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OFFICIAL REPORT
(HANSARD)

Thursday, September 22, 1994

Speaker: The Honourable Gilbert Parent

HOUSE OF COMMONS

Thursday, September 22, 1994

The House met at 10 a.m.

Prayers

[*English*]

CANADA GRAIN ACT

Hon. Ralph E. Goodale (Minister of Agriculture and Agri-Food) moved for leave to introduce Bill C-51, an act to amend the Canada Grain Act and respecting certain regulations made pursuant to that act.

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

* * *

DEPARTMENT OF PUBLIC WORKS AND GOVERNMENT SERVICES ACT

Hon. Herb Gray (for the Minister of Public Works and Government Services and Minister for the Atlantic Canada Opportunities Agency) moved for leave to introduce Bill C-52, an act to establish the Department of Public Works and Government Services and to amend and repeal certain acts.

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

* * *

CRIMINAL CODE

Mr. Jay Hill (Prince George—Peace River) moved for leave to introduce Bill C-272, an act to amend the Criminal Code (gun control).

He said: Mr. Speaker, today it is my pleasure to introduce a private member's bill to amend some of the more contentious clauses in the Criminal Code pertaining to gun control.

This bill decriminalizes offences against regulations respecting storage, display, handling and transportation of firearms. It simplifies the FAC renewal process and allows previous law-abiding gun owners to acquire an FAC without going through the course and test.

It allows gun owners to bequeath grandfathered restricted guns. It clarifies the legal obligation of this government to provide compensation for confiscated firearms. It makes all

future and existing regulations subject to review by the House of Commons.

(1005)

Canadians are demanding crime control, not gun control. It is time for the government to get tough on criminals, not create more red tape for legitimate gun owners.

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

* * *

PETITIONS

YOUNG OFFENDERS ACT

Mr. Tom Wappel (Scarborough West): Mr. Speaker, I have three petitions this morning. The first one is from petitioners in and around metropolitan Toronto and concerns the Young Offenders Act.

It calls on Parliament to provide for heavier penalties for those convicted of violent crime and to provide more funds to police departments. I want to remind these petitioners that Bill C-37 is currently before the House of Commons and will address some of those concerns.

ABORTION

Mr. Tom Wappel (Scarborough West): Mr. Speaker, the second petition is from 52 people in my riding of Scarborough West.

They call on Parliament to immediately extend protection to the unborn child by amending the Criminal Code to extend the same protection enjoyed by born human beings to unborn human beings.

HUMAN RIGHTS

Mr. Tom Wappel (Scarborough West): Mr. Speaker, my third petition is from quite a number of the good citizens of Belleville, Ontario.

They have asked me to present a petition calling on Parliament not to amend the Human Rights Act or the Charter of Rights and Freedoms in any way to indicate societal approval of same sex relationships or to use the undefined phrase sexual orientation in any legislation.

Mr. Jim Hart (Okanagan—Similkameen—Merritt): Mr. Speaker, pursuant to Standing Order 36, I present a petition of 74 people from the areas of Osoyoos, Oliver, Okanagan Falls, Penticton of my riding of Okanagan—Similkameen—Merritt.

Routine Proceedings

The petitioners say that the majority of Canadians believe the privileges that society accords to heterosexual couples should not be extended to same sex relationships.

Therefore 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 that would tend to indicate societal approval of same sex relationships.

YOUNG OFFENDERS

Mr. Réginald Bélair (Cochrane—Superior): Mr. Speaker, I am pleased to present a petition this morning on behalf of the Catholic Women's League from Kapuskasing.

Its members would like Parliament to review and revise our laws concerning young offenders by empowering the courts to prosecute and punish the young law breakers who are terrorizing our society by releasing their names and lowering the age limit to allow prosecution to meet the severity of the crime.

HUMAN RIGHTS

Mr. Paul DeVillers (Simcoe North): Mr. Speaker, I feel compelled to present every petition from my constituents that conforms with Standing Order 36 regardless of my personal views.

I therefore present a petition requesting that this Parliament maintain the status quo regarding the Charter of Rights and Freedoms and the Canadian Human Rights Act to avoid any semblance of societal approval for same sex relationships.

The petition, which erroneously states that Canada has a human rights code, is identical to many petitions that have been presented in this Parliament over the past several months. I suspect they are part of an organized campaign to deny a significant group of Canadians equal rights.

I do not believe that we as parliamentarians have the authority to extend or deny any person's right on the basis of petitioners' personal convictions or beliefs. We have the important responsibility of ensuring that all Canadians have the same rights. Without this none of us has any true guarantees.

SCHOOL BUSES

Mr. Peter Milliken (Kingston and the Islands): Mr. Speaker, I am pleased to rise to present a petition signed by numerous residents of the city of Kingston and the surrounding area.

These residents are concerned about injuries occurring to young children in school buses. They call upon Parliament to enact legislation that will require that all buses used to transport children be equipped with individual seat belts, one for each child, in accordance with normal practice in vehicles.

(1010)

MINING

Mr. Charles Hubbard (Miramichi): Mr. Speaker, I have a petition from more than 300 workers at Heath steel mines and Brunswick mines in New Brunswick.

These petitioners want to draw the attention of the House to the fact that Canada's investment climate is forcing its mineral industry to look for new opportunities elsewhere. The Canadian Mineral Industry Federation has prepared a 10 point program of action to be addressed by both the mineral industry and the Government of Canada to keep mining in Canada.

It urges Parliament to take action to increase employment in the mining sector, promote exploration, rebuild Canada's mineral reserves, sustain mining and keep mining in Canada.

[*Translation*]

The Deputy Speaker: I believe a member of the Official Opposition wishes to present a bill on behalf of another member. Since we forgot to recognize the member earlier, I will ask for unanimous consent to give him an opportunity to present this bill now.

Is there unanimous consent?

Some hon. members: Agreed.

* * *

INTEREST ACT

Mr. Ghislain Lebel (Chambly) moved for leave to introduce Bill C-273, an Act to amend the Interest Act.

He said: Mr. Speaker, I welcome this opportunity to introduce a private members' bill whose purpose is to reduce the fees or penalties for renegotiating a mortgage for a period of less than five years. There was considerable debate on the subject in 1983, just after the recession in the early eighties. I therefore table this bill.

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

* * *

[*English*]

QUESTIONS ON THE ORDER PAPER

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons): Mr. Speaker, Question No. 62 will be answered today.

[*Text*]

Question No. 62—**Mr. de Savoye:**

In the Department of Health estimates, has the government provided for an amount of money for Canada's anti-drug strategy and, if so, (a) what is that amount; (b) what proportion of that amount is allocated to alcoholism problems; and (c) what proportion of that amount is allocated to problems involving drugs other than alcohol and tobacco?

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[*English*]

The Deputy Speaker: The question as enumerated by the parliamentary secretary has been answered.

Mr. Milliken: I ask, Mr. Speaker, that the remaining questions be allowed to stand.

The Deputy Speaker: Shall the remaining questions stand?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

IMMIGRATION ACT

The House resumed from September 19 consideration of the motion that Bill C-44, an act to amend the Immigration Act and the Citizenship Act and to make a consequential amendment to the Customs Act, be read the second time and referred to a committee; and the amendment.

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

Mr. Silye: Are we voting on the whole bill or just on the amendment?

The Deputy Speaker: On the amendment. Is it the pleasure of the House to adopt the amendment?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: Call in the members.

(The House divided on the amendment, which was negated on the following division:)

(*Division No. 82*)

YEAS

Members

Abbott	Benoit
Breitkreuz (Yellowhead)	Bridgman
Brown (Calgary Southeast)	Chatters
Cummins	Duncan
Epp	Forseth
Frazer	Gouk
Grey (Beaver River)	Grubel
Hanger	Hanrahan
Harper (Calgary West)	Harper (Simcoe Centre)
Hart	Hayes
Hermanson	Hill (Prince George—Peace River)
Hoepfner	Jennings
Johnston	Kerpan
Manning	Mayfield
McClelland (Edmonton Southwest)	Meredith
Mills (Red Deer)	Morrison
Penson	Ramsay
Ringma	Schmidt
Scott (Skeena)	Silye
Solberg	Speaker
Stinson	Strahl
Thompson	White (Fraser Valley West)
White (North Vancouver)	Williams—46

NAYS

Members

Adams	Allmand
Althouse	Anawak
Anderson	Arseneault
Assad	Assadourian
Asselin	Augustine
Axworthy (Saskatoon—Clark's Crossing)	Axworthy (Winnipeg South Centre)
Bachand	Bakopanos
Barnes	Bellehumeur
Bellemare	Berger
Bergeron	Bernier (Beauce)
Bernier (Gaspé)	Bernier (Mégantic—Compton—Stanstead)
Bertrand	Bethel
Bevilacqua	Blondin—Andrew
Bodnar	Bonin
Bouchard	Boudria
Brien	Brown (Oakville—Milton)
Brushett	Bryden
Bélaire	Bélisle
Caccia	Calder
Cannis	Canuel
Caron	Catterall
Cauchon	Chamberlain
Chan	Chrétien (Frontenac)
Chrétien (Saint-Maurice)	Clancy
Cohen	Collenette

Government Orders

Collins	Comuzzi
Copps	Cowling
Crawford	Crête
Culbert	Dalphond—Guiral
Daviault	de Savoye
Deshaiés	DeVillers
Dhaliwal	Dingwall
Discepola	Dromisky
Dubé	Duceppe
Duhamel	Dumas
Dupuy	English
Fewchuk	Fillion
Finestone	Finlay
Flis	Fry
Gaffney	Gagliano
Gagnon (Bonaventure—Îles-de-la-Madeleine)	Gallaway
Gauthier (Ottawa—Vanier)	Gauthier (Roberval)
Godfrey	Godin
Goodale	Gray (Windsor West)
Grose	Guarnieri
Guay	Guimond
Harvard	Hubbard
Ianno	Jackson
Jacob	Jordan
Kilger (Stormont—Dundas)	Kirkby
Knutson	Kraft Sloan
Lalonde	Landry
Langlois	Lastewka
Laurin	Lavigne (Beauharnois—Salaberry)
LeBlanc (Cape/Cap Breton Highlands—Canso)	Leblanc (Longueuil)
Lee	Leroux (Richmond—Wolfe)
Leroux (Shefford)	Lincoln
Loubier	MacDonald
MacLaren (Etobicoke North)	MacLellan (Cape/Cap Breton—The Sydneys)
Maheu	Malhi
Manley	Marchand
Marchi	Marleau
Massé	McCormick
McGuire	McKinnon
McLellan (Edmonton Northwest)	McTeague
McWhinney	Mifflin
Milliken	Mills (Broadview—Greenwood)
Minna	Mitchell
Murphy	Murray
Ménard	Nault
Nunez	O'Brien
O'Reilly	Ouellet
Pagtakhan	Parrish
Patry	Payne
Peric	Peters
Peterson	Phinney
Picard (Drummond)	Pickard (Essex—Kent)
Pillitteri	Pomerleau
Regan	Richardson
Rideout	Riis
Robichaud	Robinson
Rocheleau	Rock
Rompkey	Sauvageau
Scott (Fredericton—York—Sunbury)	Serré
Shepherd	Sheridan
Skoke	Solomon
Speller	St-Laurent
St. Denis	Steckle
Stewart (Brant)	Szabo
Terrana	Torsney
Tremblay (Rimouski—Témiscouata)	Tremblay (Rosemont)
Ur	Valeri
Vanclief	Venne
Verran	Walker
Wappel	Wayne
Whelan	Wood
Young	Zed—194

PAIRED MEMBERS

Debien	Gagnon (Québec)
Harper (Churchill)	MacAulay
Martin (LaSalle—Émard)	Paré
Plamondon	Ringuette—Maltais

(1100)

The Deputy Speaker: I declare the amendment lost. The next question is on the main motion.

[Translation]

Some hon. members: Debate.

Mr. Jean H. Leroux (Shefford): Mr. Speaker, I rise in the House today to speak in the debate on second reading of Bill C-44, which proposes amendments to the Immigration Act, the Citizenship Act and the Customs Act.

Before getting into the details of this bill, I would like to offer a few observations and comments that should make us think about the impact of the decisions we will be asked to make ask a result of Bill C-44.

In part I of Canada's immigration policy document, when referring to the broad objectives, paragraphs (i) and (j) clearly state the needs, and I quote:

(i) to maintain and protect the health, safety and good order of Canadian society; and

(j) to promote international order and justice by denying the use of Canadian territory to persons who are likely to engage in criminal activity.

Obviously, the party I represent fully agrees with this position. These are principles and objectives that we support because they reflect a broad consensus in a society that is based on the rule of law.

There are also a number of concerns directly related to Bill C-44 which remain essential to an understanding of the issues.

During the consultations on immigration conducted recently by the minister, someone said that intolerance was the biggest growth industry in Canada. Intolerance produces hysteria, racism and fear, so that reality becomes clouded by one's perception of reality. That is why the public has been led to believe for some time that criminal immigrants are countless in our society. It will soon come to think that crime is a characteristic of immigrants.

(1105)

So, we must firmly oppose the spreading of deformed and false information about immigration that prevents a trust relationship from being created between the welcoming society and immigrants.

Last year, an in-house study by the Department of Citizenship and Immigration reminded us that there are no links between the ethnic origin and a propensity to crime. Unlike what some popular trend would lead us to believe, Mr. Derek Thomas, a senior researcher with the department, confirms that people born in other countries and now living in Canada are under-represented in our prisons.

While 20.2 per cent of the Canadian population is comprised of newcomers, these same people only represent 11.9 per cent of prisoners or those on probation, that is half of that. Again,

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unlike some popular clichés, visible minorities were not over-represented in criminal statistics.

Because of the many questions that are being asked by the public and the concerns that it is showing, it is worth reminding that the crime rate in this country has been reduced by 5 per cent in 1993. According to the Canadian Centre for Justice Statistics: "For the second consecutive year, the crime rate reported by police services has dropped in 1993. The 5 per cent reduction has been the most important on a year-to-year basis since criminal statistics were first collected in 1962". These are the facts.

That confirms what I was saying earlier about reality and perceptions. While the public thinks that the overall crime rate has increased, that is not the reality. The same goes for the link that the public is trying to establish between immigration and crime. I do not intend in any way to trivialize criminal activities, because they really do exist in our society and everywhere in Canada.

I know that the public is concerned for its safety. Surveys are showing that. However, let us get things straight. This House has the duty to rely on facts and act accordingly. One also has to wonder about and to denounce the source of these errors and perceptions of the public. This House should not be a reflection of papers like *Allô Police* or media sensationalism which overexpose individual cases and give the impression that they are now the norm in Canada.

It is unbelievable that after trying to blame young people for every ill under the sun, we are now targeting immigrants. Should we not ask ourselves whether social and economic conditions have more to do with crime than immigration? The difficulties that immigrant families and young people in particular have to face—lack of money, lack of jobs, lack of training—have probably more to do with crime than immigration as such.

(1110)

I now want to go back to the wording of Bill C-44 introduced by the government on June 17 of this year. Its object is to tighten the provisions of the Immigration Act and the Citizenship Act to reduce the legal recourse of immigrants and refugee claimants found guilty of crimes in Canada.

First, I would like to stress that government has indeed the right and the duty to protect its citizens against crime. In that sense the Official Opposition is not against trying to make sure that dangerous criminals do not prolong their stay or settle in Quebec or Canada. We support the underlying principles of Bill C-44, but we seriously question the nature of some of the proposed measures.

The first question we have is about the rationale for such a bill. Do we have specific reasons to seek to tighten the legislation because of criminal activity, especially among immigrants and refugees? How can we explain the increased opposition to criminal immigrants in the public opinion in English Canada? Could it be that a wave of disinformation has influenced English Canadians, giving rise to fear and almost xenophobic attitudes?

Mr. Speaker, beyond these apprehensions, there are specific provisions in Bill C-44 that we are concerned about. The most important of these provisions is the explicit intent to eliminate the right to appeal for immigrants and refugees charged with an offence punishable by a minimum ten-year jail sentence. This seems to be contrary to the fundamental principles a so-called "just" society should be based on. We all remember who promoted this concept. What we are demanding today is a society as just as when it first became a buzzword. The Canadian Charter of Rights and Freedoms must apply to everyone when it comes to fair and equitable proceedings.

There is another element of this bill which causes us some concern; it has to do with sentencing. Bill C-44 only takes into account the maximum sentence for a given crime instead of the particular sentence handed down by the judge. Indeed, even though under the Criminal Code a particular crime is punishable by a ten-year jail sentence, the courts use the sentencing principles to determine the penalty.

For example, break and enter in a private home is punishable by life; offences such as being an accessory to counterfeiting credit cards could justify the deportation of the accused to his country of origin.

As you know, the sentences handed down are generally far less severe than the maximum permitted. In some cases, instead of a fine or a jail term, the sentence may even be suspended or the accused put on probation. As a consequence, an individual who receives a light sentence could still be forced to leave the country.

This provision could contravene the Geneva convention. The handbook of the High Commissioner for Refugees stipulates and I quote: "In evaluating the nature of the crime presumed to have been committed, all the relevant factors—including any mitigating circumstances—must be taken into account".

(1115)

Bill C-44 should take these comments into consideration.

Another aspect not covered in Bill C-44 is the distinction between a political crime and a crime under common law. We find it disturbing that someone would be removed from Canada for, say, political reasons, without regard for the risks awaiting him in his country of origin. This sort of rule clearly lacks

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flexibility and humanity. Should we not weigh the risks involved against the acts committed?

Other important questions come to mind. What will happen to permanent residents who have been living in Canada for several years? In some cases, they came to this country as children. Now adults, they work here, have families here and barely remember their country of origin. They no longer have friends or family there. This is the reality. These people are in fact Quebecers or Canadians. Is returning them to their country of origin a good solution, the right solution?

Other aspects of this bill also deserve our attention. The bill the minister has tabled proposes to grant immigration officers the authority to seize and open all parcels and documents suspected of being used for fraudulent purposes. Is this not contrary to the Canadian Charter of Rights and Freedoms? I think it is. Under our legal system the accused is presumed innocent. This right must apply to everyone.

The provisions for the seizure of mail reverse the burden of proof. On what basis would a seizure be carried out and how would the nature of the parcels be determined? These questions are weighty ones.

The Bill also provides that certain decisions formerly taken by the Immigration and Refugee Board, the IRB, will henceforth be taken by the Minister of Citizenship and Immigration and his officials. On the one hand, the minister is being given new authority to appeal decisions made by adjudicators, and on the other hand the board is being denied the right to review cases for humanitarian reasons. Is this a case of the administrative process being politicized? Is it an attack on the independence of the IRB? Would it not be better to try to improve the operation of the board? I think it would.

There are other aspects of this bill I could question. We will have the opportunity to discuss it further in the standing committee dealing with the issue. A study released by Citizenship and Immigration Canada this summer showed that the whereabouts of 1,888 foreign criminals slated for deportation remained unknown. Is there no way of locating these individuals and trying to prevent this kind of thing from happening in the future without putting up yet more entry barriers, and thus risk finding ourselves in embarrassing situations like the ones described earlier?

Do missing foreign criminals constitute a specific problem? In other words, are there more of these criminals than Canadian or Quebec ones? How many Canadians and Quebecers is the police unsuccessfully trying to locate at present? Are their numbers substantially lower than those of immigrants who are sought by police?

To better inform and reassure the public, the elected government, this Liberal government, should release all the information relating to the issue of foreign criminals.

(1120)

Immigrants and refugee claimants would not be subjected to this witch hunt then. I wish to make it clear that the Bloc Quebecois is aware of the problem created by foreign criminals currently in Canada. We also know that criminal activity causes turmoil and fright in local communities.

We will support the government in its efforts to find a fair and lasting solution to this problem. We entirely agree with immigrants and refugee claimants not being allowed to use our immigration legislation or the reputation of Canada or Quebec to flee their country of origin, where they have committed serious crimes. We are in complete agreement with that.

However, we shall not let ourselves be distracted by unfounded remarks which, as we pointed out, may not reflect the reality. It seems that the Canadian government is presently taking a more radical stance to appeal to a certain constituency. Just think of the young offenders legislation passed this past session. Think also of the stronger and stronger reservations expressed by the Liberal caucus about gun control or concerning Motion M-157 put forward by the Liberal member for Scarborough—Rouge River to reduce immigration levels in times of economic recession.

While on the subject, I might add that Bill C-44 like many other government initiatives does not reflect the Quebec reality. Public opinion in Quebec reacts quite differently from our Canadian neighbours with respect to how crime and immigration should be tied together.

As pointed out quite rightly in the *Globe and Mail*, last week, the people of Quebec did not let a few sordid cases reported recently in Canada, and which we deplore, influence their attitude or behaviour toward immigration. Perhaps this is another characteristic of Quebec's distinctiveness, is it not? Immigrants are a fundamental addition to the Canadian and Quebec society and they contribute undeniably to its collective wealth. Legislation to deny the right of entry and asylum to criminals should not put us in an awkward position.

There are sometimes discrepancies between the goals set and the measures put forward to achieve them. Bill C-44 as tabled in second reading seems to be so afflicted. In light of the questions and comments raised by the members of this House, we express the wish that the Standing Committee on Citizenship and Immigration improve this legislation and, in so doing, restore the trust of the Canadian and Quebec public in their institutions.

[English]

Mr. Art Hanger (Calgary Northeast): Mr. Speaker, I certainly thank the member for his presentation. I believe it lacks in some areas given the fact that, as the member must realize, the accord Quebec has with the federal government regarding immigration is substantially different from the rest of the country.

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I do not know if he is aware of that. He might be to some degree. He mentioned in his presentation that the attitude in Quebec and that of Quebecers is different with reference to immigration than it is in the rest of Canada. Does the member realize that with the Quebec–Canada accord only 16 per cent of the total immigration flow is into the province of Quebec? That may be very inaccurate. From what I understand, substantial numbers leave from year to year. Therefore the figure could be closer to 8 per cent or 10 per cent of all immigration into the province of Quebec.

(1125)

I believe that is a very realistic number going into one region of the country and I believe that the rest of the country should adopt a similar percentage.

Does the member realize that the attitude of Quebecers may be different because of the fewer problems relating to immigration due to lower immigration levels? Would the member agree with that?

[Translation]

Mr. Leroux (Shefford): Mr. Speaker, I would like to thank the hon. member for Calgary Northeast for his comments. As I said in my speech, there was a steady decline in Canada's crime rate in 1992–93.

I am aware that Quebec's immigration law is different from that in the rest of Canada but it is not so different. As I was saying, I think we must be careful. We, as members of Parliament, have a duty and a responsibility not to rely only on what is written in the newspapers, on some journalists' tendency to sensationalize this issue. The fact remains that there has been a 5 per cent reduction in the crime rate.

It is true that today, some journalists may be tempted to make more of a case than the facts warrant. When a vicious crime is committed in a small town or community, there may be a tendency to exaggerate because it is a highly emotional time. But I think that, as members of Parliament, we must stay above the fray. We must be compassionate but when we make decisions on behalf of all Canadian people, I think we must first look at the facts. As I was saying, the facts show a decline in the crime rate.

* * *

*[English]***BUSINESS OF THE HOUSE**

Mr. Don Boudria (Glengarry—Prescott—Russell): Mr. Speaker, a point of order. I wish to seek unanimous consent to put the following motion:

That notwithstanding any order of this House any recorded division to be taken on Motion M-150 on September 22, 1994 be deferred until 3 p.m. on Tuesday, September 27, 1994.

(Motion agreed to.)

* * *

*[Translation]***IMMIGRATION ACT**

The House resumed consideration of the motion.

Mr. Jean-Paul Marchand (Québec–Est): Mr. Speaker, I feel particularly concerned about the immigration bill introduced by the government. I must say that in my riding of Québec–Est there is the case of a Mr. Chouaiby, who arrived in Canada from Morocco in 1988. In 1989, he committed a robbery during which he seriously injured a security guard and, in 1990, he strangled a 19-year old woman.

(1130)

He was sentenced to prison where he spent three years. In 1993, he got out and was allowed to remain in Canada by the Immigration and Refugee Board. They accepted him. They allowed him to stay in Canada for another six years, seven years in fact, until the year 2000, on the grounds that he could be rehabilitated.

However, I found their decision totally unacceptable because the mother of the woman who was strangled met him on the street after he moved back to the same neighbourhood. She saw him again several times. What a shock it must have been to see her daughter's killer in her own neighbourhood. She had to move. The troubled mother then lost her job because of the severe psychological shock she experienced. She then had to move. She does not work any more and she is still afraid of running into this man again in her neighbourhood.

I approached the minister of immigration to find out whether it is possible to deport this young man who is still violent, who is even considered by psychologists and psychiatrists to be very violent. The Immigration Act as it now stands and even if it were amended by this bill—although we may be in favour of this bill in principle—contains many shortcomings. Here is one of them: the bill does not deal with such cases, which are quite common in Canada. I think there are about 150 similar cases in Canada.

We are unable to expel this young man from Canada, at least until the year 2000, unless he commits another murder or another serious crime. That is ridiculous. It is as though Canadian citizens and especially the victim's mother were taken hostage by a violent immigrant who may be about to commit another act of violence. It is totally absurd. Totally unacceptable. This person should have been deported the day after he got out of jail. That is an example of the appalling mismanagement at the Canadian department of immigration. In fact, this case could have been invoked as a reason to tighten this act.

Of course, we, in the Bloc Québécois, totally agree with the principle of this bill but it contains huge holes, unfortunately.

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The minister should review his bill and tighten it so that it can tackle the real problems. That is the comment I wanted to make.

Mr. Leroux (Shefford): Mr. Speaker, I would like to thank the member for Québec–Est for his remarks at this point. I think that cases like the one he just described for us occur frequently.

You know, the question of refugees is in federal jurisdiction. We in Quebec have always been open to foreigners. Now, of course, cases can arise, as I just said. Now, even though there are isolated cases, the law must still be applied. The law must be improved, but we must not make a case of it when an immigrant is accused. The law must be clear, but we must not make special cases. I think it is dangerous to make special cases. That is why we will support the bill on second reading; however, we will present amendments to improve it on third reading.

[*English*]

Ms. Mary Clancy (Parliamentary Secretary to Minister of Citizenship and Immigration): Mr. Speaker, it is a pleasure and an honour to take part in this debate on Bill C–44.

[*Translation*]

I think that the member for Québec–Est may be talking through his hat.

[*English*]

There has already been some healthy debate in this House and elsewhere on the important topics of immigration, the enforcement of immigration issues, and the removal of a small but dangerous criminal element that has managed to infiltrate our system.

(1135)

I use the word dangerous advisedly here. It works two ways. Certainly a few of those serious criminals who have managed to slip through the screening net are dangerous to our fellow citizens, but they are also dangerous to the health of our entire refugee and immigration policy.

For years our policies have been the envy of the world. Our citizens have had justifiable pride in a system that has both helped our country grow and has served as a bright beacon of hope on the horizon of a world beset by suffering.

Lately there have been tales of abuse of the immigration and refugee process. It is not widespread but it is enough to cause concern and concern can be healthy. When we are concerned about abuse and crime it is natural that the entire system comes under scrutiny. I am sure it is healthy for any process to get a periodic re-evaluation.

The danger we face now is that the repeated tales of wrongdoing, stories in the newspapers about criminals using red tape or quirky regulations to avoid departure, television stories about senseless crime involving people who perhaps should have been

deported long ago are taking their toll on human faith and on charity. We are beginning to doubt the validity of the entire system. We cannot allow this to happen. A criminal few should not shake our faith in a system that has been decent and good and an example to the world. That is why this legislation is so important. I would hope that the hon. member for Québec–Est might see that and might possibly see his way clear to supporting it.

Just the other day in one of the newspapers I saw a map of the world reproduced. The headline on the map was “Tracking the tide of human suffering”. Almost every corner of the globe was covered, from the slaughterhouses of the Balkans to the killing fields of Africa with horror stopovers in between.

We are seeing borders erased, vast legions of humanity on the move and migrations of people on a scale never before witnessed in human history. Here we are in one of the safest, healthiest and wealthiest nations in the world letting doubts and uncertainty cloud policies that have helped make us healthy, wealthy and safe and that have brought new hope and relieved the suffering of millions. I might add those policies have allowed all of us, or nearly all of us who sit in this House to be here, either ourselves, our parents, our grandparents, whomever.

We have in our hands the ability to restore faith in a process that has helped shape our destiny as a nation. The amendments enclosed in these few pages will help us get rid of the hiding places for criminals. I am not talking about criminal hideouts, something you might find in the movies. I am talking about the loopholes and anomalies of the law.

Changes to these points of law coupled with other parts to the multi-pronged strategy to curtail abuse of our immigration laws as outlined by the minister earlier will do a great deal to restore faith in a system which needs some bolstering. Let me point to a few of those loopholes and anomalies as I see them.

This legislation eliminates the possibility of one person having a number of refugee claims at the same time. It allows us to take serious criminals out of the refugee process. It also means we will not have to go behind penitentiary walls for hearings for convicted murderers who claim to be refugees.

Until these amendments came forward there was nothing officials could do to stop the citizenship process when a person was subject to an immigration inquiry and of course we cannot deport a citizen. With these changes the citizenship process stops cold until any immigration proceedings are concluded.

There is nothing here that should cause any alarm for real refugees and most of the immigrants Canada has been receiving over the years. Critics who say these amendments hurt real refugees and upright immigrants should think again. They should think of the tremendous waste of time and energy tracking down scofflaws. No, these changes do not hurt the

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innocent but they will bring an increased sense of justice and integrity to the immigration and refugee system.

The amendments take away a few legal hidey-holes that have camouflaged a small criminal minority and they put some integrity back in the system. It is actions like these which will take us a long way toward restoring some of the faith in the system, faith that may have been lost in recent months and years.

(1140)

Before I close my remarks I would like to take a moment to deal with an issue which has caused some criticism of the legislation. That is the resolution to take the decision making to allow a serious criminal to stay in Canada for humanitarian or compassionate reasons away from the immigration appeal division and put it in the hands of the minister.

