form or structure of the GTA is certainly a topic the government has under review as we deal with a variety of very important agricultural transportation issues in the country.

I would point out though that during the course of the summer I have had a repeated series of meetings with not only the existing GTA but all major players in the Canadian western grain handling and transportation system to ensure that they are focused upon the huge challenge of moving a very large and very diversified crop this year through export positions into the most lucrative available export markets.

I am pleased to say that in comparison to this time last year we have achieved a 40 per cent increase in the number of hopper cars in the grain car fleet in the country. We anticipate in the month of October that we will see unloads at the port of Vancouver perhaps twice as high as last year and unloads at the port of Thunder Bay 50 per cent higher than last year.

Mr. Jake E. Hoeppner (Lisgar—Marquette): Mr. Speaker, that is a very broad answer to a very definite question.

Farmers are again harvesting a crop under extreme weather conditions. They have a plugged railway system. Because the recommendation was not acted upon we now have a situation where a few large players are dictating the process of car allocation. Farmers, small grain elevators and shippers are again being discriminated against.

(1455)

What action is the minister prepared to take to solve the problem?

Hon. Ralph E. Goodale (Minister of Agriculture and Agri–Food): Mr. Speaker, the group of industry executives I have been meeting with during the course of the summer have focused on a broad range of issues to try to deal with the challenge of throughput through all our export facilities.

We have dealt with, at least in part, the issue of grain car allocation but obviously that is nobody's first choice in the system. We want to expand the capacity of the system and the throughput of the system. We will be introducing legislation this fall in the House to address some of those issues. Other reforms are under way already in an administrative manner.

The good news in the system is that we have a huge volume of grain to move. We hope our system will have the capacity to handle it, but given the volume and the diversity of the particular crop there may be a requirement for some form of allocation as we go through the crop year.

I have undertaken to the industry to monitor the allocation process as it is implemented to be sure it is fair to all players in the system including those who have reservations about it, namely the smaller shippers. I want to make sure they are treated fairly.

* * *

NATIONAL REVENUE

Mr. John Bryden (Hamilton—Wentworth): Mr. Speaker, my question is for the Minister of National Revenue.

Currently the annual financial information returns of charities are available to the public whereas those for non–profit organizations are not.

Since non–profit organizations like charities are indirectly supported by the taxpayer, would the minister consider making their annual financial information returns also available for public scrutiny?

Hon. David Anderson (Minister of National Revenue): Mr. Speaker, I understand the member's frustration in this regard because in fact the public information return filed by registered charities is available to the public in accordance with section 149.1(5) of the Income Tax Act. However we cannot divulge information on non–profit organizations in accordance with the confidentiality provisions contained in subsection 241(1) of the Income Tax Act.

One of the reasons for the differences between them is that they cannot issue tax receipts. They do not have to register provincially or federally to maintain their status. They have no requirement to disburse a certain percentage of their income.

I will take the hon. member's question as a representation that the law could in fact be changed.

* * *

[*Translation*]

1992 REFERENDUM

Mr. Jean Landry (Lotbinière): Mr. Speaker, Quebecers paid for the 1992 referendum twice. First, they along with all other Canadians paid for the referendum in the other provinces and, in addition, they alone paid for the referendum in their own province, Quebec. The outgoing government in Quebec sent the federal government a bill for $26 million to correct this injustice.

My question is for the Minister of Intergovernmental Affairs. Does the federal government intend to honour its debt to Quebec or not and will it pay the $26 million that it owes?

Hon. Marcel Massé (President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister responsible for Public Service Renewal): Mr.

Speaker, the former government made no commitment to compensate Quebec—neither under Prime Minister Mulroney nor under Ms. Campbell. As far as we are concerned, we are not committed either to paying for a referendum which was held under a provincial law and therefore did not depend on us organizationally or financially.

* * *

[*English*]

CANADIAN WHEAT BOARD ACT

Mr. Leon E. Benoit (Vegreville): Mr. Speaker, the minister of agriculture has had a bad summer. As incredible as it might seem the minister ended the summer by equating farmers to criminals because they were shipping grain into the United States.

When will the minister stop attacking farmers and change the Canadian Wheat Board Act so that farmers have the access which is guaranteed them under the free trade agreement?

Hon. Ralph E. Goodale (Minister of Agriculture and Agri–Food): Mr. Speaker, unlike some hon. members across the way who spent the summer in name calling and personal vilification, I spent the summer consulting with farmers, farm organizations and a number of others about the issue the hon. member has mentioned.

(1500)

I have received from those farmers and farm organizations a broad list of recommendations and ideas about how our grain marketing, handling and transportation system can be modernized to maximize its throughput capacity and to put farmers in the position of maximizing their marketing opportunities.

This fall I will be formalizing that process in a way to ensure that all farmers have all the necessary information, facts and figures they require so they may have further and final input into the government's decision–making processes about these issues.

* * *

HEALTH CARE

Hon. Audrey McLaughlin (Yukon): Mr. Speaker, my question is for the Prime Minister.

The Prime Minister has stated that he will not accept a health care system that offers a higher quality of health care for the rich than for the poor. Yet the first step to a two–tiered health care system, one for the rich and one for the poor, is operating today as we speak in Alberta.

It is my understanding that the Prime Minister is meeting with the premier of Alberta later today. I would like to ask the Prime Minister if he is going to challenge the premier of Alberta on the private clinics which clearly contravene the Canada Health Act and say that his government will support the Canada Health Act.

Right Hon. Jean Chrétien (Prime Minister): Mr. Speaker, there will be a meeting later this fall on this question of medicare. We are committed to maintaining the system that we have where medicare is free and portable for everybody.

We have said many times that we do not want medicare to be good for the rich and bad for the poor. The laws of Canada have to be respected. I hope that Mr. Klein will respect the laws of Canada.

* * *

PRESENCE IN THE GALLERY

The Speaker: My colleagues, I would like to draw to your attention the presence in the gallery of Mr. Michal Strak, the Minister–Chief of the Office of the Council of Ministers of the Republic of Poland.

Some hon. members: Hear, hear.

The Speaker: I would also like to draw to your attention the presence in the gallery of the Standing Committee on Scrutiny and Constitutional Affairs of the Parliament of Norway led by Mrs. Kjellbojrg Lunde.

Some hon. members: Hear, hear.

* * *

[*Translation*]

VACANCY

BROME–MISSISQUOI

The Speaker: As a vacancy has occurred in the House of Commons for the electoral riding of Brome—Missisquoi by reason of the death of Mr. Gaston Péloquin, it is my duty to inform this House that, pursuant to section 28(1) of the Parliament of Canada Act, I have addressed a warrant to the Chief Electoral Officer today for the issue of a writ for the election of a member to fill the vacancy.

GOVERNMENT ORDERS

(1505)

[*English*]

CRIMINAL CODE

The House resumed consideration of the motion that Bill C–41, an act to amend the Criminal Code (sentencing) and other acts in consequence thereof be read the second time and referred to a committee.

Hon. Sheila Finestone (Secretary of State (Multiculturalism) (Status of Women)): Mr. Speaker, I welcome this opportunity to speak to Bill C–41 because I believe that the bill that will review and examine sentencing practices must be responsive to the concerns and values of Canadians.

The bill reflects our commitment to a justice system that is balanced, fair and encourages respect for the law. This is an omnibus bill, as we all know, and it responds to a number of very important issues.

I wish to commend the Minister of Justice for the nature of the consultations that he undertook, the wide scope of this bill, which in the end clarifies and ensures improvements in the application of the Criminal Code.

I have been listening to concerns in this regard and I am sure that members can be very satisfied with the improvements and the strengthening of actions and sentencing around criminal acts.

[*Translation*]

I fully agree with the objective of this bill as well as with all its provisions. That being said, my remarks will deal with two points in particular: first, offences motivated by hate and second, offenders abusing a position of trust.

[*English*]

I believe that equality for all Canadians includes freedom from hatred and from harassment. Expressions of hatred have absolutely no place in Canadian society. Openness, understanding and sharing are features that shape our collective identity. Most Canadians believe that each one of us has the right to live free from hatred or expressions of hatred and actions that are motivated by hatred.

I have always felt, and I have actually been convinced, that a crime motivated by hate based on one's race, religion, sex, age, sexual orientation, mental or physical capacity or any other form of that nature is a very serious crime and needs to be looked at in a particular light.

With this bill, such hate motivations will be considered an aggravating circumstance in the Criminal Code for the first time. It therefore will define and ensure that these crimes will be treated much more severely.

One of the strongest aspects of the new hate crime proposal is in its broad scope. It enshrines even further the principles that one finds behind section 15 of the charter which is a fundamental value for all Canadians.

While we are generally more aware of hate crimes related to religion, racism or sexual orientation, we must not forget that women as a group also come under attack simply because they are women.

In the aftermath of the massacre of 14 women at the École Polytechnique de Montréal in 1989, our country was shocked to discover the hatred that some men feel toward women. That was a very shocking moment and made many Canadians sit up and take note.

Women's experience in the criminal justice system is primarily that of victim. The way they are treated in the justice system is critical in their efforts to achieve equality as a right. Our vision, reflected in Bill C–41 and other initiatives, is one of a society and a justice system in which all Canadians are full and equal partners, confident that their rights will be upheld by the law.

(1510)

The disturbing increase in the expressions of hatred and discrimination in our society is well documented. Since 1989 there has been a marked upsurge in hate group activity throughout the world, certainly right here in Canada. These groups are now better organized, they are far more subtle in their approach, and they have developed new strategies which really need to be addressed. One needs to be far more sensitive to read the message behind the message. It is subliminal in many cases and much more invidious in its intent.

The Solicitor General has estimated that over 52 neo–Nazi groups and 85 other associations promoting hatred are currently operating in this country. I believe that is cause for serious concern.

In its 1993 annual audit of anti–semitic incidents in Canada, the league of human rights of B'Nai Brith Canada recorded a 31 per cent increase in anti–Semitic harassment and vandalism. The league documented a disturbing increase in hate group activity. They have, to quote the league: ''adopted a more militant and activist stance than in prior years''. I can tell the House that those acts of vandalism and those expressions of hatred, which I have seen on the walls of synagogues and buildings in my riding of Mount Royal, are really distressing and very disturbing. Young people who come to schools or go into the cemeteries are really quite shocked and it leaves a mark on them.

[*Translation*]

Often, our personal knowledge or experience of ways hatred can be expressed gives statistics a sense of reality and urgency. I am convinced that all the hon. members of this House can remember a specific incident or action intended to frighten or harm someone by reason of his or her race, religion, colour or sexual orientation, just because they were different.

The increasing diversity of our population's make–up poses quite a challenge to Canadian society as a whole.

[*English*]

We all have a sense of pride and are all very thrilled when we read that the United Nations finds Canada the finest place in the world in which to live. Notwithstanding that, we have a series of warts. It is important to look at these and see how we can excise this unacceptable behaviour from our society.

We know that Canada is a multicultural and multilingual country from its beginnings. Our native peoples, our aboriginal peoples, are multicultural and multilingual. They were joined by

English and French, both languages and both cultures, to form a beautiful mix. Now, according to the 1991 census, 42 per cent of Canadians have origins other than British or French.

It is important to note that in Mount Royal riding—and I think it is a perfect example, although perhaps a little bit more concentrated than in other cities—the statistics show that 43.5 per cent of the population is first generation immigrants to Canada. This does not take into account the balance of the population in my riding who are of ethnic origin and who have been here since the early 1800s. It is a very diversified riding and I am proud to have about 60 different ethnic minority groups represented. They speak the languages of the world. These are the languages and the cultures of multicultural business in this global economy. They are important to us for a variety of reasons and it is exciting because you can have the wonderful experience of living in such a multicultural society.

They make up, all these Canadians, the majority in every major urban centre. By the year 2006 the proportion of Canadians who are visible minorities is expected to be between 13 and 18 per cent. In Toronto, the city with the greatest diversity, some suggest that the proportion could be as high as 50 per cent. These great urban centres reflecting our diversity make for culturally and socially exciting and dynamic communities in which to live, ones in which we can really flourish and grow.

(1515)

However, we have to be forever vigilant. Hate motivated crimes can be found in this kind of a mix if we do not take care, if we are not vigilant. It could be a threat to the social cohesion of these communities. It could impede equal and full participation for all. It leads to alienation, a sense of disenfranchisement and a feeling of powerlessness.

There are some basic trusts we as a nation cannot afford to break. I will enunciate some: the right of all persons to enjoy their own language and culture; the right of a family to worship without fear of violence and distrust; and the right of women to walk safely on the streets in their communities.

To avoid conflict and maintain social harmony, our institutions must redouble their efforts to develop policies, programs and practices that recognize the reality of Canadian diversity and move to ensure this social cohesion. We need access, understanding and respect if we are to live together in peace and harmony.

Among those institutions that are ensuring this happens is our justice system, which has a great responsibility and a fundamental role to play in ensuring this trust and fairness. The system must demonstrate without ambiguity that hate crimes will not be tolerated in Canada. It is just not to be tolerated. It is not the Canadian way and it is absolutely not acceptable.

[*Translation*]

The provisions of this bill by which hate motives constitute aggravating circumstances for the purpose of sentencing should have been implemented a long time ago. They reflect this government's commitment to protecting the fundamental right of all Canadians to live without being afraid, to live in peace and security and to live as equals. Obviously, it does not suffice to ensure that hate will be deemed an aggravating circumstance, this must be part of an integrated approach to promote understanding and respect within the society.

[*English*]

We must work together in a broad range of legislative and non–legislative areas. It is the responsibility of the people in this House representing all Canadians to ensure that hate and the manifestations of hate are eradicated from this society.

It is very important that we educate today's youth about hate crime: how to understand it; how to sense it; and how to speak out against it. We have to emphasize the determinant role they will play both in terms of prevention and in terms of the promotion of peace and goodwill.

In that spirit our multiculturalism department in many ways with its cross–cultural and intercultural activities and its race relations undertaking and in partnership with society has developed many programs. Among them are the very helpful programs of educational materials developed for students and teachers on human rights, prejudice, racism and racial discrimination.

We have acted in many ways with the schools. I have travelled across this country and have seen students in action. It has been a pleasure to listen to these young students who understand, recognize and respond to racism. They know prejudice when they see it. Unfortunately, it is when they get home that it often gets reinforced. It is very important that they learn the lesson of speaking out, so it never happens again.

Our program uses a variety of public educational tools to speak out against hate and racism. It explains that each one of us can make a difference and that Canadians need to work together to ensure peace and harmony. It works particularly when we work in collaboration with different ministries, for example with the Solicitor General and the Minister of Justice.

The multiculturalism department has done some very extensive work with the Federation of Canadian Municipalities, the Canadian Association of Chiefs of Police and many other such structured institutions.

This bill will give all of us another tool that can be used to educate while addressing the issues of hatred.

(1520)

Unfortunately this century has and continues to demonstrate in many parts of the world the end result of unchecked acts of hatred based on who you are and not what you are. Canada is a place where this is not to happen any more. Canada is one

example to the world that we are determined to live in a respectful environment in a respectful society. Those who do not wish to share and participate in this Canadian experiment shall be given an appropriate sentence with this new bill which indicates we shall not accept these expressions in our society.

I said I wanted to pay attention to two aspects of this very extensive bill. The other aspect I want to discuss is the key element of the amendment package, sexual assault involving a breach of trust.

Under this bill if a person is found to be guilty of sexual assault and that person was in a position of trust or authority with the victim, that fact will be considered an aggravating factor which will affect the severity of the sentence. This is very important particularly for women and children for they are the primary victims of sexual assault.

The fact that sexual assault involving breach of trust is a grave problem in this country is very disturbing on the one hand and is plain to see on the other. Canadian statistics revealed that in 1993 over three–quarters of reported sexual assault victims knew their assailants. That StatsCan survey was a true eye opener. On taking the microscope and magnifying the study through the language in the Criminal Code we found statistics that were quite revolting with respect to sexual assault and the victims. This is just the tip of the iceberg.

According to a national phone survey done by StatsCan, only 6 per cent of the women who told interviewers they had been assaulted had never reported it to the police. They were frightened. Why? One of the reasons is that that women report sexual assaults they do not believe they will be treated fairly by the judge listening to the case within the court system.

The new directions and the new directives on sentencing are going to help change that attitude. The judges will be enlightened as to what this government believes should be the proper action and the proper response given in these circumstances.

In a society in which prejudice and stereotype still exist, a woman is often blamed for being sexually assaulted. What is happening as well is women are seeing the inappropriate sentences that are given to perpetrators. This helps reinforce their attitude that they are not being considered fairly in the decisions that are rendered.

For too long our justice system has operated without any clearly defined understanding of breaches of trust in cases of sexual assault. Indeed in some cases the fact that the aggressor occupied a position of trust either as a good parent or a pillar of the community has even led to lighter sentencing. This is wrong, terribly and shockingly wrong. It is totally unacceptable. I am very pleased that the Minister of Justice acknowledges this and has brought to bear some changes in the system which will enlighten the judges in this regard.

To state it plainly, when someone violates a position of trust, whether he is a relative, an employer, a teacher, a doctor or some other figure of authority, he may do even greater damage to the victim than the anonymous rapist who attacks in the dark alley. This is particularly true if the victim is young. I would like this House to know that 63 per cent of sexual assaults involve victims under the age of 18 years. I say this is wrong. It is terribly wrong and it has to stop.

[*Translation*]

Victims of aggressions involving breach of trust could well suffer irreparable emotional and psychological damage.

Women and children who were molested by a friend, a family member or a mentor can no longer trust and love. They lose part of their humanity.

It may be difficult for a woman who has been victim of an aggression to maintain healthy intimate relationships, whether with close male friends or members of their family and even with their own spouse.

(1525)

Many have to quit work, while others can no longer trust certain professionals. Their pain and suffering is often exacerbated by the fact that their aggressor does not face prosecution or gets off with a slap on the wrist.

[*English*]

A national study of court cases conducted by the metro action committee on public violence against women and children looked at how sexual assaults involving breaches of trust are dealt with in our justice system. It concluded that judges often fail to recognize a breach of trust.

In the many court cases studied 47 per cent involved an offender who was a father, a paternal figure, a relative, a friend of the parent, someone in a position of authority, or someone in a professional role. They all had had privileged relationships with the victim. Yet in over 40 per cent of these cases this privileged relationship was not even mentioned in the judges' comments or in the discussion of aggravating factors.

Furthermore when judges do recognize a breach of trust it is not always evident that they have given it appropriate weight in determining the offender's sentence. This bill will begin to rectify that situation by giving judges clear directives about what constitutes a breach of trust. The reformed Criminal Code will be better equipped to deal with this form of sexual abuse.

This provision will also send a message to individuals in a position of power. It says that if you use your relationship to take advantage of women or children, you will be treated harshly by the system. In other words, the greater a person's influence, the greater the responsibility to treat others with respect, and the

greater the consideration of a stiffer fine and sentencing. Not even a fine, sentencing.

The amendments in this reform package, especially those dealing with hate crimes and breach of trust, will help rebuild people's faith in our justice system. It will encourage women to be far more courageous and more open and to feel that they will be better treated if they bring the cases before the courts. That faith has been sorely tested in recent years as we have learned of the extent of violence against women and have lived through many incidences of hate motivated crimes.

I am grateful to the Minister of Justice for moving swiftly to deal with these problems. This bill is an example of our government's commitment to a just and peaceful society, a safe society with safe streets. If those words sound familiar it is because I am repeating them. They are printed and published in our best seller, the red book. We have kept our promises. These proposals follow through on the commitments we have made. They are the result of extensive consultations and co–operation with the provinces and the territories on sentencing reform.

In the name of all of our citizens, the women, men and children of this society, I am very pleased with this bill. I hope as it goes though this House people will recognize the importance of the fairness of this bill.

[*Translation*]

Mr. René Canuel (Matapédia—Matane): Mr. Speaker, I listened very carefully to what the hon. member had to say. She mentioned hate, and I agree that is not acceptable. However, legislation does not necessarily make certain acts more acceptable. And she had something to say about what is legislated and what is not legislated, and she has a point. I would like to ask her something in this connection. When she started on the word hate, I thought: hate is the opposite of love.

In Canada, there are broken families and broken individuals as well. She referred to big cities like Toronto and Montreal. And she is right.

(1530)

She referred to what happened at the polytechnical institute, which shook us all. These were young women with a brilliant future. Today, in our schools, even in our secondary schools, twelve, thirteen and fourteen year–olds have suffered because we have no comprehensive social plan, as far as I am concerned. We have no plan for families, and as a result, we end up with laws that are harsh and sometimes very much so.

It is easy to say we have no choice, that the facts are there and crimes are being committed. However, if we look at the causes, and my question is all about this, could we not do a lot more in the way of prevention? Could we not provide more help for Canadian families? Could we not give more help to single–parent families and children? What about changing family allowance payments, considering the reduction in unemployment insurance benefits, and the increase in the number of hours people must work, since the unemployed have so much trouble making ends meet?

I think we should look at the whole picture and not just this particular legislation, even if we must change it.

Mrs. Finestone: Mr. Speaker, I must say that the question, if we can call it a question, was actually an expression of concern and an analysis of our society which, I think, is well–founded and I share the concerns expressed by the hon. member. As I believe I said at the beginning of my speech, legislation is part of the greater picture, which includes education, awareness and appreciating the differences in our society. And that is probably why I referred to the diversity that, to me, is a splendid aspect of our society but also a very fragile one, just as democracy is fragile. If we do not take care of it, if we do not approach it with that ''stirred in the pot'' love when we tend this splendid and colourful garden, if I may use this metaphor, our failure to do so will cause problems and a great deal of pain.

The problems are caused by a lack of understanding, a lack of information and stereotypes that are rooted deep down. That is why the department of which I am Secretary of State, the multiculturalism department, is so important. For what it takes to buy one chocolate bar a year for everyone in Canada, we are setting up programs to bring people together, education programs, awareness programs and programs to promote what we are as Canadians and the mutual respect that should be part of everything we do.

We must understand this. We must realize that when you come from another country, another culture, and speak a language other than English and French, you have a lot to learn, and it takes more than a year or two to do that. After a few years, you get to the point that you are in a position to learn and you can learn. The groups we find in our communities and our neighbourhoods are there to help each other, to give a helping hand to new residents and help them understand Canadian democracy, the way we act and the way we speak and what is acceptable and what is not, and that hate and any kind of sexual assault are not acceptable, period.

[*English*]

Mr. Garry Breitkreuz (Yorkton—Melville): Mr. Speaker, before getting back into the routine, I would like to wish the Speaker, the Deputy Speaker and the Acting Speakers the very best for this session. Your patience no doubt will be tested and I pray you will continue to make the decisions that are in the best

interests of all of the citizens of this great country. I wish you the best.

(1535)

I also bring greetings from the constituents of Yorkton—Melville in Saskatchewan to all the members of Parliament and sincerely hope that all the members will direct their efforts to the most serious problems facing us at this time, problems like the debt, the economy, unemployment, criminal justice reform, as we are dealing with now, and the desperate need to reform our social programs.

I hope that we will focus on these things and apply ourselves to dealing with them.

We have heard from a number of Reform MPs who have expressed their qualified support for certain provisions of Bill C–41. We have also heard of some of their recommendations for improvement. While I share my colleagues's support for the general principles and intent of this bill, it is clear that it is not a bill that a Reform government would have drafted.

For example, section 745.6(2)(d) will now permit judges to receive and consider information provided by a victim at early parole hearings of murderers sentenced to life imprisonment supposedly without eligibility of parole. These people have been sentenced and now, under section 745, they have the possibility after 15 years of applying for parole.

While Reformers would rather have seen the complete repeal of section 745 and have these convicted murderers stay behind bars and serve their full sentences, we commend the government for at least taking a step in the right direction by recognizing that victims do have some rights to be heard at these hearings.

I am concerned that this specific amendment does not specify how the judge may receive the information from the victims or the victims' relatives. Will it simply be a victim's statement or will the victims themselves be allowed to appear in court and give evidence under oath? This has to be clarified during the committee stage. There is no clear evidence here that victims will have any more rights than criminals throughout this entire reform of the criminal justice system. That is a principle that we must clearly enunciate in our legislation and that has not been done in this amendment.

The minister cited the experience of Marie King Forest. Will she have the right to appear before the parole committee and give evidence of the impact the murder of her husband, a policeman, had on her life and the lives of her children? That murderer is now applying for parole and these people are still trying to put their lives together. Will there be clear, ample opportunity for her to personally testify at these parole hearings? That is not specified in this amendment.

After reading Bill C–41 I could not help but conclude that it is a make work project for lawyers. I was listening to the hon. minister a few minutes ago. I am convinced that this legislation will provide more and more work for lawyers in our courts. There seems to be more of a focus on bureaucratic procedures than imposing sentences and getting tough on crime. That is not acceptable and Canadians are calling for this government to get tough and not make more procedures and more work for the lawyers.

When I see that certain murderers will get a more serious or stiffer sentence because their crime was motivated by hate rather than doing something for kicks, as was the case with this policeman, or for some other reason there is a serious flaw here. It will be a lawyer's dream to now work with this new legislation.

Trials will now have this new added dimension. As they discuss this they of course will be accumulating revenue. Let us focus on the crime.

(1540)

Now to my real concern about this bill. The Minister of Justice has spent the last six months getting Canadians all riled up about gun control. The first opportunity that he has to do something about it, the first opportunity that this government has to address this problem and to do something about the criminal use of guns, they do nothing. They have missed their chance. That is a major concern of mine and of many Canadians. Everyone knows that this is a serious deficiency not only in the use of section 85 of the Criminal Code but also in the sentences meted out by judges.

For the benefit of this House and the Canadian people, section 85 provides for a mandatory sentence for any person using a firearm in the commission of an indictable offence. The sentences can range from a minimum of one year to a maximum of 14 years for the first offence, and for a second or subsequent offence a minimum of three years and a maximum of 14 years. Section 85 also requires that the sentences be served consecutively, added on to their other sentence.

The Minister of Justice talks about imposing more inane restrictions, empty foolish restrictions, on law–abiding, responsible gun owners while he did not take this opportunity to put more teeth into the sentencing of criminals convicted under section 85. That is a grave omission.

I know the Minister of Justice has asked the provincial attorneys general to ensure that more charges are laid under section 85 rather than using it primarily as a plea bargaining tool. The studies show that even when section 85 is used by the police the sentences are rarely in line with what the public would consider punishment fit for the crime or anything near what the people would consider a deterrent—completely lacking.

Before we look specifically at the sentencing under section 85, we must look at the overall leniency of our criminal courts. In 1991–92 the Canadian centre for justice statistics completed a study of the sentencing of adult criminal provincial court in six provinces using a data base of over 600,000 criminal convictions. It found that the maximum penalties were imposed very rarely in adult provincial courts. Of the 52 offences carrying an identifiable maximum penalty, 31 of the crimes had never had the maximum penalty imposed; 17 had the maximum penalty imposed only one per cent of the time and only four had the maximum penalty imposed over 5 per cent of the time.

I ask the members of this House is this what the government means by getting tough on crime?

Let us look at this study and see what it tells us about sentences for the use of a firearm during the commission of an offence. First of all, the number of convictions is important to look at. The study by the Canadian centre for justice statistics found that in the 1991–92 year in just six provinces there were only 52 convictions under section 85 for using a firearm in the commission of an offence. Compare this with 12,287 convictions for violent crimes that same year; 52 convictions out of 12,287 convictions for violent crimes under section 85 for using a firearm in the commission of an offence.

(1545)

Here is a breakdown of those violent offences: manslaughter, 73 convictions; robbery, 2,181 convictions; sexual assault with a weapon, 94 convictions; assault with a weapon, 5,787 convictions; careless dangerous use of a firearm, 2,130 convictions; the possession of a firearm or weapon, 2,022 convictions. Out of all of these, there were 52 convictions under section 85 of using a firearm in the commission of an offence. This is a total of 12,287 convictions for violent crimes.

Granted I can hear some people saying we do not know how many convicted criminals actually used a firearm, but we are certain that it was a lot more than 52 times out of 12,287 in all of these violent crimes that I have given here. Robbery, 2,181—did all of these people rob without a gun?

Section 85 is not being used. The Minister of Justice is trying to convince the provinces to instruct their police forces to use section 85 more. Let us look at the sentences for 52 section 85 convictions in 1991–92. The minimum sentence under section 85 of the Criminal Code is one year and the maximum is 14 years.

In all 52 convictions under section 85 every single one of them received the minimum one year sentence. That is getting tough on the criminal misuse of firearms? I find this statistic so amazing I have to say it again. In 100 per cent of the 52 convictions for using a gun during the commission of a crime the criminals received the minimum one year sentence, one year in jail. This is proof positive that something has to be done with regard to sentencing for section 85 convictions.

Bill C–41 that we have before this House must be amended. If the courts will not use the sentencing provisions of section 85 to deter the criminal use of guns then Parliament must. We must not neglect our duty. We must use the responsibility that people have entrusted us with to make our criminal justice system work in this country.

If judges persist in sentencing criminals who use guns to the minimum time in jail then Parliament must act to increase the minimum mandatory sentence to three years. I think section 85 should be amended to read ''use of weapons'', not just ''firearms''. That is a serious loophole in the law that must be closed.

I ask the government to do what makes sense and do what the vast majority of Canada is asking: get tough on crime. Do not look at legitimate gun owners and see what restrictions we can put on them. Target the problem where the problem exists.

I cannot believe that this government left such an important provision out of the sentencing bill. What possible reason could it have for this oversight? Could it be that it is not serious about getting tough on crime? Could it be that all the focus of its efforts to control crime will be directed, as I have said, at law–abiding, responsible gun owners rather than at the criminal who uses guns? Why should it be left to Reform MPs to identify the major deficiency in Bill C–41?

I hope now that it has been pointed out that all the members of the justice committee will support an amendment of this bill related to the sentencing for convictions under section 85.

Let us look at how section 85 might be better applied in a recent case. Everyone has heard about the Just Desserts killing in Toronto on April 5. Four men walked in, robbed the patrons of the restaurant and used a sawed–off shotgun to kill one of the customers. Three men have been charged so far, one with murder and 12 robberies and the other two with manslaughter and 12 robberies. As far as we know charges have not been laid under section 85 of the Criminal Code.

(1550)

Since the Just Desserts killing there have been calls for more gun control by people with the mistaken belief that controlling guns will somehow control crime. It will not. The criminals in the Just Desserts killing were already using a prohibited weapon, a sawed–off shotgun. What are we doing? Are we going to prohibit them even more than they already are?

There have been very few calls for what is really needed, more crime control and not gun control. One way to control crime is to send a clear message to all prospective criminals that the public and our criminal justice system will not tolerate the criminal use

of guns. The best way to send this message is to hand out tougher sentences.

The persons in the Just Desserts killing should not only be charged with murder, manslaughter and 12 robberies but should also be charged under section 85 for using a firearm in the commission of an indictable offence, one section 85 charge for each of the robberies and another section 85 charge for the murder.

This would give the judge the option of sentencing another 182 years in jail for the sentences for each of these convicted of the senseless, horrific crime. What if, after the conviction, the newspaper headlines read: ''Just Desserts killers get just desserts, sentenced to a maximum of 507 years each''? ''Justice minister promises they will never get out to kill again''. This would be the maximum life sentence for the murder, the maximum life sentence for each of the 12 robberies and the maximum sentence of 14 years for using a firearm in each of the robberies and another 14 years for using a firearm in the murder.

Would this not send a clearer signal to those who are going to use guns with criminal intent? Would this not be a clearer deterrent than making laws which ban guns which the criminals disobey anyway? They will still continue to saw off their shotguns and use them any way they want to.

There will always be those who will be saying that sentencing a criminal to 507 years is ridiculous and of course 507 years is impossible to serve. However, it is even more ridiculous to let killers serving life sentences with no eligibility for parole back on our streets in 15 years by using the Liberal loophole of section 745.

What is more ridiculous? Compare those two things. It sounds ridiculous to sentence somebody to 507 years but it is even more ridiculous to let them off easy. I appeal to this government to get tough on crime. The criminal misuse of guns,rather than what they are doing now should be addressed instead of putting in more stupid regulations on law–abiding citizens.

Liberals are very famous for big government, higher taxes and intrusion into the lives of Canadians. More common sense is needed in this legislation. Do not just make it appear like the government is doing something. Really get to the root of the problem and solve it. Do not just talk the talk, walk the walk.

The Minister of Justice said this morning that he has been planning this for 14 years. Why did the government not come up with something more substantive if it has had that much time? Surely it could have closed some of these loopholes and addressed some of these problems.

The minister had many Canadians telling him this summer the ideas that he has been floating with regard to gun control do not get to the heart of the problem. He had an opportunity to do something and he never did it. I hope some amendments will be made in this committee. I look forward to making some suggestions to the minister.

(1555)

Mr. Paul DeVillers (Simcoe North): Mr. Speaker, I would like to refer to the hon. member's comment about the Liberal loophole of section 745. The rationale I believe the member used for not removing section 745 entirely was the will of the Canadian people to get tough on crime.

I would like to draw to the hon. member's attention that section 745 is a judicial review heard with a judge and jury where two thirds of the jury must make the finding for a convicted person to be released.

I would ask the hon. member is that not dealing with the people through our judge and jury system, trial by our peers? What objection does he have to that?

Mr. Breitkreuz (Yorkton—Melville): Mr. Speaker, the question is a good one.

If the member is familiar with what is happening with regard to section 745 at the present time, I do not have the statistics at my fingertips, but what is happening is that over half of these people are being released because a lot of the evidence is not admissible in these court trials and it is being used as a loophole to get these people off after 15 years.

Part of the problem is being addressed by the legislation and I commend the government for doing that because it will allow victim impact statements to be submitted but it does not indicate how those victim impact statements will be used in these trials. Will the person be able to testify before this jury? At the present time they are generally not allowed to do so unless the judge rules otherwise in some provinces.

In most cases those people who, if we had capital punishment, would not even be here are being released on to our streets. That is what people find unacceptable. These people who in more than half the cases were given a life sentence are now being released. That is the problem.

Much of the testimony that should be given because of other legal loopholes is not even allowed at that trial. It is a very interesting study to see what is happening under section 745 and to see how the criminal element has more rights than the victim with regard to all of this legislation. That is why we would like to close some of these loopholes.