This is not a plot to rob the appeal division of power, it is simply making the system more accountable. The immigration appeal division may still review these cases on questions of law and fact. The way it stands now, the minister must deal with the consequences of allowing a serious criminal to stay in Canada, but the minister does not take part in the decision making that led to those consequences.

If this legislation is approved, the government does not project or predict that far fewer removal orders will be stopped. What we do say is that our goal will be to protect Canadians who might be a danger but to still recognize the fact that some serious criminals should be allowed to remain here on humanitarian grounds.

There is a chance with this legislation to restore some faith in the system. Let us be honest here, governments do not get too many chances. If we fail on this we may not get another chance. That is why we take it so seriously. That is why we have zero tolerance for this kind of behaviour.

Let us be very blunt about this. If Canadians turn their backs on our refugee and immigration policies, the world will be a much darker and bleaker place. None of us should be playing politics with an issue which, if we look at the world around us, is a life and death issue for far too many people.

I urge all members to move this legislation forward swiftly.

Mr. Art Hanger (Calgary Northeast): Mr. Speaker, I have a question for the parliamentary secretary. What in this legislation addresses the concern of the member for Québec-Est, removing violent criminals who are not citizens of this country? What in the legislation deals with that problem?

Ms. Clancy: Mr. Speaker, I am delighted the hon. member for Calgary Northeast is speaking for the member for Québec-Est, who I am sure will manage to speak for himself as well.

At any rate I would suggest that the hon. member for Calgary Northeast read the legislation. It is there in the bill. Perhaps if the hon. member is having some difficulty with the interpretation he could check with one of his female colleagues—I am sorry but I forget the hon. member's riding—who I know is a member of the bar. She or perhaps the justice critic might be able to help him.

However it definitely is in the legislation. I am sure if the hon. member for Calgary Northeast reads it quite carefully he will see what is there.

The Deputy Speaker: Colleagues, with great respect I think members should try to treat each other with a little bit more respect than was just given in that answer. I wonder if the parliamentary secretary has any comment on that.

Ms. Clancy: No, Mr. Speaker, the parliamentary secretary has no comment on that except to say she is mystified at your remarks. I do not understand. Perhaps you could explain. I am sorry.

The Deputy Speaker: Questions or comments, the hon. member for Bourassa.

[*Translation*]

Mr. Osvaldo Nunez (Bourassa): Mr. Speaker, I listened carefully to the speech given by the Parliamentary Secretary to the Minister of Citizenship and Immigration. She is a great expert and very competent in the field. She did outstanding work when she was in the opposition, but I admit that I do not follow what she was saying in her speech today. On the one hand, she talks a very humanitarian line, she always did, but on the other, how can she justify this Bill C-44 which I think is contrary to several principles of the Geneva convention?

For example, a political crime is not distinguished from a common law crime. How can she justify transferring much of the IRB's mandate to the department and the minister? For example, how can she justify no longer allowing permanent residents who have been here for 10, 20 or 30 years to appeal to the appeal division of the IRB?

(1145)

She will expel these people because they committed a crime punishable by 10 or more years in penitentiary but in fact were fined, given a suspended sentence or put on probation. Why did the parliamentary secretary not admit, as the member of our party just said, that the crime rate has gone down in Canada in recent years and fell by 5 per cent in 1993?

Why does she not admit that the crime rate for immigrants is lower than the crime rate for Canadians who were born here and

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that on the whole immigrants are more law abiding than Canadians born here? I do not follow her. I admit that she is very competent, she knows the field well and she has always taken a very humane position in this regard.

[*English*]

Ms. Clancy: Mr. Speaker, I reassure the hon. critic for the Bloc, the member for Bourassa, that we will not be deporting people who do not break the law.

We agree with him very strongly that the crime rate for immigrants and refugees in this country is indeed lower than the national average, absolutely and no question. He could look it up as I am sure he has.

I would like to correct a couple of things. It may have been a difficulty in the translation but with regard to the offences it is one indictable offence under the law and two summary conviction offences.

Perhaps I did not get the question on that. If the hon. member wants to rephrase it or ask me again, I will try to get it. It is fairly straightforward. If there is a problem there I would be happy to address it.

On the question of right of appeal, the right of appeal to the appeal division of the Immigration and Refugee Board is still there on questions of law and questions of fact. There is now a humane and compassionate right of appeal to the minister. As I said in my speech, the reason for it is that the minister deals with the consequences. It is a question of accountability, as the member knows. We as elected members of Parliament are accountable to our electorate in four to five years.

In consequence, because the minister bears the responsibility in the House but the Immigration and Refugee Board is as it should be on questions of fact and law at arm's length from the minister, the minister now has a place to make decisions based on humane and compassionate grounds.

As I said in my speech as well, we do not expect the number of appeals granted to go up in leaps and bounds, but this is yet another safeguard of the humane and compassionate grounds rooted in political accountability.

[*Translation*]

Mr. Jean-Paul Marchand (Québec-Est): Mr. Speaker, to give the member for Halifax a chance to redeem herself, I would like to ask her essentially the same question that my colleague from the Reform Party just asked her, which she did not answer. Would she be so kind as to tell me how this bill will deal with a case like the one I mentioned before?

[*English*]

Ms. Clancy: Mr. Speaker, it is with some trepidation that I get into these waters again. The hon. member did bring up a specific case in his remarks. I am sorry but I did not hear the full details of the specific case.

It would not be wise, as I am sure Mr. Speaker would agree with me, to comment on the specifics of a case. I would be happy, as I frequently do for other members of the House, to look at the file the hon. member is talking about. If he would like to see me either in my office or in the lobby to deal with the specific case I would be happy to look at it. However I think it would be unwise to deal with specifics in the matter of general debate.

Mrs. Sharon Hayes (Port Moody—Coquitlam): Mr. Speaker, I listened with interest to some of the debate that just went on with the hon. member for Québec-Est. He cited examples of abuse of the system. Even the answers of the parliamentary secretary made reference to some concerns that are purportedly in the legislation. Perhaps we will establish in what I am about to say that they are not in the legislation.

(1150)

I am pleased to rise in the House today to speak on the amendments to the Immigration Act contained in Bill C-44, dealing with deportation and the strengthening of the enforcement system to deal with the threat of criminals entering into Canada. This is an area which has been in need of a serious overhaul for a long time. It is an area which my party has brought to the attention of the House and the minister on numerous occasions. Reform members have been forceful in their desire to see serious and strong amendments brought forward in the area of immigration.

While I am glad to see our efforts finally being acknowledged by the government, the bill is only a partial step forward. I believe Bill C-44 may do more harm than good by luring us into a false sense of security.

Canadians will be told that immigration has been amended and that criminals will now be kept out of the country, but this is not the case nor will it be. Canadians need to know the facts. The issue must not be glossed over by the efforts of the government to pretend that its stop gap measure will actually stop anything at all.

The bill amending the Immigration Act falls short of its desired goal because the system has not been redesigned to accommodate the changes. It is the system itself that is at fault. As we have seen in countless legislative examples past and present, without a willingness to make core systemic change tinkering with legislation will not work. There must not only appear to be a willingness to address criminality in our immigration process, but real will must produce some of the results we see are lacking in the system.

Bill C-44 is a step in the right direction in that it will help ensure that criminals are kept out of the immigration system once they are identified. And once they are identified it does limit the appeals they will have.

However the bill is impotent in that persons with a serious criminal past can arrive and stay in Canada free to move about as they wish with no restraints. Persons entering into Canada will still not have a security check done on them until just prior to a refugee hearing or when they fill out an application for permanent residence. Yes, immediate steps will then be taken to

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ensure that a criminal is removed and that is good, but that is very similar to someone drawing up a plan to get a fox out of the hen house after the fox has had his run through the place. The goal is not to set up a strategy to get the fox once he is in the hen house. The goal should be to set up a system whereby we can prevent him from entering the hen house at all.

We have the people on the frontline who are there to interview those who make a claim for refugee status at the port of entry. Why do we not empower them to make an inquiry as to whether or not the applicant is a wanted criminal or someone with a serious criminal past? We do not even equip them with the necessary tools to make such an inquiry. We even go as far as to leave the door on the hen house unlocked and open with a sign that reads: "If you are found to be a fox you may be asked to leave".

This summer I had the honour of meeting with a group of police officers in the 12th Division B Platoon in Westside, Toronto, the friends and co-workers of Todd Baylis. This 25-year old constable was brutally murdered in the line of duty by a deportee designate on June 16, 1994.

What I saw and felt as I met with them was the grief of men and women betrayed by the system they try to uphold. They told of harassment, lack of information, lack of immigration enforcement, manpower and training, continual imminent danger and plummeting morale as they cope with life and death, drugs and violence in a once peaceful community.

I read the new legislation and I paused to reflect on their grief and anger on the one side and the response from the government. The new rules would do nothing to prevent the very same event from happening again.

I am amazed, as should all Canadians be, that after a senseless death—and a full inquiry by the way placed no blame—and the consequential drafting of the legislation that Todd Baylis would be in the same danger today as he was on that fateful night. Shame on those that have been part of this so-called solution. It is too late simply to say this tragedy should never have occurred, but for the friends of Todd Baylis it is a reality.

It is therefore imperative that we as legislators take seriously the obligation to tighten up a system that needs a major overhaul so that the memory of Constable Baylis will serve as a catalyst to ensure that such mistakes do not happen again.

(1155)

The minister has said that the immigration system was not solely at fault in this particular case and the murder was as much a product of our society as deserving deportation as an immigrant. Unfortunately some truth may be here. This young man's pattern of criminality was well established over many years.

Much of it was under the Young Offenders Act, another government system of rules and excuses that destroys accountability and creates a mockery of respect for the laws of the land.

The government's tinkering in both systems—the Immigration Act and the Young Offenders Act—does not reflect the will of Canadians or the real need toward the security of our streets and homes.

Bureaucrats and politicians must wake up and listen to Canadians. I have met with shop owners on Queen Street in Toronto who watch 100 crack deals a day in front of their empty stores. I have talked with struggling immigrant restaurant owners whose livelihood investment is being sucked dry by a decaying criminal neighbourhood. I receive overwhelming community feedback for changes to the age identification and record keeping for young offenders. If the government wants safe streets and homes, it should make those changes happen and make them happen soon.

The legislation before us today leaves us with some very serious unanswered questions which must be addressed. To begin with, there are serious administrative questions. The budget for the removals division for fiscal year 1991-92 was \$13 million. This increased to \$23 million in 1993-94. This 77 per cent increase begs this first question: How was the money spent in light of the fact that an administrative nightmare still exists in the issuance and tracking of deportation orders?

Second, what has happened to the thousands of inactive cases we heard about in the inquiry that were kept in boxes in immigration offices because there were not enough officers or administrative support staff to deal with them? Have they been dealt with now?

What about the request for a shared database between police and immigration agents to help track down those who have effectively avoided deportation? Have the department's computer systems been brought up to date with regard to determining exact numbers of refugees and immigrants that are out there facing deportation orders? Has a better system been put into place to keep track of those who were supposedly ready to leave voluntarily on their deportation orders?

Let me expand on the importance of getting answers to these questions. This summer there were approximately 26,000 warrants outstanding on deportation orders. Of these, there were approximately 11,000 immigration warrants in the Canadian Police Information Centre system which alerts police across the country to persons who are arrestable for immigration reasons.

There is a great discrepancy in these numbers. The main problem is the poor administration in this crucial area. Police are often not aware of whether or not the person they are dealing with is under a deportation order. Those people in the system and operating it are not even fully aware of the number of

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deportation orders that are still active because of all the unknowns currently existing in the system.

For example, there is no way of currently knowing if a person has indeed left the country, or even if they were requested to do so, unless they were escorted out or informed the immigration authorities that they were leaving. This must change. There exists a serious flaw within the present deportation system where great emphasis is placed upon personal compliance with the order to leave.

In response to a request by the Standing Committee on Citizenship and Immigration, Mr. Hallam Johnston from the department agreed to provide members of the committee with a list of impediments to removal. I quote from his reply:

The most significant impediment to removal is the failure of persons to effect their open removal from Canada. Some examples of this include (1) failure to comply with the deportation order; (2) failure to show up for removal arrangements (approximately a 40 per cent no-show rate experienced), and (3) failure to appear at port of entry to effect the removal after arrangements have been completed (approximately a 10 per cent no-show rate experienced).

The lack of travel documents is also an impediment in effecting removals. Foreign governments require returning citizens to be in possession of a valid passport or other re-entry document. The difficulty is to secure a document and satisfy the foreign government that the person being returned is a citizen.

Nowhere within this amendment is there reason to believe that this serious problem in supervising the deportation of those requested to leave Canada has been addressed. It is ridiculous to continue in this pattern. For the department to even admit that its biggest obstacle in carrying out deportations is the failure of people to remove themselves is incredulous. How can Canadians feel their confidence in this government is well founded when they hear reports like that? How can Canadians feel reassured that they are safe and secure that criminals will be deported when this government has been relying on the criminals checking themselves out of the country?

(1200)

It should also not be of any surprise to us that foreign governments are reluctant to take their citizens back when they discover they are being deported for criminal activity.

The ironies of deportation of professional criminals was pointed out this weekend in a national news report. It was reported that Canada returned 227 deportees to Jamaica from January to July of this year, one-quarter of the total from all sources. It also pointed out that wealthy countries such as Canada are viewed by some countries as dumping our problems on them.

Does this government have a plan to assure Canadians that proper and sufficient paper work will be available for needed deportations even in the face of resistance or lack of co-operation from receiving nations?

Once those criminals are deported, can this government assure us through the integrity of our own system that those same individuals will be made to stay out?

In most cases the problems should have been averted by denying access of the criminals to Canada in the first place. This could be accomplished by having the proper computer system set up that is linked into the CPIC and Interpol systems and able to do a criminal record check on anyone applying for refugee status at the port of entry. This must be a priority.

There is also a problem with too few investigators doing the job with very little training and lack of proper backup and protection. Is it any surprise that a large number of deportations being carried out each year are served against those who are charged with overstaying their visitors' visas? These are grandmothers and grandfathers visiting kids, not dangerous criminals. Why should this change? Has the need for more investigators, better administrative support and working computer systems been established yet? Are police constables like Todd Baylis walking the beat on our city streets better informed now than they were in June?

The Minister of Citizenship and Immigration has stated there are three main objectives to his removal strategy: getting foreign criminals out of Canada, ensuring compliance with removal orders, and ensuring that failed refugee claimants are removed properly.

On July 7 the minister stated: "This government has adopted clear priorities for removals. Our top priority is to remove criminals. Those who present a danger to Canadian society and those who wilfully abuse the immigration system will be clearly identified and we will take whatever action is necessary to see that these people are removed from Canada. The legislation and other measures I have introduced related to criminality will allow immigration officials to take prompt, decisive action in these cases".

These are tough words. The minister must have a great deal of confidence in his present system to believe that it can accomplish these objectives without very major overhauls to the system of which to date there has been no sign.

Is this minister willing to back up these words by putting his job on the line? Will he resign his position as minister if his new task force and deportation plan are ineffective in preventing any more tragedies like those we heard about this morning and that have occurred even in this last year?

The commitment made by the minister is not new. It has been made in the past by other administrations but this minister has

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promised immediate action. How has his promise been translated into action? This week there was a report in the *Globe and Mail* suggesting that Pearson International Airport authorities and facilities were unable to cope with new arrivals. Criminals were slipping through desperately overcrowded immigration facilities and given free access to our communities.

How can this minister believe we can have confidence in task forces and deportation plans when the system he claims to be adequate continues to justify the deep concern that Canadians have about an immigration system that is not working?

Since the immigration-RCMP task force came into effect in July it has identified 1,888 deportation cases involving criminality. How effective has his prompt decisive action been?

Out of all the cases identified a total of 14 have been removed from Canada. That is less than .7 per cent of the total number identified. As a matter of fact the task force has discovered that another 14 of the individuals being sought have been found to be deceased. At least the task force is keeping even in its efforts in this particular statistic.

(1205)

Another thing for us to remember is that a task force is a temporary measure, not a permanent one. How can Bill C-44 be properly implemented when the task force and its personnel are no longer working on these cases? Where will the personnel come from? Who will be serving the deportation notices? Who will be monitoring the outcome and ensuring that those required to leave are doing so? What permanent steps are being taken to deal with the shortcomings in the system and the great need to implement the changes being proposed.

When one looks at the numbers released by the task force in August, it is interesting to note that 414 of these cases are presently in the judicial system. Another 779 are currently awaiting decisions on their claims for review of their cases. Another 532 are under investigation. Does this mean they are currently being looked for?

A major flaw in this legislation is that it presumes that someone with a serious criminal past will come to Canada and then appear at a refugee determination hearing where a security check will finally be done. It presumes upon the criminal mind that they will wait to be discovered instead of immediately going underground to prevent themselves from facing automatic deportation. There is nothing in the system or the amendments to prevent them from doing so.

In conclusion, we must ask ourselves whether or not these steps are a real solution to the problem or simply a reaction to a crisis. For example, we have yet to see how the system will deal with those who have criminal records for a string of offences

including assault for which a 10-year maximum sentence does not apply. These are people who may be powder kegs ready to blow and yet the immigration system will take no action against them because they have not yet committed the ultimate crime. This particular amendment, like the Young Offenders Act, completely ignores repeat criminal activity to the peril of all Canadians.

The fact that we need tough legislation in this area is apparent enough to the people of my riding of Port Moody—Coquitlam. Just mention the name of Michael Drake there to someone and you can see the anger flare up as they realize the system is still trying to deport this convicted child molester back to the United States. Not only has Drake been successful in deferring his deportation orders time and time again but he has been successful in ensuring that he is free to roam the streets while he awaits his hearing.

It is our responsibility to see that the laws are in effect that will end these kinds of travesties. Bill C-44 in itself will not make the necessary changes needed to right the wrongs created by a system that suffers so greatly from neglect. But we as legislators need to ensure that any changes we propose to the system are aimed at the heart of the problem and not simply at the needs of the moment.

We need to equip those in the trenches not just with a book of rules but with the tools to do the job. We need to assure the shopkeepers, the businessmen, the parents and the police, Canadians by birth or by choice that they do not need to fear the system that should protect them.

Bill C-44 regarding the amendments to the Immigration Act is a step in the right direction. However this legislation alone cannot make the system succeed. The government must go further to demonstrate its commitment to the safety of all Canadians in their homes and on their streets.

Mr. Jesse Flis (Parliamentary Secretary to Minister of Foreign Affairs): Mr. Speaker, I thank the member for Port Moody—Coquitlam for a very clear presentation. I would remind her to look at the minister's remarks when he introduced the bill when he said: "Throughout the years immigrants have helped build our country. The contributions of recent immigrants are also widely recognized. But Canadians will not tolerate and I will not tolerate those who abuse our generosity and violate our laws". That is what this bill is attempting to do, to remove any immigrant or refugee who violates our laws.

We have heard from the Reform Party how we must reduce our annual deficit and public debt. I agree with the Reform Party on that. To do what the Reform Party wants in immigration will require additional resources, additional personnel resources, additional financial resources.

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(1210)

I would like to ask the member for Port Moody—Coquitlam where her party suggests we get the additional funds to implement what the Reform Party would like to see in Bill C-44.

Mrs. Hayes: Mr. Speaker, I thank the hon. member for his comments. I would like to comment on what he said aside from his question.

Certainly in my comments I sought to address the needs of all Canadians by birth or by choice. All immigrants are not criminals. In fact very few are. It is the same as with all Canadians. Very few are involved in criminal activity. It is the immigrants as much as Canadians who suffer from the abuse of our immigration system. I want to make that very clear. That is my purpose. The people whom I met in Toronto were immigrants who were victims of what was happening by the abuse of this system. I speak for them as I speak for all Canadians.

What the hon. member says is true. We feel that for the sake of the integrity of the immigration system for Canadians and new immigrants the present system is not working. It is not working in the criminal element. It is not working in the way that immigrants are welcomed into Canadian society.

We need people who can come here who have jobs available to them. We need to provide a future for people who come to this country.

True, we need to get our fiscal house in order. We need to make our economy work. We also need to provide those opportunities for the people who come here. We have to select the people so that they have the opportunity when they get here. If we bring people here with no future for them, is that fair to them or is that fair to the fellow Canadians that they join?

Yes, the immigration numbers need to be addressed so that we have an economic mix that works for all Canadians new and old. By doing that we will in fact be more than able to afford it because it will work for all Canadians.

Mr. John Bryden (Hamilton—Wentworth): Mr. Speaker, I have the greatest respect for my colleague from Port Moody—Coquitlam. We serve on the same committee together. She is well known for her carefully reasoned remarks on all issues.

I must say that I was surprised that in her speech she suggested this bill does not provide sufficient precautions for keeping deported criminals from re-entering the country. I was surprised at that remark because coming from a western province she will know that Canada has one of the longest undefended borders in the world and that it is traditionally and always has been impossible to keep illegals of all sorts from crossing the border at one point or another.

I would suggest to her that this bill addresses that fact by its provisions for the seizure of false documents. The way our security authorities keep track of illegals, be they criminals or otherwise, is by the fact that their documentation eventually comes under scrutiny and thus raises a red flag for the proper authorities to take action.

I point out that we are talking here about criminals who as a means of getting back into this country and staying in this country falsify passports, drivers' licences, health cards, birth certificates and so on.

I would request that my colleague opposite comment on this. Surely she would agree that this is a fine and progressive measure in this bill to close this loophole of false documentation to get these illegals out of this country.

Mrs. Hayes: Mr. Speaker, I thank my hon. colleague for his comments and his question. I do commend this legislation for the fact that it does close that loophole of allowing illegal documents into the country. The fact that that was previously allowed astounds me. It seems most appropriate that now there is legislation in place which says no, these will not be allowed in the country.

However I do not know if I have quite addressed the hon. member's question.

(1215)

That legislation is toward the boxes of illegal documents that would come through our postal service and then be available within this country for people to use here. The thing you were referring to though was people coming across our borders from outside with illegal documents. That part of the legislation would in no way affect someone presenting themselves at our border from outside with documents that were illegal or falsified. It could not affect that particular case.

It is at that point where our present system has no check point. We take a person's word for it. They come into our country and then are not actually processed by a security system until they then present themselves for a refugee hearing or some other kind of a hearing.

I go back to the comment I made earlier. We let the foxes into the hen house and then expect them to show up for a process that will then check their validity. There is the problem and that is not addressed by this legislation.

[Translation]

Mrs. Eleni Bakopanos (Saint-Denis): Mr. Speaker, hon. members of this House, I am proud to rise to support Bill C-44, an act to amend the Immigration Act.

[English]

Canada is a great and generous country. Its doors have always been open to welcome all people who dreamed of a better future,

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people who came for a better life in a country free of civil violence or war in order to raise a family in one of the best countries in the world, as the UN so honoured us not once but twice.

These immigrants, people like my parents, became Canadian citizens and participate actively in all facets of our society. Canada's history is full of stories of immigrants who through their hard work and perseverance have made this country what it is today.

[*Translation*]

Throughout our history, immigrants have come to Canada. These immigrants included some individuals guilty of serious offences. Amendments must be made in order to put a stop to this problem and to correct some flaws in the Immigration Act. I want to discuss these changes, because Canadians rely on us to protect them and their children. They rely on the department of immigration as well as on Canadian police forces at the municipal, provincial, territorial and national levels. But first and foremost, they rely on the government to pass legislation that will protect their interests.

In its present form, the Immigration Act contains complex provisions as well as loopholes which allow criminals to abuse the system.

Every day, you meet people who were not born in Canada. These persons overcame various difficulties to come here with more or less money, and they adapted to our society. I am one of them.

If you ask these persons what they think of criminals and individuals who abuse the system you will see that, like the rest of us, they are frustrated, shocked and resentful. They also fear that all immigrants will be assimilated to these offenders.

Bill C-44 is an essential piece of legislation if we are to meet the expectations of all Canadians. It brings solutions to specific problems. We must send back those who are not deserving of our institutions and who only want to take advantage of our generosity, while hurting the reputation of honest immigrants and genuine refugees.

[*English*]

Canada's immigration policy plays a key role in our country's future. We believe strongly that Canada must conserve this policy and the changes which we are proposing today will help to alleviate the abuses in the system and the problems that exist.

[*Translation*]

The minister of immigration said, on August 24, at the annual conference of the Canadian Association of Chiefs of Police: "I will not tolerate those who take advantage of our generosity and violate our laws. No Canadian should put up with such an insult. A good immigration policy is one that ensures a balance between equity and tolerance, on one hand, and law enforcement, on the other hand.

(1220)

I do not want to have to go looking for these people; I want them out of the country".

Remember that Canada has an immigration program that is the envy of the whole world. We cannot let a handful of individuals discredit it and take advantage of us. We have a good program, but it needs to be changed and fast.

The problems in this area are long-standing. It would be pointless to search for their causes. We need to act now and to take whatever action is necessary.

I would like to take a few moments to go over the four-point strategy announced by the minister of Immigration last June.

First, we want to amend the Immigration Act in order to reduce fraudulent claims and improve law enforcement measures, which should help us stop criminals from cheating the system.

Second, we want to make some changes to the management of the immigration appeal division of the IRB and improve the decision-making process.

Next, we need to exchange information with the Correctional Service of Canada on parolees facing deportation, if necessary.

Finally, guidelines are being developed to ensure that immigration officers are better prepared when they appear before the Board to discuss the files of war criminals or people who systematically use an assumed identity.

Let us review the proposed changes to the act. Right now, the immigration appeal division of the Immigration and Refugee Board can allow serious criminals to enter Canada and to stay in our country for humanitarian reasons. The immigration appeal division will lose that authority and only the minister will be entitled to allow a permanent resident, someone for example who has lived in Canada all his life, to stay in Canada for humanitarian reasons or to deport him.

[*English*]

We need to prohibit people convicted of serious crimes, crimes punishable by a sentence of 10 years or more, from claiming refugee status. This should apply whether the crime took place in Canada or anywhere else.

Dangerous criminals will no longer be able to seek refugee status in their goal to postpone removal from this country. We need to ensure that criminals are not allowed to ask for refugee status.

We also need to regulate the problem of multiple applications. Last year over 800 people presented more than one claim for refugee status. Under the proposed legislation only the first claim will be studied by the Immigration and Refugee Board.

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We need to stop the flow of illegal documents used in claims. That is why we are proposing to give immigration officers the power to seize identity documents from the international mail that might be used by impostors for fraudulent or improper purposes.

[Translation]

The minister instead of the cabinet will be authorized to make the decision in all cases of rehabilitation of former offenders. Once the Federal Court has determined that a security certificate is justified or not, it will no longer be possible to file an appeal with the immigration appeal division of the IRB. Let us take these measures seriously. Would we not all agree that we need to have all the necessary information before we grant these people Canadian citizenship? That is exactly what another of these changes will ensure.

The proposed provisions are reasonable and fair. Contrary to what our colleagues opposite have said, these provisions are in keeping with the Geneva Convention relating to the refugee status where crime is concerned. This is a question of justice, a question of democracy.

That is why our government is committed to maintaining an immigration policy which would truly put a stop to illegal immigration and ensure effective control of our borders.

(1225)

In order to do that, we must establish a close co-operation between the various agencies involved in dealing with frauds and crimes, for example immigration officers and members of the RCMP and of the various police forces.

We need all the men and women of local, regional and provincial police forces if we are to better enforce the law. Only with their co-operation shall we improve our effectiveness in getting rid of undesirable elements. We created a partnership with the Correctional Service of Canada for that matter and foreign offenders will not be allowed to remain in this country once they have served their sentences.

[English]

In addition, the minister of immigration will be working closely with the Solicitor General and the Minister of Justice. We are all partners when it comes to maintaining the security and prosperity of our country and in preserving our quality of life. These measures we are introducing will ensure the integrity of Canada's immigration and refugee system.

[Translation]

I will say it again, not all immigrants are criminals. Immigrants have been a part of the development of this country since the beginning of our history. Today, in this changing world, there is a constant movement of populations and the high number of immigrant applications poses crucial problems.

I am sure you will be surprised to learn that our officers have interviewed more than three million persons last year. Clearer legislation would make their work much more efficient. We all know that among the immigrants who come to Canada, some set up small businesses and contribute to job creation. We would be wrong to think they come here to steal our jobs. This is not my own saying; it has been demonstrated by statistics. Immigration is good for Canada and it must continue to be so.

[English]

Our intention in proposing this legislation is to eliminate the small percentage of abusers in our system who profit from the loopholes in our law. All immigrants should not have to be made to pay for the few individuals who take advantage of our country's generosity. Unfortunately this small group of immigrants is drawing the attention of the media and of course of the opposition which in turn sensationalizes these events and causes Canadians to question the integrity of our programs.

My experience of 15 years in dealing with immigrants has shown me that the large majority of immigrants want to live a peaceful and productive life. Just look around this Chamber and see how many hon. members are of ethnic origin. Many on this side of the House are children of immigrants, including the minister of immigration himself, who are now giving back to this country what this country gave to them.

[Translation]

Bill C-44 that we are bringing in today fulfils our requirements. It does not penalize those who wish to make an honest living in our country, but it will prevent abuse of our system. It will not have any impact on those individuals who, in good faith, make application to the Immigration and Refugee Board. As I said at the beginning of my speech, Canada is a generous country. Help us maintain that image of generosity and keep our reputation in the eyes of the world and help us prevent abuse.

Therefore, I trust that you, as members of the opposition parties, the Bloc Québécois and the Reform Party, will support us. Mr. Speaker, ladies and gentlemen, I am convinced that you will give your general support to this important bill.

Mr. Osvaldo Nunez (Bourassa): Mr. Speaker, as I said before, you can count on the Bloc Québécois as far as the

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principles of the bill are concerned. Canada must protect itself against immigrant criminals. There is a very real problem, but this bill is not the appropriate way to deal with it. I think many of your constituents will be astonished by this legislation.