Mr. Andrew Telegdi (Waterloo): Mr. Speaker, I have a comment and a question for the member of the Reform Party.

It seems like every time we deal with the issue of crime and justice which is certainly a very difficult issue, I get the impression that they would have us be like the United States of

America with the death penalty and sentences that go into hundreds of years.

The member made a comment about not talking the talk but walking the walk. I wonder if the member is aware of a number of studies that have been done particularly the one by Dr. Anthony Doob, one of the foremost experts in the area of public perception of the judicial system. The points Dr. Doob made in his conclusions were based on the following.

He gave a group of people the transcripts of what actually went on in a court case. Covering the same court case, he had another group of people who got the reports from the printed media. The findings were that people who responded on the appropriateness of the sentences and who used the media as the source of their information in many cases had the same attitude espoused by members of the Reform Party such as the justice system is not working and that judges are being much too lenient.

(1600)

The other group of people who had transcripts to refer to so they could decide if the sentencing judge had given an appropriate sentence concluded that the system was working quite well and that in some cases the judicial system was more harsh than it needed to be. The public even proposed that things like fine option programs and alternatives to incarceration should be tried.

The question I want to pose is this. Surely the members of the Reform Party recognize that we do not, in Canada, follow the model of the United States in terms of criminology. We happen to be a little bit more enlightened. Surely the member of the Reform Party recognizes that Canada is a much safer society than is the United States. If capital punishment and the kind of justice they are talking about were to work, the United States of America would be a safe place to live. It is not. Compared to it, we are doing very well.

I am really troubled with this pandering to the worst misconceptions that the member and his party seem to cater to.

Mr. Breitkreuz (Yorkton—Melville): Mr. Speaker, I welcome that question. I will address the first part of his question concerning capital punishment. We do not have to decide that question here. We can have a discussion.

That question can be decided by the people of Canada in a binding referendum. That is who should decide it. I call on this government to hold that binding referendum.

In reply to the other issue that was raised, if the hon. member has had any experience with the criminal justice system, if he has been wronged, if his constituents come to him and describe their experience with our criminal justice system, he will realize very quickly that it needs fixing.

I could cite example after example of where people have been the victims of crime. Those people then go to the trials; they appeal to the judge for some justice; they go to the police and cannot get justice because people hide behind loopholes in the law.

That is the kind of experience I am talking about now. People have had experiences like this. They see that horrific crimes have been committed. There was a murder in my constituency of an elderly man just a very brief time ago. One of the perpetrators got four years. Now he is eligible for parole. That man's wife cannot understand how this can be. You can use all the elitist arguments about how the biggest brains in this country know so much more than the ordinary person, but I do not buy it. That is a typical Liberal attitude: they know better.

It is about time we listened to some of the people who have experience with the way the criminal justice system works and how they, the victims, have virtually no say in that system.

* * *

BUSINESS OF THE HOUSE

EXTENSION OF HOURS OF SITTING

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons): Mr. Speaker, there have been discussions among the parties. I think you will find unanimous consent for the following motion:

That on Wednesday, September 21, 1994, the House shall continue to sit from 6.30 p.m. to 8.30 p.m. for the purpose of considering the motion by the Minister of Foreign Affairs with regard to peacekeeping, provided the proceedings pursuant to Standing Order 38 shall be taken up at 8.30 p.m. and provided that no dilatory motions or quorum calls should be receivable after 6.30 p.m. on that day.

(Motion agreed to.)

GOVERNMENT ORDERS

(1605)

[*English*]

CRIMINAL CODE

The House resumed consideration of the motion that Bill C–41, an act to amend the Criminal Code (sentencing) and other acts in consequence thereof, be read the second time and referred to a committee.

Mr. Telegdi: Mr. Speaker, I rise on a point of order. The previous speaker referred to the fact that if one had some experience in the criminal justice system. I wish to inform the hon. member that for 15 years I worked with victims and offenders in the criminal justice system.

The Acting Speaker (Mr. Kilger): I say respectfully to all our colleagues in the House of Commons that is not a point of order.

Ms. Roseanne Skoke (Central Nova): Mr. Speaker, as a practising defence lawyer with 17 years experience in the criminal justice system I commend the Minister of Justice for introducing sentencing practices which are responsive to the concerns and values of Canadians and which address the many existing injustices inherent in the criminal procedure process and the practices of our criminal justice system.

Bill C–41, an act to amend the Criminal Code of Canada with respect to sentencing is a bill which reflects the government's commitment to a renewed criminal justice system that is balanced, fair, and encourages respect for the law.

Justice, law and equality are the fundamental elements required to maintain a balance within our criminal justice system. However, the determining factor is the human element.

It is the human element that determines the success or failure of our criminal justice system. The human element includes ourselves as individuals who are to be law–abiding citizens, the community at large which develops public opinion, the role of our law enforcers which is to enforce law, the role of our prosecutors administering justice within the system, the role of defence counsel defending and protecting rights of the accused, the role of the judiciary rendering a decision, the role of our probation officers, psychologists, social workers, health care professionals, penal institution employees, our clergymen regarding the rehabilitation of the accused, and the role of we here today, the legislators, enacting the law.

The success of the system does not primarily rely on legislation. The fundamental success of our criminal justice system relies on the ability of man to administer justice without abuse of authority and power, and the ability of man to administer justice coupled with equity and mercy.

Justice, law and morality are inseparable. If a moral society existed there would be no need for criminal sanction. It is a requirement for this criminal sanction in our society that necessitates government to deter, to punish, to rehabilitate its members of society.

Bill C–41 on sentencing reform introduces changes to the sentencing system while also reorganizing and rationalizing it. The reforms provide a balanced, sensible and broad range of options that address the public's need for safety, the victims' desire for restitution, and the important principle that serious offenders should be treated differently from minor or first–time offenders.

The amendments are the result of extensive consultations in co–operation with the provinces and territories that are responsible for administering the criminal justice system.

This bill provides the courts with more options to distinguish between serious violent crime requiring jail and less serious, non–violent crime that could be addressed more effectively at the community level.

For those Canadians who demand equity in sentencing, Bill C–41 addresses this concern by introducing a statement of purpose and principles of sentencing within the Criminal Code.

No statement of purpose and principles of sentencing currently exist in the Criminal Code. While court rulings have determined principles, these may vary from province to province. To date Parliament's role has largely been limited to setting maximum penalties for specific offences rather than dealing with the policy objectives of the sentencing process.

Under the proposals, a statement of purpose in principles of sentencing will be added to the Criminal Code. This statement will provide direction to the courts and the fundamental purpose of sentencing to contribute to the maintenance of a just, peaceful and safe society.

(1610)

The statement describes the objectives of sentencing as follows: first, helping in the rehabilitation of offenders as law–abiding persons; second, separating offenders from society where necessary; third, providing restitution to individual victims or the community; fourth, promoting a sense of responsibility by offenders, including encouraging acknowledgement by offenders of the harm done to victims or to the community at large; fifth, denouncing unlawful conduct; and sixth, deterring the offender and other people from committing offences.

In achieving these objectives the court will be guided by a number of fundamental principles: first, a sentence must reflect the seriousness of the offence; second, the degree of responsibility of the offender; third, courts must consider aggravating and mitigating circumstances; fourth, give similar sentences to offenders who have committed similar acts; fifth, when an offender receives more than one sentence, the total should not be unduly long or harsh; sixth, the offender should not be imprisoned if less restrictive alternatives are appropriate; and seventh, all reasonable alternatives should be considered when sentencing offenders.

The statement of purpose and principles will also note the importance of crime prevention to public safety. In addition, it will recognize that wherever appropriate, alternative measures designed to meet the special needs of aboriginal offenders should be used. The statements of purpose and principles in the Criminal Code will emphasize unity and coherence in the criminal justice system. These measures will ensure greater

consistency, balance and fairness within the criminal justice system as a whole.

Adding a statement of purpose and principles makes the sentencing process responsive to public concerns by ensuring that it is governed by principles set out by Parliament. Clearly defining the purpose of sentencing also makes the system more understandable, predictable and accessible to the public.

A national policy statement on sentencing will also provide the legal community with a more consistent direction on how to approach sentencing in Canada.

The proposed statement of principles also says that when an offence is motivated by hate based on the race, nationality, colour, religion, sex, age, mental or physical disability, or sexual orientation of the victim, this must be considered an aggravating circumstance.

Any offence motivated by hate against any individual in Canada should not be tolerated. I wish to reiterate this statement, that any offence motivated by hate against any individual in Canada should not be tolerated.

However, I wish to go on record today as taking exception to the specific inclusion of the wording of ''sexual orientation'' in the Criminal Code amendment. The inclusion of this wording in effect gives special rights, special consideration, to homosexuals. The reference to sexual orientation in the code and its proposed inclusion in the human rights legislation gives recognition to a faction in our society which is undermining and destroying our Canadian values and Christian morality. Such a special recognition of sexual orientation in our federal legislation is an overt condonation of the practice of homosexuality which is being imposed on Canadians. It has the effect of legislating a morality that is not supported by our Canadian and Christian morals and values.

Canadians do not have to accept homosexuality as being natural and moral. Homosexuality is not natural, it is immoral and it is undermining the inherent rights and values of our Canadian families and it must not and should not be condoned.

The public expresses legitimate concerns for victims of crime. Bill C–41 provides enhanced provisions for victims. Some courts have excluded victim information from being considered at section 745 hearings because this information was felt to be a form of victim impact statement, which according to the Criminal Code can only be heard at sentencing hearings.

(1615)

The amendments to the Criminal Code would allow victim information at section 745 hearings. This would ensure that a victim has the opportunity to speak about the harm done by the offender and that the victim's experience is taken into account in determining whether the period of parole ineligibility should be reduced.

Bill C–41 addresses the concerns of Canadians with respect to the issue of restitution. The bill contains proposals that were developed co–operatively by the federal government and the provinces. They would allow judges to consider restitution to cover property and personal injury.

Expanded restitution would also be available in situations where a person acting in good faith unwittingly becomes the victim of criminal activities by, for example, unknowingly buying stolen property that is later confiscated by police.

Provision is made to ensure restitution orders can be enforced by the civil courts. Victims will also be notified of restitution orders. As well the code would specifically state that any restitution order by a criminal court would not limit a victim's right to sue for damages in a civil court.

Bill C–41 also addresses payment of fines. Currently one–third of adult offenders in jails in Canada are there because they did not pay a fine. Research shows that aboriginal people are especially likely to be jailed due to non–payment of fines. To ensure that fewer persons are ordered to pay fines they cannot afford, the proposals would require courts to determine that an offender can pay the fine being considered.

Offenders who cannot pay can instead be subject to other options such as community service or probation. A number of measures are also being proposed to help the provinces in collecting fines. These include authorizing the provinces to use the same mechanisms that they use enforcing fines imposed under federal statute.

Designate officers of the court such as the clerk or registrar to enforce fines rather than the court itself allows for more cost efficient administration with respect to the collection of fines.

Ultimately these proposals would result in less crowded, safer prisons as well as decrease costs. They would also lessen the potentially damaging effect of imprisonment on people unable to pay fines. However, maintaining prison as a last resort for people who can pay fines will ensure that the law is respected.

Another important issue the bill addresses is with respect to reform regarding probation. The probation provisions of the Criminal Code have been changed to encourage better information for the court. Together with greater penalties for breach of probation this is intended to increase confidence in this widely used sentence.

Under the proposals the Criminal Code would be intended to specify the basic information that must be included in a pre–sentence report. The provinces will also be given the flexibility to include in their own regulations any other information they wish to have included in this pre–sentence report.

The criminal justice system often fails Canadians and therefore we need alternatives in Canada to court proceedings. Alternative measures are ways that disputes and minor offences can be dealt with rather than using expensive and unnecessary formal court proceedings.

Alternative measures have two central aims: to prevent more criminal behaviour and to lessen the harm that can sometimes be done when minor offenders are dealt with through the courts.

They also involve the community and put greater emphasis on victim–offender reconciliation than do formal court proceedings. At present the Criminal Code contains no provisions for alternative measures.

The bill would allow the use of alternative measures for adults by permitting each province to set up and administer its own alternative measures program. This proposal is similar to one successfully used in various jurisdictions for young offenders. As a result first time and less serious offenders could be diverted from the courts. This would promote protection of the public by lessening the negative impact of incarceration on less serious offenders while freeing up valuable and scarce resources to deal with the more serious cases. Canadians should know that the bill would add a new sanction called a conditional sentence to the Criminal Code. Courts would be permitted to use conditional sentences when the jail term that would otherwise be imposed will be less than two years.

(1620)

A judge would impose certain conditions on an offender similar to the conditions of a probation order. At the same time the judge would impose a jail term but suspend it as long as the offender meets the conditions that had been imposed.

Offenders who do not comply with these conditions can be summoned back to court to explain and to demonstrate why they should not be incarcerated. The court can cancel the suspension of the sentence and send the offender to jail for the remainder of the sentence, or it can impose new conditions.

The proposal would mean that less serious and first time offenders who otherwise would be in jail could serve their sentences under tight controls in the community. This promotes protection of the public by seeking to separate more serious offenders from the community while providing less serious offenders with effective community based alternatives. It could also mean that scarce funds could be used for incarcerating and treating more serious offenders.

As a defence lawyer I have great concern with respect to the existing rules of evidence and procedure for the sentencing hearing. At present there are no clear guidelines in the law governing the sentencing hearing to indicate when information should be made available to the court, what powers the court should have to obtain that information, or how that information should be assessed in determining sentences. Previous court rulings may be referred to but they do not cover all situations and may differ significantly from province to province.

The bill proposes amendments to the Criminal Code to clarify how sentences should be handled in the courts. The bill also requires every judge to present reasons for their sentences in cases. These amendments bring greater consistency and fairness to the sentencing process.

The Criminal Code of Canada as a statute requires restructuring and in particular the restructuring of part 23 of the Criminal Code. Our current legislation with amendments leaves us with a piecemeal approach to our Criminal Code. The bill would amend part 23 so that most matters dealing with sentencing would be consolidated within this part of the Criminal Code rather than scattered throughout. Because of the restructuring in such a logical way our Criminal Code would be more understandable and accessible to criminal justice professionals and to the public at large.

Often injustices arise in a criminal justice system on the basis of technicalities. Technical amendments are required and Bill C–41 addresses this point. A variety of technical issues are either not addressed by our current legislation or are being confused. These include when a probation order should begin, how a judge can direct the manner in which escape sentences are to be served in relation to previously imposed sentences, what happens to a sentence while an inmate is unlawfully at large and who can authorize the transfer of a probationer from one province to another. The bill intends to clarify some of these issues.

In conclusion the reform and the renewal of the criminal justice system in Canada must be priorities with our government. Canadians demand justice and equity. They must be reflected within the criminal practices, procedure and process in our criminal justice system.

The sentencing amendments proposed by Bill C–41 affords Canadians sentencing practices and procedures that are just and equitable throughout Canada.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve): Thank you, Mr. Speaker, and I also wish you a good session, because I am glad to see you again after the summer break. I want to thank my colleague for her speech; to tell you the truth, I do not at all consider myself an expert on justice issues, but having listened very closely to the hon. member's speech, I feel some obligation to get into debate with her, in my capacity as human rights critic for my party, especially on one aspect of her speech.

She said that this bill is a necessary reform and talked a little about homosexuality in what I thought were rather pejorative

terms. She said that homosexuality was immoral and that Canadians were not prepared to tolerate it.

(1625)

I remembered the speech that her colleague, the Secretary of State for Multiculturalism and the Status of Women, gave earlier this afternoon, saying that Canadians should become more tolerant of one another.

I feel the need to say so because I really have the impression that the present Minister of Justice will also propose some reforms concerning discrimination on the basis of sexual orientation, making it an illegal ground for discrimination.

I would like to ask my colleague whether we as parliamentarians should not rather recognize that homosexuality is a different way of expressing one's sexuality. Should we as legislators not recognize, especially when discussing this kind of situation, that homosexuals are estimated to constitute about 10 per cent of the population in nearly all societies and that they are entitled to legal rights? Is calling homosexuality immoral not rather reactionary and intolerant, contrary to what the Secretary of State for Multiculturalism urged us to be?

I would like to know what she thinks because I want to say where I stand when we have the opportunity to discuss these issues in connection with the amendments to the Canadian Human Rights Act that the Minister of Justice will present to us. I hope that, whatever side of this House we sit on, we will find a little more open–mindedness.

[*English*]

Ms. Skoke: Mr. Speaker, the hon. member raises a very important issue which I think has to be and should be addressed on the floor of the House. Certainly it is an issue that I have not shied away from. It is not always a very comfortable issue to talk about.

My learned friend indicated 10 per cent of the population. We have the majority. We have a democracy. I am representing in my viewpoint the majority of Canadians. We have to concern ourselves with the fact that justice, law and morality are inseparable. We are legislators. When we are legislating and making laws we must ask ourselves whether our laws are just and moral.

Morality is constant. Morality does not change with the tide. We cannot change morality to adhere to a particular faction or special interest group or to adhere to the whims of 10 per cent of our population.

When we talk about sexual orientation we are talking about imposing upon and insisting that all Canadians condone what in my opinion is immoral and unnatural. We have natural law. I have gone on record as stating quite clearly that I am opposed to the inclusion of the words sexual orientation in our Criminal Code. I have also gone on record as saying in my speech that certainly in Canada we cannot and should not tolerate hatred of any kind toward any individual.