(1230)

In St-Denis there are a lot of immigrants, a lot of Latin Americans whom I know personally and who will be astonished by your speech today, which does nothing to help the cause of immigrants or refugees. You said that Canada is generous, but its generosity is waning, unfortunately, like that of all industrialized countries, and I was surprised the other day when I heard the minister of immigration say that he would favour European immigration.

There are a lot of people who do not come from Europe, and they feel a little insulted and hurt by the minister's words. The other day I said there were a lot of socio-economic problems, which are often the reason why Canadians and a number of immigrants commit crimes. There are enormous problems in Canadian society as a result of a lingering economic recession, unemployment and problems experienced by young people. I do not think the bill provides a solution to these problems.

You say that the bill does not violate the provisions of the Geneva Convention relating to refugees. I have here a document that has just been released by the Canadian Council for Refugees, and it says the exact opposite. The Council is a respected organization in this country, and I would appreciate your comments.

Mrs. Bakopanos: Mr. Speaker, it is true that my riding includes constituents who belong to various cultural communities. These are the people who voted for me, and I want to thank them again for doing so.

I have had the privilege of working with these people for fifteen years. The hon. member for Bourassa knows that I have been working with immigrants for 15 years. In fact, these very same people agree that we must do something to deal with the abuse in the system.

I will repeat what the minister said, which is that we are not trying to penalize immigrants who have not committed serious crimes. We are only trying to eliminate the abuse that exists in the system and ensure that criminals are deported from this country.

You said something I thought was very interesting. You said that we favour European immigrants. I do not think the minister of immigration ever said that this government only favours European immigrants. It is not this government's policy, and it should not be, as far as I am concerned.

I repeat what I said in my speech: We are a generous society and we want to keep it that way. Genuine immigrants who are not criminals are aware of this. Canada will continue to keep its doors open.

[*English*]

What we want to do is close the loopholes in the law.

I find it rather unusual that we have one opposition party saying we are going too far and the other one saying we are not going far enough. This indicates to me that we are doing the right thing somewhere along the line.

Mr. Ted White (North Vancouver): Mr. Speaker, the hon. member says that the vast majority of immigrants are law abiding and contribute to Canadian society. Of course that is true. I am an immigrant myself and am making a contribution.

However when my wife and I immigrated to Canada in 1979 it was a pretty tough process. We had to apply three times from outside the country, even though we had money to buy a house here and we had jobs to come to in Canada. On entry we had to sign away our rights to UI and welfare for five years and we did not think that was a hardship. We felt proud that we had earned the right to come here. I do not personally see anything wrong with setting high standards.

When the hon. member accuses us in the Reform Party of sensationalizing some of the absolutely dreadful situations that are occurring with the immigration system, it would not be necessary if there were some sort of strict control like there was at the time when I immigrated in 1979.

I would like the hon. member to address that and answer the question as to what is wrong with establishing some reasonable standards once again.

Mrs. Bakopanos: Mr. Speaker, that is exactly what we are trying to do. We are trying to establish reasonable measures in which to make sure that the few—and I want to repeat that constantly, because the image the opposition party gives to the general public is that these few people are in fact vast numbers.

(1235)

I do not want to say that all Reform members stand up and speak about immigrants in a negative way. I really do not want my words to be misinterpreted in that way. All I want to say is that there are a few examples which are exaggerated by the media and some opposition members. Unfortunately, because members of the general public may not have the same opportunity to be in contact with members of our cultural communities across Canada, they may be left with that tainted image of someone having abused our system.

The reason I support Bill C-44 is that we are trying to do away with the loopholes and close the doors that lead to the abuse of our system and to also get rid of those criminals who take advantage of our system.

Mr. Art Hanger (Calgary Northeast): Mr. Speaker, I certainly share some of the comments the member just related. However, the growing concern for many Canadians as they learn more about our immigration policy is that certain matters should be addressed.

There is the Immigration and Refugee Board which spends over a billion dollars of taxpayers' money every year. We have a system that does not adequately screen individuals who come

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into the country. There is the expedited process in the Immigration and Refugee Board which allows people with very questionable backgrounds to enter and a system of sponsorship where immigrants are self-selected. I know that is being tightened up now. However this is a system that has been in place and certainly one that the people in this country question. The integrity of the government's program has to be questioned. I believe it has failed the test.

I would like the member to speak to those particular issues. The taxpayers are here. The taxpayers are paying the shot and I think they have a right to know. Would she not agree?

Mrs. Bakopanos: Mr. Speaker, we on this side of the House are just as concerned as the hon. member about the costs of our system. The minister has stated publicly that he is reviewing the whole process. We are taking measures to make sure the public purse is not being overly burdened by the system.

I would also like to say that no system is perfect. There will always be people who will find a way to abuse the system, any system. That is exactly why Bill C-44 is an important piece of legislation. We are trying to do our utmost as a government to plug those loopholes that do exist. However, no law is perfect and there are always people who will get around the law. However we are doing our best as a government to make sure there are fewer ways of getting around the law.

As far as sponsorship is concerned, I think the hon. member answered the question himself. The minister has tightened up those rules and will continue to do so.

Mr. Art Hanger (Calgary Northeast): Mr. Speaker, this bill has serious, serious problems. Reform Party members elevated this issue of crime and immigration. We focused the public's attention and anger. We forced the minister who began his term as minister by stating there was no problem with crime and immigrants to introduce these measures. It may seem a bit ironic that after doing that, we are now opposing this bill.

I can assure this House and all Canadians that the Reform Party does not oppose getting tough on newcomers to Canada who break our laws. We do not oppose many of the specific measures in this bill. What we do oppose is the minister's attempt to sell this package of minor reforms as a package that will significantly address the problems of undesirable immigrants in Canada. We oppose the notion that this bill will somehow fix any of the major problems that are plaguing immigration to Canada.

We need to look no further than a few very recent high profile instances of criminal immigrants to see what effect this legislation would have. I will give away the surprise by telling members that Bill C-44 would have done nothing to prevent these tragedies.

(1240)

First is the much publicized case of Clinton Gayle who is suspected of the murder of Constable Todd Baylis. Mr. Gayle came to the country legally. Mr. Gayle had a removal order issued against him. Mr. Gayle evaded that deportation order not by running and not by tying up the system with appeals. Rather, Mr. Gayle avoided removal because his file was lost. Mr. Gayle avoided capture and removal because the system was overworked, because priorities for removal were confused. It is more likely than not, although we will never know, because someone dropped the ball.

Bill C-44 does nothing to change the priorities of immigration enforcement. It does nothing to ensure that the system is less overworked than it is now. It does not address the problem and this problem is just as fundamental and troublesome as the actual issuance of removal orders, namely, the capture and physical removal of those who are issued removal orders.

The second case that has outraged Canadians and has illustrated the deficiencies both in immigration and in the priorities of this government was the very recent case of one Mr. Forbes. He is currently being sought for the senseless shooting of several people in Toronto over the weekend.

Tragically two of those people died at the hands of this individual. Mr. Forbes who is also from Jamaica came to Canada on a visitor's visa, as so many illegal entrants do. He overstayed that visa and a deportation order was issued. Rather surprisingly, he was removed from Canada.

I say surprisingly because the numbers of people who are removed because of an overstay on a visa are very small indeed. These cases while important tend not to receive a high priority from an overworked immigration enforcement bureau.

One must keep in mind that this took place in the mid-1980s, during a time when the number of immigrants to Canada was roughly one-third of what it currently is. Those reasonable numbers actually permitted the immigration department to do its job.

Nonetheless Mr. Forbes returned to Canada. He was again ordered deported and he again left the country. To no one's surprise he came back again and the results of his return have been tragic.

I would like to take this opportunity on behalf of all Canadians to publicly offer my sincerest condolences to the families of those two people who were struck down by this madman and also to the other victims who were shot. I am sure all members of this House join me in offering our sincerest hopes for a speedy and full recovery.

Too often in the heat of political debate we forget about the victims and concentrate only on the perpetrator. However there

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are victims here and they highlight the urgency that we must feel as we look for solutions to the problem of violent non-citizens.

The Forbes case illustrates several things. First, it illustrates the importance of enforcement in the immigration system. We can issue removal orders until we are blue in the face. We can try to stop the system from being abused. We can adopt a one strike and you are out policy for those immigrants and visitors who violate Canada's laws.

However what good does that do when we do not have any officers to carry out those removals, and I can assure you we do not. In the region of Toronto where a vast majority of deportable criminals reside, there are a total of 30 investigation and enforcement officers. That used to be 36. Before he decided to get tough, the minister cut that number. He also cut overtime staff in the Vancouver region. There simply is not the staff to find deportables.

Currently there is a backlog of deportations that best estimates put at around 40,000. Bill C-44 would do nothing at all to ensure the speedy removal of those people. Bill C-44 will probably just add to the backlog.

(1245)

Second, Bill C-44 shows the laxity with which visas and immigration permits are granted.

It is my understanding Mr. Forbes came into the country for the last time, sponsored by his wife, despite the fact that he had been removed from the country twice before. I asked the minister yesterday, and did not receive an answer, why would someone who has been removed with a deportation order twice for whatever reason be allowed back into the country. The spokesperson for the department was reported as saying that Mr. Forbes had been removed for reasons other than criminality in the past.

Mr. Forbes had intentionally violated Canada's law by overstaying a visa. He had intentionally violated and flouted Canada's immigration laws. These violations do not carry a sentence of more than 10 years. Thus, according to the terms of Bill C-44 Mr. Forbes would not be found in violation of the act to a degree that would warrant his permanent removal from Canada. That simply does not make sense.

There are other very serious problems that the bill does not address that undermine the very integrity of the immigration policy in Canada.

Over the summer I released a document that came from the department of immigration which outlined guidelines for fast tracking through the refugee system various categories of people who in the minds of some senior bureaucrats and refugee advocates were self-evidently refugees. This included armed insurgents, former and present guerrillas, former and present

members of such anti-democratic and even genocidal regimes like the Mengistu regime and the former communist government of Afghanistan, very choice members of Canadian society indeed.

These people, I have to reiterate, are not only being allowed to make refugee claims, they are being fast tracked after they admit to participation in these regimes.

I know that these folks might face persecution in their home countries and that is a good enough reason for some people in Canada's immigration industry to invite them in. In the words of one spokesperson for the Canadian Council for Refugees, it does not matter if people are torturers or terrorists, if they face persecution, they deserve refugee status in Canada. Those are his words.

I am willing to wager that most of my fellow Canadians would call that silly logic and certainly not agree with the idea that these are the sorts of people who deserve to be at the top of our list for refugee status, but currently they are.

Despite what some misinformed voices have said there are no background checks for criminality, for war crimes or for crimes against humanity done at the refugee hearing stage. Very recently the Immigration and Refugee Board told its refugee hearing officers that they were not even allowed to conduct checks through Interpol or other such recognized sources. No background checks can be performed on a refugee claimant until after they have been accepted as refugees. Often that is when the information comes forward, after they are in the system and making an application for permanent residence.

Bill C-44 will allow a refugee hearing to be halted if a criminal record is found but the bill does not give adequate power to the refugee hearing officers to undertake a thorough background check of all applicants for refugee status. It does not override the orders of the Immigration and Refugee Board to refrain from conducting background searches.

As with enforcement and as with the granting of permanent residency, this bill proves itself to be on the right track. It even displays good intentions but it does not have teeth.

If Bill C-44 is implemented I am willing to predict the following. The effect will not have an increase in the amount of deportations. It will not have an effect of clearing the system of appeals and bogus refugee claims. It will not significantly increase the onus on the refugees to prove that they have clean histories before being allowed into Canada.

(1250)

I know as a former police officer that laws are a good first step but they only work when there are individuals who have the means and the authority to carry them out, to make sure that they are enforced. I have shown with only two examples of serious

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immigrant offenders that Bill C-44 would not have the effect of getting rid of the people we most need to get rid of.

Further, I have shown that Bill C-44 does not address the fundamental problem of an Immigration and Refugee Board that is stacked with members of the immigration industry, political appointees not working in the best interests of Canadians and who, it would appear, have an agenda to accept as many refugees without question as possible.

Bill C-44 does not do the job. If the minister had announced a bill that tackled only one area of the Immigration Act, let us say criminal refugees, and then revamped the working of the Immigration and Refugee Board to add teeth to the act then it would have my full support. The minister has taken a shotgun approach and has hit in Bill C-44 a number of different areas of immigration law, all of which are troublesome, but left huge gaping holes in our system and has not backed up any of his proposed changes with staff that have real power to make the measures work.

I applaud the minister for listening to the people and to the Reform Party. I only wish it had not taken so long. I truly wish it had not taken tragedies to make him stop listening to those out there who insist that there can never be problems in immigration.

Further, I applaud the minister for taking the initiative to act and to table legislation that at least takes a crack at toughening up the system. I applaud him for stripping the power of the IAD to overturn deportation orders on humanitarian and compassionate grounds. I only wish he had not gone half way. The minister knows how to toughen up the system. Starting with cutting the numbers down to a level that our immigration department can handle would be a good beginning, then revamping the IRB, taking power away from the irresponsible and unaccountable appointed members, giving refugee hearing officers the ability to do full and thorough background checks before refugee status is determined.

There are so many measures, not simple measures but obvious ones, that could have gone into this bill if there had been the political will to do so. There was not. I am not talking about minor technicalities. The Reform Party would not oppose this legislation if the problems were minor, but this bill has such gaping holes it fails to address the most important issues that we simply cannot give it support. We simply cannot allow the Canadian people to be lulled into a false sense of security.

The minister's task force was a small step but he heralded it as though the problems in enforcement had been solved. They have not. The success or lack of success of the task force speaks volumes to the insignificance of the measure.

With Bill C-44 the minister is trying to tell the Canadian people that Canada is cracking down on those who violate our

laws and abuse our system. We are doing no such thing until we address the real issues. We cannot support any immigration bill that makes itself out to be the be all and end all of a strategy to take care of the problems of criminal immigration.

I would urge all members of this House to send a clear message to the minister. Vote against this bill, not because you oppose specific measures in it, not because you oppose the broad intent, but because you want real change in immigration law, because you want to answer responsibly to your constituents who have been demanding change, radical change, because you want immigration to work once more, to be a boon to the country and not a cause of grief.

I urge you to send a message to this minister that things really need to change. This bill simply does not offer enough.

Mr. John Bryden (Hamilton—Wentworth): Mr. Speaker, I have waited all morning in patient expectation to hear the speech on this subject from the member from Calgary who is well known for his knowledge on immigration matters, and I have an almost subservient respect for his views on the subject.

(1255)

I found myself disappointed in that his speech addressed many examples of the failures of immigration and refugee policy in the past. It never at any time—I think *Hansard* will show this—offered a constructive criticism of any aspect of Bill C-44.

I do appreciate that there have been abuses in the past. Indeed, some of the horror stories he mentioned will be addressed in other legislation and belong in other legislation. I was hoping to hear specific criticism.

To help him in this regard, I would like to suggest that he give us his views as a former police officer on the question of identity, the use of false identity, false documents, as a mechanism by which criminals get through the immigration process, getting into this country.

Would he not agree that in Bill C-44 we are making a giant step toward enforcement and for keeping out these undesirables? Would he not agree as a former police officer that this is an excellent step and this is an excellent bill?

Mr. Hanger: Mr. Speaker, I thank the member for his question. I would like to make a comment in reference to the preamble that the member presented before his question. As far as the bill is concerned and what the Reform Party is stating here, it does not go far enough.

It still does not address the concerns that many Canadians have when it comes to actual removals of individuals once a deportation order has been issued. We have 40,000 individuals right now under deportation orders. Why are they not being removed? They are not being removed for problems within the policy, the law. They are not being removed because there is an

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insufficient number of individuals assigned for removal to take care of that specific problem.

The immigration department in so many areas is overworked and understaffed in many respects. The question of finances came up when reviewing staffing problems so that increased staffing needs could be achieved to meet this demand.

There are not sufficient resources on the front end of enforcement and too much for the administrative aspects of immigration. There is increased cost to the taxpayers for having to assign individuals to try to pick up the pieces afterward through the courts as they prosecute individuals violating our laws.

Those are the problems with the immigration department. They go far beyond what this bill will ever offer or address. When it comes to the point of documents, certainly I am not arguing with the specifics that this will address part of the problem. It does not address it all, as was pointed out by my colleague. This deals only with those documents that may be in the mail.

There is a major problem at the point of entry when it comes to evaluating documents or to even questioning individuals who enter at whatever the port of entry may be. No immigration officer on the frontline questions those who pass through the points of entry.

The immigration officers are pushed to the back of the offices. When the customs officer addresses an individual who may come into the country, he may refer him to the immigration officer if there is reason to do so. You really have no frontline protection there when it comes to immigration. That has to change.

The borders are not secure. I can point to several other areas as well. Specifically, to address the member's question on documents, certainly C-44 is a start but it does not address the whole problem.

[Translation]

Mr. Osvaldo Nunez (Bourassa): Mr. Speaker, the hon. member and I come from different backgrounds. You are a former police officer, while I am a former refugee. We do not share the same experiences, the same situations. You want to have more stringent measures, while I find that the bill will not solve the real problems. There are already three working groups made up of the RCMP, the immigration officers and the local police in Toronto, Montreal and Vancouver. Do you think this is enough?

(1300)

You also know that there are Canadian criminals abroad. There are Canadians in prison in a number of countries. They too need our protection and I have received several calls. Canadian consulates are there to offer some protection to these Canadians, who have usually been sentenced for drug trafficking. What are

you going to do? Are you going to ask these countries to deport them to Canada?

[English]

Mr. Hanger: Mr. Speaker, I will answer the member's second question first.

As far as I am concerned if an individual enters another country and violates its laws he should pay the price, and if he is not a citizen of that country he should be expelled immediately. I would venture to say that the majority of people agree with that position, including the member across the way who asked the question.

The problem is that in this country that does not happen. First, it is lucky if they pay the price for the crime that they commit. Second, who is going to remove them and why are they not being removed? That is the problem and Bill C-44 does not address it.

Are there enough policing agencies or enforcement agencies to deal with enforcement of the Immigration Act and the Criminal Code? I would venture to say there are not. I am not looking for Draconian measures. All we are doing is seeking the best for the Canadian people to protect them in the best way we can. There is an undesirable element slipping into the country. There is no question about that. That undesirable element should be removed. Bill C-44 does not go far enough to remove it.

My only suggestion is that the bill be voted down and that a complete review be done of the immigration policy in the country. The voice crying for a moratorium is getting louder. We are not suggesting that but some people in society are. I suggest we start to clean up what we have now before that voice gets louder.

Mrs. Eleni Bakopanos (Saint-Denis): Mr. Speaker, I would like to ask the hon. member a question and I would like to make a comment.

Bill C-44 is a law that thinks about the victims in our society. Despite what the hon. member said, we as a government are concerned about the victims. That is why we want to introduce the legislation.

I also want to bring to the member's attention that the minister has said he will collaborate both with the Solicitor General and the Minister of Justice to make sure that the law is enforced. If the problem of enforcement is there the three will work together to make sure there will be enforcement of the law.

I understood the hon. member to say that there were no deportations last year, if I understood him. Perhaps I am wrong; perhaps he could correct me. Does he have knowledge of how many deportations were issued last year and how many individuals were deported last year?

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

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There were 8,200 orders carried out; 1,200 of those orders were criminals and a minimum of 3,000 orders were against criminals who still remain in the country and cannot be located.

(1305)

The member spoke of the collaboration between the Minister of Justice and the minister of immigration to deal with the matter of removal. I agree that is what has to happen. Under the terms of Bill C-44, however, removal will not occur at any faster rate than it is right now.

The minister recognizes that in the fourth paragraph of page 5794 of his legislation. It will be a lengthy process and we will be faced with the same problem that has been addressed by one member of the official opposition.

The Deputy Speaker: The time has expired for questions and comments. Actually the five hours of debate expired at 12.38 so we are now into 10-minute speeches from all members and no questions.

Mr. Sarkis Assadourian (Don Valley North): Mr. Speaker, I am pleased to have the opportunity to speak on the subject of Bill C-44 now before the House.

The bill marks advancement in the approach of the government toward enforcing the Immigration Act. It marks an advancement in our respect for people from around the world who come to this country. It also marks progress in the way we see Canada's role as a protector of individuals who are refugees from oppression.

Canada has been and continues to be built on the efforts and ingenuity of immigrants. They came, saw opportunity and settled. New Canadians became second generation, third generation or tenth generation Canadians. At some point in time they stopped being new Canadians and simply became Canadians.

The House has 295 members of Parliament. I submit 293 of them are new Canadians. Some are newer than I am. Some are older than I am. However new Canadians enjoy the prosperity and happiness the country provides to all.

Today at every port of entry, at Canadian embassies and consulates the world over, people ask to become the next group of new Canadians. They hope to join the rest of Canadians on our unique journey. They want to grow from who they are to whom they could become, if given the opportunities that Canada provides in abundance and that Canadians enjoy.

I believe that most people who have asked to become Canadians want to share the same feeling of pride many of our ancestors experienced when a judge, an immigration officer or a postman delivered the news of their new citizenship. They want

to stand as Canadians and sing *O Canada* whether it is for the first time or the thousandth time. They want to be one of us, to contribute, to make a life, to create their future.

At this point I want to remind the House that every year April 17 to April 24 is Citizenship Week. This year for the first time members of Parliament in the House and the Senate and their staff gathered in the Hall of Honour to reaffirm their citizenship. When *O Canada* was sung I was amazed and happy to see tears in the eyes of many of the singers, including some members of Parliament, who were born here. They really enjoyed the atmosphere; there were tears in their eyes. That is the way Canada wants to have it. That is the way Canada wants to keep it.

Being a Canadian means having an open mind and an open heart. It means accepting each other's differences, celebrating them and not condemning their differences. Being a Canadian means sharing generously. Canada has much to offer those who come here. Canada offers a potential for self-development that exists in few other countries in the world. Tolerance, generosity and potential bind Canadians together, attract newcomers to our shores and brought our forebears to the country many centuries ago.

The first step on the road to obtaining Canadian citizenship is to become a landed immigrant or to be found to be a convention refugee. If we do not protect our immigration and refugee system from abuse we endanger the citizenship system, which demeans the concept of Canadian citizenship.

(1310)

Bill C-44 is a manifestation of our government's responsibility to protect new, old and potential Canadians from hoodlums that would like Canadian citizenship under false pretences. A Canadian passport is a very precious possession. Inside the cover of every Canadian passport issued we can read these words:

The Secretary of State for External Affairs Canada requires that in the name of Her Majesty the Queen, all those whom it may concern to allow the bearer of this pass freely without let or hindrance and to afford the bearer such assistance as may be necessary.

And at the bottom of the facing page it reads: "The bearer of this passport is a Canadian citizen". There are people for whom these words mean nothing. The promise and protection they offer means nothing to them. They seem to come to this country to make deals, and they would abuse the system if they had the chance to do so.

Fortunately these people are few and far between. The overwhelming majority of newcomers to Canada see these words as a source of protection, pride and hope. They see these words as a chance to better themselves in a country that welcomes new Canadians. They see these words as a promise of freedom, both in Canada and abroad.

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However for a tiny group of people who do not share this vision and who would abuse their status as immigrants the country has laws. We want to prohibit any serious and dangerous criminals from becoming fellow Canadians or from being able to stay here. We want to give enforcement officers the power to seize documents from international mail that might be used by people who do not deserve to have citizenship here.

We want to change some of the responsibilities of the Immigration and Refugee Board. We want to make sure that if there must be exceptions to the rule it is the minister who shall judge those exceptions and be accountable for them in the House. We want to close the loopholes that have been exploited by those who would pervert the process of becoming a Canadian citizen.

The tools to accomplish these things are in Bill C-44. It is as simple as that. By letting hoods and thugs into the country we tarnish what it means to be Canadian. We must never let that happen.

Canadians will not tolerate an abuse of our generosity. The Minister of Citizenship and Immigration said to Canada's chiefs of police last month: "No Canadian should have to accept such a slap in the face". Even a few abuses, and there are very few, destroy the trust of Canadians in our immigration system. Abuse erodes the acceptance of Canadians of a progressive immigration policy.

I call on hon. members of the House to act as Canadians want us to act, to apply the laws of Canada as Canadians want the laws applied and to continue Canada's long tradition of a tolerant, generous, progressive and enlightened immigration policy. I ask that we move swiftly to protect the integrity of the Canadian passport and give meaning to the words found inside.

To that end, I call on all members of the House to support Bill C-44. We owe it to the people of Canada who have placed their confidence in us as leaders and legislators. We owe it to our neighbourhoods, our families and our friends.

The safer Canada of tomorrow is in our hands today.

Mr. John Williams (St. Albert): Mr. Speaker, I rise to talk this afternoon on Bill C-44, an act to amend the Immigration Act. As members have heard, the member for Calgary Northeast says that while the bill has made some small beginnings, it does not go far enough to warrant our support and to vote in favour of the bill.

(1315)

The government seems to be sending out mixed messages. I quote from page 5792 of *Hansard* dated September 19, 1994 when the minister was giving his speech on the introduction of this bill:

The actions of a small group of people are causing Canadians to question the very limits and the very merits of a system that has done much to build our nation as we know it. In short, the deeds of a few have cast a shadow over the reputations of many.

On the subsequent page it reads:

Abuse of the system by a few has been cause for alarm. While the numbers of those causing the problem are small, the damage they have done is large.

We have read the reports, heard the stories, seen the pictures or maybe even attended a funeral. A criminal minority has used the immigration system to its own advantage. There has been slow enforcement and some of us have watched with growing anger while a justice and immigration appeals system was used as a stalling tactic to delay departure orders.

The minister says he is concerned about the criminal element that has tainted and tarnished the reputation of our immigration and refugee policy.

Earlier this morning the Reform Party presented a motion to amend the bill that the minister introduced. We introduced a motion to decline to give second reading to this bill and "to make a consequential amendment to the Customs Act because of its failure to bar, prior to a refugee hearing and an application for permanent residence, those who have been convicted of a crime that would carry a sentence in Canada of 10 years or more and those individuals who fall under the category of persons listed in section 19(1) and (2) of the Immigration Act".

That motion was defeated by the Liberal Party. The Bloc Quebecois of course joined the Liberals and defeated any attempt by the Reform Party to put some real teeth into the minister's bill. That is why I say we have mixed messages coming from the government where it talks tough. When the Reform Party says that we want to really talk tough, the government backs down and nothing really gets going.

The fundamental philosophy of the Canadian refugee policy needs to be altered. The current philosophy seems to say that a refugee is into this country unless we can prove at a later date that he or she should not be in, at which point in time deportation hearings begin.

That philosophy needs to be reversed to say that a person cannot come into this country unless there are good reasons why he or she should be allowed in. I know and I endorse a policy of opening our doors to millions of refugees, the hundreds of thousands of refugees who seek and have obtained a safe haven in this country. Of the millions around the world there are few who are brave enough, lucky enough or enterprising enough to make it to our shores. However far too many times those who were brave enough, lucky enough or enterprising enough were actually the perpetrators of the prosecution.

The first thing we must be aware of when a refugee applies for refugee status is that they need not necessarily be the helpless and hapless victim of persecution. Refugees should not be

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allowed automatic entry into this country and move around freely until three specific checks have been performed.

Number one, we should verify they are indeed helpless and hapless innocent victims of persecution and not the perpetrators of the persecution themselves. In the last couple of years all of us have seen situations in the newspapers where we have definitely found that refugee applicants are not refugees but the cause of the refugee problem.

Two, we should also check that they are not criminals who have a record of violent crime in the countries where they come from.

(1320)

Number three is that we have not barred them entry for failing to meet the first two criteria or for abusing the privilege of being in Canada and carrying out criminal activities. This is basically saying that if we have deported once, why go through the hassle of even thinking about it again. Let us call the situation as it is.

Only after they meet those three checks should we consider that Canada would be available as a safe haven for them.

This bill has some positive features such as stripping the Immigration and Refugee Board of its ability to overturn deportation orders. It is long overdue. We have had appeal after appeal after appeal, when it is absolutely obvious there is no way we should even be considering the application. The minister himself referred to the embarrassment of the appeal board having to go to a Kingston prison to hold hearings with convicted murderers to find out whether or not they should be allowed entry.

The bureaucratic process grinds on spending money, when I know and everybody else in this country knows that the answer is to let us get them out and get them out now.

The bill also ensures that someone convicted of a crime in Canada which carries a maximum sentence of 10 years or more will automatically be subject to a deportation order that can only be appealed to the minister. That is one of the better parts of the bill, but as I say it does not go very far in our point of view.

One thing we are concerned about is that the bill does not identify criminals before they are allowed into the country. No criminal checks are performed on the claimant until his refugee status has been determined. I had to scratch my head to understand the logic here.

Ordinary Canadians are telling me that surely this is putting the cart before the horse. Why would we allow a refugee in if we are going to find out subsequent to granting him refugee status that he is a serious criminal from wherever he came and does not deserve refugee status? Then we have to turn around and get the process in order to ship him back out, when we could have stopped him long, long before. This seems to be an example of

the refugee and immigration industry cranking through the mill just to keep the system going and keep them all employed.

We say the criminal checks should be front and centre of the review process, not after the fact. When it comes to deportation, it seems that this bill is a tiger without teeth. There is a major difference between a deportation order and a deportation itself. Last year 25,000 deportation orders resulted in only 8,200 deportations. So we have a law that is being laughed at, ignored and ridiculed by people who we find undesirable in the first place and who we want out of the country.

Canadians I have spoken to also want the assurance that once an individual has been deported he will not be allowed into Canada again. That seems a fairly simple and straightforward thing. Once someone has been deported immigration officials should be able to say no at the border, long before the individual sets one foot on Canadian soil. If we have been through the deportation order once, why would we even think about doing it again? Millions of dollars are wasted as the whole industry churns on to arrive at a decision that should be obvious and already concluded. Once someone has been deported they are out to stay out. Out should mean out.