As far as the moral issues that are raised here, we have to be very concerned and considerate of the rights of families in Canada. Families have inherent rights. Families have existed before the church and families have existed before the state. The rights of families in my opinion are being undermined and are being eroded because of 10 per cent of the population that is promoting special rights and interests for homosexuals. I am strongly opposed to that. I will continue to be very vocal about it. I feel it is time the majority of Canadians stood and were counted.

(1630)

Mr. Svend J. Robinson (Burnaby—Kingsway): Mr. Speaker, I am one of the 10 per cent to whom the hon. member just referred. I am not a member of a special interest group. I am not a member of a faction. I am a member of a family and gay and lesbian people in this country, as the member should know, are also very much not only members of families but are also families themselves.

I want to take a couple of minutes to respond to the comments of the hon. member. I want to tell the hon. member that what we are debating here is legislation which which will ensure that when a crime is motivated by hatred or intolerance or bigotry, whether it be based upon sexual orientation, religion, or race, that crime is punished more severely.

A couple of weeks ago for example the brother of a young teacher from Toronto came to my office and told me about how his brother had been brutally murdered by five teenagers in a Toronto park. He had been kicked to death because he was a faggot according to them.

I also met with people who were attacked and whose arms were broken by a group of thugs in a restaurant on Davie Street in Vancouver. They were attacked for no other reason than the fact that they happen to be gay.

This legislation says that when attacks are motivated by that kind of hatred they should be punished more severely.

I want to challenge this member and I want to leave her with time to respond to this. The hon. member, and I use those words advisedly, has suggested that ''homosexual couples are not families in natural law. They will not be family. To condone homosexuality which is an inhuman act would make us a pagan nation''. She goes on to suggest that gays and lesbians do not deserve any protection against discrimination and that homosexuality is in the same class as pedophilia and bestiality. I might say as well that I heard hon. members from the Reform Party saying ''hear, hear'' as she spoke.

My question for the hon. member is a simple one. Will she now stand in her place and retract those hateful comments she made suggesting that people, homosexualists as she called them, were promoting and advancing the homosexual movement which is spreading AIDS. That kind of fear mongering, that kind of hateful conduct has no place in this House.

I want to ask the hon. member to stand in her place and take this opportunity to withdraw those hateful words. Failing that, I want to ask other members of the Liberal caucus when will they end their silence and when will the Prime Minister end his silence and say that this woman has no place in the Liberal Party of Canada?

Ms. Skoke: Mr. Speaker, the hon. member and I have probably squared off on this issue before. I stand here in my place as a member of Parliament and under no circumstances would I ever retract the statements I have made. I have a right as a Canadian. I have a right as a Christian to defend the values of our country and to defend the traditions and to exercise my right of freedom of expression on this issue.

My learned friend raised the issue that they were hateful comments. They are not hateful comments. They are true comments shared by the majority of Canadians with respect to issues regarding morality.

My learned friend talks about families. The sole purpose, the sole agenda behind the homosexualists in our country is with respect to redefinition of family. I oppose that. I will fight strongly against that and I ask my colleagues to do the same. I ask all Canadians to do the same.

Homosexualists enjoy the same rights as every other Canadian. They do not enjoy any special rights. I as a member of Parliament will work to ensure that the rights of the majority of Canadians and that the values and the morality of this country are upheld.

(1635)

The Acting Speaker (Mr. Kilger): Order. 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 Hochelaga—Maisonneuve—Human rights; the hon. member for Saskatoon—Clark's Crossing—Social spending; the hon. member for Yukon—National forum on health; the hon. member for Richelieu—Mass layoffs; the hon. member for Sarnia—Lambton—Great Lakes sport fishery.

Mr. Russell MacLellan (Parliamentary Secretary to Minister of Justice and Attorney General of Canada): Mr. Speaker, it is a pleasure for me to speak on Bill C–41. I am very pleased we are now dealing with the subject of amendments to sentencing and other aspects dealing with crime.

It is surprising when we look at the economic difficulties this country has that the public's concern on economic issues is pretty well at the same level as its concern on crime and public safety. We have to ask ourselves why that is happening and what the reason is for this concern.

First we have to say that on reflection our criminal justice system is working quite well. A lot of things need to be changed and that is what the Minister of Justice and this government hope to achieve in this Parliament. Then we will be able to say to the people in the next federal election that we have done a great deal to add to public safety.

Before starting down that road however, we have to say that our system operates quite well. We could bring forward statistics which say that crime is not increasing to the level some people would have us believe but frankly, when it comes right down to it statistics are of limited value.

What we have to face is the public perception of what people feel is their relative level of safety. That is what we have to deal with. Canadians must tell us what their concerns are and we have to listen. In that respect we have to dialogue with Canadians. We also have to bring forward laws that are going to work for Canadians, that are meaningful and are going to have an effect. This bill is very standard in that regard. The people of Canada have expressed concerns. This piece of legislation goes a long way in addressing those concerns.

I want to mention some of these concerns and how this legislation has addressed them. First, the very question of balance is paramount. We have to balance the needs of Canadians with good judicial legislation. I think we have done that here.

Bill C–41 addresses directly the purpose and principles of criminal sentencing. No such statement currently exists in the Criminal Code. There is no statement in the Criminal Code which deals directly with the purpose and principles of criminal sentencing.

We compare that with other areas of activity in this country. For instance we compare it with taxation, international trade, or unemployment insurance. All of these areas deal with very important subjects. In one way or another all of them have purposes and principles set down as to what has to be achieved and how the desired effect is going to be achieved.

(1640)

That is as it should be. Bringing into this bill and bringing into the criminal justice system the purposes and principles in sentencing is paramount. In sentencing we are dealing with the very question of incarceration. There can be no greater infringement on the lives of individuals frankly, than to incarcerate them. So the very least we can do is to have purposes and

principles of criminal sentencing in the bill that deals with that very important subject.

Sentencing is an area around which the whole court system revolves. When someone is charged and brought before the courts, the whole exercise revolves around the sentence this person is given. We have listened to the counsel on both sides, the prosecutor and the defence counsel; we have read the laws and the briefs they presented. We have tried to understand the societal implications. We are familiar with incarceration and the other penalties. With all of this knowledge, background and experience in our criminal justice system, we then bring forward a sentence. That sentence is vital. That sentence is tremendously important in the future of our community safety. If we do not sentence properly, we are not only abusing the system but we are not doing society a favour.

If we incarcerate someone who perhaps could be rehabilitated, a young person who has not committed a violent crime, we are not really doing that young person justice nor are we doing society justice. Incarceration might make that young person bitter. Perhaps by putting that young person to work in a community program he or she could achieve a better understanding of his or her place in society. That is very important.

This bill does another important thing. It sets out a number of objectives for the sentencing process. For instance, in this bill one of the objectives is that we denounce unlawful conduct. We also speak of separating the offender from society where necessary. I say where necessary because it may not be necessary or even preferable in certain circumstances.

We also talk about rehabilitation of the offender. Regardless of how people feel the offender should be punished, in most cases that offender is going to leave incarceration and will be back in society. Part of our system has to cast an eye to that time when that offender is back on our city streets. We have to try to anticipate what kind of a person will be released back onto the streets. If we can make that person someone who is less likely to offend then that is also something we should consider.

Another objective in this bill is reparations. This bill says that it is important to fine somebody, but it is also important to give that person an appreciation that while they cannot get away with the crime, that going to jail may not be the greatest punishment for them.

(1645)

Maybe it is where they can do it that they should be made to pay back a certain portion of what was stolen or damaged that will give this person a true appreciation of exactly what the victim has lost. That may seem rather simplistic and silly but sometimes when people commit crime they do not put themselves in the place of the victim.

They are only doing what they think they want and what they want to achieve. They do not in the heated moment when the crime is committed think of the victim and the ramifications for the victim. In that regard it is important that any person where possible who is going to be punished be made to think of what the victim has suffered and as distinctly and as carefully as possible that offender should be put in the place of the victim.

Reparations would do that by having to pay back. It should not be necessary that the victim have to apply to a court that these reparations be made. The court should consider it and we are saying that these reparations should be a consideration as an objective of sentencing. The victim should not have to apply.

We also in that same vein are trying to promote responsibility in the offender. We are trying to make the offender more responsible from that point forward. We are also saying that an objective is that the penalty should be proportionate to the seriousness of the crime and the degree of responsibility of the offender.

These objectives are very important. It is a checklist for judges and those involved in the criminal justice system. We should be looking for and achieving this. As I said initially we should be looking for this balance in our criminal justice system so that there is repudiation and punishment but there should also be a benefit to society in reparations, fines and in the fact that when that person goes back to society we have looked to that day and tried to do everything we possibly could to make that person more acceptable and more responsible in society.

No one would deny that punitive acts should be deterred by incarceration and that incarceration in most cases is a deterrent. There is no easy cause and effect relationship between the crime and the deterrent as to the value that is going to have. There is no magical formula which says that certain punishment is going to be the best way to deal with certain crimes.

There are these intangible factors in dealing with human beings in our criminal justice system that do not allow anyone to make a hard and fast rule. This is the reason we have to allow the flexibility in the courts. This is why we need the best minds possible on our benches in Canada.

We need the best judges we can possibly have and we need the best support system for these judges. We also feel, as I mentioned, that restitution be given priority in the courts. We think this is something that has to be considered.

We have also looked in this bill at section 745 of the Criminal Code which allows for a review of life sentences and allows the person serving a life sentence to apply for parole after 15 years.

We have not said that we are going to do away with that provision. We have said, however, that we want to include in that review victims' impact statements. Those impact statements

have not been a part of the review before now and the Minister of Justice certainly feels very strongly that they should be.

I and the minister think that this is going to have a tremendous impact on the hearings and on final decisions on these section 745 reviews.

(1650)

We also state in this bill that where a victim impact statement is provided to a court the court shall consider the statement. That is not something that is just shoved in with exhibits and literature in a court hearing. The actual victim impact statement has to be taken into consideration.

This is important because most people in the House have been conscious of the fact that victims certainly have not received the attention they should. Certainly victims have brought forward that message loud and clear. We have to in our legislation look more to the victims and what they are suffering, the loss that they have endured and how we can possibly make their point of view known at the time of the hearing and have the impact of what they have gone through and what they have lost impressed upon the mind of the judge and all of the pertinent officials.

We also, where possible, need alternatives to incarceration. We can look at that from various points of view. The first thing is that one–third of all the people incarcerated in this country are incarcerated because they have not paid a fine or some other sum of money that they have been required to pay. In a lot of cases the people do not have the money to pay the fine or the required sum of money. We are putting these people in jail.

We are also saying that people who commit sexual assaults or violent crimes need to be punished for longer periods of time. If we are saying that we want to keep some of these people who have committed violent crimes in our penitentiary system for longer periods, we have to look to our correction system. To put people in a penitentiary because they have not paid fines in this day and age really has to make us wonder, particularly if they cannot afford to pay.

There has to be a better way of doing it. One of the ways would be public service. If they cannot pay the fine then why can they not be allowed or forced to provide some kind of public service?

A second area that we are recommending is the curtailment of provincial services. If a person has not paid his or her fine then perhaps they should not be issued a hunting licence or a driving licence until that fine is paid. These are things that we with the provinces should look at to perhaps get away from incarceration for non–payment of fines. This would go a long way not only as far as having a better result, but it would give more respect to our criminal justice system.

Another thing that we want to try as a result of Bill C–41 are conditional sentences. At the present time we have the process where a person is put on probation. If they reoffend they are brought back and charged, they go through the court process again and they are once again sentenced. Here we are saying that through conditional sentences a sentence will be levied on the person. The person then will be granted freedom to act in a diversion program in their community or an alternative to incarceration but the sentence has been imposed.

If the person violates the terms of his or her sentence while they are in one of the alternate processes they are then brought back to court and it is determined if in fact they have broken their conditions. If it is determined by the courts that they did then what they must do is finish the unfinished portion of their sentence that was imposed on them initially. You do not go through the whole trial re–evaluating or reappraising their past history. The sentence is there. If it is proven that they have violated the conditions of that conditional sentence then the unfinished portion of their sentence has to be served. I think that will do a lot to ease the burden of our court system and once again be more meaningful to those involved.

(1655)

We are also saying to those who are on probation that if they break probation they break the trust of society. They are not only breaking the trust of the criminal justice system. They are breaking the trust of society that wants to give them a chance. We do not want to impose incarceration. We want to give them the benefit of the doubt as much as possible because we think they are worth it. Now if a person violates probation then he or she is breaching that trust.

We are saying in Bill C–41 that there should be harsher penalties for those who breach their probation. We are also saying, as was brought up earlier, that if there is a hate factor in the committing of a crime then this is an additional motivating factor and should result in a harsher penalty. We are saying this unequivocally. We are saying this as a result of a good deal of dialogue and consultation we have had with minority groups and different religious groups all across the country. This is something they want very badly and which they feel is needed and it is something to which the Minister of Justice agrees.

I think this bill is going to go a long way to help us fight crime in Canada and get back a lot of the respect for our criminal justice system that we have lost and will give the people of Canada more confidence that the government has control of the fight against crime and the restoration of safe streets in this country.

Mr. Leon E. Benoit (Vegreville): Mr. Speaker, I have a question for the hon. member opposite. First of all in terms of alternatives to incarceration you mentioned several possible

alternatives. I am just wondering if you have considered seriously—

The Acting Speaker (Mr. Kilger): Order. I know we are just coming back from the summer recess but I think we want to remind one another to direct questions, comments, any interventions through the Speaker. I know good habits are hard.

Mr. Benoit: Mr. Speaker, I would like to ask the hon. member if he has considered corporal punishment as an alternate deterrent to crime, an alternative to incarceration.

Mr. MacLellan: Mr. Speaker, no we have not.

Mr. Svend J. Robinson (Burnaby—Kingsway): Mr. Speaker, I am pleased to have this opportunity to address a question to the Parliamentary Secretary to the Minister of Justice.

The parliamentary secretary is a member of this House for whom I have considerable respect. We have worked together on the justice committee over the years. The member was present in the House a few minutes ago when one of his colleagues from his province of Nova Scotia made certain comments with respect to this bill and in particular with respect to the provisions dealing with crimes motivated by hatred, prejudice and bias on the issue of sexual orientation.

The parliamentary secretary may be aware as well of the fact that this Liberal from Nova Scotia in question has made a number of similar comments to those that she made in the House. In the House today she stated among other things that homosexuality was immoral and unnatural.

An hon. member: Right on.

Mr. Robinson: Mr. Speaker, I hear a Reform Party member saying ''right on''. I hope that member will have the courage to stand in his place and defend that particular—

(1700)

The Acting Speaker (Mr. Kilger): Order. This is a debate that requires a great deal of sensitivity in which members want to give their utmost respect. I know the member for Burnaby—Kingsway is a very experienced parliamentarian.

We want to make sure we direct everything in the respectful fashion that is owed to this topic and all topics within this Chamber.

Mr. Robinson: Mr. Speaker, I do indeed look forward to hearing the comments of my colleagues from the Reform Party on this issue. Among other comments made both inside the House and outside by this member are the following:

> There are those innocent victims that are dying from Aids and then there are those homosexualists that are promoting and advancing the homosexual movement and that are spreading Aids. Aids is a scourge to mankind and there will be no cure for Aids. So this love, this compassion between homosexuals, based on an inhuman act, defiles humanity, destroys family,—and is annihilating mankind.

She goes on to state, as I indicated earlier, that homosexuality is in the same class as pedophilia and bestiality.

My question for the hon. member, the Parliamentary Secretary to the Minister of Justice, is a straightforward question. This member is obviously entitled to speak as she wishes. It is a free country. She has freedom of speech. Will the parliamentary secretary undertake to raise the issue directly with the Prime Minister as to the appropriateness of this member continuing to sit as a member of the Liberal caucus, the Liberal Party of Canada, when she espouses views which, if they were spoken with respect to any other minority, perhaps a religious minority, a racial minority, any other minority, would be met with widespread outrage and anger by that member's colleagues?

I want to ask the parliamentary secretary what action is he prepared to take to break the silence of the Liberal Party and the Liberal caucus on this question? I see the chair of the human rights committee of this Parliament who was present during those comments. Perhaps she may wish to comment on this.

At this point I want to ask the Parliamentary Secretary to the Minister of Justice precisely what action is he prepared to take to ensure that Canadians understand very clearly that these kinds of hateful, bigoted, homophobic comments have absolutely no place either in this Chamber or certainly in the Liberal Party of Canada?

Mr. MacLellan: Mr. Speaker, I accept the comments of the hon. member because I know they are sincere. I have respect for his position and his contribution to this House of Commons. He has been an excellent member of Parliament.

I cannot comment on the member to whom he refers because she as he stated is entitled to her own opinions. We have stated here in this act the position of the government which is that hate motivation is going to be dealt with more strongly in the criminal code. That speaks volumes for the position of the government.

The Minister of Justice has stated and fully intends to bring forward amendments to the Human Rights Act in the next few months. I would hope that the hon. member will look upon these as a major step forward. I cannot possibly predict what is going to be in the legislation.

I do feel this government is moving in a direction that is very creditable. Its record is going to indicate that.

Mr. Stan Keyes (Hamilton West): Mr. Speaker, I want to congratulate my colleague, the Parliamentary Secretary to the Minister of Justice, for his remarks to this House today. Over the past six years I have often approached my experienced and

learned colleague for advice on the issues we have been addressing.

I appreciate his and our minister's belief that the sentencing practices in Canada must be responsive to the concerns and values of Canadians. For the most part Bill C–41 reflects the government's commitment to a fair and balanced justice system, hence my support for it.

I am here to represent my constituents from Hamilton West and others across this country. My support is for victims of violence and their demands that section 745 be repealed.

(1705)

This is not a new subject for the parliamentary secretary in discussions we have had in the past. It is a courageous first step that our minister is going to permit the victims of violence to make their impact statements at those judicial reviews. It was a curious statement by the parliamentary secretary that it was a tremendous impact on judicial reviews. A tremendous impact how? What is the aim of that statement? What would result if a victim had their say?

Can the parliamentary secretary to the minister explain why section 745 would not be completely repealed, and if at committee there is proof in the pudding—

The Acting Speaker (Mr. Kilger): Order. I believe in trying to facilitate each member's ability and opportunity to engage in debate and I do not want to take up much time either here because the purpose of my getting up is to try and keep the debate going because we have gone a little too long. I would ask the parliamentary secretary for a very brief response, otherwise I will be on my feet once again.

Mr. Russell MacLellan (Parliamentary Secretary to Minister of Justice and Attorney General of Canada): Mr. Speaker, I think I can reply to that very quickly.

The difference is in having the actual response of the victims. Before there may have been a document which said what this person did, the person being reviewed, that he or she is being reviewed because of such and such and this is what they did. When you have the victims there to actually state from their point of view what happened to them or a member of their family or a neighbour, that has tremendous impact. Those of us who have been to committees to hear the actual stories from the people who were the victims have seen a monumental difference in how we feel on a particular point.

Mr. Cliff Breitkreuz (Yellowhead): Mr. Speaker, it is a pleasure to have this opportunity to speak on Bill C–41.

Canadians across the land are genuinely concerned about their criminal justice system. The law–abiding citizen looks to this House for common sense to ensure the passage of legislation which protects them and not the criminal.

Having said that, there are a couple of areas in Bill C–41 that I can support. The provision regarding victim impact statements is long overdue, and the parliamentary secretary just waxed eloquently on that. Victims must be permitted to make representations at hearings held to determine whether the court imposed period of eligibility for parole should be changed. I am also in favour of the part of Bill C–41 that will enable the courts to order offenders to make restitution to victims of their crimes. Finally the victim is getting some consideration from a system which has not served the interests of Canadians.

Unfortunately Bill C–41 does very little to address the real problem that plagues the law–abiding citizens of Canada. It appears that a criminal justice system does not even exist. What we have is a legal industry dominated by lawyers and judges who play a bureaucratic game with laws which tend to serve the criminal, not the public.

Since being elected as member of Parliament for Yellowhead my office has been inundated by constituents' concerns about our so–called justice system. They are frustrated with a system that bends the law for criminals and does little to protect and serve the community. As far as the majority of my constituents are concerned, offenders convicted of violent crimes, those whose crimes impact violently on others, should be stripped of their rights. I share their views. The commission of violent crimes against others is a violation of society and those who choose to engage in these acts should not be a part of it.

Mary Waites is one constituent of mine who has seen the law up close and personally and she did not like the view one bit.

(1710)

Her son Julian was one of Canada's most wanted criminals for his involvement in a violent sexual assault earlier this year. Julian and another man are alleged to have brutally raped a woman at knifepoint.

Mrs. Waites wants her son put behind bars indefinitely because he is extremely dangerous to the community but Mrs. Waites knows the courts will eventually let her son back out on the streets so that he can continue to commit heinous crimes against innocent people.

Why does she know this? She has seen her son breeze through the court system time after time on charges of armed robbery, assault with a weapon and possession of stolen property.

He has a violent past. Twice during robberies Julian drew blood by holding knives to his victims' throats. He served sporadic jail terms but was always released. He will be released again I suspect.

Is this justice? Bill C–41 does nothing to ensure that dangerous repeat offenders like Julian Waites remain behind bars.

Margo Gurgens is another constituent of mine who has seen the legal system serve the criminal. Her younger brother was stabbed to death at the hands of Tim Mead. Mead was originally charged with second degree murder but when the legal people got their hands on the case, a guilty plea to a lesser charge of manslaughter was accepted.

For killing a man Tim Mead received six months imprisonment. Again our so–called justice system failed. Mead has been convicted of committing crimes against society since 1980. I suspect he will be back on the streets six months after killing someone. Is that justice?

Again, Bill C–41 does nothing to keep dangerous repeat offenders like Tim Mead from posing a threat to society. If the afore mentioned two cases are not enough to show how inadequate our criminal justice system is I ask members to consider the following.

In 1981 Norma van Gundy returned home on the weekend from hairdressing school to visit her family and friends. The youthful 17–year old met up with an old friend and through him she met Larry Read. At the end of the evening Norma's friend asked her if she would take his car and drive him and Read home because they had had too much to drink.

Norma felt obliged to help. She dropped her friend off and proceeded to take Read home. On the way home Read from the back seat of the vehicle viciously strangled Norma to death. Read then raped Norma's body in the car before driving himself home. He parked the car with the windows rolled up and left Norma's naked body in the back seat to freeze in the 30–degree below night air.

For this horrific crime Read was convicted of second degree murder but the judgment was appealed and the charge was reduced to manslaughter. Read spent only six years in prison but the story does not end there, sadly.

When he was released on parole Read made his way to another town where he became friends with a single woman and her 9–year old daughter. On a day when the mother was not home Read paid a visit to her house where her child was alone with their 12–year old babysitter.

The unsuspecting girls let Read in the door and their nightmare began. Read lured the two children to the basement, tied them up and beat them. He then took the girls for a ride in his car where he raped both of them. The psychopath took a knife to the 9–year old girl.

She required 120 stitches to her genitalia. Read is in prison again. The system will undoubtedly fail the law–abiding public again. He will eventually be released.

The shocking part of the story is that Larry Read brutally raped a woman before he murdered Norma and before he violated the young girls. This is our criminal justice system. It made sure Larry Read had his rights. Where was the criminal justice system for Norma van Gundy and the two little girls? Where is the criminal justice system for the families of these victims which are forever scarred by these acts of violence to their loved ones.

Bill C–41 does not do anything to protect society from the Larry Reads out there. Bill C–41 will not prevent sick, twisted individuals from reigning terror on innocent people. Bill C–41 is just another piece of democratic legislation, a band–aid attempt to fix an outrageously flawed criminal justice system. The point to be made is this. The Liberal government has been in power for almost one year. It has done nothing significant to change the way crime is dealt with in this country. To an increasing number of Canadians that is perhaps the biggest crime of all.

(1715)

Mr. Jesse Flis (Parliamentary Secretary to Minister of Foreign Affairs): Mr. Speaker, I listened with great interest to the hon. member's intervention. In my riding of Parkdale—High Park in Toronto my constituents are very concerned at the trend where streets are becoming more unsafe instead of being safer.

This is why the minister has come up with some tools to combat crime in the streets, to reduce the drug trade, to prevent the violent sex offender from threatening the community. We can all get up and recite horror stories one after another. Is this going to prevent an increase in crime?

I would like to ask the hon. member of the Reform Party this. Does he have any constructive amendments to this bill? This is why we debate, so that opposition parties and members from our own party can improve the bill. The government would be very interested in any constructive amendments that the hon. member can make to improve the bill.

Mr. Breitkreuz (Yellowhead): Mr. Speaker, I thank the hon. member for his question.

We cannot support the bill. Even though we support some aspects of the bill we will not be supporting it. It contains too many things we do not support and that we see will really do nothing to solve the stories that have been talked about and to the stories that I have just related.

We need deterrents that will work. We could move amendments but we would be whistling in the dark. We could move an amendment to introduce capital punishment or corporal punishment as my colleague suggested. Maybe we will just do that.

Mr. Svend J. Robinson (Burnaby—Kingsway): Mr. Speaker, the hon. member indicated that there are a number of provisions in the bill that he can support and there are others which he cannot support.

I would like to ask the hon. member specifically, what is the position of the Reform Party or the hon. member himself, if there is not a position in the party, with respect to the provisions in the bill that would ensure that a sentence is increased in

circumstances in which an offence is motivated by among other factors sexual orientation?

The hon. member was present in the House when the Liberal member of Parliament for Central Nova made comments, among other things, suggesting that homosexuality is immoral and unnatural, when she suggested that AIDS was a scourge to mankind which had been inflicted upon the country by homosexuals.

In view of the response of at least some of the hon. member's colleagues from the Reform Party seeming to indicate support for those positions, would the hon. member indicate what is the position of the Reform Party with respect to these provisions of the bill that would ensure stiffer sentences for those hate crimes which are motivated by homophobia, which are motivated by hatred on the basis of sexual orientation. Does he share the views of the hon. member for Central Nova?

Mr. Breitkreuz (Yellowhead): Mr. Speaker, I am pleased to rise and agree wholeheartedly with what the hon. member from Nova Scotia said in the House some time ago. I agree with her.

As to the increase in sentence if it can be determined that a crime is motivated by hate, I cannot agree with that personally because I do not know how you can go about determining that. It seems to me it would be a nightmare for people but of course a haven for lawyers.

Mr. Derek Lee (Scarborough—Rouge River): Mr. Speaker, I certainly hear the hon. member when he expresses frustration on the part of the public in relation to portions of our criminal justice system. Certain offences and actions by criminals are abhorrent to all of us. I heard him say he can support some elements of the bill but surely there is more to this bill than a few unrelated sections.

(1720)

Would the hon. member not agree that this bill, which for the first time in Canadian criminal legislative history codifies the principles for sentencing, a just, peaceful, safe society, respect for the law, imposing just sanctions, et cetera, is not a positive step forward?

In the absence of this kind of a bill would we not be simply on the same treadmill we have been for the last 75 years, without the benefit of those principles that can provide direction to our judges who carry the burden of sentencing in our courts.

Mr. Breitkreuz (Yellowhead): Mr. Speaker, I would suggest that they just do not go far enough. They will not act as a deterrent and the punishment is still not there for the crimes that I described and that we hear about every day.

There is too much going on and that is just not specific to the riding I represent. In fact my constituency has a lower crime rate than a lot of other ridings. Multiply that by all the ridings across the country. I mentioned only a few of the incidents in Yellowhead. The bill does not go far enough. It does nothing to deter. We have to get stronger, tougher laws so that people will think twice before they engage in a criminal activity.

Mr. Andrew Telegdi (Waterloo): Mr. Speaker, the member for Yellowhead refers to the hate provisions in the bill, which I very strongly support and which the majority of my colleagues in the Liberal caucus support.

He says he does not understand how judges could tell if a crime was motivated by hate. Let me suggest that if the Heritage Front, or the neo–Nazis were to attack a visible minority group, and say they want to keep this country white, it is a pretty good bet that we are talking about hate.

I really wish that the issues of crime and punishment and justice were as simplistic as the Reform would like to believe. When the parliamentary secretary asked for constructive amendments we got capital punishment, corporal punishment, longer sentences, more jails.

Those things do not work. They have not worked. That is what is so important for the members of the Reform Party to get their minds around.

The things they are talking about have been tried and are being practised in societies like the United States. They were practised in all the repressive regimes in the history of mankind. They have not worked. There is unanimous agreement among people who know the complexities, as well as victims, as well as volunteers in the system, on what has worked.

When I raised the issue before, one of the Reform members said that it was an elitist kind of idea as well as an inexperienced kind of idea. It is so clear that it is not just the experts. It is people in the community who have any involvement, be it with victims, be it with offenders. They are saying the present approach is not working.

The direction this bill sets in place was what was tabled by the committee on justice on crime prevention and community safety which had victim groups agreeing with it, which had professionals in the system agreeing with it, which had police officers agreeing with it.

The member mentioned that he has one of the lowest crime rates in his community. The community I come from, the Waterloo region, has one of the lowest crime rates in Canada. We have a task force called the crime prevention and community safety task force. It is headed by the regional chief of police, Larry Graville. The police officers on that committee are the ones who pushed the strongest for new approaches because they said that the old methods have not worked. We have to look beyond just enforcement, we have to look at the root causes of crime.

(1725)

The issues are not ones that are going to be solved simplistically. The old approaches, the approaches that are practised in the United States where some states have capital punishment and sentencing which goes back hundreds of years, where they incarcerate more people than anybody else in the free world and they have the worst crime rate in the free world. They do not compare to Canada. The only thing we receive from the Americans is all of the television news that shows how violent their society is.

I say to the members of the Reform Party: Do not pander to those misconceptions. If they insist on doing that, all they are going to be doing is fueling crime. People will believe that their communities are not as safe as they are. Let me say that our communities are a lot safer than they are in the United States. If we were to undertake some of these reforms we could go further. We could go toward the European model.

Therefore the answer is not simplicity. The answer is trying to understand and deal with the complexity of the issue.

Mr. Breitkreuz (Yellowhead): I do not know, Mr. Speaker, did he want me to reply to that? If I would I could be standing here for quite awhile and, Mr. Speaker, you would rise as well.

In so far as hate motivated crime is concerned I did not mention that in my speech. I will say that it would promote a two–tiered system. Is vicious assault less serious than assault just done for kicks? What about equality before the law? Assault is assault regardless of motivation.

The member talks about the high crime rate in his riding. I suspect that if—

An hon. member: It is low in that riding.

Mr. Breitkreuz (Yellowhead): It must be a good community because it sure did not happen because of the system of justice that he promotes.

The Acting Speaker (Mr. Kilger): The time for questions and comments has terminated. I would suggest, if the House would agree, that I see the clock as being 5.30 p.m. and move to Private Members' Business. Is it agreed?

Some hon. members: Agreed.

The Acting Speaker (Mr. Kilger): It being 5.30 p.m. the House will now proceed to the consideration of Private Members' Business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[*Translation*]

UNEMPLOYMENT INSURANCE ACT

The House resumed from April 21 consideration of the motion that Bill C–218, an Act to amend the Unemployment Insurance Act (excepted employment), be now read a second time and referred to a committee.

Mr. Benoît Tremblay (Rosemont): Mr. Speaker, the purpose of this bill put forward by my colleague, the hon. member for Saint–Hubert and Official Opposition critic for justice, is to redress a major injustice in the existing Unemployment Insurance Act with regard to spouses, children and relatives employed by small family businesses.

By the initiative she has taken in face of a government with a wait–and–see attitude that multiplies reviews and consultations, and introducing this bill, the hon. member for Saint–Hubert has clearly proven that where there is a will to act swiftly, there is a way and you can cut the idle talk and truly promote the development of family business.

Let it be said that paragraph 3(2)(c) of the Unemployment Insurance Act that this bill is meant to eliminate puts spouses, children and relatives working for a family business in the position of actually being deemed potential UI abusers.

(1730)

Tell me one thing: why are spouses, children and relatives denied the presumption of innocence the rest of the workforce enjoys? Their only fault is to support through their work the efforts of an entrepreneur to whom they are related. Why force them to prove their honesty to Revenue officials instead of recognizing them a right every other worker automatically enjoys?

Nearly one million Canadians, of which 650,000 are women, are subjected to this unfair treatment while the Minister of Finance continues to want us to believe he wishes to promote the development of small business. If he is sincere—which he may be—he will unhesitatingly support this bill.

As you know, this government has been saying for months that it is going to reduce the bureaucratic red tape to a minimum for small business. Here is a golden opportunity to prove it means to act by supporting this bill introduced by my colleague. Otherwise, it will be clear that its main motivation is appealing to voters but when the time comes to act, it would rather consult and take orders from big business.

We all know that owners of budding businesses need the support of their families to overcome the enormous difficulties associated with starting up and developing a business. We also know they find absolutely disheartening the slow governmental

process, and particularly the bureaucratic loops they are forced to jump through. I think that the commitment the government has made in that respect meets the wishes of the public, but what the public is expecting now is action. And action is what this bill is about.

The bill provides the government with an opportunity to translate its promises into action and this is a chance I hope it will not miss. But if they do miss it, I can assure you we will be here to remind them over and over.

Some will say that this unfair provision of the Unemployment Insurance Act is meant to curb abuse. Let it be quite clear that we all agree to curb abuse. This is indeed desirable. But, to do so, is it necessary to assume that a whole class of citizens are potential UI abusers? Is abusive use more tolerable on the part of bureaucrats than on the part of the unemployed? Are bureaucrats' abuses less costly than those of the bureaucracy itself? It is far from obvious, as I am about to show you.

Between 80 and 90 per cent of the spouses, children or parents who went through the whole process imposed by this act won their cases, and if the others had appealed, this percentage might be even higher. So can you explain to me why, after realizing that those who followed the process succeeded in having their rights recognized, we continue to put so much red tape in their path when the energy they spend on this could be used to make their businesses more successful?

The Unemployment Insurance Act has become increasingly linked to the whole issue of job training access. It is not only a matter of benefits. We are in the process of turning the unemployment insurance system into a permanent system for training and re–training workers. We are thus depriving these people of the right to benefit from training programs because many of the programs offered require that trainees be entitled to UI. People who set up family businesses often need job training. They often have a basic idea, are determined and have managed to raise enough capital, but often need the training offered by these programs.