I think I can congratulate the minister for his about turn. He is halfway around the U-turn from his position this spring when Parliament first sat. At that time he was quite satisfied in many ways with the immigration department and the levels of immigration in this country.

However this bill demonstrates he has been listening to Reform members and this House and to Canadians across this land and he has discovered there are many more Reformers in Canada on the immigration policy than there are Liberals. It is, however, unfortunate that he did not listen more closely and complete the entire U-turn. If he had paid closer attention some of the problems and the deficiencies that are still present in this bill would have been cleared up.

(1325)

It is also unfortunate the minister did not act more like the ordinary Canadian. It makes perfect sense to everyone I have spoken to, although I have to admit I have not spoken to the minister, that we should ensure that individuals are not criminals before we allow them into our country. Something that simple seems to be beyond the minister's comprehension.

In conclusion this bill represents a small first step, but such a small first step that we cannot support it. The minister should listen more attentively to the wishes of Canadians and to Reform members in this House.

While the bill deals with some of the issues, it does not tackle the fundamental problem of criminals entering into Canada. It does not resolve the process that allows refugees to be in limbo

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for years while they build a social case for staying in Canada that has nothing to do with why they left in the first place.

If the minister wants my support he has to go all the way around the U-turn and make a serious attempt at solving Canada's definitely serious immigration problems.

Mr. Ovid L. Jackson (Bruce—Grey): Mr. Speaker, I am pleased to speak on Bill C-44, which is an amendment to clarify and codify changes to the Immigration Act.

The people of Canada will not tolerate the abuse of our generosity. Even a few abuses destroy the trust Canadians have in our immigration policies of fairness and tolerance. It also means that Canadians' acceptance of a progressive immigration policy is compromised.

Bill C-44 will further the government's commitment to control illegal immigration and control our borders. This bill also provides further evidence that we take our commitments of the trust of the Canadian people seriously.

There are four main areas where Bill C-44 will improve the Immigration Act.

This bill will assist our frontline people to intervene in situations where someone is using the system to his or her advantage. As an example, a person who can have more than one claim before the Immigration and Refugee Board means the system becomes clogged with overlapping, repetitive, frivolous claims. The IRB is spending too much time investigating the already investigated and assessing the already assessed. Under Bill C-44 the first claim will take precedence and all subsequent claims will be terminated.

This bill will help to keep serious criminals out of the refugee determination system. At any time in the refugee determination process if senior immigration officials discover a serious criminal offence either in Canada or abroad, they will be able to suspend and terminate the process before the Immigration and Refugee Board makes a final decision.

Claims for refugee status can be dismissed for a number of reasons. The amendments in Bill C-44 will prohibit people convicted of serious crimes from claiming refugee status.

Under the Geneva convention on refugees, criminality is a valid basis for refusing a refugee claim. Bill C-44 will encourage this, as well as provisions for the exclusion of war criminals. As well the IAD will no longer have the power to allow serious criminals to remain in Canada on humanitarian and compassionate grounds. The minister will assume the authority to decide humanitarian and compassionate exceptions. Of course the IAD will still have the jurisdiction to grant stays of removal for reasons of law or fact or a mix of law and fact as it does now.

Finally, immigration officers will have the authority to seize identity documents sent by international mail. There is a disturbing trend toward the distribution of genuine counterfeit visas, passports and identity documents as part of attempts to bring illegal immigrants to Canada.

To that end customs officers will have the authority to examine international packages for documents like passports, visas, health cards and other documentation. The suspect material will be referred to an immigration officer who will determine if these documents might furnish evidence relevant to attempts to get around the immigration policy.

(1330)

There are other pertinent amendments contained in Bill C-44. These specifics can be found in the relevant documents you have before you, Mr. Speaker. However, the central theme of my remarks is to endorse the spirit of the changes proposed in Bill C-44. The people of Canada want to see laws applied with some consistency and fairness. Where persons have broken the law or have misinterpreted their claim as a refugee or are trying to manipulate the system and the spirit of the Immigration Act we want to have the ability to act in the best interest of Canada.

If that means throwing a person out then it means throwing that person out. If it means convicting them of fraud with jail time then it means a conviction for fraud and jail time. It also means that we are going to enforce the laws reasonably, fairly and equally. The system is going to be changed for the better with this bill.

I call on all hon. members of this House to act as Canadians want us to act, to apply the laws as Canadians want the laws applied and to continue the tradition of fair, progressive and enlightened immigration that Canadians have grown accustomed to. To that end I call on all hon. members of this House to support Bill C-44.

Mrs. Beryl Gaffney (Nepean): Mr. Speaker, I too am very pleased to be able to speak to Bill C-44, an act to amend the Immigration Act and the Citizenship Act and to make consequential amendments to the Customs Act.

Bill C-44 goes a long way to address the concerns of many people. It provides the necessary tools and authority to maintain the integrity of our immigration and refugee system. There are a number of key points to the bill which merit highlighting. I would like to highlight a few.

Immigration officials, for example, would be given expanded powers to seize suspicious documents for inspection. Enforcement officers would have the authority to prohibit the shipment of documents which could be used to circumvent the rules and regulations of the Canada Immigration Act. These papers are the documents used to establish false identities to enable persons to enter and travel to Canada illegally.

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Last year during a five-month period over 120 packages containing one or more status or identity documents were found in major Canadian cities each week. These packages had to be returned to the mails because there was no authority to seize them.

Under the provisions of Bill C-44 serious criminals will be prevented from using the refugee process to delay their removal from Canada. It should be noted that this is not a violation of their human rights. The United Nations convention on the status of refugees recognizes that some individuals are not deserving of protection because they had committed serious criminal offences.

This bill would also transfer from the immigration appeals division to the minister of immigration the authority to disallow permanent residents convicted of serious crimes to remain in the country on humanitarian grounds.

As many hon. members in the House are aware the immigration appeals division has recently been involved in a number of controversial decisions that allowed certain people to stay in Canada in spite of the crimes they previously committed. This amendment will place this important and controversial duty squarely in the hands of the minister, which I believe makes the system more accountable to Parliament.

Nevertheless, the immigration appeals division will retain jurisdiction to stay removal orders on humanitarian and compassionate grounds for permanent residents convicted of minor offences.

There are a number of serious other provisions in Bill C-44 that I believe will have a positive impact on our immigration and refugee system. For example, a person who is found to have made multiple claims will not be able to pursue a claim of their choice once the series of claims has been discovered. Instead, the first claim will now take precedence and the Immigration and Refugee Board will be notified to terminate all subsequent claims.

Senior immigration officers would also have authority to make removal orders besides the powers they have now at ports of entry and inland. In addition, all permanent residents who are ordered removed will lose their permanent resident status.

(1335)

Abuse of Canada's immigration system and the existence of criminal immigrants and refugees are real serious concerns to many people in my constituency of Nepean. During the summer months I held a forum in my riding to garner the views and ideas of my constituents regarding Canada's immigration policy.

Throughout the evening a number of topics with a wide range of opinions were examined. One of the underlying themes of the

discussion was a tremendous concern about newcomers who undermine the integrity of our immigration and refugee system.

The people of Nepean recognize that crime in Canada is not a result of any particular ethnocultural group of immigrants or refugees. They do however clearly feel that we must take steps to prevent criminals from entering Canada, expel those who commit crimes while in the country and impose barriers to those who have been able to cheat the system, attempting to enter Canada under false pretences.

A copy of the full report on the thoughts of the participants at the Nepean forum has been filed with the minister of immigration.

I firmly believe that Bill C-44 will work to tighten up our enforcement system and help to restore not only the faith of my constituents but of all Canadians in the integrity of our immigration and refugee system.

I am confident that hon. members in this House will see the merits of Bill C-44 and join me in supporting this legislation. We owe it to the people of Canada, both native born and newcomers alike, to ensure that our country is a nation where peace, prosperity and safety prevail.

[Translation]

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the yeas have it.

And more than five members having risen:

The Deputy Speaker: Call in the members.

And the division bell having rung:

The Deputy Speaker: Pursuant to Standing Order 45(5)(a), I have been asked by the government whip to defer the division until a later time.

Accordingly, pursuant to Standing Order 45(6), the recorded division on the question now before the House stands deferred until daily adjournment on Monday, at which time the bells to call in the members shall be sounded for not more than 15 minutes.

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(1340)

[English]

Mr. Boudria: On a point of order, Mr. Speaker. I think you would find unanimous consent, notwithstanding any order of this House, to have the vote which you have now announced as being deferred to Monday at 3 p.m. deferred to Tuesday at 3 p.m. at the same time as the other vote previously announced earlier this day.

The Deputy Speaker: Is there unanimous consent?

Some hon. members: Agreed.

* * *

CRIMINAL CODE

The House resumed from September 20 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. Morris Bodnar (Saskatoon—Dundurn): Mr. Speaker, today I address this bill before us on sentencing reform. These proposals fulfil a commitment made in the red book by the Liberal Party.

The hon. members opposite should take note that we are keeping our promise. The main goals of this bill are to ensure the rehabilitation of offenders to become law-abiding citizens, to separate offenders from society when necessary and to promote a sense of responsibility in offenders by making restitution and acknowledging harm done.

To achieve these principles the bill sets out a number of fundamental principles to guide the courts. These principles are, first, to reflect the seriousness of the offence and the responsibility of the offender. Second, the courts must consider the aggravating and mitigating circumstances. Third, similar acts should receive similar sentences. Fourth, the principle of sentencing totality is upheld. Fifth, the offender should not be imprisoned if other options are appropriate. Sixth, all reasonable alternatives should be considered. I mention this especially because of the aboriginal offenders.

There are a few features of this legislation on which I would like to focus. The use of alternatives for aboriginal offenders is a very important principle of this bill. In my province of Saskatchewan the aboriginal population is the fastest growing segment of society today. It also represents a disproportionate percentage of offenders incarcerated.

The courts in Saskatchewan have started to experiment with sentencing circles. A sentencing circle brings together elders of the community and also includes members of the non-native community and professionals such as lawyers and police officers.

The emphasis is not on retribution but rather on returning the community to its sense of harmony as defined by the aboriginal population.

Recently in Saskatoon an accused, a Saskatoon Metis, was sentenced in this manner. The sentencing circle was convened after this individual had robbed a gasoline station in my city. The sentencing circle met and decided that this individual must perform certain punishments to return its community harmony. He was instructed to do voluntary work for the gas station he had robbed, a certain number of hours of work or days, to volunteer at the Metis society and to admit his guilt to the community. Over and above this he was also sentenced to a penitentiary term of imprisonment.

The gas station owner was hesitant at first but has publicly said that he believes that justice has been served by the sentencing circle. This is an important part of criminal justice, the belief by members of the public at large that justice has been served, has been fulfilled.

We must resist the urge to incarcerate everyone who commits a crime. It costs more money to keep someone in jail for a year than it does to send a student to school.

Another important function of the bill is to provide for victims' impact statements at early parole hearings held under section 745 of the Criminal Code.

Section 745 is the section that allows for review of the mandatory life sentence without parole for 25 years to determine whether the person should be paroled after 15 years.

(1345)

I have strong feelings on this issue. Constable Brian King, a constable in the RCMP, was killed in Saskatoon. Constable King was a personal friend of mine. He was ruthlessly killed in the line of duty in 1978. Last year the individual convicted of killing him made an application for early parole under section 745.

Imagine for a moment the frustration and sense of helplessness of his family as they were forced to sit in a courtroom in Saskatoon and hear witness after witness give evidence but were not allowed to say a word themselves to the court. They were not allowed to bring the victim's voice to confront the person who had done the wrong.

Death, thanks to the current provisions, has not only silenced Brian King, but it has also silenced the memories of his family in the courtrooms of the land. Is this justice?

Finally, I would like to say a few words in support of the restitution provisions of the bill. When a criminal is sent to jail, does the store owner he robbed feel better? Maybe he does. Does the sentence imposed upon the criminal help the store owner make ends meet at the end of the month? Restitution provides the opportunity to make criminals pay for their crimes.

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The legislation makes allowances for restitution for people who unwittingly buy stolen property. Currently if one buys stolen property and it is confiscated by the police, one loses what one has paid for it. Now restitution can be ordered by the courts and innocent victims of crime will be compensated.

This bill shows that the Liberal government is committed to showing criminals that crime does not pay.

Mr. Ken Epp (Elk Island): Mr. Speaker, I listened with interest to the member's speech. I have one question that I would like to ask. It is whether or not he would favour extending the right of individual groups to sentence people in their own group to groups beyond the aboriginals?

Mr. Bodnar: Mr. Speaker, the contributions of the aboriginal community in the area of sentencing and sentencing circles to the rest of society can be very important. We should be looking to many of the provisions that the aboriginal community has, one of them being sentencing circles.

That method of sentencing may be far more beneficial than many of the provisions that we presently incorporate into our criminal justice system. My answer is yes.

Mr. Myron Thompson (Wild Rose): Mr. Speaker, this past week I attended a conference in Hamilton sponsored by Canadians Against Violence Everywhere Advocating its Termination otherwise known as CAVEAT.

There were 185 delegates present, Canadians from all across Canada representing all walks of life including victims, police, educators, law societies, politicians, members from the other side of the House. Numerous others were present at this conference.

At the conclusion of the conference many recommendations will be forwarded to the government, recommendations that I fully support—that must frighten some of them on the other side of the House—and believe would create an atmosphere that would make Canada a safe place for its citizens.

In comparison, I look at the various proposals put forward by the government from the justice department, proposals like Bill C-41, Bill C-42, Bill C-44, Bill C-45, Bill C-37. While they are all small steps, and I emphasize small, in the right direction, all of them are a far cry from what Canadians are calling for and what these recommendations are going to represent.

(1350)

In my final analysis, I believe these proposals, including Bill C-41, will not produce the means to reduce violent crimes in this country to any significant degree. I listened to speeches from members of the Liberal caucus who say these bills are nothing more than a small step in the right direction. I am also aware of petitions put forward in the House calling for serious amendments to the Criminal Code of Canada, amendments to

the Bail Reform Act of 1972 and the Parole Act, petitions I might add with over two million signatures from all across Canada.

The only result that all the proposals for change that this government is producing will be an attempt to convince people all across the country that another promise by the red ink book has been fulfilled when in fact these proposals will do little or nothing to improve the safety of Canadians regarding violent crimes.

Now is the time and the opportunity for the government to bring forward legislation that announces zero tolerance for all acts of violence, and this is a far cry from that. What is wrong with zero tolerance? Why do we want to continue to live in a country where we have to be afraid for our children and grandchildren? What is the point? Let us continue to work hard in the area of prevention, but for heaven's sake draw the line in the sand and let all violent offenders know immediately that crossing that line will result in harsh meaningful punishment that they would regret.

The Minister of Justice is anxious to introduce new gun laws to make Canada safer. Why has one of these bills not been legislation that deems the use of a weapon in any crime will result in immediate incarceration to be served consecutively with any other sentence to a crime? Is the justice minister saving the gun issue to bring in legislation that will create a burden on law-abiding people? That is exactly what it will do when you start presenting legislation like I have seen. The criminal element will look at this legislation, they will laugh, make a joke and enjoy life.

What is wrong with legislation that says life means life and repealing such sections as 745 of the Criminal Code? Remember the victims. You seem to forget the word victims. Remember that victims of all violent crimes are affected for life by these crimes so why should punishment for the criminals be any less?

I agree with the Minister of Justice when he says that we need to reduce the population in our prisons. There are better ways to deal with some non-violent offenders. But to suggest that violent offenders should be considered for release from a life sentence in 15 years is totally ridiculous. I shudder to think that Clifford Olson and his type may be on the street again some day.

That is why we have to ensure that sentencing guidelines are clear and consistent with the feeling of Canadians as represented by the Charter of Rights and Freedoms. The preamble to the Charter of Rights and Freedoms states in section 15 that every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination. Bill C-41, clause 718.2, subclause (1) states that: "When a court imposes a sentence it shall take into consideration the following: That the evidence that the offence was motivated by bias, prejudice or hate based on race, nationality, colour, religion, sex, age, mental or physical disability" and

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now they want to include sexual orientation “of the victim shall be taken into consideration”.

I cannot understand what is the difference between murdering a white man, a black man, a heterosexual or a homosexual. Violence is violence. Why do we want to make it tougher because they happen to believe something different than the rest? There is no way in the world that inclusion of sexual orientation, for example, in this legislation should make one iota of difference as to how severely the criminal should be treated.

I personally believe that this clause conflicts with section 15 of the charter. There is no reason to say that a sentence should be tougher because of violence or hate. Violence is violence and hate is hate. There should be no exclusion when it comes to sentencing. The whole point of sentencing is protection of the victim and punishment for criminals based on severity of the crime.

(1355)

In summary I would like to say this. This country is alarmed, people are alarmed. If we think that 2.5 million signatures to this government can be ignored then we had better think again. I can promise that from what I have seen from the recommendations of those petitioners, that is exactly what this government has done. It has ignored their recommendations. The government better open its eyes, read them when they are received and adhere to them or one day we will truly regret it.

Mr. Morris Bodnar (Saskatoon—Dundurn): Mr. Speaker, there has been reference made to the question of mandatory sentences when the firearms are used in the commission of an offence.

A close review of the provisions of the Criminal Code will show that that is already the case. There is a mandatory jail sentence for the use of a firearm in the commission of an offence. The minimum sentence is one year. The problem that arises is not one of legislation. It is enforcement of the code by the provincial attorneys general.

Further, there was reference made to zero tolerance. Zero tolerance of what? Police officers now lay charges when a person commits an offence. I would like to know from the hon. member what he means by zero tolerance in charging.

Mr. Thompson: Mr. Speaker, apparently we are running into the same problem we always run into with these people. When your head is in the sand and your eyes and your ears are buried you do not hear or see what is going on. When you get a petition with 2.5 million names and you cannot hear the message, you should get your head out of the sand.

I do not have to defend zero tolerance. Canadians will do that.

The Speaker: My colleagues, as you have seen, I have just come into the Chair. I noticed that when the hon. member was saying “you” that he was looking sort of in my direction. I presume the remarks were for the Chair and I take them as such.

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]

SUCCESS NOVA SCOTIA 2000

Mr. John Murphy (Annapolis Valley—Hants): Mr. Speaker, on Friday, September 16 our government teamed up with the province of Nova Scotia to announce Success Nova Scotia 2000.

This five-year project under the strategic initiatives program will assist 3,000 young Nova Scotians gain valuable work experience in leading industries. The objective is to develop and implement new opportunities by promoting internships as an integral part of our learning culture. Success Nova Scotia 2000 is a reflection of our government’s commitment to finding better ways to help young people secure jobs in their chosen field.

I am confident that the people of Annapolis Valley—Hants will seize upon the opportunity to make this program successful for our youth.

By providing leading edge job opportunities for our young people, we will enhance Nova Scotia’s position as an economic leader in the years to come.

* * *

[Translation]

COUNCIL FOR CANADIAN UNITY

Mr. Maurice Dumas (Argenteuil—Papineau): Mr. Speaker, yesterday, in Montreal, the president of the Council for Canadian Unity embarked upon the referendum campaign trail, stating he entirely approved of the absence of any new federal offers.

For the Council, unity is tied to the status quo. The renewal of the Canadian federation is not longer an option.

After 30 years of lamentable failure, in this show of honesty the Council is revealing its true colours.

The Council for Canadian Unity which—let us not forget—is subsidized by Ottawa, confirms that Quebecers are to expect nothing better from Ottawa than more duplication, more overlapping and more squandering of their tax dollars. In other words, more of the same.

[English]

GUN CONTROL

Mr. Lee Morrison (Swift Current—Maple Creek—Assiniboia): Mr. Speaker, the Minister of Justice should be aware that opposition to gun control is not just a preoccupation of rural westerners.

In the past few weeks I have received more than 100 angry letters from urban Ontario residents who do not share the minister's jaundiced opinion of the competence and integrity of Canadians, or the patronizing view that gun owners need to be protected from themselves.

I have advised these people that I am one of the good guys and that they should direct their anger where it belongs: at the minister.

A few of these correspondents are probably part of that huge crowd out on the lawn today. They are sending a clear message against statism. I hope the minister is listening and perhaps rethinking his elitist prejudices.

Tough gun controls have proven ineffective in many jurisdictions including New York, Illinois and the United Kingdom. Why must we continue down this—

The Speaker: The hon. member for Guelph—Wellington.

* * *

EDUCATION

Mrs. Brenda Chamberlain (Guelph—Wellington): Mr. Speaker, individual Canadians manage their responsibilities every day with enthusiasm and dedication and slowly make their mark on the people around them.

One of these individuals is Terry Lynch, director of education for the Wellington County Board of Education. Terry is bright, amazingly energetic, and has much to offer in common sense and determination. He has worked relentlessly to succeed in order to ensure that the board is the finest in the province of Ontario. I am proud to call Terry a friend.

As children across Wellington County return to school from their summer vacation, they should thank educators like Terry who work hard behind the scenes with endless energy to make their education experience rewarding and first class in order to prepare them to succeed in their future.

* * *

TAKE BACK THE NIGHT

Mr. Pat O'Brien (London—Middlesex): Mr. Speaker, fear of violence and violence itself is a severe restriction to equality for women. This sad reality of our society sees women and children at risk of danger in many situations, including the most fundamental action of walking safely after dark.

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The federal government is committed to addressing the widespread problem of violence against women by working in partnership with local communities to find solutions. I send my support to the London group, Women for Action, Accountability and Against Violence Everywhere, and to all women as they march to bring an end to violence in the Take Back the Night rallies happening this week across the country.

I encourage Canadians to get out and support the right of women to walk freely within our communities.

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INTERNATIONAL NICKEL COMPANY OF CANADA

Mr. John Finlay (Oxford): Mr. Speaker, this summer I was a guest of the International Nickel Company of Canada. The tour was arranged through the Parliamentary, Business and Labour Trust. I visited the research centre in Mississauga and the mine, smelter and refineries in Sudbury. I met with the CEO, vice-president, managers, miners and union officials.

What impressed me most were two things: the commitment of everyone in the corporation we met to compete internationally by virtue of research, new technology, enlightened management and downsizing; and, second, the corporation's ongoing commitment to the betterment of the communities where it is situated and to the preservation of the ecosystem by the reduction of pollution.

Sudbury and the surrounding region is no longer a moonscape. The air no longer smells of sulphur. Thanks to the forward looking, sustainable environmental policies of Inco and its co-operation with the local municipalities, the region is now a green landscape again.

* * *

[Translation]

APPOINTMENT OF SHARON CARSTAIRS TO THE SENATE

Mr. Maurice Bernier (Mégantic—Compton—Stanstead): Mr. Speaker, the Prime Minister has just shown once again his lack of understanding and respect for Quebec. The appointment of Mrs. Sharon Carstairs to the Senate reinforces the idea that the government of Canada knows how to reward those who publicly attack Quebec.

(1405)

Making no secret of her anti-Quebec feelings, Mrs. Carstairs has worked relentlessly to sink the Meech Lake Accord. She tried to put Quebec in its place, and for her trouble, she is rewarded with a seat in the Senate. She who used to enthusiastically support Senate reform now considers this institution necessary because its members are better educated than those of the House of Commons.

S. O. 31

The Speaker: Dear colleagues, please bear in mind that sometimes an attack on colleagues from the other place can also be an insult to the Senate as an institution. I trust this will be taken into consideration in the future.

Some hon. members: Order.

The Speaker: Order. After Question Period.

* * *

[English]

GUN CONTROL

Mr. Ed Harper (Simcoe Centre): Mr. Speaker, in failing to balance its budget the Liberal government believes its dilemma is the lack of revenue when clearly the real problem is out of control spending. The same confused thinking has resulted in the emphasis on more gun control rather than getting tough with criminals.

The earlier decision to give in to the tobacco smugglers only shifted the emphasis to guns and alcohol. Our borders are leaking like a sieve when it comes to stopping the guns that are coming in.

The Ontario Provincial Police found during Project Gun Runner that 94 per cent of the guns on the black market were smuggled from the United States.

No amount of gun control is going to solve this problem. We need a government that is willing to start enforcing the laws that are here now rather than adding new ones if we are ever to stop violent crime.

* * *

SUSAN AGLUKARK

Mr. Jack Iyerak Anawak (Nunatsiaq):

[Editor's Note: Member spoke in Inuktitut.]

[English]

On Monday, the 1994 Country Music Awards for Canada were handed out. Among those honoured that night was Susan Aglukark, a young Inuk singer and songwriter from Arviat in my constituency.

In 1990 Susan's video called "Searching" won the top cinematography award from MuchMusic. Her first recording entitled "Dreams for You" was followed in 1992 by the critically acclaimed CD "Arctic Rose".

At Monday's awards ceremony, 27-year old Susan won the Rising Star trophy.

Susan and her music are special. Susan sings in her native language Inuktitut as well as in English. She sings about life, its problems and its joys. While celebrating the Inuit language and culture, Susan's music transcends cultural boundaries.

Congratulations, Susan. We are all proud of you.

CULTURAL CENTRES

Mrs. Carolyn Parrish (Mississauga West): Mr. Speaker, I rise in the House today to congratulate the parish of St. Maximilian Kolbe in the city of Mississauga, a parish that my family and I belong to, on the official opening of the Pope John Paul II Polish Cultural Centre.

The centre was built by the parishioners using volunteer engineers, designers and site supervisors. It was built entirely with funds raised over the past eight years. It was completed for just over \$2 million and carries a very modest mortgage. Not one dollar came from any level of government.

The centre will serve more than 8,000 families of Polish descent and will throw its doors open for use by the whole Mississauga community. This is an excellent example of multiculturalism for the nineties: a self-sufficient ethnic group reaching out to welcome members of the Polish Canadian community while sharing its facilities with the surrounding neighbourhood.

Again my sincere congratulations go to the founders: the president Lottie Misk, Father Stanley Bak, Father Ted Novak and to the 8,000 families that have worked so hard to see their dream come true.

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[Translation]

THE LATE MARCEL TOURANGEAU

Mrs. Shirley Maheu (Saint-Laurent—Cartierville): Mr. Speaker, I would like to offer my sincere condolences to Mrs. Gabrielle Tourangeau and her children on the death of her husband Marcel.

(1410)

Marcel was well known in Saint-Laurent for his many activities as a volunteer and his tireless involvement, particularly as the founder and chairman of the Montpellier seniors group. Among other activities they could be seen playing pétanque every day of the year, whatever the weather—outdoors in the summer, indoors in the winter.

Marcel will be missed by all and especially by his family and his many friends. We have lost a great Canadian.

* * *

MEMBER FOR CENTRAL NOVA

Mr. Réal Ménard (Hochelaga—Maisonnette): Mr. Speaker, on Tuesday, September 20, the hon. member for Central Nova made hateful comments about the gay community, associating homosexuality with bestiality and pedophilia. The Liberal member shows partisanship and a serious lack of judgment by objecting to the fact that an offence motivated by hate, based on sexual orientation—

[English]

The Speaker: Order, please. In the last few days we have been bordering in some of our comments and some of the attacks on getting perhaps a little more personal than the House is willing to accept in the normal give and take of Parliament.

I would ask all hon. members to consider that whenever we attack one another directly like this it is not always in the best interest of the House. I would ask hon. members to look over the statements they will be making so that they are not referring in any way to what has transpired before.

* * *

NATIONAL UNITY

Miss Deborah Grey (Beaver River): Mr. Speaker, yesterday the Prime Minister left the impression that the Reform Party was profiting from the national unity issue with a 1-900 phone call. Let me set the record straight.

From September 26 to October 3 we will be conducting a cross-country telephone referendum on Canada's future. The phone company, not the Reform Party, charges \$1 a minute for each call. The Prime Minister appeared shocked at this. "Unbelievable" was his response.

What is unbelievable is the national debt. It is growing by \$88,410 a minute. We believe ordinary Canadians should have a say. Canada's future is too important to be left in the hands of the political elite.

I encourage English speaking Canadians to voice their opinions by calling 1-900-451-4841 et, pour mes amis français, 1-900-451-4032. It is the best value on the Hill.

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JO WELLS

Ms. Paddy Torsney (Burlington): Mr. Speaker, it is with great pleasure that I rise today to congratulate Jo Wells, one of my constituents from Burlington, who this summer became the first woman to run the full length of Canada.

Jo began her incredible journey in May leaving from St. John's, Newfoundland, and arriving in Victoria, B.C., 111 days later. Along the way, a long way—some 7,295 kilometres—Jo was greeted, cheered and encouraged by many Canadians in all regions and by many members of Parliament.

Her goal quite simply was to show that it could be done, that anyone who sets goals for themselves however big or small can accomplish them. Jo was especially running to raise awareness about the abilities of women, to show that there are no limits to what women can do.

S. O. 31

We can all learn from Jo's extraordinary determination and enthusiasm. Please join me in congratulating an amazing woman, a terrific Canadian.

* * *

GUN CONTROL

Mr. David Berger (Saint-Henri—Westmount): Mr. Speaker, I would like to offer my support to the Minister of Justice and his initiative to draft legislation on gun control. The minister is striving to strike the right balance. He has told the House that his bill will focus on three areas: stopping illegal firearms, toughening the criminal justice system for firearms offences, and improving the regulation of firearms with a goal to enhancing community safety.

The minister has also assured the House that he is keenly aware that hunting has a long tradition and is an important economic activity in many parts of Canada. His proposals will reflect not only the need for a safe society and a strong criminal justice system but will also respect the legitimate interests of hunters, farmers, and those who use firearms for subsistence.

(1415)

This is the kind of balanced approach to gun control that Canadians need and deserve. I encourage the minister to stick to his timetable and table new legislation in November.

* * *

ROYAL CANADIAN MOUNTED POLICE

Hon. Audrey McLaughlin (Yukon): Mr. Speaker, today on Parliament Hill there are thousands of people protesting the proposed gun laws that the government is considering.

While the government has been talking about legislation to restrict guns, it has also been cutting back on the resources to enforce the existing laws that we have.