By refusing them protection under the Unemployment Insurance Act, we deprive them of the right not only to collect benefits but also to receive job training. And this is an extremely important factor in the success of small businesses.

(1735)

If my riding for instance, they set up economic and community development corporations specifically aimed at promoting entrepreneurship. So, on the one hand, we put in place programs to promote entrepreneurship while, on the other hand, we let red tape discourage just about everybody.

According to all the surveys, the priority all small businesses agree on, other than the need for capital, is that they must be allowed to work and given access to what they are entitled without having to walk through endless corridors only to find in the end a bureaucrat with the discretionary power to decide whether or not they have that right.

It is an excessive measure. In order to keep abuses in check, we penalize 80 per cent, 90 per cent, even 95 per cent of the people honestly trying to create jobs and develop our economy. I think that if we want to foster the confidence that will enable us to promote entrepreneurship, we must take concrete action. So far we have only heard speeches from the government; I hope that all members and parliamentarians will support my colleague's bill.

I can assure you that we, in the Bloc Quebecois, consider family businesses to be major players in job creation and economic development. We just gave concrete proof that we can take action. We will continue to do so and honestly hope that the government will support this commendable initiative from my colleague, the hon. member for Saint–Hubert.

[*English*]

Ms. Paddy Torsney (Burlington): Mr. Speaker, I appreciate the opportunity to comment on the private member's bill before the House. I hope to put the hon. member's mind at ease and to assure the House the government is committed to women and to their concerns.

I begin by stating unequivocally that I admire the hon. member's motivation in presenting Bill C–218. She perceives an injustice which she believes must be addressed. Surely this is the mission of each of us as representatives of the people. Every one of us is charged with a duty to ensure that the rights and privileges of all Canadians are respected.

The values and principles upon which our social security system are founded are part of what makes Canada so distinct. It is one of the reasons we have again been named by the United Nations as the number one country in the world in which to live.

Our social security net has been established purposely to protect those least able to fend for themselves, and economically disadvantaged women are certainly one of the government's priorities.

I absolutely agree with the hon. member that if discriminatory regulations are found within the act they must be removed. However I want to make it abundantly clear to the House that the government is open to and committed to reviewing all aspects of our social security programs and to correcting flaws wherever we find them. It is precisely with that purpose in mind that we are undergoing the social security review.

The government acknowledges that our programs are far from perfect. Some may have outgrown their usefulness. Others have not kept pace with the times. In fact we recognize that in some cases our programs are not working well at all.

The basis for reforming our social security system is that we want to be sure the system is providing the appropriate supports, not penalizing people trying to help themselves. We want to knock down the barriers that prevent people from fully exploiting every opportunity to achieve dignity and self–sufficiency.

It is important the hon. member bring her concerns about this one piece of the overall puzzle of what is wrong with our present structure to a forum where all Canadians can help find the right fit. There is no point at this time in patching up a system that is clearly out of date and no longer capable of meeting our current needs, so I invite her to join us in the larger debate on social security reform.

(1740)

In the meantime I should like to respond to a few points raised in Bill C–218 that I think must be clarified. I believe the hon. member may have come to the wrong conclusion about the government's attitude toward people in family businesses.

Let me remind the House it was precisely to address the problem of sexually discriminatory regulations that the act was amended a few years ago by the previous government. It was not so long ago that employed spouses were automatically disqualified from receiving UI benefits simply because of their family status. Clearly families that work together were put at a disadvantage by the government and thankfully such antiquated thinking is far behind us.

How does the system work today? The Unemployment Insurance Act stipulates that workers related to their employers are covered and are eligible for UI benefits if they qualify as any other worker would. In other words, each and every employee of a family operated business has equitable access to unemployment insurance protection. Like any other claimant seeking social assistance employees in such cases must satisfy certain criteria. The determining factors are rate of pay, conditions and length of employment, as well as the type and importance of the work.

These are not new eligibility requirements. The same rules and regulations apply to all UI claimants regardless of their workplace or any association they may have with their employers. While family employees have the same rights, they also have the same obligations under the current law as all other Canadians. Otherwise the legislation would indeed be discriminatory. Workers who are related employers are assured the same protection as those with a strictly business relationship. If there is a clear employer–employee association that the act calls an arm's length working relationship everyone is treated equally.

Furthermore the fact is that the vast majority of Revenue Canada's decisions on arm's length relationships in family businesses do work to the individual's favour. Over the past four years since the regulations were amended family businesses have fared well under the Unemployment Insurance Act. Tens of thousands of employees of family firms, up to 90 per cent of all claimants who are in arm's length relationships, have received the benefits to which they are entitled.

It is very obviously the nation's business to be concerned about women in business. We know, for instance, that more women than men run small businesses and that those companies now provide more new jobs than large corporations. We also know that women are extremely successful in keeping their companies running.

It is frequently women who need to hire staff as their businesses expand. Many women want to employ their family members. As the law now reads, provided they are in an arm's length relationship those family members can expect to be able to pay into and collect from the unemployment insurance program if and when they are entitled to, if and when their wife or mother lays them off or if and when their father or husband lays them off.

Many working couples are opting to start their own operations as a way to juggle work and family time, another serious issue facing many Canadian families. More and more parents, male and female, are making a home based business the career of choice as the way to balance professional and family responsibilities. They too can rely on UI if and when the need arises and they meet the criteria.

The reality is that women are frequently compelled to step into the workforce to respond to family demands, particularly taking care of dependants. It is usually women in the so–called sandwich generation who care for either their children or their parents and all too frequently both.

For this reason the government recently changed the UI act to take these special circumstances into account. The dependency benefit rate has increased UI benefits to 60 per cent for people with low incomes who have a dependant or have a spouse with a dependant. It is one of the measures we introduced to address the inequities of the existing system.

The hon. member is quite right. There are many challenges confronting working Canadian women that need much closer examination. I have every confidence if there are oversights which need correction or outright discrimination which disfavours women they will be addressed through our social security review. I am committed to making sure that this is the case.

I encourage her and others to participate in the process to create a better system for all Canadians, men and women.

(1745)

There will be ample opportunity in the months ahead to debate the merits and drawbacks of the current legislation as we grapple with the new realities facing Canada's social welfare structure. We must work together to improve Canadians' quality of life. I look forward to the hon. member's joining us in that cause.

Mrs. Diane Ablonczy (Calgary North): Mr. Speaker, back in April my colleague, the member of Parliament for Yorkton—Melville, outlined some very good reasons for not supporting this particular bill. I would like to briefly review those reasons before providing some thoughts of my own.

The changes proposed by the hon. member for Saint–Hubert would amend the Unemployment Insurance Act be revoking the arm's length provision used by unemployment insurance adjudicators to determine if family members employed by other family members are in a true employer–employee relationship and therefore insurable and eligible to collect UI benefits should they be laid off. This includes employment by husbands and wives, mothers and fathers, brothers and sisters.

Therefore, as I understand it the net effect of this bill would be to allow all family members employed by their immediately relatives, mainly husbands and wives, to become eligible to collect UI benefits without giving the government any means of determining if the employer–employee relationship is legitimate.

Government officials predict that this change would result in at least 3,750 additional claims for unemployment insurance being allowed each year. Considering that the average benefit paid to each UI claimant in 1992 was $6,613 we are talking about a minimum annual increase in UI payouts of about $25 million. These figures were confirmed by the office of the hon. member who is proposing this bill.

Reformers oppose this bill for the following reasons. There are four of them. First, it opens up the Unemployment Insurance Act to yet another avenue of abuse and waste of taxpayers' dollars at a time when we should be tightening up the system, tightening up the loopholes and saving employers' and employees' UI premiums to cover UI claims by workers and families hardest hit by today's high unemployment.

Second, it would increase payout of UI benefits by many millions of dollars.

Third, it directly contravenes Reform Party policies which support elimination of fraud and abuse on returning UI to true insurance principles.

Fourth, spouses employed by their partner already have an advantage over other Canadians because they can split their income and reduce their taxes. Reformers support income splitting for all married couples, not just those running their own business.

I would now like to respond to some of the rationale used by the hon. member for Saint–Hubert when she spoke during the first hour of debate on this bill. The hon. member said the current law presumes that family members who work for their relatives are guilty of defrauding the UI account and must prove they have a legitimate employer–employee relationship with their husband or wife, mother or father, brother or sister.

Reformers say this is simply a reasonable safeguard in a system in which there is real potential for abuse. I must point out that Revenue Canada identifies over 3,750 UI claimants a year who are denied benefits because they do not work in a true employer–employee relationship and are denied benefits as a result.

The hon. member says the current law discriminates against women, not technically but socially because most of the people affected by this law are women. Reformers say that this particular section of the UI act is not discriminatory and is just a reality of small family businesses.

(1750)

If a woman works for her husband in a small business, then she must be prepared to convince Revenue Canada that she is in fact in a true employee–employer relationship, not just hired on in fiction to add a nice windfall of UI benefits to the family income some time down the road.

The investigations carried out by Revenue Canada on behalf of unemployment insurance every year identify significant abuse in this area.

Why would we want to throw the door wide open to allow still more people to take advantage of the system. If this safeguard were not in the system there would undoubtedly be more abuse and many more millions of dollars wasted on bogus UI claims. The end result would cost workers and employers millions more dollars in UI premiums.

I want to emphasize that these premiums would be funded by an increase in payroll taxes which come directly out of each worker's pocket. People not trying to take advantage of the system who are legitimately and truly employed by immediate family members are not penalized. Why should we not support rules to deny abusers the right to rip off other workers?

The Parliamentary Secretary to the Minister of Human Resources Development also spoke against this bill in April. He told members of this House that of the tens of thousands of claims filed by employees of family businesses 15,000 had been reviewed by Revenue Canada and 25 per cent, the 3,750

claimants I mentioned earlier, were found not to qualify for UI because they were not in a true employer–employee relationship.

Reformers agree with the government's concern about preserving the integrity of the unemployment insurance fund. Reformers think the current law is balanced and fair and must be maintained.

Our policies are developed by ordinary members of our party. This is the policy these average Canadians have put in place concerning unemployment insurance: ''The Reform Party supports the return of unemployment insurance to its original function, an employer–employee funded and administered program to provide temporary income in the event of unexpected job loss''. Reformers encourage the government to get on with its efforts to reform the unemployment insurance system.

The Minister of Human Resources Development promised an action plan in May, delayed it until June and then postponed it again until this fall. Yesterday in response to a question from our leader the Prime Minister said a discussion paper, not an action plan, will be released in October.

Canadians are fed up with the waste, fraud and abuse in the UI program and they want it cleaned up. Canadians want action, not still more discussion. Reformers believe that Canadians want real reform of unemployment insurance, not just more liberal tinkering around the edges.

Here are the issues Reformers believe are fundamental in any consideration of changes to the UI program. Do taxpayers, workers and employers think the UI program should be compulsory as it is now, or voluntary? Do taxpayers who are present employers think the government should continue to control the UI program or should unemployment insurance be administered by the employees and employers who pay the premiums?

Would workers like to have a choice to invest their money in their own savings plan to protect them against unexpected unemployment rather than being forced to pay UI premiums?

Would workers get a better return on their investment than the government run UI program offers them if they invested their money privately?

Should the UI program be turned into a self–financing program administered by the employees and employers who pay the premiums with government safeguards?

Should unions and employers be permitted to opt out of the government run UI program by establishing privately administered unemployment insurance programs for the benefit of their workers?

We know that the hon. member who proposed this bill has a genuine concern for the plight of unemployed Canadian workers and their families but she will not help them by allowing their pockets to be picked by fictional employment arrangements allowing bogus UI claims.

(1755)

The UI program will take $19.8 billion this year directly out of the pockets of people trying to keep businesses afloat and people trying to earn a decent living. That is approximately $1,485 for every single Canadian worker covered by the unemployment insurance program.

I have suggested some fundamental issues that ought to be addressed in order to design a reformed system that truly works for the benefit of those who are paying the big dollars to support it. Rather than increasing the burden on these working people, I urge the member to work with us to find ways to make the system more efficiently and effectively meet the very real needs of Canadians who suffered the distress and hardship of unexpected job loss.

[*Translation*]

Mr. Gilbert Fillion (Chicoutimi): Mr. Speaker, it goes without saying that I rise to support Bill C–218 proposed by my colleague, the hon. member for Saint–Hubert.

The purpose of this bill is to exclude, from the definition of excepted employment, employment where the employer and employee are not dealing with each other at arm's length.

Contrary to what the government's spokespersons claim, we must not wait for a global reform of the legislation to act. We must immediately correct this injustice created by the previous Conservative government, which excluded spouses from being eligible to UI benefits. We know that this same government not only did not want to correct this injustice but went so far as to extend the scope of that provision. Indeed, it is no longer only spouses which are excluded, but all those who are not dealing with their employer at arm's length.

I mentioned on several occasions in this House that the unemployment rate in my riding is very high. Chicoutimi and the Lower Saguenay region have often had the highest level of unemployment in the country, a distinction which they could gladly do without, believe me.

In spite of the new government in Ottawa and the promises made during the last federal election campaign, the situation remains the same. Unemployment is still very high and our young people keep moving to large urban centres.

It is not a happy event for people when they have to claim UI benefits. I do not know anyone who is happy to become a UI claimant and only get 55 per cent of his or her regular income. But it is even worse to be totally excluded for the reason that you are not dealing at arm's length with your employer. If you have worked for your parents, or if you are working for your spouse, you are perceived as a potential abuser and an inquiry is

conducted to see if your employment is insurable. These workers regularly show up in our riding offices.

Understandably, they cannot figure out why their UI claim ends up at Revenue Canada, Taxation, for an inquiry. All this for the simple reason that these people worked for their parents or their spouse. In the majority of cases, the UI office does not tell people about this when they first submit their claim. Only once their file is transferred to Revenue Canada, some three weeks later, are these people told that officers from that department will conduct an inquiry, at the conclusion of which they will finally know whether or not they are eligible for UI benefits.

(1800)

Revenue Canada takes three months to determine the eligibility of a claimant. When you are waiting for money to buy the groceries and pay the rent, let me tell you that three months can seem like a long time. This procedure penalizes taxpayers in Saguenay, in Quebec, and in Canada in two ways. Quebec City processes the claims for my region. We just got Revenue Canada officials to sign their decisions so that taxpayers who wish to discuss their file can do so. Of course, these taxpayers have to pay all the costs they incur to contact these officials.

Let me review briefly how these civil servants work. They have pretty extensive investigative powers and can ask to see the company's accounting books, ledgers, minutes of meetings, copies of cheques, and much more. They audit bank accounts and check with the suppliers. They are looking for people who cheat the system. What else would you call it? At least that is what the people under investigation believe.

As often as not, we are dealing with very small businesses, family businesses whose owners hire their immediate family members. We often hear: ''Charity begins at home''. How many businesspeople among those who made it big started their businesses in their basement or garage with only their spouse or their sons and daughters as employees? There are a great number of success stories. Let me give you two examples everyone has heard about.

First, there is the Louis Garneau company, and closer to my riding, the Chlorophylle corporation, two businesses which are now renowned all over the world. But before they can become this famous, a good number of our businesses operate on a seasonal basis, which means that their employees must apply for UI benefits. That is when the fun begins and the investigation gets under way.

Think about all the people who are discouraged by the system. If Revenue Canada finds that your employment is not insurable, you must file an appeal. That means another delay, another 90–day waiting period, not to mention all the costs you will have to incur for postage and long distance calls, for example. During the summer, I saw in my riding office a couple who were about to appear before the Tax Court of Canada. Although they had legal opinions to support them, the couple decided not to appear before this new court, because they were tired and discouraged. They did not have the strength or the money to fight any more, unlike Revenue Canada which can afford lawyers.

So, these people gave up. I sincerely believe that we have to support the bill introduced by the hon. member for Saint–Hubert if we want several of our family businesses to survive. God knows we need these businesses to fight the disastrous unemployment situation. Although everybody decries the situation, few suit their actions to their words. We must ensure that the people who still have the desire to achieve something, to create their own job, can survive.

(1805)

[*English*]

Mr. Tony Valeri (Lincoln): Mr. Speaker, I start by thanking the hon. member from Saint–Hubert for bringing to light what she perceives to be a serious problem facing Canadian women. We respect that the hon. member is very knowledgeable about women's issues and is sensitive to the various forms of bias from which they suffer.

This country is founded on the firm conviction that each and every citizen, regardless of gender, age, race or abilities has a right to receive a wide variety of health and social assisted services. It is our practice and not just our policy to ensure equitable access and respectful treatment in all our dealings with the citizens of this country. It is a part of our social heritage, an affirmation of Canada's commitment to human dignity. It is an expression of our dedication to the ideals of social justice, equality and personal security.

I also want to make it crystal clear to the House and the hon. member that this government is open to reviewing any aspect of all our social programs, including the Unemployment Insurance Act. The obvious need to re–evaluate the efficacy of our social safety system is at the very heart of social security reform.

This government was elected on a platform of creating opportunities for Canadians. In our view the social security review is crucial if we are to achieve that goal because ultimately, reform is nothing less than a response to a desire for change. It offers us a rare chance to redefine the values, the assumptions and working principles with which to deal with the questions of opportunities for all Canadians. Through this renewal process we will reach a consensus about what our priorities should be and how we can achieve them, given the money and tools available.

I assure the hon. member there will be ample opportunity to carefully consider her concerns for the plight of economically disadvantaged women within this overall debate.

Imposing conditions on the basis of gender would indeed be discriminatory, as would imposing restrictions on the basis of family status, but the current law does not do that. I think it would be helpful to look at just what section 3(2)(c) says. This provision of the Unemployment Insurance Act stipulates that all employees, regardless of gender or marital status, are assured the same protection. The law simply defines the kind of business relationship people must have before they can receive UI benefits.

Every working citizen of this country, whether male or female, be they employed by a spouse, a sibling, a parent or a child, is eligible to pay premiums and to receive benefits so long as there is an employer–employee relationship. It is what the act calls an arm's length relationship.

Unemployment insurance relies on Revenue Canada to determine what constitutes an arm's length relationship between employers and family members in their employ regardless of gender. More than four times out of five, Revenue Canada rules that a true business association does exist and payments are made accordingly. The record shows that people in need employed in family firms are obtaining their rightful benefits.

In 1992–93 for example workers of family businesses filed tens of thousands of claims for unemployment insurance. Of those, 15,000 cases were reviewed and more than 75 per cent were accepted at face value with no questions asked. Of the remainder, a further three–quarters were eventually accepted. Only 10 per cent of claimants were unable to satisfy the criteria.

I do not want to appear to downplay the possibility of discrimination in our legislation. Canadians justifiably demand dignity, respect and equality for all, an obligation this government is committed to fulfil.

I should point out however that the provision being examined by Bill C–218 was included in the act precisely to remove objectionable regulations which did discriminate against married couples working in family businesses. Previously, employed spouses were automatically disqualified from receiving unemployment insurance benefits because of their family status. Paragraph 3(2)(c) has reversed that regulation and made the system more equitable. That is in keeping with the new reality in the workforce.

(1810)

As members of this House are well aware, women today play a crucial role in our economy, especially in the burgeoning small business sector. As the engine of national growth, women are clearly in the driver's seat. We know that more women than men start small businesses today in Canada and that those companies now provide more jobs than the large corporations.

For more than a decade over 150,000 small businesses have been started each year. They account for some 90 per cent of all new jobs created annually in this country. We also know that women enjoy a very high success rate in keeping their companies running. Between 1975 and 1990 the ranks of self–employed women in Canada grew by a phenomenal 172 per cent compared with 50 per cent for self–employed men during that period. It is also a fact that a large number of these small companies are owned and operated by families, often employing spouses or other members of the immediate family. We want to do everything we can to ensure such progress continues.

One of the objectives of our social security reform is to assure our social spending supports and nurtures women in business as they blaze a trail to the next century. If that means the Unemployment Insurance Act needs to be modified, so be it. When we make those changes, we will have to preserve the delicate balance between managing the program responsibly and ensuring that benefits go to those who need and are entitled to them.

Taxpayers are counting on us to ensure the fair and equitable provisions of UI benefits. They expect that our social security supports should be flexible enough to accommodate workers' changing needs.

Canadians want assurances that any changes to the system are implemented on the same principles of fairness and integrity, which have been the cornerstones of our society and system of government. That is precisely what we have been working to achieve.

The hon. member is correct in pointing out that many women in our society are still in a position of economic disadvantage. It is certainly one of the primary issues which has prompted this government to want to undertake the social security review. However we will not sit idly by awaiting the outcome of that process. Work is already under way and we will continue to address some of these inequalities.

In fact, we recently made adjustments to the Unemployment Insurance Act to increase UI benefits for low income parents. I am referring specifically to the dependency benefit rate. It is a provision that provides extra benefits to people who earn a low income and who support a dependant, or whose spouse supports a dependant.

People qualifying under this category, most frequently women, are now eligible to receive 60 percent instead of the 55 per cent benefit rate. This measure respects the important role women play within our families and supports them in that task. It recognizes that the person providing care for a dependant is contributing to the social and economic health of Canada and should be compensated accordingly.

It is just one example of the ways we are attempting to better manage the social security system to make it more responsive to the realities facing Canadians. It is also proof of this government's commitment to a thorough review of all our social programs. We want to see where all of them should be updated and improved to prepare for the future.

That is why the bill before us should not be considered in isolation. Rather, it has to be looked at in the context of the global process of recommendations and options being developed as part of the overall renewal of our social security system.

That does not mean the hon. member should abandon her passion for the plight of economically disadvantaged women. I suggest she should instead take full advantage of the opportunities presented by the social security review to represent the interests of women.

Members on the government side of the House are convinced that we can put our energies to the best use by working together to confront the full range of the very real and pressing problems that must be addressed. We invite the member for Saint–Hubert to join us in that process of reform.

(1815)

[*Translation*]

Mr. Réjean Lefebvre (Champlain): Mr. Speaker, the current Unemployment Insurance Act was proclaimed on October 23, 1990 with an extended section 3(2)(c).

It maintains a hidden discrimination mainly against women whose regular work helps their spouses' business.

The amendment now extends this discrimination to all close relatives of the employer but, in fact, wives are still affected the most.

Meanwhile, the Liberal government advocates job creation and, to this end, gives greater importance to small and medium–sized businesses. The situation of these businesses is such that they sometimes must involve only the family, since, among other things, they need to minimize start–up costs and the family members can, if needed, make an additional effort.

This is especially true for seasonal businesses. These need a flexible and very devoted staff to ensure a viable work organization in the short run.

Spouses involved in an allegedly fraudulent employer–employee relationship should be considered just like employees who buy work weeks from their employer to complete their number of insurable weeks. This is more and more frequent and yet no discriminating provision adresses this issue in the law.

On the other hand, in the insurance cases that concern us, the applicants have the burden of proving that their normal work is distinct from family activities. In effect, they must demonstrate to the civil servants processing their file that because of the volume of work, the wages paid, the conditions of employment, they should be considered to be dealing with their employer at arm's length.

Bill C–218 to amend the Unemployment Insurance Act must allow businesses to use the most qualified and available workers, whether they be family members or not. Of course, the government must remain vigilant and exercise effective control in order to prevent abuse. Cases of family relationships must be dealt with in the same way as any other unemployment insurance application. If there is a serious concern about fraud on the part of the client applying for benefits, the official of the Department of Human Resources Development will ask the Investigation and Control Office to look into the legitimacy of the request. On the other hand, a worker not dealing at arm's length with his employer is required from the outset to demonstrate that his situation is normal.

To change this state of affairs the client must prove, by his or her own means, that he or she is not defrauding the system. It can often happen that this person must engage the services of a lawyer, and I can tell you that those who find themselves in this situation are not the wealthiest members of our society.

In this regard, the act must recognize the true employee status of those who face this situation. Those people's work should be compared with that of individuals in similar positions in companies of the same sector, with a comparable level of activity and where the owner and employees are unrelated. We should consider the amount of work done, working hours, and salary in each company to determine whether the job could be held by someone who is unrelated to the employer.

Small business people strive to reduce operating costs in order to survive. They will often set up their office in their own home, and tax deductions for that are accepted by Revenue Canada. Hiring one's spouse to perform certain tasks for the business is another way of reducing costs and minimizing supervision.

I will now describe two cases of employers and employees with family ties. They live and work far from big cities in remote communities, where working from the family home is more frequent, where work is structured differently and not always done in office buildings, shopping centres, or plants.

(1820)

Section 3(2)(c) leaves the door open to interpretation on the part of the officers who have to administer it. At present, all applications where the employee and the employer do not deal at arm's length are examined individually by the Department of Revenue and the ruling depends solely on the officer's interpretation of the section of the Act and on his opinion concerning the operational context of the applicant's former job.

Naturally, there are some criteria to be taken into account, but these are so broad that there are as many interpretations as there are officers administering the Act.

Let us take for example the owner of a hunting and fishing equipment store, which is a seasonal venture, where the employer has a full–time job elsewhere. In order to ensure the proper operation of his business, he must have employees to look after the customers. Therefore, he hires two part–time employees for evenings and week–ends. To keep costs at a minimum, he sets up his store in a building adjacent to his place of residence and he hires his spouse as a replacement for him when he goes to work.

The tasks of his spouse are equivalent to those of the other two part–time employees. Business hours are regular, the payroll record and the cheques issued are proof enough of the authenticity, the reliability and the regularity of the payroll and the hours worked. These items should be sufficient as references in the absence of any contract. But, because the work is done in the same building as the home, and given the fact there is a reason for dependence, the applicant was declared not entitled to benefits.

Moreover, if we compare that with another company from the same area of activity and with a comparable volume of business, the company has to hire a full–time seasonal worker to do that kind of job. Of course, the job description, supervision and work control should also be part of the work agreement.

Mr. Speaker, I would like to give you another example, in this case a forestry contractor from the northern part of my riding of Champlain. His workplace is in a forest area, quite far from his place of residence. For the needs of his company, he must set up a forest camp where approximately thirty people are working. To ensure the operation of the camp, and since he must be frequently absent, he must hire a supervisor, who happens to be his wife. She acts as the camp supervisor, as would anybody in such a business. But just because she is related to her employer and has no work contract, her employment is deemed uninsurable. If we compare these circumstances and the volume of work that has to be done, all this is similar to what an unrelated person would do.

The act as it is presently written is open to much interpretation and subjectivity about an employee who is related to the employer. That employee is considered uninsurable.

As you know, the Department of Human Resources Development lets the Department of Revenue decide on the interpretation and enforcement of clause 3(2)(c) of the Unemployment Insurance Act and forces the applicants to prove that the fact that they are members of the same family has no influence whatsoever on the nature and parameters of the work performed.

That clause is discriminatory and its enforcement causes frustration among applicants. There are more and more administrative and judicial procedures and in spite of the amendment made in 1990 to the section we are dealing with, women who work with their spouses are still the most affected population group.

Discrimination based on marital status jeopardizes co–operation and entrepreneurship in remote and sparsely populated areas, where employment is often of a seasonal nature. For many people, working for a relative is the only way to enter the labour force and for small businesses, it is the only way to get reliable and dedicated labour requiring little supervision.

Mr. Michel Guimond (Beauport—Montmorency—Orléans): Mr. Speaker, my colleague from St–Hubert introduced on February 17 a bill which is close to my heart. It is close to my heart because, as a lawyer, I have a great deal of difficulty in accepting that some people are treated differently. We call that discrimination, not only in law but also in the dictionary.

(1825)

If bill C–218 introduced by my colleague is rejected by the House of commons, discrimination will continue, a large number of citizens will be treated inequitably.

Since the Unemployment Insurance Act was passed—it received Royal assent on October 23, 1990—our party has denounced, in the House and outside, the aberrations it contains. Normally, according to Canadian legislation, we are all innocent until proven guilty and the burden of the proof rests with the accuser, that is the minister or the Crown in criminal matters.

However, when an employee leaves his or her job, he or she must prove that it was not without compelling reasons, and the burden of the proof falls on the potential UI claimant. We are in a democracy and we are never guilty until proven so. This is what we call the presumption of innocence guaranteed by the Canadian Charter of Rights and Freedoms.

The new Unemployment Insurance Act changed the rules of the game in 1990, and it allows some employers to abuse their employees and to require of them more work, extended working hours and total submission, a wholly unacceptable situation in a democratic society like ours. It is nothing short of blackmail!

If an employee objects and leaves his or her job, that employee must prove that he or she had good reasons to do so. Worse, during the period of objection the former employee will find social assistance hard to get. Indeed, Quebec social assistance regulations do not permit the payment of any benefit as long as the official has not received an unqualified denial from unemployment insurance. So, Mr. Speaker, you can imagine that before quitting a job, employees may be abused by their employers for a very long period of time.

This is the reason why the Crown lost out under the Canadian Charter of Rights and Freedoms. The various courts which were asked to rule in this matter, namely the human rights tribunal of the appeal division, the Federal Court, the Tax Court of Canada and the Supreme Court of Canada, all declared null and void former sections 3(2)(c) and 4(3)(d) of the act. Canadians won.

It was to be expected since they were just as discriminatory, and that was the objective of Bill C–218 introduced by my colleague, the hon. member for Saint–Hubert, as denying benefits to a spouse working for her husband or a family–owned business. Whom was this piece of legislation aimed at especially? Women working for their spouses. This is another example of the legal subordination of women to their spouses.

Under the circumstances, the previous Conservative government took steps to amend section 3.(2)(c) in accordance with these decisions. It had no other choice. From now on, not only spouses, but all workers not dealing at arm's length with their employers will be excluded. In this way, it may seem less discriminatory, legally speaking, as long as the courts have not ruled on the constitutionality of this amendment.

But in reality, what does it mean to not deal at arm's length? It means that in all cases the presumption of honesty is from now on replaced by a presumption of fraud. It is now up to the employee to satisfy the official in charge—who is vested with discretionary powers—that the work contract met the same requirements as if the job had been given to someone who was not related to the employer.

How many people will be left stranded without any income until a case is heard by the Supreme Court of Canada? This measure, I should say this injustice, concerns close to one million Canadians, 650,000 of whom are women. It is unacceptable.

(1830)

On going through Hansard of April 21 of this year, I noticed that an hon. member on this side of the House, but not from the Bloc, opposed the bill proposed by my colleague from Saint–Hubert by arguing that her proposal would lead to the filing of at least 2,000 supposedly unfounded unemployment insurance claims which would entail the payment of $13 million dollars. This is absurd.

The unemployment insurance legislation was adopted—

The Deputy Speaker: Order, please. The hour provided for the consideration of Private Members' Business has now expired. Pursuant to Standing Order 93, the order is dropped to the bottom of the order of precedence on the Order Paper.

Adjournment Debate

ADJOURNMENT PROCEEDINGS

[*Translation*]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

HUMAN RIGHTS

Mr. Réal Ménard (Hochelaga—Maisonneuve): Mr. Speaker, I would like to raise briefly or should I say provide a brief update on one of the obvious inconsistencies in the discourse and policy of this government, namely the relationship that may, and indeed must, exist between the Canadian foreign policy and human rights promotion.

To address this contradiction we have no reason to be proud of, I shall refer to a question I had put to the Deputy Prime Minister on June 10. I asked the Deputy Prime Minister this question on June 10, following a visit by the Prime Minister in exile of Burma to the Standing Committee on Human Rights.

We realized, as a standing committee responsible for the promotion of human rights both within Canada and outside, how much of a discrepancy there was between what this government said —all this talk about legislative instruments and active involvement outside the country being required to promote human rights— and reality.

Such discrepancy is easy to understand considering that as early as 1990, the Canadian government had been pressing for democratic elections to be held in Burma, which is currently run by a military junta. Canada can be said to have participated in this international campaign for elections in Burma.

We realized in the committee that, while Canada had lobbied for Burma to be requested to uphold human rights within its boundaries—because as we know, Burma is one of those Asian countries with the darkest, most worrisome history in that respect, a country where the Nobel Peace Prize winner is imprisoned, where torture is practised and very serious cases of abuse are reported—it also prohibited Canadian businesses from trading with Burma for reasons relating to human rights that we agree with. We believe that foreign policy and the promotion of human rights should be linked somehow.

Imagine our surprise when we discovered that, in the case of China, there was a double standard. And yet China is the main country supplying arms to the military junta currently in power.

The question we can ask ourselves is this: if Burma's human rights record is so important that Canadian companies are not allowed to do business there, why is China, which also commits its share of abuses, which is also inconsistent in promoting human rights—as the 1,200 executions recorded in Amnesty International's latest report demonstrate—not subject to the

same policy? Must there be two types of countries from a political standpoint? The Canadian government will overlook the human rights record of important countries with significant growth and large markets while imposing restrictions on countries with less impact on the international economy.

(1835)

I say that there should not be a double standard. The government must make adjustments and use the same language so that when we talk about promoting human rights abroad—and I think the government has a responsibility to talk about it—we should have exactly the same requirements for a country of 1.2 billion people as for a country of 3 million inhabitants.

This is—and I will stop here as my time is up—an example of an inconsistent policy the government has no reason to be proud of.

[*English*]

Ms. Jean Augustine (Parliamentary Secretary to Prime Minister): Mr. Speaker, I am pleased to address the member's question directly. Canada's relations with Burma are limited because we remain concerned about the deplorable human rights situation and lack of progress toward democracy in Burma.

Human rights abuses continue unabated and the military have made it clear that they will not relinquish power. Canada suspended its aid program in 1988 and military sales are not allowed to that country.

Furthermore, the Canadian government does not encourage Canadian business activity in Burma. Petro–Canada pulled out of Burma in November 1992 and Canada has worked actively through bilateral and multilateral channels to promote democratic development and respect for human rights in that country.

At the 1992 Association of Southeast Asia Nations Post–Ministerial Conference Canada called for an international embargo on the sale of military equipment to Burma, bearing in mind that country's lamentable human rights record.

Canada made strong statements on Burma in its human rights speech at the United Nations General Assembly in December 1992 and contributed to the resolutions on Burma at both the United Nations General Assembly and the 1993 United Nations committee on human rights. We continue to be very active at the UN third committee and the UN commission on human rights.

We are among the larger donors of multilateral humanitarian assistance to Burmese refugees and we continue to press for the immediate release of Nobel peace prize winner Madam Aung San Suu Kyi and other political prisoners.