For example, since 1992 the RCMP budget has been cut by \$33.4 million. This means a reduction in prevention services, community services, enforcement services. I would urge the government to restore adequate funding to the RCMP so that crimes can be prevented and the laws we have enforced. It must be part of any overall approach to making our streets safer.

The Speaker: Before we pass to Question Period, I know we have just been back for three or four days. I wonder if we might consider putting our questions a little more quickly, especially in the supplementaries, and cutting down and making almost non-existent the preamble. I would urge all hon. members who are answering questions to perhaps come to the point a little sooner so that we might get on more of our colleagues in the question and answer period.

[Translation]

That said, we now move on to Oral Question Period with the hon. Leader of the Opposition.

*Oral Questions***ORAL QUESTION PERIOD**

(1420)

*[Translation]***1992 REFERENDUM**

Hon. Lucien Bouchard (Leader of the Opposition): Mr. Speaker, the government promised to reimburse Quebec for the expenses incurred in the referendum on the Charlottetown Accord. On Tuesday, the Minister of Intergovernmental Affairs said that his government was not bound by this commitment and that Ottawa would therefore not reimburse Quebec. I remind you that the commitment in question was entered into by one first minister with another.

I put my question to the Prime Minister. What is the commitment of a Prime Minister of Canada to the Premier of Quebec worth if his successor can go back on it so shamelessly and with such impunity?

Right Hon. Jean Chrétien (Prime Minister): Mr. Speaker, I asked senior officials in the Privy Council to check whether there had been commitments. I even discussed it at one point with current and former senior officials and we could not find any commitment made by the previous government in this regard. Under the circumstances, it must have been understood by the persons involved at the time that there was to be no compensation.

Hon. Lucien Bouchard (Leader of the Opposition): Mr. Speaker, if requested, I will file a statement from the public accounts of the Government of Quebec showing that the federal government still owes \$47 million for this item. Furthermore, Senator Jean-Claude Rivest, a Liberal, who was Mr. Bourassa's principal advisor at the time, said yesterday that Prime Minister Mulroney had made such a commitment to Mr. Bourassa. I would remind the Prime Minister that he is less scrupulous than his Minister of Heritage, who on a mere rumour honoured a commitment made by some unknown person to allow an unacceptable transaction with Ginn Publishing to proceed.

Does the Prime Minister know that his refusal to reimburse will force Quebecers to pay twice for the referendum? Does he realize that the injustice is even more flagrant because the Charlottetown referendum dealt with a question formulated and presented by the federal authorities?

Right Hon. Jean Chrétien (Prime Minister): Mr. Speaker, as I said, we will respect the commitments made by the government. If someone can clearly establish that the Government of Canada made a commitment, we will respect that commitment. We were not there, we were not part of the discussion and I asked senior officials to verify whether commitments had been made between the two levels of government.

No trace of any commitment was found. Therefore I conclude that we have no obligation and that the Government of Quebec at the time knew very well that if it held a referendum under provincial law, the expenses would be incurred under that same law.

Hon. Lucien Bouchard (Leader of the Opposition): Mr. Speaker, in the Ginn Publishing case also, it was an anonymous verbal commitment made under a previous government—we never found out who had made it—and it was supposedly honoured.

Furthermore, the Prime Minister seems to be making a strange distinction between the Prime Minister, the head of the federal government, and the government, as if the Prime Minister did not have authority to commit his government when he gives his word of honour to another first minister. There must also be honour among first ministers.

Is the Prime Minister not ashamed to punish Quebecers in this way for rejecting the Charlottetown Accord?

Right Hon. Jean Chrétien (Prime Minister): Mr. Speaker, I am quite surprised that the leader of the Bloc Québécois is asking me to keep a commitment made by someone else, when last week, he asked the leader of the Parti Québécois in Quebec not to keep his word about holding a referendum within eight to ten months.

If the Hon. Leader of the Opposition could just give us a document showing that there was a commitment between the Government of Quebec and the Government of Canada, we will honour the government's commitments. However, I have been unable to find any commitment of that kind. It is not mentioned anywhere in the minutes of Cabinet or in any documents.

Gentlemen, give me proof that my predecessor and the previous government made a commitment and we will gladly pay.

Mr. Michel Gauthier (Roberval): Mr. Speaker, instead of going on about the Quebec government's referendum, which is none of his business, perhaps the Prime Minister should start by paying his bills, and I am referring to what he owes Quebec.

On January 28, the Minister of Intergovernmental Affairs said in the House that he was looking into the request from the Government of Quebec. On May 4, the minister stated that the government had not yet reached a final decision. Yesterday, he said in passing that the government would not pay, which has been confirmed by the Prime Minister.

Is the Prime Minister trying to say that the federal government's refusal to pay the \$26 million was motivated by the election of a sovereigntist government in Quebec, which would

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confirm what was said by the Deputy Prime Minister on Tuesday: "That is the price of separation."?"

Right Hon. Jean Chrétien (Prime Minister): Mr. Speaker, the hon. member claims that what the Province of Quebec does is none of our business. What were he and his leader doing during the provincial election, when they went on the hustings? They are federal members, and federal members should stick to federal business. But he went around the province and ended up looking like a Don Quixote tilting at windmills.

We did not cross the line between our jurisdictions. However, Canada's future is the Prime Minister's business.

(1425)

I am a citizen of Quebec, and Quebec's separation is my business, and I will do everything that is necessary to keep this country united.

Some hon. members: Hear, hear.

Mr. Michel Gauthier (Roberval): Mr. Speaker, if the Prime Minister of Canada wants to know what we were doing in a federal election, we were getting elected. He still does not realize that.

Is the Prime Minister's attitude, which deliberately and for no good reason is depriving Quebec of the \$26 million to which it is entitled, is that attitude supposed to reflect this new spirit of co-operation with the new Government of Quebec? Will the Prime Minister of Canada, from now on, take the position that agreements do not count and he is the boss?

Right Hon. Jean Chrétien (Prime Minister): Mr. Speaker, I am not going to say the same thing twice. If the Bloc Quebecois can establish that there was a commitment, we will abide by that commitment. I cannot make it clearer than that. However, we have worked very hard to find any evidence of such a commitment, and there is none.

At the time, the Premier could easily have asked the Prime Minister to put it in writing, but we have found no indication whatsoever that any commitments were made.

You said "we were getting elected", but I think it is now clear you got elected under false pretences.

Some hon. members: Oh, oh.

Mr. Chrétien (Saint-Maurice): Oh, yes. Mr. Speaker, they said: "We are going to be the real power in Ottawa", but they are all in the opposition, and not for more than four years. There will be no repeats.

[English]

IMMIGRATION

Mr. Preston Manning (Calgary Southwest): Mr. Speaker, I would like to point out that while the Prime Minister and the Bloc were arguing about the cost of this referendum and the bill from Quebec, the total debt of the country just went up by a million dollars.

The minister of immigration has been giving tough talk and proposals to the House that purport to tighten up the loopholes that allow criminal immigrants to remain in Canada. At the same time his department has been giving the Immigration and Refugee Board guidelines that specifically expedite the refugee claims of such dubious characters as Algerian double agents, members of the former Ethiopian dictatorship and guerrillas from Latin America.

The minister gives the appearance of shutting the door to undesirable immigrants on the one hand, while allowing the IRB to open it right back up again.

How does the minister plan to resolve this glaring contradiction in the implementation of immigration policy?

Hon. Sergio Marchi (Minister of Citizenship and Immigration): Mr. Speaker, the short answer is that there is no contradiction. The editorials across the country, after your critic spoke on that, talked about the fabrication of the words spoken by your critic. Certainly that—

The Speaker: Order. I would ask the hon. minister to please direct his remarks to the Chair.

Mr. Marchi: Mr. Speaker, as I was saying, I think that put the matter to rest.

(1430)

Pursuant to the Hathaway report, we have made it very clear to our case presenting officers that they have a duty to aggressively, regularly and consistently produce information to those applicants that would suggest that they either have a criminal background from the country they came or in Canada itself. Second, I made it very clear that the refugee case presenting officers have a duty to put forward the same information.

The only question at the heart of those guidelines is that both my officers and the independent officers to the refugee board should not get involved in the adjudication of that case but they very clearly have the obligation to provide that information. If the information sticks then that will be carried out in the case of the adjudication.

Mr. Preston Manning (Calgary Southwest): Mr. Speaker, the fact is that the system does not work. When the minister denigrates the critic from Calgary Northeast he should remember that he is a 20-year veteran of the Calgary police department who with his colleagues has spent years dealing with the defects of the department's processes and the failures of its processes.

His perspective on this issue is not an academic or an interest group perspective, it is a street level perspective to which the minister should pay more attention.

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The minister's department used to handle all dimensions of immigration including the refugee dimension. Since the quasi-judicial IRB was set up and populated by members of the immigration industry the minister denies responsibility for the defects of the—

Some hon. members: Order.

The Speaker: Order. I would ask with all respect that the hon. member please put his question.

Mr. Manning: My question, Mr. Speaker, for the minister is this. When is the minister of immigration going to assume full responsibility for immigration policy?

Hon. Sergio Marchi (Minister of Citizenship and Immigration): Mr. Speaker, it is very clear that on this subject matter this leader is out of his depth because he does not know what he is talking about.

First, neither I nor my government have ever abdicated policy for either the IRB or immigration policy. For you, sir, there is a difference between—

Some hon. members: Oh, oh.

The Speaker: I would ask you, my colleagues, to please address your remarks through the Chair.

Mr. Preston Manning (Calgary Southwest): Perhaps the minister is out of depth on parliamentary procedure, Mr. Speaker.

We are talking about depth, Mr. Speaker. The real reason, and the minister knows this, for the difficulty in keeping illegal immigrants and foreign criminals out of Canada is that the Canadian courts ruled some time ago that the Charter of Rights and Freedoms applies to anyone who is physically present in Canada regardless of how they got here or their criminal defects.

Surely this is not what the Parliament of Canada nor the legislatures intended. They did not intend that the charter would undermine the ability of Canada to protect the integrity of its own boundaries.

We can think of two ways to rectify this situation.

Some hon. members: Order.

The Speaker: This is quite a day. Welcome back to Parliament. I wonder if the hon. member would please put his question.

Mr. Manning: Does the minister have any proposal for getting to the root of this problem?

Hon. Sergio Marchi (Minister of Citizenship and Immigration): Mr. Speaker, through you, the hon. member is as convoluted as his party's policy on this. He moves from Charter of Rights and Freedoms to the IRB to immigration policy. He is changing his adjectives.

This minister has not abdicated policy for the IRB. What I have said time in and time out is that this minister and this government will not get involved in the day to day adjudication

of cases before the Immigration and Refugee Board regardless of how many times its critics get up and give us the blood and the guts and the gore of individual cases. We are responsible for the general policy framework under which the IRB operates.

(1435)

Second, you want a tangible way as to how to get at the root problem.

* * *

[*Translation*]

GUN CONTROL

Mrs. Pierrette Venne (Saint-Hubert): Mr. Speaker, my question is for the Minister of Justice.

Lobbies of gun owners and manufacturers have stepped up their pressure on the government to go back on its election promise regarding firearms. Just today, these lobbies are holding a major demonstration on the Hill in order to sway the minister.

Will the minister abide by the commitment made in the red book and resist pressure from gun owners and manufacturers, and undertake unequivocally not to water down his party's promise to tighten up control of the circulation of handguns and semi-automatic weapons?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada): Mr. Speaker, last May the Prime Minister asked me to prepare proposals for the fall with a view to strengthening firearms legislation, and I will do so.

I spent most of the summer consulting Canadians throughout the country and I listened to what they had to say. We are currently examining a full range of possibilities and I will be tabling a bill in the House within a few months, probably in November. Our primary goal at all times will be the safety of Canadian citizens. We are, I believe, at the point where we must decide what kind of country we want to live in.

[*English*]

We will have substantial changes in gun control for the safety of Canada in the months ahead. Make no mistake about that. In the preparation of that package we are taking into account the legitimate interests of firearms owners. I spoke this afternoon to the crowd gathered on the Hill and I emphasized—

Some hon. members: Hear, hear.

Mr. Rock: —that in complying with the Prime Minister's request of me I would assemble proposals that both take their legitimate interests into account and serve the interests of all Canadians who want a safe society.

[*Translation*]

Mrs. Pierrette Venne (Saint-Hubert): Mr. Speaker, if the Minister of Justice still recognizes the need to strengthen controls on the circulation and possession of firearms, why does he not tell us today, right now, how he intends to do so, instead of

making us wait, diverting our attention and letting us think that he is faltering?

[English]

Hon. Allan Rock (Minister of Justice and Attorney General of Canada): Mr. Speaker, the process in which I am engaged has taken me across the country to speak to people interested in this subject. I have consulted with my colleagues in the Liberal caucus who come from every province and territory of the country.

Rather than tell the House today what it is that is going to be done, we are developing proposals through that consultation and we are being respectful of the legitimate interests of firearms owners.

I can tell the hon. member, as I emphasize on each occasion when I am given the opportunity to do so, that our fundamental objective is a safer society, that we are going to deal with illegal firearms in this country, that we are going to toughen the criminal law in its response to those who use firearms in the commission of offences, and we are going to deal with the regulation of firearms in the hands of lawful owners in a manner consistent with safety in our society.

Mr. Jack Ramsay (Crowfoot): Mr. Speaker, I can see clearly from the last exchange that the law-abiding gun owners from Quebec out here on the lawn do not have a representative here in the Bloc.

(1440)

The Speaker: This is a very far reaching Question Period we are into. I know the hon. member is going to put his question forthwith.

Mr. Ramsay: Mr. Speaker, my question is for the justice minister as well. In his 1993 report, the Auditor General indicated the previous government's Bill C-17 was not formulated upon a sound statistical basis and that the government proceeded for reasons of public policy.

I ask the Minister of Justice this. Will his proposed amendment to the gun control legislation be based upon statistical information that clearly demonstrates whether or not the current controls are meeting their objectives which is to reduce the criminal use of firearms in society or are we again proceeding simply for the purposes of public policy?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada): Mr. Speaker, the Department of Justice has indeed commissioned studies. It has received factual research information about the situation with firearms in this country.

We have read with interest some research information released yesterday by the Toronto police about the incidence of the use of handguns in the commission of crime in that city. We read the report recently about the defects in the present registration

system for restricted firearms and the need to improve the registration system.

We have read studies about the need for change in the criminal law to send the message that if one uses a firearm in the commission of an offence, one will get a stern response from the justice system.

Our proposals will be based upon fact. They are going to be based upon research. But they are going to be based more than anything else upon the policy of this government which is to take steps that ensure the safety of our society.

Mr. Jack Ramsay (Crowfoot): Mr. Speaker, I thank the minister for that response. I am sure that he will submit those reports to the members of the standing committee on justice.

My supplemental is this. In describing Canada's current gun control legislation, the courts of Canada have used the terms such as vague, uncertain, invalid, inconsistent with the charter, convoluted, fictitious and twice removed from reality.

I ask the minister this. Will he put aside any proposed legislation and immediately undertake a complete re-evaluation of the current legislation to ensure it is clear, consistent and of direct effect upon the criminal element to provide the protection needed by our society?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada): Mr. Speaker, that is exactly the exercise in which we are now engaged.

* * *

[Translation]

TAINTED BLOOD

Mrs. Pauline Picard (Drummond): Mr. Speaker, my question is for the Minister of Health.

While Canadians are, with good reason, asking themselves serious questions about the blood supply system, the minister told the Canadian press that the reason Canadian standards are not as stringent as those in effect in the U.S. is that Canadian donors are volunteers.

How can the minister make such irresponsible comments when the tainted blood scandal of the early 1980s occurred under the volunteer donor system?

Hon. Diane Marleau (Minister of Health): Mr. Speaker, I am always happy to clarify the hon member's question and to inform all Canadians that our regulatory system is different. The reason it is different is that it is based on a different philosophy, on a volunteer donor system instead of a paid donor system.

(1445)

This does not mean that one system is better than the other. In fact, we are working to harmonize the two systems so that blood donor centres can meet the standards established. We will take the best from each system. We will adjust our system accord-

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ingly. We will not lower our standards in order to meet those of the U.S. system.

Mrs. Pauline Picard (Drummond): Mr. Speaker, this does not make any sense any more.

Some hon. members: Oh, oh.

Mrs. Picard: In fact, I noticed that we are quite different. I asked a new question and I heard the same thing again today for the second time because I asked yesterday. I would like to get a clear and precise answer.

How can the minister seriously claim that people are fully informed of the risks of blood transfusions when we have learned that the Montreal centre's director general had to request operational and procedural directives in French, if you please, which she is still waiting for?

Hon. Diane Marleau (Minister of Health): Mr. Speaker, I will answer very clearly.

Some hon. members: Hear, hear.

Mrs. Marleau: Our blood supply system is among the best in the world. We are always looking for ways to improve it. Every day, every hour, in every hospital in the country, we save lives thanks to our blood supply system. We must continue to encourage our volunteer donors to give blood.

* * *

[English]

IMMIGRATION

Mr. Art Hanger (Calgary Northeast): Mr. Speaker, this summer the results of a very revealing immigration poll were released. Sixty per cent of Canadians believe immigration levels should be lower. Sixty-nine per cent said sponsorship should be limited to immediate dependent family. Ninety-six per cent did not want people admitted with terrorist or anti-democratic backgrounds.

Will the minister of immigration admit that his policies of high numbers and extended family reunification and his recently released guidelines that fast track those with violent and anti-democratic backgrounds fly in the face of what an overwhelming majority of Canadians want?

Hon. Sergio Marchi (Minister of Citizenship and Immigration): Mr. Speaker, the member missed out one number. Only 10 per cent support his party and the number is dropping.

I was trying to tell the leader of the Reform Party that the critic was as wrong on the information he spread about the fast tracking procedures as he was yesterday when he talked about a specific case. I reiterate to the hon. member that the things he said about the fast track procedures are absolutely wrong.

Also I know, as my party in government and all members do, that no Canadians would like to invite terrorists or criminals to be within their midst. No one in this Chamber or across this country would like that.

With Bill C-44 we have taken precisely the common sense approach to try to fix up the removals and tighten up the refugee system. My question is: Why is that party playing politics and not supporting the legislation?

(1450)

Mr. Art Hanger (Calgary Northeast): Mr. Speaker, the minister's bureaucrats want numbers cut. They want family reunification rationalized and refugee determination tightened. The minister's department, the overwhelming majority of Canadians and even a significant number of backbenchers in the minister's own party want Reform policy implemented.

When will the minister stop standing alone, stop pandering to special interests and do what everyone wants him to do: implement Reform immigration policy?

Hon. Sergio Marchi (Minister of Citizenship and Immigration): Mr. Speaker, over the last eight months this party has put in motion an unprecedented consultation process with Canadians, the very grassroots, which is what the hon. member suggests we did not do.

In fact the hon. member told our departmental officials at the two-day conference how impressed he was with the breadth of the consultation process. I challenge the member to deny that.

Not only are we putting in train, putting in the one room the individuals who accentuate one particular line, but when was the last time a minister of a government invited the Immigration Association of Canada to participate so that government could have the purview of Canadian public opinion?

Before November 1 this government will table those levels. I know the levels will be in the best interests of Canada and not in the best interests of the Reform Party.

* * *

[Translation]

GOODS AND SERVICES TAX

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot): Mr. Speaker, last June several provinces rejected the proposal to replace the GST with an alternate tax put forward by the Liberal members of the finance committee. Faced with this absolute refusal, within 24 hours, the Prime Minister and the Minister of Finance had disowned the report tabled by their own people, thereby throwing people into total confusion with respect to their intentions.

Will the Minister of Finance recognize that, in response to this deadlock, he is now offering two choices to the provinces: either replace the GST with an 11 per cent Canadian tax on

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goods and services, including food, health care and drugs, or increase instead the income tax rate of individuals who are already overburdened by taxation?

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development—Quebec): Mr. Speaker, first of all, we did approve the main finding of the finance committee regarding the need to harmonize federal and provincial sales tax to better serve consumers as well as small and medium-sized business and indeed save a lot by reducing duplication and overlapping.

This being said, we had talks with the provinces and discussions are ongoing. As a matter of fact, we intend to look at what our officials have done over the summer at the next finance ministers meeting.

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot): Mr. Speaker, the Minister of Finance is telling us that he actually resolved the matter with this proposal, but nothing was resolved. The proposal was brushed aside as soon as it was tabled. So, it solved nothing.

When will the minister recognize that the solution, the only one, is to get rid of the whole sorry mess, eliminate overlapping and respect the fiscal autonomy of the provinces, particularly that of Quebec? This would involve abolishing the GST, yet another commitment the Prime Minister failed to fulfil, and transferring this entire field of taxation to the provinces. That is the only solution and the Liberals have already reneged on their promise to eliminate the GST.

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development—Quebec): Mr. Speaker, if the hon. member is so anxious to see the GST disappear, I certainly would expect him to tell us at the same time where we are supposed to find the money it used to generate. We have waited, week after week, for the hon. critic opposite to come up with constructive suggestions for us, but he has refused to make any.

(1455)

Canadian taxation is too important a matter to depend merely on speeches made in this House. The hon. member had his chance, but if he is prepared to sit down with us and make some constructive suggestions, we are certainly willing to listen.

* * *

[English]

GUN CONTROL

Mr. Bill Graham (Rosedale): Mr. Speaker, my question is for the Minister of Justice. Today we hear strong voices speaking out on gun control. In his statements the minister has recognized there is a legitimate role for firearms in rural

communities. Can he also assure this House that he is prepared to take the necessary measures to ensure the security of our inner cities and urban communities where gun related violence is becoming a serious problem?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada): Mr. Speaker, I hope it is evident from my responses earlier today that the approach we are taking will deal with just the issue the hon. member has described. We will deal with the presence of illegal firearms in the country in a comprehensive and effective way. We will toughen the response of the criminal justice system to those criminals who use firearms in the commission of offences.

However I am not one of those who believes this issue is rural or urban in its division. I believe, as I think many others do, that those persons who live in rural areas are just as concerned as the urban dwellers with their personal security and safety. The facts establish that the per capita homicide rate from firearms over 10 years based on 5,000 deaths is higher in the rural areas of this country than it is in the urban areas. So we must pay attention to both the urban and the rural setting. Ultimately the bottom line for this government is the safety of this society.

Mr. Randy White (Fraser Valley West): Mr. Speaker, I have been given a list of refugees allowed into this country by the immigration department. According to the report one such individual who is believed to reside in Toronto is reported to be trafficking in munitions.

Has the Minister of Justice considered talking to the minister of immigration about removing such individuals as a means of real effective gun control, rather than concentrating on our law-abiding citizens?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada): Mr. Speaker, I shall be happy to take it up with the minister. I am certain he is aware of it.

But I do not think we should conclude for a moment that the question of gun control applies uniquely to people trading in munitions or robbing the cornerstore with a handgun or hunters who perhaps might be careless on occasion with a rifle. It pertains to all of that and more and we are taking a comprehensive look at the entire subject.

I do not suggest for a moment, nor have I ever, that the question is narrow. I suggest it is broad. It involves illegal firearms in the country and we should do something about that. It involves criminals using firearms, and we must do more about that. But we cannot forget either that 1,400 people per year lose their lives in this country as a result of firearms, 1,100 by suicides and one-third of those are in the age group of 15 to 22 who perhaps act impulsively on a single episode.

Let us look at the whole question. I will take up that matter with my colleague in cabinet but I shall work away at proposals that deal with the whole question.

Privilege

Mr. Randy White (Fraser Valley West): Mr. Speaker, I am very disappointed. At this late date the Minister of Justice is saying he will be happy to take it up with the minister of immigration. He should have already taken it up.

There is another such individual according to immigration intelligence or lack thereof. He is an international black marketer in weapons. Does the minister of immigration understand the link between criminal refugees marketing weapons and crime and gun control, or is this just one big fog?

Ms. Mary Clancy (Parliamentary Secretary to Minister of Citizenship and Immigration): Mr. Speaker, indeed we do understand the link very clearly. That is one of the reasons Bill C-44 was brought in today.

Consequently because of the hon. member's concern with matters like this, because of his concern about crime and justice issues in this country, those that relate to immigration and those that do not, I hope he will rethink the issue and support Bill C-44 on Tuesday.

The Speaker: It is three o'clock p.m. I would simply bring to your attention that it was a rather unusual day. We did not get in as many questions and answers as we might have. I am hopeful that tomorrow we will be able to get more questions and answers in.

* * *

[Translation]

PRIVILEGE

STATEMENTS BY MEMBERS

Mr. Réal Ménard (Hochelaga—Maisonneuve): Mr. Speaker, earlier this afternoon you asked me to refrain from continuing a statement that I wanted to make about certain comments made by my colleague, the hon. member from Nova Scotia.

There are two points on which I would appreciate clarification from the Chair. What I wanted to say faithfully reflected what was said by the hon. member. I now wonder whether the Chair's response to my statement was an indication that there are two kinds of parliamentarians in this House, and why the Chair tolerates such comments.

The Speaker: Order, please. My dear colleagues, as you know, in the course of a debate, when we make speeches, we may use some pretty strong language. I would like to read to the hon. member what it says here in the Annotated Standing Orders: "What is acceptable depends largely on the circumstances, but personal attacks, insults, obscene language or words which question a Member's or a Senator's integrity, honesty, or character are not in order. To reduce the possibility of personal references, convention further requires Members to refer to each other by title, position or constituency names. Likewise, the Senate is usually "the other place", and Senators,

"Members of the other place", although generally references to Senate debates and Senators are discouraged altogether. A further long-standing practice also protects the judiciary from disrespectful or offensive attacks."

That is why I interrupted his statement.

* * *

POINT OF ORDER

STATEMENTS BY MEMBERS

Mr. Gilles Duceppe (Laurier—Sainte-Marie): Mr. Speaker, you made certain remarks following the statement by my colleague from Mégantic—Compton—Stanstead during statements by members pursuant to Standing Order 31.

I would like to make sure I understand what you meant by your remarks on my colleague's comments who was merely quoting, and I will quote her myself, Senator Carstairs as stating that the Senate was necessary because its members—

The Speaker: Again, I will give my colleague for whom I have a great deal of respect the same reason. I reacted because I thought the remarks were directed against the Senate as an institution and the senator in particular. That was my rationale.

This is not open to debate. When the hon. member spoke, I figured he was breaking that rule. I wanted to leave it at that. Is there another point of order?

Mr. Duceppe: By quoting these remarks, my colleague certainly offended no one, Mr. Speaker, while the senator who made them did offend this House.

The Speaker: Honourable colleagues, perhaps I misheard. I shall check what the hon. member said and, if need be, refer to the Standing Order.

* * *

(1505)

PRIVILEGE

ORAL QUESTION PERIOD

Mr. Michel Gauthier (Roberval): Mr. Speaker, I would like to rise on a question of privilege on behalf of my 53 colleagues from the Bloc Québécois.

Based on the precedents you just mentioned, I am sure you will understand that we have no choice but to demand an apology for an unacceptable, in my opinion, and unparliamentary accusation made by the Prime Minister during Question Period, when he accused members from the Bloc Québécois of having been elected under false pretences.

It is not only the most serious insult than can be levelled at a member of this House but also an attack on the democratic and electoral process itself that allows us to sit here. Bloc members were elected with a very clear mandate, a very well-defined goal

within a very structured approach that was explained many times to Quebec voters.

Under these circumstances, out of respect for all 53 Bloc members, for the millions of Quebecers who voted for us and for all those who share our vision of society, I ask the Prime Minister to apologize and withdraw his comments.

Mr. Don Boudria (Glengarry—Prescott—Russell): Mr. Speaker, I think that after reading *Hansard*, as you probably will in a little while, you will find that the quote just brought to your attention is only part of the sentence. You will clearly see, as will the members opposite, and you will tell us tomorrow that, in fact, the Prime Minister quoted a whole sentence and that taking words out of context distorts the meaning of the whole sentence.

The Speaker: Dear colleagues, I will certainly go over what was said today, I will look at what was said in context and, if necessary, I will get back to the House.

* * *

BUSINESS OF THE HOUSE

Mr. Michel Gauthier (Roberval): Mr. Speaker, I would hate to deprive my colleague, the government House leader, of the opportunity to tell us about the business of the House for the coming weeks. So, as is the custom, I would ask him to tell us his priorities for the coming days.

[English]

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada): Mr. Speaker, for a few moments I thought I would make parliamentary history by asking myself to provide the weekly business statement to the House. I thank my colleague, the opposition House leader, for permitting me to stick with the longstanding tradition of the House, that is to give the statement only after being asked for it by the opposition House leader.

This is the weekly business statement. Today we will continue with second reading of Bill C-41 regarding sentencing. Tomorrow we will call the report stage and third reading stage of Bill C-25 amending the Canada Petroleum Resources Act regarding Norman Wells, followed by second reading of Bill C-49 to reorganize the department of agriculture.

On Monday the order of business will be second reading of two more of the departmental reorganization bills, C-46 respecting the Department of Industry, and C-48 respecting the Department of Natural Resources.

On Tuesday the first business will be the second reading stage of Bill C-50 regarding the Canadian Wheat Board followed by the resumption of any debates begun but not yet completed of the bills I have mentioned.

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(1510)

On Wednesday the House will commence with the consideration of the Senate amendments to Bill C-22 with regard to Pearson airport.

Finally, I wish to designate Thursday, September 29 as an allotted day. I believe it is a day that will be in the hands of the Official Opposition.

That completes my statement of business for the coming week.

GOVERNMENT ORDERS

[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. Warren Allmand (Notre-Dame-de-Grâce): Mr. Speaker, we are considering Bill C-41, an act to amend the Criminal Code with respect to sentencing.

While this bill has several good provisions, it also has some that concern me. It is evident that it is difficult to properly consider Criminal Code provisions with respect to sentencing without also considering the substantive provisions of the code or even to consider sentencing without relating that to the prison system or the parole system.

In other words, if we are deciding on whether to change our sentencing procedures and our sentencing policy, we have to ask ourselves how these changes will impact on our prison populations, on how they inter-relate to our parole system and how they will affect our treatment programs in prison.

If the sentencing provisions, if they are provisions that will lengthen sentences, will result in more people in prisons, then there will be an impact on prison populations. If there is an impact on increasing the prison populations, then it will also relate to the level of programs that we have in prisons to treat inmates, whether there are enough resources for those programs, enough spaces, enough teachers, enough counsellors, enough psychiatrists and so on.

My concern is if we adopt a policy of lengthening sentences and at the same time become tougher on parole, make parole more difficult to get—I refer members to some parts of Bill C-45, which was before us yesterday—and if at the same time we provide fewer resources for our correction and prison systems as a result of our campaign to cut the deficit, then we are going to have a situation in which we have more people going into the prison system for longer periods of time where those

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people will stay in longer because parole is becoming more difficult to obtain and at the same time fewer resources to provide accommodation and programs for those inmates.

At the present time our prisons are extremely overcrowded. During the summer I had the opportunity to visit prisons in the Kingston area. There were prisons that were built to accommodate 450 inmates which now have well over 650 inmates. There is double bunking and even triple bunking in cells that are narrower than I can stretch my arms, and I am not a big man. There are very small cells in which there now is double bunking.

There have been reductions in the educational programs available to inmates and a reduction in recreation programs available to inmates. This goes back to the previous government from which there were continual cuts over the last nine years. I raise it now. We have come to government recently but I raise this very important matter that must be considered when we are considering sentencing and parole.

(1515)

We have to ask ourselves what the result will be if we continue on that policy line where inmates go in for longer periods of time and do not have the same access to parole or who are not prepared for parole, and there are no programs to occupy and help those inmates when they are in prison because we are overly concerned with the deficit and we are cutting here and there and everywhere.

We can look to previous periods that had similar situations. There were hostage taking incidents. There were riots and there were higher rates of recidivism.

We must remember that the great majority of inmates who are sent to prison are there on limited sentences. They are not there on life sentences. They are there for armed robbery or assault or fraud or theft and so on for which they get sentences of five years, seven years, ten years. Sooner or later they have to be released. If we are truly concerned with the safety of the public surely we want them to be released in a situation, in a state where they are of less danger to the public than when they went in.

If we continue on this drift which is being suggested by some quarters in our society and which is principally put forward by the Reform Party in this House, I must ask whether we should simply have longer and harsher sentences and tighter parole and cut the moneys available for our prisons. What is the result with respect to the protection of society when the great majority of those inmates are released into society?

I suggest that this will leave us with a much more dangerous situation for our citizens. Inmates will be released into society without education, without training, without treatment, who have been through an experience of tension, violence and so on. We just have to look at the American experience where they

have adopted those kinds of policies. Look at some of the southern states, Florida, Louisiana, Texas, Georgia where they went ahead with such policies. They had longer and harder sentences. It was more difficult to get parole and they cut back on resources.

I read recently of a situation in which a judge in a particular community had no prison space to send an inmate to because there were no places available. The prison was so full and there were so few people coming out, so many people had gone in, that here was an inmate who was convicted but there was no place in the prison for that individual. The lawmakers had not considered when changing their provisions with sentencing and parole that maybe they have to also provide resources.

We may have to build new prisons if we keep on lengthening the sentences and cutting down on the parole. We may have to build at a much greater expense than we would otherwise have to accommodate these individuals.

Where they have done this in the United States, where they have pursued those policies, they have not protected the public. The rates of violent crimes are much higher than they are here. In those states that have brought back capital punishment, for example Florida, they are executing people in the morning and in the afternoon somebody is killing an innocent citizen simply to get his car. There was a citizen from Montreal who flew to Florida. He rented a car at the airport and was murdered simply for the automobile when there had been an execution that very same day. We hear the same thing with respect to other individuals.

Let us think out our policies on these matters very clearly and examine the interrelationship between sentencing, our correctional system and our parole system.

This bill also deals with certain amendments to section 745 of the Criminal Code. Section 745 is the article that I am in part responsible for because it deals with the review of parole eligibility for convicted murderers at 15 years. This bill would allow for certain victim information to be provided at those hearings which are meant to determine whether parole eligibility should be reduced from 25 years to 15 years.

(1520)

I certainly agree that we must have more programs to help victims, that we must consider victims more in our criminal justice system but I have some doubt if this is the right place to provide for victims' statements.

I say that because section 745 says that upon receipt of an application under this section the appropriate chief justice shall designate a judge to empanel a jury to hear the application and determine whether the applicant's number of years of imprisonment without eligibility for parole ought to be reduced having regard to the character of the applicant, his conduct—that is, the

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inmate's conduct while serving his sentence—the nature of the offence and such other matters as the judge deems relevant.

I have to ask myself whether the information of the victim's family—it will have to be the victim's family in this case, the parents, the wife, the husband of the person who has been murdered—put on the record would relate to the character of the applicant because that is what the judge has to consider, the character of the applicant, his conduct while serving his sentence and the nature of the offence. I ask how the victim's family might have something to say after 15 years about the character or the conduct of the inmate applying for early parole eligibility.

In any case, I presume that the victim information statements would have to be relevant to the matter that is before the court and not to matters that are irrelevant.

Let me explain the background of these provisions. Prior to 1976 those convicted of non-capital murder or whose sentences were commuted from the death penalty who had committed capital murder were eligible for parole at 10 years. I should point out that we have had no executions in Canada since 1962. Until 1976 when we had parole eligibility at 10 years there were very few errors. I think at the time we introduced the bill in 1976 in the history of the country there had been four individuals who had been released on parole and committed murder again. The 10-year parole eligibility experience had not been one which led to disaster in this country.

When capital punishment was abolished in 1976 we provided a life sentence for first and second degree murder with parole eligibility at 10 years for second degree murder with the possibility of the judge and jury increasing that up to 25 years at the time of the trial or the judgment. For first degree murder it was a 25 year parole eligibility period but with the opportunity of applying at 15 years for a reduction of the parole eligibility date from 25 to 15.

Some commentators and some members of this House have referred to that 15-year provision as a loophole. It was not a loophole. It was in the bill. It was debated in this House. It is clearly in the legislation. It is expressly provided for. It is not something that the government or the authorities have found and dropped between the boards, so to speak. It is there positively. It is a positive statement in the law that one can apply at 15 years to have one's parole eligibility reduced from 25 years to 15 years. If the court reduces your parole eligibility from 25 to 16 or 17 years you still have to go to the parole board and argue in favour of your parole.

You cannot be paroled unless you prove to the parole board that you are completely rehabilitated and no longer a danger to

society. This is not automatic before the parole board or before the court on the 15-year review. As a matter of fact, most applicants on the 15-year review have been turned down. Even when people get before the parole board many of the cases are rejected. They are not granted parole because they are not able to establish that they are totally rehabilitated and no longer a danger to society.

(1525)

I have proposed that we do away with the 15-year review and have parole eligibility at 15 years. Some people have misrepresented that proposal and have said that I am proposing that the sentence for murder be 15 years. That is totally false. The sentence for murder is and was a life sentence and should remain a life sentence.

One must also remember that when you are on a life sentence even if you are on parole the sentence continues. You may be serving the sentence outside the institution, outside of prison, but you are still under that life sentence. If you break the conditions of your parole—you do not even have to commit a crime—you can be sent back to prison to continue serving the life sentence. If you commit a minor offence of criminal negligence, theft or whatever, you can be put back into prison not only for the minor offence but also to continue serving your life sentence for murder.

It is not a question of changing the sentence for murder. The sentence for murder is life. I am not suggesting that it be otherwise. What we are talking about is the eligibility for parole, whether it should be 15 years or 25 years. We are not suggesting that the sentence be changed. It is a question under our system of whether you serve your sentence in a maximum security institution, in a medium security institution, in a minimum security institution or outside an institution altogether but under supervision in the community, which is parole.

There are various ways of serving sentences but you are still under sentence. For murder it is always a life sentence and nobody has suggested changing the sentence.

I simply want to say I was pleased that the minister did not do away with the 15-year review in the case of convicted murderers. I have some concern about how the provision he has put in the bill will apply and be relevant to the question to be decided at 15 years. My preference would have been that we get rid of the 15-year review and have parole eligibility at 15 years. Not everybody would be granted parole. They would still have to prove that they were no longer a danger to society and were totally rehabilitated. Therefore, people who are dangerous would not be released. They would still be kept in prison. It would give an opportunity to those who have served 15 or 16

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years who were totally rehabilitated, who are ready to work and support themselves and their families to go back into society under supervision, serving their sentence in society, in the community.

I want to say again that any policy on sentencing must have as its principal goal the protection of the public. The purpose of criminal law is to protect the public from that behaviour which we categorize as criminal. That is the goal. If that is the goal of course then once we have people within the prison system our goal there has to be to rehabilitate or correct those individuals because the overwhelming majority of them will be on limited sentences and returned to society. If they are going to return to society the goal of the system has to be to rehabilitate, to correct.

We cannot expect the Criminal Code or the criminal justice system or our sentencing policy to be the principal means of preventing and reducing crime. Those policies can only relate to individuals once the crime is committed, once the damage has been done.

If we are really interested in reducing and preventing crime then we have to direct our attention to the causes of those crimes, whether they are social or economic, whether they are psychological. We have to ask ourselves why these individuals whether they are young people or adults are committing those crimes, and what can we do to prevent them.

Maybe we can have better gun control. I fully support more gun control and will support the minister when he brings in his bill because the fewer guns available the fewer crimes we will have with guns.

It could be that we have to do something about children who are abandoned or mistreated, whose parents are alcoholics or drug addicts who have abandoned their children and they grow up in a system of complete neglect without belonging to any family or group and who become very anti-social.

My point is those people who think that we can simply make amendments to the Criminal Code with respect to sentencing or the substance of a criminal offence will solve the problem and give the public the impression that will bring about a safer society are deluding society, are fooling society. They are not being honest with society.

(1530)

We could amend every section of the Criminal Code. We could make it as hard and tough as we wish. That would not solve the problem. We have seen that, as I have said, in certain states of the United States.

If we are truly serious about protecting the public from crime, reducing crime or preventing crime, we must address the causes of crime. It is not simply a question for the Department of Justice or the Department of the Solicitor General. It is also for

health and welfare, human resources, employment and immigration, provincial governments, school boards and municipal governments. We all have to play our role in dealing with society and the causes that give rise to crime.

I will bring my remarks to a close. As I said, the bill contains some very good provisions, some better alternatives for sentencing. It sets out a charter or a goal for sentencing policy. However there are a few provisions in the bill with which I have concern and I will be pleased, with the permanent committee on justice, to examine the bill to see if it can be improved in committee.

Mr. Ken Epp (Elk Island): Mr. Speaker, I listened with great interest to the presentation just made by the member opposite. I share some of his concerns with respect to the legislation and the whole problem of how we solve the crime situation in the country. We have heard recently that the crime rate in Canada is now going down. If that is really true then we ought to be truly grateful.

I have concern with respect to the whole idea of probation and the elements of section 745. It seems to me that people who enter the criminal justice system are those who already are demonstrating they are not good in and of themselves or they have failed. Somehow it seems we have to kick in an extra gear of the administration of justice in this case so that they will learn the harder lesson they have failed to learn before.

I would really be interested in a comment from the hon. member. He indicated that he would like to see automatic parole at 15 years instead of merely the eligibility to apply for it despite the crime. It concerns me a great deal that there should automatically be a right to say: "My punishment is over even though I have taken someone's life". That is heinous and serious. We ought to be strengthening it rather than weakening it.

I would like to hear some further justification if he has it.

Mr. Allmand: Mr. Speaker, I sometimes wonder whether we all are speaking the same language even when we are speaking English. I thought I said—and I have said it over and over again—that I am opposed to automatic parole. There is no such thing as automatic parole in the country. I never suggested at any time in my entire life that anybody be paroled automatically.

What I was saying and what I continue to say is that I believe at a certain date people should be eligible to go to the parole board and present their case. They would have to show they were totally rehabilitated and no longer a danger to society. If they cannot demonstrate it then they are not paroled. The last thing I would recommend would be releasing into society on parole people automatically, simply because they had reached a date.

At the end of a sentence is a different thing which I will deal with in a moment. I have never recommended automatic parole for murderers and I will not. I assure the hon. member of that. He may have read things like that, but I have never recommended that.

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I have recommended the right to apply for parole at 15 years, just as they have the right to parole at one-third of sentence. For example, if they have a six-year sentence they can apply at two years. It does not mean they are going to get it. The parole board will hear their case but it may say no.

We hear of certain cases where people have gone before the parole board six times and were turned down six times because they were still bad actors. All the evidence that comes in on them with respect to their case before the parole board is that they are not ready for parole. I support that. I do not believe in automatic parole. I want to put that to rest.

(1535)

The member raised a good point when he said that some people have demonstrated by committing their crimes that they are not good and need some time in prison. I agree with him.

Violent individuals who committed crimes of violence should be kept in prison, but they should be given a system of treatment or correction which, when they go back on the street, will mean that they will be safer. They will be less likely to commit the crimes that they went in for.

There are provisions. We find, for example, that the rate of literacy in prison is very low. People have a very low rate of literacy, very low education. They do not have trades. If we can help them in prison to learn trades, learn how to work, learn to live like ordinary people who get up in the morning, go to work, save their money, and learn the skills of ordinary people who live in society, we will be doing a great deal.

If we have a system of release whereby they are released with support when they go back in the community, whereby they have parole officers who will help them get jobs, get settled, reintroduce them to their families and so on, we will have less chance of crime when they return to society.

I believe in keeping people in prison, but when they are in prison they must be given a program that will help them do better when they get out.

Mr. Bill Graham (Rosedale): Mr. Speaker, I know the member for Notre-Dame-de-Grâce has a great deal of experience in this matter having served as Solicitor General of the country.

He describes to us the American system which most of us regard with a considerable amount of concern and is obviously not providing a sensible solution by building more prisons and having longer sentences. It seems to be an infernal industry in the United States. They create the crime. They create the crime chasers and then they create the incarceration. There is no end to it.

The member gave a very cogent description of the problems in Florida and the juxtaposition of a death penalty in the morning and a murder in the afternoon. I understand his point about the lack of deterrence.

We also have the problem of the Canadian public desperately trying to understand what we can do. In our inner cities today we are confronted with serious problems. In my own riding of Rosedale I have serious problems in downtown Toronto. At a time 15 years ago gunshots did not ricochet off downtown buildings. Now there are women and children who are afraid to walk around at night in parts of downtown Toronto. It is no good to say we will seize all the guns. Admittedly that is a start but only a start. There will always be guns there.

Has the member found another model? Does he know of somewhere else? Is there some other model that he can draw to our attention from the depth of his experience that we could be looking at, something concrete to which we as Canadians can turn to address the problem of the violence that is getting worse in our inner cities and not react in the American way?

Mr. Allmand: Mr. Speaker, I thank the hon. member for Rosedale. As I said there is no quick fix for increasing criminality. If we delude our citizens into believing there is a quick fix we deserve condemnation.

If we suggest to them that we can solve the problems of crime in the streets in Toronto, Montreal or Vancouver simply by amending provisions of the Criminal Code or by making the sentence 20 years instead of 10 years which they have done in certain American states, if we suggest that is a solution and five months later there is even more crime, we are not serving our public very well.

We must show leadership in the House on these issues. We must deal with the causes of crime. We must make sure that we have child protection acts that intervene at an early age when children are being abused or when they start going wrong, whether it is eight or nine. They have such an act in Quebec called the Child Protection Act. I am sure they have one in Ontario which deals with children under 12 who are lower than the age for the Young Offenders Act.

Whether these are children going from foster home to foster home, whether they are abandoned by their families, or whether they are caught up in drugs or whatever, we have to intervene quickly to try to prevent these things. We also have to make sure that we have proper educational systems, employment policies and so on that help turn people to productive ways of life and not criminal ways of life. That is the model I suggest but it is not a quick fix. It means we have to spend some money but it is money that will show dividends. If we have safer communities in the long run it is money that pays off.

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(1540)

There may have been some terrible crimes in Toronto in recent years but I have looked at the statistics. Toronto had somewhere between 50 and 60 murders last year. It is a city of over three million people. If we compare it with Detroit, Cleveland or New Orleans, those communities have over 500 or 600 murders per year. Toronto is a safe city compared to those others.

I do not show any sort of toleration for the terrible murders that took place in Toronto, Montreal, Vancouver or wherever, but the rate of crime is much lower than it is in the United States, maybe because we have traditionally taken an approach that was not simply a criminal justice approach.

We have had broader social programs and better educational programs. When we talk about the United States, criminal law is a state matter unlike here where it is a national matter. Some states in the United States have much better programs and systems than others. I referred to the ones that were very punitive and did not take a preventive or rehabilitative approach. There are some states that do and do much better, by the way.

If we look at states like Minnesota, some New England states and some other states there are much lower rates of crime per 100,000 than some southern states with very tough, long sentencing policies.

Mrs. Daphne Jennings (Mission—Coquitlam): Mr. Speaker, I will be splitting my time with the member from Surrey—White Rock—South Langley and the other members of our caucus will be on during the time allotted for 20 minutes.

It gives me great pleasure to rise in the House today to address some remarks on Bill C-41 that deals with sentencing in our criminal justice system. The Minister of Justice is to be congratulated for bringing the bill forward at this time and for his other attempts to deal with young offenders and with restrictions on firearms.

While we may not always agree with the minister's proposals on this side of the House, there is no question that he is giving us food for thought. I cannot help but think that if the current Minister of Finance was working this hard on behalf of the Canadian people the deficit would be well under control.

In any event, we are here to address the various aspects of Bill C-41. I would like in my remarks today to address some of the positive aspects of the bill and then deal with some of the deficiencies—at least deficiencies as I see them—that hopefully can be cured when the bill is dealt with in committee.

As my colleagues have pointed out, one of the most important, positive elements of the bill is that for the first time a statute will contain a statement of the purpose and principles of sentencing.

There is nothing new in this statement, but it does codify the existing law and will provide explicit direction to judges in our criminal courts on the principles that must be applied in each individual case. While this is a positive aspect to Bill C-41, there are a number of negatives that I hope will be addressed in committee.

When I talk to my constituents about the criminal justice system the comments I hear most often concern the lack of predictability about sentencing. This lack of predictability can range from comments on different lengths of sentences being imposed for similar crimes, to comments that sometimes express outrage at the short amount of time some criminals have to spend in prison.

People feel that like crimes should be treated alike. That is, if a white collar criminal steals through breach of trust he or she should receive the same sentence as any other person convicted of theft. I know that in some cases white collar criminals do receive stiffer sentences than others, but because of the way our system operates most of the sentence is served on the street and not in prison.

White collar criminals should spend their sentences in prison. This is the deterrent aspect of sentencing: accountability or being held responsible for our actions. Our criminal justice system must send a clear message to all who are contemplating the commission of a crime that if you do the crime then you must do the time. It is time spent in incarceration with no special treatment.

The second issue raised by constituents deals with the length of time served in incarceration. We are all aware of anecdotal evidence of people being sentenced to long prison terms and then in a very short time they are back on the street. Our system seems to be full of opportunities for criminals to manipulate it so they do not spend nearly as much time in jail as the judge or those who are victims originally believed the convicted person would spend in jail.

Bill C-41 addresses this issue to some extent by allowing victims to make representations at early parole hearings.

(1545)

Why should we put victims through this trauma? Indeed, why should there be early parole hearings at all? When a person has been sentenced to 10 years in prison, what is wrong with that person serving at least seven or eight of that 10 years before looking at parole or other means to put the person back on the street?

This raises a question. Should offenders of violent crimes be paroled at all? Should their sentences be reduced? Today more than ever before we are made aware of the anger of all Canadians when offenders of violent crimes are out on day passes or paroled at a very early date or receive a reduced sentence and a violent crime is the result. One death from the hands of a violent

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offender who should not be out on the streets of our country before his or her sentence is up is one death too many.

The people of Canada want to see some measure of certainty in the system and this bill does not provide it for them.

Another point that I take issue with is the aggravating factor of hate in relation to the sentencing for some crimes. We in the Reform Party believe that we are all created equal. No group should have more rights than others. It makes no sense to me to grade severity of punishment on the basis that the victim belongs to a protected class. Can it be any worse to kill or wound a person of a protected group than to kill or maim someone who is not in a protected group? I do not think so. If a crime is committed, the criminal should be punished and the public should know that if you commit crime *x* then you get *y* years. Maybe that is too simple for our seemingly complex society today but it is the way we see things on this side of the House.

I heard Tuesday in this House that if a crime is perpetrated as a result of hate against the individual, there should be a harsher sentence, a stronger sentence. As I understand the example given, it was a member of the gay community who was brutally beaten causing death.

I ask the House to consider the senseless death of a 31-year old Coquitlam man, I believe it was Mr. Niven, who outside a convenience store was brutally kicked and beaten to death just recently. Is there any difference in the savagery of such a crime? Can we really state that one is worse than the other?

Does one deserve a harsher penalty than the other? Has not in each case a man been brutally beaten to death? Is one life worth less than another? I sincerely hope not. Is not all life precious and of equal value? I sincerely hope so.

We are also concerned that this bill allows provinces to establish alternative measures programs. Again, such a system while in theory its goals may be laudable will create unevenness in the system. Some crimes in some provinces will be treated differently than similar crimes in other provinces. Again, there is enough uncertainty in the system. Let us not introduce more uncertainty.

One glaring omission from this bill is that when a crime is committed and a firearm is used, a longer sentence should be automatically required. The Minister of Justice talked about this in relation to gun control. So have those who are lobbying for stronger restrictions on the use of firearms.

At this point, I want to refer to the recent report released August 25, 1994 by the Correctional Service of Canada. After it had completed its investigation report into the escapes from Ferndale Minimum Security, which happens to be in my riding,

two prisoners, Timothy Denis Cronin and Michael Kelly Roberts, walked away from the institution May 3.

They were subsequently picked up in Salem, Oregon and charged with the murder of an American, all within the short time they had been free. Both men had been convicted of violent offences, each having used a firearm in criminal offences for which they were convicted. Why were these two inmates in a minimum security institution?

One of Robert's psychologists in 1979 stressed that Roberts should remain in a maximum security institution.

These are the findings of the investigation: "The board concluded that, notwithstanding the best judgments of staff and the advice of psychologists and psychiatrists in the cases of Roberts and Cronin, their placement in a minimum security institution was inappropriate and in one case was based partly on an assessment tool being incorrectly applied".

I am pleased that the error was admitted and recommendations made to try to prevent such happenings in the future. I quote statement number eight of the report: "The Correctional Service of Canada should adopt an approach which incorporates both intensive supervision and clinical service for new arrivals and higher risk cases in minimum security".

This is the action plan: "No offender who is generally of high risk should be in minimum security". I wish it had ended there. It went on to say: "However, it must be recognized that some offenders who are suitable for minimum security require more attention than others".

(1550)

I find problems with that. Upon reviewing the percentage of the types of crimes committed by the inmates of Ferndale I found that 43.8 per cent of the inmates in Ferndale institution are still there and they are violent offenders. I would presume as murder or violent death formed over 29 per cent of these offences that many of these crimes would involve a weapon, more than likely a gun.

Who will be the next high risk offender to walk away from Ferndale? When will we start to put the rights of law-abiding citizens ahead of the rights of criminals? Again I stress that if one more high risk inmate walks away from Ferndale minimum security prison in Mission, as they can easily do, and another death of an innocent victim is the result we are paying too high a price.

This bill would have been the ideal place to put in a provision which requires longer, harsher sentences for crimes committed with a firearm. This is perhaps the only restriction on the use of firearms which directly affects those who use firearms the most, criminals. It is high time we addressed this part of the gun control issue. I hope the government will make the bill stronger.

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In closing I believe it is time that we had a comprehensive bill dealing with sentencing and, as I have said, this is a good start. In the months to come I look forward to receiving other initiatives from the Minister of Justice, perhaps in the areas of appointment of judges and proposals to reduce the tremendously high cost of our legal system. These will have to wait for another day.

Mr. Gordon Kirkby (Prince Albert—Churchill River): Mr. Speaker, the hon. member has indicated that people engaging in white collar crime should do the time. Earlier today her colleague from the constituency of Wild Rose indicated that perhaps there are mechanisms other than incarceration to deal with non-violent offenders.

How does the hon. member explain the inconsistency that has been brought forward by her party on a single day?

Mrs. Jennings: Mr. Speaker, I would like to thank the hon. for his question.

Yes, I did make that statement. I do think that all people who commit crimes must pay for those crimes and must be incarcerated. However if the occasion should arise, and I say if the occasion should arise, that in our institutions we are overcrowded then the logical thing would be to look for avenues to relieve that overcrowding. Logically we would then find a way for non-violent offenders to spend time in another way. Within the community would be an excellent way to do it but only if we find we do not have places in the prisons for them.

Mr. Patrick Gagnon (Parliamentary Secretary to Solicitor General of Canada): Mr. Speaker, I was quite interested in the comments made by the hon. member. We are informed that there are fewer resources now available for incarcerating people in our prison system. We are aware that it costs approximately \$50,000 a year to keep a person in prison.

We are faced with overcrowded prisons. We are also talking about the possible increase of 30 per cent over the next few years of incarcerated people in our prisons. However we also know that in the United States where they have reduced actually the levels of *liberté conditionnelle*, as we say in French, that their levels have not been very satisfactory, that is to say that even if they are not allowing them to leave prison, the crime levels in these states have not decreased.

I am also curious to find out why the Reform Party believes that by not having gun control as we propose that crime levels will actually fall. I find it very curious that we are more concerned about sentencing when we should be concentrating on trying to control the use of firearms in society. If we were able to register firearms in this society we would have better control, but now we are more concerned about sentencing people who have already committed a crime. This is what I found illogical in the arguments presented by the hon. member.

(1555)

I would like to know how they can reconcile the fact that we do not have to control the use of firearms as proposed by the minister, by this government, but we are better off trying to spend more in terms of sentencing and throwing people into prison when we could simply reduce the murder rate in this country if we had a real serious and comprehensive bill and law controlling the use of firearms. I would like to hear the member's comments on that.

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

You mentioned two or three things. First, I was very concerned every time you mentioned control of firearms. What you are really saying is that we prevent law-abiding citizens—

The Acting Speaker (Mr. Kilger): Order. I would just like to remind members on both sides of the House that when intervening to direct your comments through the Chair.

Mrs. Jennings: I apologize, Mr. Speaker, and I apologize to the hon. member opposite.

What I would like to stress is that I find this whole situation very disturbing because I have respect for every member in this House. I try to think that you say what you honestly mean and you honestly believe, as I try. When I say that I mean we have in Canada today responsible gun owners. Every time we put laws in force on firearms we hit at them one more time. That is not acceptable. We have to find another avenue. You can never justify putting more laws in place that will withdraw rights from law-abiding citizens. You cannot justify that in a just society.

As far as this business of overcrowded prisons goes, is the answer because we have overcrowded prisons to open the doors and release them? Did that not happen in Russia in 1917? Are any of you aware of what happened in the small villages around the steplands in Russia to all of the innocent people? Think about it for a minute.

No, we do not open the doors. We do not let prisoners out. We try to convince even the young people of today who because they are under age can go ahead and commit any crime they want because they cannot be held responsible. We do not start a new slogan: "Do the crime and spend less time". Instead of that we stick with what we have and we make it better. We show that people have to be responsible. There is only one way and that is to serve your time. If you are not guilty of a violent offence then it is possible to look at other avenues of serving. I think we can do that but we have to work together seriously on it.

Ms. Val Meredith (Surrey—White Rock—South Langley): Mr. Speaker, I wish I could be as generous as my colleague in commending the government for Bill C-41, but I find it is like many other pieces of legislation. It is a mere camouflage. It is a

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life sentence tinkering instead of truly changing a system that needs to be changed.

I feel that Bill C-41 will not make those substantive changes that Canadians are expecting of this government. However, the true value of Bill C-41 will be and must be measured by whether it will provide safer streets for Canadians. I personally do not think that it will.

I would like to concentrate most of my talk this afternoon on one aspect of the proposed legislation and that is crimes that are motivated by bias, prejudice or hate. I agree with everybody that we need to condemn that type of crime, but we should not be creating a hierarchy of victims in doing that.

Section 15(1) of the charter of rights states that every individual is equal before and under the law and has the right to equal protection. I feel that Bill C-41 is going to change this. It will say that there are certain crimes against classes of victims that are worse than the same crime against other classes of victims. I would suggest that is against the fundamental principles of the charter of rights and that is that every Canadian has the same equal right to protection under the laws of Canada.

(1600)

An example of how this could be applied happens more regularly than I would like to see. That is the home invasions which are occurring in the Vancouver area. Individuals, either alone or in a group are breaking into homes and terrorizing the occupants. They are not waiting until the homes are empty. They are breaking in when people are at home and they terrorize the homeowners and steal all the valuables. Many of these home invasions are committed by Asian youth gangs and they are targeting Asian members of the community. That is bias and it is victim selection. That would be considered an aggravating factor under Bill C-41.

In another instance there is gang activity. They indiscriminately invade homes, again harassing the victims and stealing all of their valuables. There is no aggravating factor yet that crime is just as serious and just as damaging to the victims.

They are two equally deplorable crimes. But one gang would get stiffer sentences because they were more selective in their choice of crime.

Judge the act. Judge the criminal activity, not the motivation. By judging the motivation we are delving into a risky proposition and it smacks of Orwellian thought policing. We are treading on very dangerous ground when we start to invade what we think are people's thoughts.

I would like to know whether this is there for the profit of lawyers and self-styled psychologists and psychiatrists who will soon become legal experts on this subject. Why should

senseless assault be viewed as any less serious than one that is biased, based on bias, prejudice or hate?