SOCIAL SPENDING

Mr. Chris Axworthy (Saskatoon—Clark's Crossing): Mr. Speaker, I am glad to return to an issue I raised in June with the Minister of Human Resources Development when I asked him what plans he had in place to ensure that Canadians and their families would not be subject to the level of poverty that they are presently subject to.

We know from experience that Canada has to a very large degree eliminated poverty among its senior citizens. There is still a category of senior women who are subject to severe deprivation, but on the whole we have responded to that problem. We have essentially eliminated poverty among senior citizens, although quite clearly we have not done so with regard to our children. There are now 1.3 million children in Canada living in poverty, more than when this government took office. There are 2.3 or 2.4 million Canadians living on social assistance and 1.6 million living on unemployment insurance.

We clearly have a major problem in terms of our economy not working for those four million Canadians and in particular for those 1.3 million children.

In response to the minister when he talked about unemployment insurance—and I do not quite know why he did that—I want to return to the point that I made with him because I think Canadians need and this House deserves to know what specific plans the Minister of Human Resources Development has under way to eliminate poverty among young people and in particular young children. We know that this House in 1989 unanimously committed itself to eliminating child poverty by the year 2000. We also know that this House is unlikely to see any improvements in that regard as long as we continue in the direction we are taking.

All we have seen from this government are plans to cut billions of dollars from social programs spending at a time when Canadians are in record numbers experiencing difficulties.

(1840)

We see a continuation of the Mulroney agenda where unemployment is blamed on the unemployed. The notion is that the problem is with the unemployed.

If you look at the documentation presented by the minister, you will see that his response to unemployment is to say that there is a problem in the employability of Canadians, that they need more training, more skills and so on.

We all know that we can do with more training. All of us in this House can do with more training. If there are no jobs for Canadians at the end of this training as is plainly the case at the present time, this training goes for naught. In particular the sort of training programs that have been put in place by this

government and other federal governments has cost enormous amounts of money to train the participants in the program.

If we look at the works program, we see a huge drop–out rate in the program. We see a huge cost in terms of training those Canadians. We see this in the context of further deep cuts to social program spending. We do not need to move to an American approach to social programs, which this government is continuing. It is a trend that the Mulroney government introduced.

We do not need that Americanized approach. We need a compassionate, caring approach. We need to look at countries that have been more successful than we have in dealing with those problems of poverty.

As we all know, only the United States has a worse poverty problem than Canada in the industrialized nations. We should look to those European countries which have taken a very much different approach to this problem, an approach which has enabled more and more citizens to live in dignity.

We have a choice in Canada. We can if we want to continue to slash programs as this government plans to do or we can instead focus on the core problem which is that we do not have enough jobs in this economy. This economy is not producing enough jobs for those Canadians who need them. We have no leadership in that regard.

The Minister of Finance and the Minister of Human Resources Development have said basically they will take a hands–off approach to this except for a couple of programs involving the youth and involving the infrastructure program. It has put some Canadians back to work but still left millions not working.

They said they will take a hands–off approach and let the private sector develop those jobs. Over the last 15 years the private sector has simply not done that. The private sector has not created the jobs that Canada needs. It requires a concerted approach from the government in conjunction with the provinces, in conjunction with business and labour and the various communities across this country.

The point I really want to make with the minister is that there is a need for urgency. We do have to come to grips with this problem of insufficient jobs in this economy. We cannot deal with the deficit unless we attack that problem.

Mr. Maurizio Bevilacqua (Parliamentary Secretary to Minister of Human Resources Development): Mr. Speaker, I can tell the hon. member that since the October 25 election this government has worked very hard to bring about positive change in the lives of young people here.

I am happy to report to the House that the unemployment rate for young people has decreased from 17.5 per cent in 1993 to 16.4 per cent in August. This is a result of 20,000 new jobs that were created for youth and 29,000 young Canadians were no longer unemployed. This is just part of a package.

The summer employment strategy for young people created approximately 60,000 jobs to give young people the skills required to be competitive in a very different world.

We also moved quickly on the youth service Canada lead–sites. Seventy–five per cent of the 67 lead–sites are fully operational. We expect that the others will be operational shortly.

We have also moved in the area of youth internship and apprenticeship training programs because we recognize as a government that we do live in an era where young people must be given tools to be competitive in a very competitive world marketplace.

We have not forgotten of course the importance of staying in school and through our stay in school initiative with a budget of approximately $31.5 million, we expect to assist over 10,000 young people through direct interventions this year, not to take lightly our contribution made to the Canada Student Loans.

(1845)

A review took place and there again positive change to the legislation resulted in greater accessibility to funding for young people so that they could access post–secondary education. We as a government understand that higher education is necessary for us to compete.

As members know, above and beyond that young people will be an integral component of social security review. I am sure the hon. member and his party will participate fully in this very historical event.

NATIONAL FORUM ON HEALTH

Hon. Audrey McLaughlin (Yukon): Mr. Speaker, on June 8 I asked the Deputy Prime Minister to assure Canadians that her government would maintain and enforce the Canada Health Act and, further, for her government to release the terms of reference and timetable for the promised national health care forum.

I suppose I have heard of no issue of more concern to Canadians across the country being discussed over the past few months when the House was not sitting than the future of health care. Seniors are worried about the future of health care. Others are worried about whether they will have the universal health care system of which Canadians have so rightly been proud.

One promise of the Liberal government and specifically of the Prime Minister was that he would chair a national health care forum that would deal with these many issues and the changes, I assume, although we have seen no terms of reference. I would hope such a health care forum would also deal with the change that needs to take place in our health care system.

Certainly as a New Democrat I am absolutely committed to the principles of universal, accessible health care for Canadians. However I am not adverse at all to changes within the Canada Health Act to guard the five principles of the Canada Health Act to make it more appropriate for Canadians.

Three months after I asked the question of the Deputy Prime Minister we still do not have a date for the national health care forum. We do not have a clear statement from the government as to the expectations for this forum. The Liberal Party has committed itself to upholding the five principles of the Canada Health Act, but we need to have a really comprehensive vision for health care.

The government's first budget, for example, was not a good sign of what was to come. The Conservative policy of freezing transfers to the provinces for health care continued. If this strategy continues there will be no federal funding for health care by the year 2015. Canadians want to hear the government say that it will not happen and that they will continue to have a universal health care system.

Further to the issue of the national health care forum, if it is truly to be a forum to develop a new vision of health care it would be hoped that the terms of reference would include a wide spectrum of groups that would participate on this forum. It would also be hoped that it would include all provinces and territories.

I would certainly like to know from the government spokesperson if the Prime Minister has any indication, since he will be the chair, whether all provinces will participate in a national health care forum. If not, will the Prime Minister be proceeding without the participation of all provinces?

We have seen the government allow provinces to develop systems which do directly contravene the Canada Health Act. For example, the province of Alberta with its private clinics specifically contravenes section 12 of the Canada Health Act. I have asked the Prime Minister in the House to raise the issue with the premier of Albert with whom he is meeting today. The Prime Minister refused to say that he would do so and said that it would be done at some other time in some other place.

That is not good enough for Canadians. Canadians want our national health care system to be a priority of the government and of all parliamentarians and a fundamental right as health care should be for Canadian citizens. It is also, I might add, one of the biggest supports for business in the country.

(1850)

When will the national forum be? Will all provinces and territories participate? Will those provinces that are now contravening the Canada Health Act be dealt with by the government? When will we get an answer? When will the Prime Minister act?

Ms. Hedy Fry (Parliamentary Secretary to Minister of Health): Mr. Speaker, it would seem the hon. leader of the New Democratic Party must have read the press release of the Minister of Health which she sent out in June with regard to the forum. She just listed all the things that were mentioned in it. The forum, as indicated in the press release, is to be an ongoing four–year forum.

Ms. McLaughlin: Let's start.

Ms. Fry: It is going to begin in October, as the press release indicated. Of course it will involve federal and provincial relationships. It will involve public input and working groups that will deal with many of the issues the hon. member just raised in her question.

An hon. member: Oh, oh.

The Acting Speaker (Mr. Kilger): Order, please. I know these interventions are rather short, being four minutes on the one hand and two in which to respond. I am trying to facilitate everyone by giving them the opportunity to complete their remarks. I hope we allow the parliamentary secretary to conclude her remarks over the next two minutes.

Ms. Fry: The mandate of the forum is to develop a vision for health care in the 21st century. It will create a dialogue among the public, federal, territorial and provincial governments for renewing the better health of Canadians. It will deal with and identify priorities concerning a consensus for change in all the provinces. At the same time it is determined to respect the five principles of health care upon which medicare was built.

Obviously the forum will have to deal with issues such as setting guidelines for technology. It will have to deal with issues such as the aging society. It will have to deal with what kind of financing is required for a future health care system. All these things have been said by the minister in her press release in June and they will happen.

With respect to the hon. member's question concerning the transfer of payments in federal financing, the member well knows the government has made a commitment to stable financing in health. We have made that commitment by not cutting transfer payments for this year.

In the year 1995–96 we will begin to have our federal transfer payments financed on the gross national product minus 3 per cent. Given that we will still the following year be putting in $214 million more than we will be putting in this year, The population growth will be factored in and therefore the transfers will be increased according to population growth each year.

One of the things we will be doing in financing is that we are not touching the tax transfers. This means a sizeable amount of money is still going to be put into provincial coffers with regard to financing the health care system.

The member well knows that the health care system does not only depend on—

The Acting Speaker (Mr. Kilger): Order. I regret to interrupt the parliamentary secretary but the format of four minutes and two minutes is quite clear. I have been more than generous if we consider that we have only had three of the five interventions so far which would normally take in a very strict manner 18 minutes. I guess I have been more than generous.

[*Translation*]

MASS LAYOFFS

Mr. Louis Plamondon (Richelieu): Mr. Speaker, I asked for four minutes of speaking time for myself and two minutes for the parliamentary secretary to answer the question that I asked in June about mass layoffs. At that time, I asked the Minister of Human Resources Development and of Western Economic Diversification whether he agreed with giving the Sorel employment centre a $2.2–million fund because of the mass layoffs at Soreltex, Tioxide and Beloit in the Sorel–Tracy region.

Further to that answer, this request for $2.2 million more was made by the employment centre through the normal channels at the regional level and then on to the national level, and the employment centre got a good hearing from senior officials.

(1855)

I asked the minister to confirm it for me, and then had a second question concerning the specific program for mass layoffs that was abolished. The minister's first answer to me was completely off topic, referring to the fact that I had been a Conservative member. It was an arrogant, incompetent, flippant, almost cowardly answer, showing the minister's unconcern for the workers' needs and the respect owed them and his lack of attention to a recommendation from his own senior officials.

Since I raised my second question, the Sorel employment centre received more funds to help the victims of mass layoffs, thanks to the remarkable work of senior officials in Sorel, the director of the employment centre and senior officials throughout the Quebec region. One thing that has not been restored is the specific program for mass layoffs.

Now, when there are mass layoffs, the general fund is drawn on and if it is used up, the special fund is no longer available. Restoring this fund would provide assistance when a disaster like the one in Sorel–Tracy strikes, where there were two major shutdowns, Beloit and Soreltex, in quick succession. In that case, the general fund was used since the special fund is now included in the general fund and there was no more money. So we now have a situation where we have no way of getting back any funds to deal with the situation.

It seems to me that reinstating this fund would be essential to good management. The minister's answer was vague, once again. As I see it, this mass layoff fund should not only be reinstated but should be flexible as well.

For instance, a number of workers at Soreltex have from 25 to 35 years of experience, but their average age is between 50 and 55, so they are not eligible for POWA, the adjustment program for workers 55 and over, so they fall between the cracks, because they cannot be retrained. Often they do not even have a high–school diploma. They only went to grade school, and they cannot be retrained for work other than the kind they have done for 35 years.

Perhaps this mass layoff fund could provide some form of remuneration for people between the ages of 50 and 55 who fall between the cracks, lose their homes and their savings and end up on welfare. That is why I think the fund should be reinstated and expanded so that employment centres can tailor the program to specific cases and are not hampered by criteria that are too restrictive.

I hope that today, the minister will have a more open mind on the matter than he did when he answered my questions.

[*English*]

Mr. Maurizio Bevilacqua (Parliamentary Secretary to Minister of Human Resources Development): Mr. Speaker, the hon. member must know by now that this government has demonstrated that it places a high priority on the training and adjustment needs of Canadians.

As a matter of fact in the Sorel–Tracy region which he cited when companies such as Sorel Tex were having difficulties the Department of Human Resources Development intervened. In that case assistance was provided through the industrial adjustment service. It is recognized as a very effective program for assisting those individuals who are affected by major layoffs to make the adjustment to new employment opportunities.

In addition I am pleased that the Department of Human Resources Development has recently freed up a further $54 million in Quebec. These funds will provide a significant increase in the resources available to provide assistance to those individuals across the province of Quebec who require training and employment assistance in order to make the transition to new employment.

(1900)

I am pleased also that $622,000 has been provided to the Sorel–Tracy region alone. This will assist individuals in this region to receive the necessary skills and training so that they can be once again reintegrated in the labour force.

Adjournment Debate

GREAT LAKES SPORT FISHERY

Mr. Roger Gallaway (Sarnia—Lambton): Mr. Speaker, I rise on a topic which is much less glamorous but is related to a question which I asked on June 20 of the Minister of Fisheries and Oceans.

The question concerned what action the government was taking to fight the increase in sea lamprey eel population in the Great Lakes.

I realize that this is not a topic which has a great appeal for someone who lives in a place like Airdlie, Alberta or Moncton, New Brunswick. At the same time I think it is important that all Canadians understand the importance of the Great Lakes and their ecosystems.

Every year some 75,000 Canadians have jobs and some $2 billion or more are generated simply as a result of the commercial and sports fishing industries which exist on the Great Lakes. Every year some 4 million sports people try their luck on the waters of this lake system.

It is also important that we remember the recent past when the sea lamprey first appeared in the lakes and flourished at a rate which threatened the very existence of all fishing in the Great Lakes.

The result of this predator, which came in from of the ocean when the seaway was opened, an eel which can live in fresh or salt water, was the absolute annihilation of commercial fisheries for a time in the 1950s.

In the 1950s governments did react. Governments used the best technology of the time to combat and limit the population of eels in the lakes so that the numbers of certain species did in fact come back to an acceptable level where an industry could exist.

As is often the case, there is a certain level of complacency which sets in at the government and at the naturalist level. It is a complacency from a governmental perspective in that dollars directed to controlling the sea lamprey remain flat and in some cases actually marginally decreased to the point that less was being done to control the populations of the sea lamprey.

At the same time due to joint Canadian–American efforts water quality in the Great Lakes started to improve. We are all aware of the efforts taken to improve water quality. This opened up new habitats for lamprey eels. The combined result of improved water quality and less money for control has resulted in a real resurgence in lamprey populations.

Naturalists have now confirmed that lamprey eels take more trout out of Lake Superior than do all the commercial sports fishermen on that body of water.

Finally it is essential that this threat be always considered in light of the 75,000 jobs and the $2 billion plus generated by the fishing industry on the lakes.

When I asked the question of the minister I was very pleased and surprised by his response that the government has acted to protect this industry and these jobs. The minister has recognized the seriousness of the problem and has moved to address it in a timely fashion.

The government has increased funding to the Great Lakes fishery commission by one–third. The fishery commission, as some may realize, is a joint Canadian–American agency which deals with ecological issues in the Great Lakes system. We must however realize that this problem emanates from feeder rivers on both sides of the border.

Canada has increased its contributions in a real and significant fashion. It is now necessary, indeed imperative, that pressure be brought to ensure that the American government will match the Canadian proportionate increase, failing which I would suggest that a multi–billion dollar industry and tens of thousands of jobs will continue to be threatened.

Mr. Harbance Singh Dhaliwal (Parliamentary Secretary to Minister of Fisheries and Oceans): Mr. Speaker, as the hon. member has noted, predation by sea lampreys is considered to be one of the major causes of the collapse of the lake trout and whitefish fisheries in the 1940s and 1950s.

In response to this concern the Great Lakes fishery commission was created between the United States and Canada to find ways to manage sea lampreys and to develop a research program to sustain fish stocks in the Great Lakes.

The Department of Fisheries and Oceans, which represents Canada as a party to the Great Lakes Fishery Convention, is actively involved in the planning and implementation of the lamprey control program.

This program, according to statistics provided by the commission, has reduced lamprey populations by approximately 90 per cent from historic levels. Given the economic importance of the Great Lakes fishery to our fishing community, there is still work to be done. That is why Canada recently increased its funding to the commission by 33 per cent to a total of $5.145 million. We have secured assurances from the U.S. government that it will follow Canada's lead and increase its funding to the commission as well.

The Department of Fisheries and Oceans is proud of the work that Canada and the U.S. have done to support lamprey control on the Great Lakes. We have managed to build this fishery up to a $2 billion to $4 billion industry annually.

We will continue to support this commission in the future. It is our belief that it is now time for those who directly benefit from the Great Lakes fishery commission's efforts to join us and begin contributing to the cause of the lamprey control program.

We all have a responsibility in maintaining a healthy and prosperous fishery for the future.

The Acting Speaker (Mr. Kilger): Pursuant to Standing Order 38(5), the motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 2 p.m. pursuant to Standing Order 24(1).

(The House adjourned at 7.07 p.m.)

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