We would have fewer problems with considering crimes where offenders abuse the position of trust with the victim to be considered aggravated. The Minister of Justice used adults and children, doctors and patients as examples. I would hope that he would also consider lawyers who abuse their position of trust with clients and politicians who abuse their position of trust with the electorate as other examples of breach of trust that should be considered aggravating circumstances.

Not only special mention of classes of victims but special consideration of aboriginal offenders also concerns me. This seems to offend the equality section of the charter. I am not suggesting there is an over-representation of the native population in our prisons, but I do not think this is the way to deal with it.

I spent 15 years in northern Alberta living in a native community. I have more experience than most on the inequalities and injustices that our aboriginal people face. They would be the first to agree that the problem is not solved in legislation. The problem is solved in the administration of justice.

I would like to give another example to consider. Suppose two individuals with identical criminal records participate equally in a crime, but one is aboriginal and the other is not. Does this legislation mean that the aboriginal offender would be given a lesser sentence even though he participated equally in committing the crime? What about an aboriginal offender who commits a hate crime? Does the mitigating factor of being aboriginal cancel out the aggravating factor of it being a hate crime?

We should not even be asking those questions. It is not for us to question the motivation of a crime. We must judge it on the act itself and make sure that every Canadian is treated equally under the law, that the law is not looking at race, colour or gender.

(1605)

Generally I agree with incarceration being the last resort. I am well aware of the potential overcrowding in our prisons and the ongoing concern of what that will mean, but to suggest that we only want violent criminals in our jails only addresses part of the problem.

However, this bill does not in any way deal with white collar crimes. In those cases financial penalties may not be enough in themselves to deter fraudulent behaviour by corporations or people who ought to know better. Those people can easily pay a fine and need a more substantive deterrent than just paying some money.

I had hoped for more in the sentencing package. I had hoped for a greater recognition of the concern of Canadians that we need to have more control over violent offenders, that we need to

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have some measure of deterrent, and that we need to consider that all Canadians should be treated equally.

The prime purpose of sentencing should not only be to have a penalty for the act but there should also be a deterrence factor. We cannot omit the deterrence factor in our sentencing legislation.

Sentences, like probation and prison terms are effective in the short term but long term supervision is needed. When a person is given a prison term of two years as the appropriate sentence for the committed crime, they should serve two years and an additional sentence of community supervision should be added on to that.

One might say that is similar to what parole is now. However there would be a greater acceptance and understanding by Canadians if they knew the courts deemed the penalty for a crime was x number of years and then deemed that the criminal would be assisted in getting back into the community under a period of supervision to be determined by the courts. If that happened there would be much greater acceptance for some of the sentencing that is handed down.

Serious violent offenders should have a lifetime of supervision. People who have committed murder or vicious assaults against another person should be under lifetime supervision in addition to their sentence. If Canadians were assured that long term supervision was being provided they would be a little bit more willing to allow offenders back on to their streets.

Although Bill C-41 is giving direction, it certainly does not go far enough. I wish this government would have a little bit more strength and a little bit more courage in making the tough decisions that have to be made.

Ms. Shaughnessy Cohen (Windsor—St. Clair): Mr. Speaker, I feel constrained to make a couple of comments on the content of the last address. There are some fundamental errors in terms of what information has been promulgated in that argument.

First of all, it is very important when discussing parole and the issue of when or whether someone might be paroled to understand that parole is, in effect, a community based continuation of the sentence. A person who commits first or second degree murder is sentenced to prison for life. If he or she subsequently is paroled, they continue serving their sentence in the community under the supervision of parole officials.

It is misleading to suggest that a person who receives parole after 15 years is suddenly absolved and walks away. There are limitations on that individual's behaviour which are set out under the terms of the parole. His or her life is supervised. They can no longer simply live wherever they want or associate with whomever they want. They have to report regularly.

That part of the system may have strained resources. There may be other ways to strengthen or improve that system, but a person who commits murder is punished for life by the combination of incarceration and ongoing community supervision. It is misleading to suggest there is any other structure that somehow absolves that person at the conclusion of their jail term.

(1610)

I would also like to point out that a false example was given of the amendments which relate to crime which is affected as a result of hate. In the example the hon. member gave of a home invasion perpetrated against members of a particular ethnic group, there would not be an automatic increase in penalty, nor would the issue of the victim's race come into play unless the prosecutor could prove beyond a reasonable doubt to the satisfaction of the court that the crime itself was motivated by the hatred of a member of that group. To invade the home of a person of a particular ethnic group may not be motivated by hate. It may just have been the most convenient place to hit on that particular night.

It strikes me that the government is absolutely right in recognizing that crimes motivated by specific hatreds of race, of sexual orientation or any of the other specified classes is particularly heinous in our society.

Ms. Meredith: Mr. Speaker, I am little concerned. I am hearing the government suggest the same crime may be considered more heinous simply because it has a bias or hate or prejudice attached to it. I would like to think the crime itself is heinous no matter what the motivation or no matter who the victim is.

One thing I would like to address is there are people who have killed. Perhaps they did not get murder one or murder two. Perhaps they got manslaughter for the convenience of the courts or whatever reason, but the point is there are people who have killed and have been sentenced for five or six years. With mandatory supervision or the legislated statutory release they will be out on the streets after two years.

Canadians do not like to see that. They want some sort of protection. Maybe this person made a mistake and did not mean to do it but surely to god there should be some supervision to make sure it is not going to happen again.

Canadians are concerned because there are people who do get out and are on the streets without any supervision. May I mention the name of Mr. Larry Fisher who is out wandering the streets without any supervision because the law does not allow that supervision. I would suggest that is what Canadians want this piece of legislation to do: make sure the streets are safer by protecting them from people like him.

Ms. Shaughnessy Cohen (Windsor—St. Clair): Mr. Speaker, Bill C-41 is yet another fulfilment of Liberal red book promises. It is part of this government's safe home, safe streets policy. This policy in connection with our plans and our actions in the direction of job creation and our fundamental respect for

human rights—I see the member to whom I was addressing my remarks is leaving in any event—gives Canadians the comfort of the quality—

The Acting Speaker (Mr. Kilger): Order. Regrettably I was not possibly paying as close attention as I normally would. Certainly with regard to the presence or absence of members in this Chamber, we well know the demands on our time for House duty, committee duty and so on. Therefore, we should all be mindful and respectful of one another in terms of our coming and going, presence or absence in the House. I would ask all of us to keep that in mind in our interventions.

Ms. Cohen: Mr. Speaker, these policies dovetail together rather nicely to give Canadians the comfort of a better quality of life.

(1615)

Canadians trust our right hon. Prime Minister and our government to deliver on our promises. That is evident by our presence in the government and our strength in the government. Indeed we published these promises in the red book and Canadians can literally check them off as we deliver on them.

Our job creation programs can be seen across the country in our infrastructure works which are completed and which are in progress. As promised by the Prime Minister the country is starting to feel better about itself. I might point out that nowhere is this more evident than in Windsor, Ontario where unemployment is down, welfare claims are down and crime is down.

Jobs mean prosperity and prosperity reduces the stress in our society. Sometimes as is the case today it is necessary to deliver legislation which seeks to aid Canadians to feel safer and to correct inadequacies in the system where they exist. This is the reason for Bill C-41.

Canadians need reassurance. Canadians need comfort. I would suggest that Canadians do not want this reassurance and this comfort to be at the expense of human rights. The government has consulted Canadians across the country and found out that Canadians are concerned about certain aspects of our criminal justice system. Canadians are not hysterical. Canadians are not narrow minded. Canadians believe that there are some injustices in our system. Canadians believe that aboriginal people for instance receive inappropriate sentences disproportionately.

Canadians believe that poor Canadians are sometimes treated more harshly by the courts or by the system than Canadians of financial substance. Canadians think that we should seek some alternatives to custody in certain circumstances. We also know that Canadians do not want all crimes to be treated the same way. Canadians recognize that the quick fix is not possible.

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They recognize that there is a difference between crimes and they draw that distinction often based on the presence or absence of violence in a criminal act. They know that there are often compelling reasons to promote an offender's rehabilitation over his or her punishment. At the same time they want consistency in sentencing and a rationalization of the process.

This bill comes to grips with these expressions of public opinion through amendments to the Criminal Code. First and foremost, these amendments set out a general statement of principles and purpose in the sentencing process which covers rehabilitation, the segregation where necessary from society of certain offenders. It covers restitution. It covers the actual promotion in a convicted criminal of a sense of responsibility for his or her acts and it denounces unlawful conduct while deterring both the offender and others. At the same time it recognizes certain fundamental principles that Canadians have told us they are interested in upholding.

The sentence must reflect the seriousness of the offence. The sentence must reflect the degree of responsibility of the offender. The sentence must take into consideration aggravating or mitigating circumstances. The sentence must at least consider alternatives, especially for aboriginal offenders. When a crime is motivated by hate based on race, nationality, colour, religion, sex, age, disability or sexual orientation Canadians want it to be punished accordingly.

The Minister of Justice has considered all of these factors and has presented a bill which respects the wishes of Canadians and the rule of law. There is no quick fix. Our friends opposite would like us to think that there is a quick fix, a year is a year and a day is day. There are always circumstances that require flexibility. There are always circumstances that require us to take off our punishing hat and put on our rehabilitating hat.

(1620)

I would suggest to our friends opposite that as they consider the fiscal bottom line they consider the difference between the cost of rehabilitating someone over the long term to our society versus keeping that person indefinitely incarcerated with no programs and no opportunity to recover.

The member for Notre-Dame-de-Grâce spoke eloquently this afternoon about attacking not only the results of criminal activities but also the causes of criminal activities. We hear nothing about that aspect from the benches opposite.

Members opposite make it all sound so easy. Just throw them in a cell and throw away the key. This I would suggest is the result of simplistic thought and, quite frankly, knee-jerk reactions. The funny thing is it is not even what Canadians want.

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The member for Notre-Dame-de-Grâce, I would suggest, hit the nail on the head when he said that crime is not just a justice issue, it is a health issue, a human resources development issue and it is a human rights issue.

In Canada, sadly, some groups do not enjoy the same advantages as others because of social class, colour or a variety of other reasons. Canada is a much better and freer country than many others, most others for these people, but we have to recognize that not all of our citizens have the same advantage.

Canadians have recognized this and Liberals have recognized this. That is why we do not offer these amendments in a vacuum. When we look at Bill C-41 we also have to look at the movement that we are making to rationalize the national health care policy and the extensive social safety net reform that will be introduced shortly. This social safety net reform is intended to deliver better social security in our country. The rest of the country can then follow the example of the greater Windsor area, less unemployment, lower welfare payments, fewer welfare cases and a lower crime rate.

It is not as easy as our friends opposite make it. We cannot jerk our knee and solve the problems with a simple saying or a simple quote. We have to be versatile and we have to be flexible. I would suggest to members opposite that is exactly what the hon. Minister of Justice has done here and that it is consistent with what Liberals do and it is consistent with what this government has done and will continue to do in the future.

Mr. Ken Epp (Elk Island): Mr. Speaker, I would like to make a clarification with respect to allegations made toward the Reform Party's view of this.

I do not think that any of us have ever made the statement or even intimated that it is a simple thing, you just throw them in jail and throw the key away, as the hon. member stated. That is not an accurate description of the feelings or convictions of people in our party.

I challenge the member opposite to think about the real issues that are involved here as we are trying to do. How do you solve the problem of crime? One of the most fundamental areas in which we have failed our young people, who then become older and at whatever age become criminals, is that we are no longer strongly teaching them by example and by word what is right and what is wrong. I am finding that even in present law making there is this intimation now that we are going to have laws that will prevent parents from spanking their children.

I do not in any way condone violence against children but children will learn to obey and respect authority if they are taught in a loving way with firmness.

(1625)

That is how I was taught and that is very important. That is where we need to work in order to empty our jails. We need to make sure we have strong, loving families. I would like to see

this government really emphasize that end of it. Perhaps the member has some comments on what I have just said.

Ms. Cohen: Mr. Speaker, one way we can ensure Canadians develop a strong, loving base in the home is to provide homes that are safe and prosperous. One of the problems we have that we see time and time again in our society is as there is less prosperity, as the economic and other stresses are placed on a family, when they cannot find food, when they do not have sufficient warmth, when they do not have sufficient shelter, when they do not have the basic, fundamental things that families require in which to thrive, then other things develop.

Parents become busy working harder or trying to find ways to bring food into the home, to raise money to support their children. They have less time for their children. It is important to accept that the issue here is not the result of crime or the criminal act itself.

The issue is making that go away, making this a better society, so we do not have to deal with it anymore. If we can do that by reforming our social safety net, by creating jobs and by making it a better country in which to live economically and socially, by acknowledging for instance that some crimes are motivated by hate and by trying to come to grips with those types of problems, then we can make it a better society, a better country, stronger families.

Mr. Epp: Mr. Speaker, I was not aware of whether I could get up twice in these situations, so thank you for that lesson.

I am wondering if one of the pressures that we have control over—when I say we I mean the Government of Canada—is in the area of financial pressure. There are many parents who are forced to work because of the huge tax load they face among other things.

Perhaps what we need to do as a fundamental root, way down deep solution to this problem is to manage our financial affairs to reduce the tax burden so that in those families where those stresses occur they could be reduced. Perhaps those who choose could then remain home with their children to provide them with a good, secure, solid, loving environment in which to grow up.

Ms. Cohen: Mr. Speaker, I happen to agree with the hon. member in terms of the basic premise that there should be lower taxes. I do not think there is anyone in this Chamber who would not like to be able to help lower taxes right away.

I also agree there are families now forced to have two incomes in order to make the same sort of home that our parents perhaps made with one income. There is no question about that. Let us not cross that line. Let us not assume that all families have two working parents because one of them is being forced to work.

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There are many families that exist today because two parents want to work and have careers. That is a part of our changing society. I see heads nodding. I see some agreement, which is pleasant.

I must point out that without the social safety net we cannot provide the atmosphere in which these parents can work. That is why we need—this will be a little segue here—to have some form of national child care standards so we can make sure that families with two parents who want to seek careers can have the type of support they need for their children. Then they will know their children are secure and living in a healthy and safe environment and they can continue to pursue their total goal as a family unit.

(1630)

Mr. Epp: Mr. Speaker, I stayed down long enough to give everyone else an opportunity. I really want to challenge that because it is undoubtedly true that if we do pursue this goal of national child care, nothing is going to do more to drive taxes up and put pressures on families higher. We are defeating ourselves and I strenuously object to that.

Certainly in the other areas, there are some families—I am thinking particularly of single mothers because we have so many of them now in our society—who have no choice. We must bend over backward to do what we can for them.

I do not, however, buy into the premise that the only way it can be done is by the taxpayer being plucked by the government to provide the service. There have to be many other ways to solve those problems.

Coming back to the bill that we are discussing, I would like to also say with respect to criminals that when they finish their time, we need to recognize that we are not going to put everybody in jail for life, no matter what they do.

I agree certainly that we must do something to get them ready to integrate back into society. Here again I would have a very good low cost solution to propose, particularly for people who are guilty of non-violent crimes. I would propose that they be placed into the keeping of good loving homes. It is a requirement. It is their sentence. They would spend their time there instead of in a jail so that they get a model of how life ought to be lived.

With that, I am going to quit this time. I promise.

The Acting Speaker (Mr. Kilger): Do not make too many promises now just for this time. Certainly I sense if this dialogue and debate went on between the two members who have been rising on the floor that we would find some points of disagreement.

Ms. Cohen: Mr. Speaker, I feel like I am going to a dance here. I thank the member opposite for allowing an opportunity to

engage in this dialogue even though it is in a very structured environment.

I must say that I cannot think of very many acquaintances or friends who would want to open their houses to persons such as my friend is suggesting. However, it is not an idea that should be dismissed.

These are the types of creative ideas that I suggest this bill envisions. These amendments provide for great flexibility and versatility in terms of sentencing arrangements.

In Windsor, which is where I am from as members know I am sure by now, we have some very creative and excellent judges on our provincial court and our general division benches. Some have worked very hard to find alternative sentences within the limits of the current legislation.

As a result, we have seen in our community many community-based solutions that have been promulgated by those judges and by some programs and social workers whom we have in our community. The result is that we have had an opportunity in our community to look very closely at alternative sentencing structures.

This has been an eye opener for me as a criminal lawyer, both as prosecutor and as defence counsel. These have been very productive types of programs. I would suggest that my friend opposite has an idea that is worth exploring.

Mr. Jim Abbott (Kootenay East): Mr. Speaker, in a document published in May 1993 from Ottawa the Prime Minister, in an election mood at the time, said: "Safe streets and homes should be a basic right of every Canadian". As he noted Canada's 40 per cent increase in violent crime he said: "Since 1984, the Conservative government has done almost nothing to combat the growing crime rate except half measures and lots of macho talk".

The Prime Minister has served Canada in this House for over 20 years. Perhaps some of the influence of the Conservatives in proposing half measures has rubbed off on the Prime Minister and his cabinet.

Bill C-41 in its intent and as far as it goes has many things that are supportable. I submit, however, that with this as with other legislation currently before the House, the Liberals are consistent. They are moving. I believe that is because the Reform Party members are listening to their constituents and are saying things on the floor of the House of Commons that typically have never been said here before. Through the pressure of the voice of Canadians being brought to this Chamber by the Reform Party the government is moving but, I submit, in half measures.

(1635)

Let us reflect also on what my leader, the member for Calgary Southwest, was saying in 1992. While speaking in Belleville, Ontario on the issue of reforming the criminal justice system he proposed the two following things:

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Number one: Reformers believe that a better balance should be struck between the amounts of public money spent on the apprehension, care and protection of the perpetrators of crime and the amount of public resource spent on helping the victims of crime. Combined federal and provincial spending on jails alone is about \$2 billion a year. Police spending is \$1.7 billion for the federal government alone. The court costs another several hundred million dollars each year, whereas the resources committed to helping or compensating the victims of crime are minimal.

The second thing he said was that sentencing and parole procedures should be reformed. He said: "We have proposed that automatic parole be eliminated altogether; that 25 per cent time off for good behaviour be the maximum amount by which a sentence can be reduced; and that sentencing guidelines for judges and juries be improved to ensure greater certainty and consistency in sentencing".

These proposals are in line with the recommendations made by the Canadian Sentencing Commission in 1987 but largely ignored by the federal government.

I believe that in 1993 when my leader made those comments that they were reflecting the values and judgment of Canadians just as they reflect those same values today in a more substantive way than is evident in the bill currently being considered by the House, which I have judged to be a half measure.

On the first issue raised by my leader that there must be a better balance struck between the money spent on criminals and their victims, I would like to present a couple of ideas. First, I think quite frankly that there is a problem in our wonderful free and democratic society with our news gathering systems and media. They have to set their own agenda and perhaps have to sell their newspapers or their advertising time on television.

Unfortunately, we have articles, for example from the *Ottawa Sun* on March 12, 1994, a two-page article outlining communications telling of a complex person expecting to emerge from jail as though her past and her crimes will be erased. It published a whole series of Karla Homolka's letters. In those letters there appeared, for example: "That card fits perfectly with my Mickey Mouse posters. Hey, I'm getting Sesame Street towels and sheets on Friday. My room is going to be the most juvenile in the whole institution but, hey, I like it that way." Another letter: "I'm growing bangs, or at least I am trying to".

This kind of sensationalism by the news media in my judgment does a major disservice to this whole issue. I believe that the fundamental tenets of our society are based on freedom of speech and access to information. But I challenge the news

media in the way that it takes that information, distorts it, twists it, sensationalizes it and sells more issues of its newspapers by so doing. I do not think that is excusable.

However, there are responsible articles. I refer in the context of this speech to one from the *Toronto Star* dated June 26, 1994. I read in part:

Rick Sauve, serving a life term for murder, is the first lifer in Canada to earn a university degree behind bars.

Friedman, one of the people who was an instructor to him and who used to teach classes inside prison, said:

The greatest reward is when I talk to someone who has gotten an assignment back and they have got a 65 per cent and they are pleased as punch and say 'wow, I can compete with those guys'. It literally brings tears to your eyes.

Claire Culhane of the prisoner rights group in Vancouver believes strongly that the public should support prisoners' attempts to get post secondary education. Our policy now is to warehouse them. If you are doing 10 or 20 years, are you supposed to sit there and vegetate? If they do not want tension in prisons they have to provide something for everyone.

(1640)

The second part of the article is that in May Sauve was granted the right to apply for parole. A hearing will be held later this year.

There are two fundamental problems here. I do not want to comment on the issue of this prisoner receiving the ability to be able to have the resources to get his university degree but I suggest that it is hard to imagine that the family of Rick Sauve's murder victim earned a university degree at government expense as a result of the loss of their loved one. What has the government been doing in terms of looking after them in the same way that the offender is currently being looked after?

I am not discussing the issue of whether Rick Sauve should have worked for his university degree. The issue I am raising in this case, as in others like it, is how much time, money and government resource is put at the disposal of victims versus the money and resources put at the disposal of the perpetrators.

The second issue is what my colleague from Fraser Valley West said on Tuesday. He made it very emphatic. Life is life, or at least it should be. Yet we see from this article that Rick Sauve was granted the right to apply for parole. We see a measure in this legislation that victims will be allowed to make representation at section 745 hearings.

While this is an improvement I believe that section 745 should be repealed in its entirety. The judge at the presiding jury or judge trial should have the ability to be able to set the sentence. The sentence should not be overridden at some future

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point in time by people who were not party to the case in the first place.

This brings me to the second issue which my leader raised. Surely there must be some ultimate protection for law-abiding members of society.

In a paper produced by the MacKenzie Institute entitled "Streets of Fear, the Failure of the Criminal Justice System" the author, Brode, cited some very interesting examples of the problems with sentencing procedures in Canada.

Two Nova Scotia cases recently underline the inadequate judicial response to attacks on women. In *Regina v. Swinamer* a man forced his estranged wife into a truck and threatened to kill her. She escaped. Charged with unlawful confinement he was released on condition that he have no contact with his wife. Again he captured her. He drove her to a secluded area and raped her.

At his sentencing the court considered the offender's situation, that he had already spent five months in custody and had a good work record. His sentence, three months' imprisonment and 19 months' probation.

In *Regina v. Desmond* the husband had severely beaten his wife, thrown her out of the house. She suffered a fractured shoulder and pneumothorax of the lung.

Again it was the offender's situation that mattered for the trial judge considered that it was his first offence of this type and that he could lose his job if in prison. His sentence, 90 days to be served on weekends and two years' probation. This man except by the grace of God would have murdered his wife and he gets 90 days' sentence and two years on probation.

In my home town of Cranbrook this past weekend there was a march of citizens concerned about family violence. They were looking for changes in the criminal justice system and to see that inadequate sentencing for sexual assault is carried over into sentences for spousal abuse.

At an Ottawa conference on women's safety a couple of years ago Chief Brian Ford said that a first offence for assault on a wife usually results in a suspended sentence. Those for drunk driving are stiffer. Inexcusable.

What the government today is missing is the understanding that the late Judge Les Bewley observed, and I quote: "The control or reduction of crime depends on three essential elements: the certainty of detection of the offender; the speediness of the trial; and the certainty of punishment". He goes on to say: "These were all observed and taken for granted 30 or 40 years ago". Not any more.

(1645)

I would like to introduce for consideration of members today the concept of retribution because the Liberal concentration has totally smothered this concept.

Take for example events which occurred in 1989 and 1990 in Perth, Ontario. Kenneth McLean, the convicted killer of Ruth Moore, had originally been convicted of second degree murder and sentenced to life in prison with no eligibility for parole for 13 years. McLean had told friends: "If I cannot have her, nobody else can". He strangled her and then stabbed Ruth 24 times.

The Ontario Court of Appeal ordered a new trial because of technical errors in the judge's rulings. At his retrial McLean pleaded guilty to the lesser charge of manslaughter and thereby became eligible for parole in another 18 months or released on mandatory supervision in three years. In effect, he would serve six and a half years for Ruth Moore's death.

The victim's family was outraged and violence almost erupted in the courtroom when the new sentence was imposed. The presiding judge, Dan Chilcott, sympathized with the family. He told them he understood their feelings of outrage but then he added: "Retribution plays no part in our system as far as I am concerned".

About retribution the Mackenzie Institute says: "Retribution is the root of society's motivation to punish those who seriously breach our standards of accepted conduct. Retribution is not revenge, for revenge is arbitrary and self-seeking. Retribution is a measured response to a past offence imposed after due process and it is proportional to the gravity of the offence. It does not gratify individual loss. It enforces the legal order and reflects society's abhorrence to violence. To grant lenient sentences is to say that violent acts are acceptable and are not to be truly punished".

Again, there was a recent incident in my hometown of Cranbrook. An individual had been sitting with his ex-girlfriend. She decided to have a bath. Following an argument he went in and shoved her face down in the water. She smothered to death. I grant you he confessed to the crime, but after both the crown prosecutor and the defence asked for a five-year sentence for this murder, the judge in his wisdom said: "Oh, no that is not good enough. We are going to give seven years". What is this? What is a life worth?

When we have lost the concept of retribution, of making the penalty fit the crime, we have lost an essential element of our judicial system. All judges should understand they are on the bench to administer retribution. Courts do not exist to sympathize with the criminal, but to adequately punish for a wrongdoing.

The greatest deterrent to crime is not necessarily the severity of punishment, rather it is the certainty of punishment. The prevailing system of parole and automatic remission of sentence has made punishment uncertain and in many cases unlikely. The

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danger lurking in the criminal's mind that he will pay the prescribed penalty for his act simply is not there. He knows the parole system will spare him even in so-called life imprisonment. The criminal justice system therefore becomes a deception. It leads the public into believing that criminals are being punished and it shields the criminal from paying the penalty.

I wish to introduce the major reason I will vote against this bill and in conclusion I want to briefly address the declaration of this bill, that where crimes are motivated by hate this is deemed to be an aggravating factor. The minute this House strays from the fundamental principle that all Canadians are equal regardless of race, language, creed, colour, gender or religion, we open up the entire Pandora's box of inequality.

(1650)

Let me give an example which was reported in *B.C. Report* magazine on September 12 of this year. George Mammolitti, the 32-year old NDP MPP from Toronto who spoke out forcefully against Ontario's same sex benefits law before it was defeated in June has been the target of harassment, abuse and threats.

The magazine reported that after the defeat of the bill Mr. Mammolitti received about 300 abusive and threatening phone calls often in the middle of the night. Many of the callers uttered racist epithets and told Mr. Mammolitti to go back to Italy. He was also sent a handwritten note containing a threat to kill him in front of his children. Police determined the note had been mailed near the legislature but were unable to determine who had sent it.

Mr. Mammolitti has call display telephones in his office. As a result, Craig Smith, assistant to the associate culture minister, Shirley Coppen, was found to be responsible for at least some of the abusive calls Mr. Mammolitti had received. When Mr. Smith was approached he admitted to making the calls. He was suspended with pay for three days and no criminal charges were laid.

The hate provision strides into very dangerous territory. It pits members of supposed majorities against citizens of appointed minorities. A victim is a victim and a perpetrator is a perpetrator. If the shoe had been on the other foot, if Mr. Mammolitti supposedly representing the majority of Canadians had been going after Mr. Smith supposedly representing the minority of Canadians, Mr. Mammolitti would have been in serious trouble. As it is, it does not work that way.

What are we doing getting into this with this kind of judicial law? When a person's head is kicked in, it is kicked in. Curbing is a very gross action which I believe is coming out of the slums of New York or the American inner cities. The victim is put down with the back of his head to a curb and then someone applies boots to his forehead with great force. Something has to

give. A murder of that type occurred in Coquitlam within the last three months.

Now I ask: What possible service does this law serve? If the people going through due process are convicted of that crime, what possible service does it serve our society? Does it serve the victim's relatives? Does it serve the offenders if the judgment of the penalty is based on whether the victim was an identifiable minority? Clearly these people did it out of hate. Was the victim just an ordinary guy and these were a bunch of goofball fools who took this person's life? Well that is okay, we do not have to give them as tough a penalty I suppose but remember, the victim is still dead.

We are entering into very dangerous territory with this particular provision in the bill. I truly understand the motivation, but my father said it best: You cannot legislate morality.

In conclusion this is a situation of half measures. It is dangerous because it raises expectations of citizens. That leads to lost hope which when these half measures do not work leads to loss of faith in law and order.

If I could have the attention of members opposite I will make them an offer. I will provide the Q-tips for cabinet if they pledge to use them so they can hear what ordinary citizens are saying. Canadians want an end to the half measures this bill represents.

(1655)

The Acting Speaker (Mr. Kilger): Before proceeding to the period of questions and comments to the hon. member for Kootenay East, it is my duty pursuant to Standing Order 38 to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Yukon—Transport.

Mr. Patrick Gagnon (Parliamentary Secretary to Solicitor General of Canada): Mr. Speaker, I was listening to the rather sensationalist comments made by the hon. member when describing the various cases which have taken place either in his riding or elsewhere across Canada.

What I heard in his exposé is that there is a lack of understanding of what kind of population we are dealing with. We are often dealing with illiterates. We are often dealing with people who never had a chance in life. We are not actually looking for solutions. Actually the only solution the Reform Party is looking for is basically to throw the key away and leave them to rot in prison for the rest of their lives.

One of the best deterrents to fight crime in this society is education. Does the hon. member know the figures of illiteracy found among the incarcerated in Canada?

Mr. Williams: So what are you doing?

Mr. Gagnon: I am asking him the question, Mr. Speaker. Can he tell us why there is a disproportionate number of aboriginals in our prisons? In many cases these people have been treated like

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second class citizens. In many aboriginal communities more than half the population is 18 years or younger and have been given very few chances. Many of them regrettably have turned to crime.

It is not only the aboriginals. They are also pointing to immigrants, new arrivals to Canada, people who were not really given a chance. It is regrettable the hon. member does not look into greater detail on ways to prevent crime. That is the basis of the bill: To reorient our young Canadians or older Canadians for that matter to try to set them straight in order to make them better and more productive citizens.

Obviously I am not going to hear the voice of reason and compassion on that side but they should recognize that those who are incarcerated in Canada today are often those who were not given the privileges of education, who were not given work in some instances and have had to turn to crime in order to pursue their lives. That is what is regrettable.

As a government we are trying to turn this society around. As we very well know the rates of incarceration in Canada are second to those in the United States and they are much lower in Europe. These are things we have to look into. We should start looking into what is happening in Europe, not quoting Russia of 1917 as one of his Reform associates did earlier. We have to look at what is happening elsewhere, what we can do and how we can improve the system.

Of course being a compassionate society we understand what the victims are living through. I am sure it is a living hell for many of them. We cannot turn around and say: "No. The only way we are going to solve this question is by throwing the key away". There is the question of education. There is the question of trying to encourage Canadians to find other ways and means of earning their living.

This is what we have to do as legislators, as members of this proud Parliament. We have to try to find ways to set the course straight for many of these people who regrettably turn to crime.

What percentage are actually illiterate and what percentage come from different classes and different backgrounds? Could the hon. member come up with those percentages?

Mr. Abbott: Mr. Speaker, it is interesting that virtually every time we have a debate on criminal justice reform we keep on hearing that the Reform Party is just talking about the sensational.

We fully recognize there is a segment of the population that has gone through an unfortunate situation in terms of education, economics, or their upbringing which will have an impact. Everyone of those people who is in a disadvantaged state in Canada has the opportunity to move forward and get ahead.

(1700)

Not all of them fall through the cracks. With respect to the specific question, of course I do not have that answer at my fingertips. With the greatest respect, I would suggest that probably the member having walked into this House as I did at some point in time today probably also does not happen to have those numbers at his fingertips.

If this Parliament really wants to focus on reason and compassion, I wonder if just once this government might be able to have reason and compassion for the victim. I wonder if just once this Parliament would talk about bringing in the same kind of resources.

I said in my speech very clearly that I was not criticizing the fact that this criminal behind bars had ended up getting his university degree. I was not criticizing that. I was asking what resources were made available to the victims of his terrible crime. I would suggest not many.

The last time I spoke on this issue I believe we were talking about the Young Offenders Act. It was a Thursday. Perhaps some of the Liberal members will recall that this was immediately preceding their convention here in Ottawa.

It was very instructive because we brought up what the members consistently called sensational things, that we were off base, that the only place where there is any problem with the Young Offenders Act is in the constituencies that have a Reform Party member, that we were completely out to lunch is exactly what we are hearing from the other side the entire day.

It was really quite instructive that at the conclusion of their tête-à-tête in Ottawa the Prime Minister stood up and said: "We have suddenly discovered on the basis of the input that we have received from these Liberal members that we have a problem with crime. Therefore this is what we are going to be doing".

It turns out that maybe the problem was not isolated to the 52 constituencies that are represented by Reform. Maybe it is a problem with the balance of constituencies that do perhaps need the Q-tips I was offering.

Mr. John Harvard (Winnipeg St. James): Mr. Speaker, my hon. friend from Kootenay East suggested in his remarks that retribution is not vengeance. I looked it up in the *Concise Oxford Dictionary*. According to the dictionary, retribution is vengeance.

He was indicating that one of our members was treading on dangerous ground. When the member stands up and suggests that we should be basing our criminal justice system on retribution as opposed to basing it on the rule of law, he is treading on very dangerous ground.

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I want to make one other point, his arguments with respect to hate crimes. He is arguing as have other members of the Reform Party that we should not be drawing any distinction when it comes to crimes based on hate.

We should all remind ourselves that this great country of ours is a multicultural country. It is made up of peoples from all around the world and that is one of the reasons why this country is so great and so strong. We have the best peoples from all parts of the world.

We also have to say to all these people from all parts of the world that they are equal, they will not be the targets or objects of contempt, hate or prejudice, and that when we witness contempt, prejudice and particularly the acts of hate, the acts of violence of hate, we will express our dissent and our loathing in a very strong fashion.

There are different kinds of violence and different kinds of crimes. Surely my friend from Kootenay East would not suggest that violence that comes from a drunken brawl is bad and no worse and no better than violence that comes from hatred.

It seems to me that whether it is a woman, whether it is a person who belongs to a religious group or a so-called ethnic group harmed, and they are the victim of terrible violence only because that person belongs to a particular group, we as a society have to condemn and contend that strongly. That is why I disagree with the member from the Reform Party.

(1705)

Mr. Abbott: Mr. Speaker, I understand the motivation of the member and that behind this legislation. The motivation is to work against discrimination, to protect people who are of a visible minority within our society. I understand that completely.

What Canadians want are safe streets. A person who is beaten up, a person who has cracked ribs, a person who has his teeth jammed down his throat with an iron pipe has his teeth jammed down his throat with an iron pipe. The minute this House walks away from the fundamental principle that all Canadians are equal regardless of race, language, creed, colour, religion or gender, and we make more worthy victims than others, we are on absolutely indefensible ground.

The Acting Speaker (Mr. Kilger): We have exhausted the five-hour segment of the second reading of this piece of legislation. We will now go to the next stage of debate which are 10-minute interventions without questions or comments.

Mr. Stan Dromisky (Thunder Bay—Atikokan): Mr. Speaker, Bill C-41 with all its original and recommended revisions is a manifestation of objectives, directives, purposes, even hopes and wishes that have been produced through a demanding problem solving process. By its very nature it can be classified

as a democratic one, one in which information is gathered from a multitude of sources, from publications, studies, research, reports, individual and group experiences, input from all aspects of society, each being driven and governed by their own agendas, personal beliefs and value systems—an extremely complex process which produces a declaration of intent, purpose or direction; in other words a statute, a measure, a rule, a regulation, a law.

This government has used this complex democratic process to produce constructive reforms found in Bill C-41.

As we listen to members of the opposition parties we hear their subjective presentations, each believing that they possess some segment of the perfect law. No law made by man is absolute or perfect. No law is safe from the forces of change in a dynamic society. Each change brought about democratically brings us closer to the more perfect solution.

The justice department has heard the voices through the great country of ours and the outcome is a Criminal Code which is more balanced, fairer and rational than the codes of the past.

The section of Bill C-41 that lifts the Criminal Code to loftier heights is the proposed statement of purpose and principles of sentencing. For the first time direction is to be provided to the courts on the fundamental purpose of sentencing which contributes to the maintenance of a just, peaceful and safe society.

Revenge is no longer the basic purpose of sentencing one who has committed an unlawful act. Although this may be judged to be true by some, a sentence will still reflect the seriousness of the offence.

To diminish the criticism of unjust sentencing the courts throughout the country must give similar sentences to offenders who have committed similar acts. A just law is one that is perceived consistently to be just and fair in every court of the land.

Significant is the statement of principle that states 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, the offence must be considered as a more serious offence than in the past, thus demanding harsher sentencing.

(1710)

This bill provides the courts with more options to distinguish between serious, violent crime requiring incarceration and less serious non-violent crime that could be dealt with more effectively in the community.

It is in this area that I feel the most positive strategies can be created to rehabilitate the perpetrators of minor offences. Community service options which have been determined co-operatively with officials of the judicial system, community leaders

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and agents from various facets of society will without doubt produce the most effective results.

Rehabilitation programs which keep the offenders from any semblance of normal societal structures, in other words segregated or isolated, rarely are permanently successful. The position of segregation or isolation has built in connotations of inferiority of being a second class citizen. The proposed changes within this bill will reintroduce the minor offender to the normal patterns of community life.

Too often the poor are victimized by well intentioned rules or regulations. The 18th century law that jailed the offenders who could not pay their fines no matter how small the amount is finally being revisited and revised. Such offenders will be subject to other options such as community service or probation. This proposal will result in less crowded, safer prisons as well as decreased costs. Also, more human and financial resources will be free to deal with the more serious offenders.

Many of my colleagues have expressed their opinions regarding section 745 of the Criminal Code. Here violent crime victims are being provided the opportunity to present information which may influence parole decisions pertaining to the offender, a very worthy initiative that is also supported by police chief Karl Ratz in my constituency of Thunder Bay—Atikokan, as well as many others in the law enforcement segment of society.

There is much that can be said about the proposed revisions in the Criminal Code and the relationship to a safer and more just society. Many assumptions can be made and shall be made regarding the various sections of the Criminal Code without seeing their relationships to other forces in society.

It takes more than the breaking of a law to make a criminal. Criminal behaviour is precipitated by a myriad of social causes and ills. Desperate people often resort to desperate means in order to survive or to maintain the family unit. We must address the roles of poverty, racism, family violence, depression, plus many other factors to determine the relationship to criminal behaviour.

We could add a million more laws to the Criminal Code and operate under the illusions that the more we have the better and the closer we will be to the utopian crimeless society. That is nothing but an illusion.

Society must be proactive in the most aggressive manner to prevent crime, thus diminishing the need for impulsive, knee-jerk reactive measures. We must stop pretending. We must stop applying solutions of the 1930s to the problems of the 21st century. This bill brings us one giant step closer to a safer society.

Mrs. Beryl Gaffney (Nepean): Mr. Speaker, I too am very pleased to stand in the House today to speak to Bill C-41, an act

to amend the Criminal Code with respect to sentencing of criminal offenders.

Since the opening of the 35th Parliament on January 17, 1994 this government has set in motion a number of initiatives to reform and strengthen Canada's justice system.

(1715)

Amendments have been tabled in the House of Commons to revise the Young Offenders Act to crack down on violent youth offenders. Legislation has been introduced to reform the corrections and parole systems in order to improve our handling of sex offenders and, in particular, those who victimize children.

Today we are discussing the initiative announced by the Minister of Justice to reform the sentencing process in the Criminal Code. Bill C-41 is a well balanced, wide ranging bill that not only reorganizes but rationalizes the sentencing system in Canada. These reforms provide a number of options that address the public's concern for safety and the victims' demands for restitution. They include an important principle that serious offenders should be treated differently from minor or first time offenders.

Currently Parliament's role in sentencing is limited to setting maximum penalties for specific offences. The court systems in each province have been responsible for determining the purposes and principles of sentencing. As a result the values in sentencing structures in Canada's judicial system have varied from province to province.

Under the proposal a statement of purpose and principles would be added to the Criminal Code to provide guidance to judges from coast to coast in the sentencing process. The statement describes the objectives of sentencing as follows. They help in the rehabilitation of offenders as law-abiding persons, separate offenders from society where necessary, providing restitution to individual victims or the community, promoting a sense of responsibility by offenders including encouraging acknowledgement by offenders of the harm done to victims, denouncing unlawful conduct and finally deterring the offender and other people from committing offences.

This provision would allow the federal government to take a lead role in directing the courts on the fundamental purpose of sentencing, that is to contribute to the maintenance of a just, peaceful and safe society.

Furthermore the proposed statement of principles would direct the courts to hand down sentences that reflect the seriousness of the crimes. The proposed statement of principles would meet the concern about hate motivated crime and crime committed by those in a position of trust or authority in society. It would state that these types of crimes must be considered aggravating circumstances, therefore carrying heavier weight when handing down a sentence.

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Bill C-41 also provides amendments to the Criminal Code that would improve both the effectiveness and the efficiency of the sentencing system. First it needs to amend the probation provisions of the Criminal Code. The proposal would encourage the transfer of important information to the courts during sentencing hearings.

The Criminal Code would be amended to specify that basic information be included in pre-sentence reports, including the offenders' juvenile records, their criminal records, information about the offenders' employment and social history and active steps taken toward rehabilitation.

Furthermore the bill seeks to strengthen the penalties for breach of probation. Strict time limits for reporting to a probation officer, for example, will be added to the Criminal Code. The penalties for breaking these conditions of probation would also be increased to bring more credibility to the probation system.

Second, if the bill is adopted by the House it will work to decrease the work load of Canada's already overburdened court system. Like most Canadians, I shudder every time I hear of a case that has been thrown out of court because of delays caused by an exhausted court docket.

The bill provides alternative measures to court proceedings that would prevent more criminal behaviour and would lessen the harm that can sometimes be done when minor offenders are dealt with through the courts. Furthermore alternative measures would involve the community and put greater emphasis on victim-offender reconciliation in court proceedings.

A final area of concern addressed by the bill is the impact of criminal activities on the victims of crimes. I am pleased the Minister of Justice has listened to the needs and concerns of those citizens. Victims feel a sense of frustration and loss when dealing with the criminal justice system. They want their voices heard. In particular they want to be involved in the process and have their interests taken into account during sentencing hearings. Bill C-41 addresses these concerns.

(1720)

In recent years our justice system has seen the development and limited use of victim impact statements. The bill would oblige judges in sentencing hearings to consider these statements when handing down their penalties. This would ensure that a victim has the opportunity to speak about the harm inflicted upon them by the offender and would ensure that the victim's experience was taken into account in determining whether the parole ineligibility should be reduced.

We all know that crime is very costly not only to the judicial system but more importantly to the victims I speak of. Often expensive or cherished family heirlooms and personal possessions are stolen, lost or damaged during the commission of a crime. Currently if victims wish to seek restitution for personal

or property damages they must make a special application to the court or seek recourse through costly civil litigation.

While they should not lose their right to follow a civil course of action, Bill C-41 would allow judges under their own volition to consider restitution to cover property and personal injury suffered by victims.

We can be proud of these proposals. They are indicative of the government's commitment to the rights of the victims of crime.

I would like to take a moment to compliment the Nepean Police Services victim crisis branch for the work it has been performing for victims of crime since 1983. Staffed mainly by a large contingency of trained volunteers from my city of Nepean, the service provides direct crisis intervention assessment, short term counselling and referral to suitable community resources to individuals and families that suffer the effects of trauma due to crime.

The mandate of the Nepean victim crisis branch not only operates in the best interest of the client it serves but follows the mandate set out by the Ministry of the Solicitor General of Canada.

I am pleased to stand here today in support of Bill C-41. I would like to congratulate the Minister of Justice for having the heart and courage to listen to Canadians and for carrying out the promises we on this side of the House laid out in our electoral platforms. I am convinced that all who carefully examine the provisions of the bill will recognize that it is in the best interest of Canada and works toward restoring Canadians' faith in the safety of their homes and streets.

Mr. John Williams (St. Albert): Mr. Speaker, I rise to speak on the Bill C-41 amendments to the Criminal Code respecting sentencing.

It seems to me that the Liberal Party, as I mentioned earlier today in another speech, has been listening to the Reform Party but only with one ear. I say "only with one ear" because it has made a bit of a U-turn and is only halfway around the curve. If that party were to listen with both ears perhaps we would get all the way around the U-turn, get the job done once and for all, and get it done properly. As Reform members on this side of the House we feel the job is not being done by this bill.

It would have been simple to get it done. Then we could have moved on to other things of equal importance such as unemployment and deficit control. Here we are talking about a little change to the Criminal Code that could be so much better. If I do have to praise the Liberals for their efforts in the bill it would be so faint that it would never be heard above the noise that sometimes comes from that side of the House.

As Reformers we are serious. We want serious changes to the Criminal Code to recognize that victims deserve our sympathy and criminals are to be punished. This is a relatively simple statement of policy, but we find that the bill is into mind reading

games in order to determine the state of mind of a criminal when he commits a criminal act.

I ask the mover of the bill and the government that is introducing the bill if they can tell me the difference from a victim's point of view between, for example, someone who is murdered out of hate or someone who is murdered because he or she happens to be an innocent bystander when a bank is being robbed and catches a stray bullet. In both cases the victim is dead. Perhaps this analogy is not very good because the victims in both cases are dead and their opinions would be hard to obtain. However let us think about that particular point. A victim is a victim.

(1725)

As my colleague was saying just a few minutes ago, if we are going to start differentiating between the motivation of the criminal in determination of the sentencing and what went through his mind when we determine sentencing, we are totally and absolutely forgetting the fact that the victim and society are what criminal law is here to protect. That is the number one objective. Canadians are equal in every sense under the law. If we are going to start differentiating between one class and another class then I agree with my colleague from Kootenay East that the country will have lost it.

My point is that whether it is motivated by hate or any other reason the victim suffers. The whole reason we have criminal laws in our country is to ensure that society and individuals are protected.

Any attempt to vary the sentencing according to the mindset of the criminal will not only do what I have just said. It will cause more avenues of appeal by the criminal and more money to be spent by the legal profession and the courts to review the case ad nauseam while the innocent victim is ignored, helpless and forgotten.

The Minister of Justice will tell us that he is introducing victim impact statements. This is only a very small step in the recognition that victims have rights. I am glad to see they are introducing victim statements. It is the first acknowledgement we have had. The Reform Party policy states that where there is a conflict between the rights of the criminal and the rights of the victim, the victim's rights shall prevail.

Here we have not only a small acknowledgement but the first acknowledgement that we should be hearing from the victim, that we should be considering what has happened to him. We can deal with the criminal. We can lock him up. We do not advocate that we throw away the key. We do advocate that we have rehabilitation, that we have punishment and that society has to be protected. That is part and parcel but let us remember the victim is number one.

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Talking about the review after 15 years, the very faint hope clause, the government is going to allow a victim impact statement when the criminal comes up for a parole hearing after an automatic 15-year period if he is in for longer. Again I think it is getting a bit late if we have to wait until then to hear what has happened to the victim.

As I said, let us get the job done once and for all so we can move on to other things that are equally important. We feel we should talk about the debt and the deficit. Crime is important. The debt is important. If we get the job all wrapped up at once we could really improve the efficiency of the House.

Another thing I want to speak about is that the court will become an offshoot of the credit bureau: if your credit is no good you are off the hook as far as fines are concerned. Taking a look at the bill, I quote from section 734.2 regarding fines: "A court may fine an offender under this section only if the court is satisfied that the offender is able to pay the fine discharged under section 736".

We are only going to fine people if they can afford to pay. The rich get it in the neck and the poor get off scot-free. Is that what we are saying? Does this mean that destitute criminals are going to get a free ride, commit petty crimes and small thefts and get parking tickets and so on with impunity? If they have no money they do not have to pay. It says it right there. That is the section.

Who is going to believe him if he is standing in dock saying: "Your Honour, I have no money"? Is the court going to say: "Let us set this case aside and launch an investigation into how much money is in his bank account and how much money he owes on his credit card"?

Let us be reasonable. The law has to be applied to everybody regardless of their status in society. Not only are we talking about creating different classes according to their mindset, but we are talking about different classes according to their ability to pay. More pay for it, more avenues are appealed and so on.

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

[English]

PARTY FUNDRAISING

The House resumed from May 6, 1994 consideration of the motion and amendment.

Mr. Ted White (North Vancouver): Mr. Speaker, most people have heard the expression if it ain't broke, don't fix it. This is what ran through my mind as I studied the wording of the

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motion before us and the previous debate which took place on March 18, 1994.

If we were to limit solely to individuals the right to donate to a federal political cause, we would surely want to do so for a good and sensible reason. Frankly, I do not see that good and sensible reason.

There is ample evidence that access to large amounts of money does not in itself ensure success in an election or in any other political activity for that matter. There is no need whatsoever to restrict the size of political donations.

The traditional parties in this House authorized enormous sums to be spent on the yes side of the Charlottetown accord referendum but it was the no side with just a fraction of the resource but with all the logic on its side that won the referendum.

As a result of the money spent by the yes side, there was no success in buying the result. As another example I use the National Party, which formed prior to the past federal election. It received a huge donation from just one person. I believe that it may have been in the range of \$4 million to \$5 million.

I well remember the billboards going up all around Vancouver several months prior to the election. It was very clear that the National Party was being well funded and there was certainly no shortage of funds for the individual campaigns.

Despite this abundance of funding, the National Party has in the last week or so wound up its affairs without electing a single member to this House. In contrast, if we look at the Reform Party of Canada, information from Elections Canada shows that Reform spent significantly less per person elected to this House than any other party in the last election.

Reform also received virtually all of its funding from individual small donations. In my riding we raised between \$40,000 and \$50,000. If memory serves me only one donation was above \$200. Well over 90 per cent were below \$90.

I see absolutely no need to limit the freedom of people to donate any amount they wish to political parties. As I have already said there are ample examples that money alone does not affect the outcome of an election.

There is already full disclosure of donors to election campaigns and that is all that is needed for interested voters to track down the source of funds. The corporations and the organizations such as the Federation of Labour, which may donate to various political parties, are after all just groups of individuals. It does not take much work to find out who is behind the donations.

The present system works pretty well but let us suppose for a moment that legislation were actually brought into this House to

do what is requested in motion M-150, that is, to limit solely to individuals the right to donate to a political party.

The law could easily be broken by a corporation which, as members will remember, is simply a group of individuals. All that would happen is that the individual board members would make individual donations to the party. Within organizations other than corporations such as unions, the new law could be circumvented simply by having the members make the donations.

(1735)

How would this avoidance of the law be detected? There is absolutely no point in putting in place a law which could be so easily ignored quite apart from the fact it would be an attack on our individual freedom to contribute to the special interest group of our choice.

The previous government with the full co-operation of the opposition old line parties tried to muzzle organizations like the National Citizen's Coalition with laws similar to the one proposed in this motion. Thank goodness past attempts by the old line parties to do this have been struck down by the courts.

Members in this House cherish their right to freedom of speech but sometimes some of them give the impression they would prefer if such freedoms were not extended to organizations such as the National Citizen's Coalition. Why? Simply because it could be embarrassing exposure of government waste which this House could easily eliminate if there were the will to do so.

To anyone who thinks that way I say tough luck. Maybe the truth hurts but it is morally wrong to pass laws that attempt to muzzle the free speech rights of organizations like the National Citizen's Coalition. It is also morally wrong to try to control elections and referendums by restricting the ability of people to contribute financially to the parties or issues they support.

Of course the supporters of this motion will argue that the corporations or the individuals making large donations are expecting something in return. The inference is that the elected person or government would reward with patronage or contracts anyone who supported their campaigns with large donations. The truth is that most people donate to parties and candidates because they believe that the policies and promises are consistent with their own political beliefs.

Of course they expect rewards. These are not necessarily sinister or immoral in nature. For example, donors to the Reform Party obviously want Reform to form the government. This is because among other things they expect the reward of job creation, lower taxes and more disposable income that come with getting government expenditures under control.

They expect the reward for their children to be a manageable rather than an out of control federal debt. They expect the reward of a return to sensible immigration levels and solutions to the refugee and crime problems. They expect the reward of direct democracy through the citizens' right to initiative referendum and recall, recall of an MP who is not properly representing his or her constituents. Are these causes not worth donating to?

It is not the least bit surprising to me that people want to contribute to a party which will give them such rewards. I will not vote to restrict their ability to do so. I am prepared to let the free market decide what is philosophically worth supporting. I am prepared to let the free market then decide what is the appropriate level of support.

My constituents can count on my protection of their right to support the party and candidate of their choice to the financial extent they believe is appropriate.

Finally, in dealing with the proposed amendment I have the following comments. The amendment if passed could force taxpayers to contribute \$1 per voter to each candidate in the riding. What a cash cow that would be. We would have candidates and parties springing up all over the place to climb into the trough for the guarantee of an \$80,000 handout every time an election was called. The worst part would be that candidates would not have to earn the right to their donors' support. It would be the worst example of grants using taxpayers' money I would ever see.

To support this amendment would be to support more government waste of tax revenues. How easy it is to give away other people's money. I wonder whether the supporters of this amendment would be prepared to give money out of their own pocket to support the amendment.

I will vote against the amendment and the motion.

[*Translation*]

Mr. Antoine Dubé (Lévis): Mr. Speaker, the hon. member of the Reform Party who just spoke more or less supported the amendment. However, we feel the amendment contradicts the intent of the motion introduced by the hon. member for Richelieu. I may recall the wording of the motion, which says that the government should bring in legislation limiting solely to individuals—that is the operative word—the right to donate to a federal political party, and restricting such donations—this is also very important—to a maximum of \$5,000 a year.

(1740)

I would like to start by commending the hon. member for Richelieu for introducing this motion in the House, because I think there are two objectives here, the first one being to

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improve our democratic system. I imagine and, in fact, I am sure that members speaking for the various parties want to maintain and improve our democratic system. The purpose of the motion presented by the hon. member for Richelieu is to improve the system.

The second objective is transparency, which ensures that we know who contributes to political parties and how much, because increasingly, people are saying that they feel cut off from government and from the decision-making process.

Recently, *Enjeux*, a program on the CBC French network, described the situation very well. The impression was that although elected by their constituents, members were losing their ability to influence the government, whether they were in the opposition or not.

According to public opinion, governments are mainly influenced by lobbyists working for big corporations. There is another factor as well. Many people say that since they are elected, members may be influenced by or mindful of the contributions they received in their riding or the contributions their party received.

So what can we conclude from the report of the Chief Electoral Officer? The report now lists the names of those who made contributions, including companies, so we know where the money comes from. But I am not sure the general public is aware of the main items in the report.

In the latest report by the Chief Electoral Officer, in the case of both the Liberal Party now in power and the Conservative Party, the statistics show that individuals are responsible for less than 50 per cent of the campaign funds raised by these parties, which alternated as the party in power. People wonder who is influencing the government, and they wonder whether contributions affect the way we are represented.

This debate took place in Quebec 20 years ago, finally leading to the legislation referred to as Bill 2 on political party financing. Since it came into force, this legislation, according to many observers, has improved the public's confidence in government. I say this for the benefit of my colleagues in all political parties, because we all meet constituents in our riding offices.

(1745)

I imagine that when someone who made a generous contribution asks for an appointment, it is harder to say no because these people probably think the way they used to in Quebec: Now look, I helped to get you elected and contributed to your party's campaign fund, so the least you can do is see me. Rightly or wrongly, politicians get a lot of criticism nowadays. It is often a matter of public perception, however. It may not happen in every case, and I do not want to tarnish the reputation of our parties, but my point is that it must influence what members or ministers

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or governments do when they have to make a decision. At least that is what the voters think.

Mr. Speaker, I would like to refer to the latest report from the Chief Electoral Officer, which says, for instance, that in 1992, the Progressive Conservative Party received only 41 per cent of its financing from individuals and the rest from corporations. The Liberal Party of Canada, the party in power today, received only 53.4 per cent of its financing from individuals. In the case of the New Democratic Party, only 41.1 per cent came from individuals, since the left-leaning NDP, if I can describe it that way, received more of its funding from the labour unions. Amounts of up to \$300,000 were contributed by one major union and some smaller unions. Nearly 1,000 different unions made donations to the New Democratic Party, which certainly must have influenced the New Democratic Party's operations and policies.

I was somewhat surprised to hear the hon. member of the Reform Party objecting to the intent of the motion of the hon. member for Richelieu, because in 1992, and I think this is an important point, 90 per cent of his party's financing came from individuals.

An hon. member: They agree.

Mr. Dubé: No, I am referring to the hon. member who said that he was—

An hon. member: He was against the amendment.

Mr. Dubé: Ah, he is against the amendment. I must have misunderstood.

I am sorry, Mr. Speaker, I was distracted by the noise in my vicinity.

So, to get back to these figures, these are very substantial amounts. Perhaps I may start with the party in power. I am quoting again from the report of the Chief Electoral Officer for 1992, to look at the extent of these contributions. The SNC: \$78,417; Canadian Pacific: \$63,000; Mr. John F. Bankes: \$48,454; Imasco: \$47,000. I will go a little faster: Royal Bank of Canada: \$45,000; Bank of Nova Scotia: \$42,000; CIBC: \$42,258; Toronto Dominion Bank: \$40,872. There are other banks as well, and banks certainly have a vested interest: mortgage rates, and so forth.

As for the Conservatives, there was Bombardier: \$70,480; Canadian Pacific, playing it safe again: \$64,233; Bank of Montreal: \$48,833; Bank of Nova Scotia: \$42,000; Brascan Ltd.: \$30,000; Baton Broadcasting: \$28,833; BCE Inc.: \$25,000; National Bank: \$25,000. And there are more.

(1750)

The Reform Party also had a number of contributions over \$5,000, although not as substantial. I also have another example. The Bloc Québécois, although under no obligation to do so,

decided to act in the spirit of the legislation passed in Quebec, when in 1993, it raised \$3,500,000 donations from 70,000 different individuals, the average donation being \$50.

When we talked about real power during the election campaign, that is what we meant. We wanted to represent the voters, first and foremost, and as far as I know, corporations do not vote.

[English]

Mr. John Harvard (Winnipeg St. James): Mr. Speaker, I rise in support of this amendment which restricts individual donations to political parties to \$1. It sounds like an extreme thing in the current political context and I guess it is, but I am not naive enough to believe that I will witness something like this happening in Canada in my lifetime. However, I do think the debate this afternoon allows me to enunciate a few principles which I believe in and which I believe should be applied to political fundraising.

My friend from the Reform Party indicated a few minutes ago that he does not think the system is that bad and that it should not be fixed. He was not concerned about the use of money buying elections or buying a referendum. He pointed out the Charlottetown accord. We all know the yes side in the Charlottetown accord referendum spent more money than the no side. Despite that, it lost.

Anybody with an ounce of brains knows that the presence of money in any election campaign is not a guarantee of success. We all know that. Again, I think anyone with an ounce of brains realizes that money can help and it can make a big difference under many, many circumstances. That is why political parties and politicians are constantly on the search for money. They know it helps.

Let me ask my good friend from the Reform Party a question. How many candidates were there in the last presidential election in the United States? We know of three prominent candidates: Mr. Clinton, Mr. Bush and Mr. Perot. They all did fairly well. Mr. Clinton won, but there were about 40 other candidates. How come we never heard about the other 40 candidates for the highest office in the United States? They did not have any money to provide a profile.

The only person who could break that barrier was Mr. Perot. That was because he is a billionaire. He was able to literally buy a successful campaign, successful that is in the context of a third party candidate. He could not beat the established candidates from the Republican and Democrat parties, but he could put on a fair showing because he had enormous financial resources. Money can make a difference even in lost causes such as in the case of Mr. Perot.

I support this amendment to the motion because I happen to believe that the business of political campaigns is public

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business. I believe that public business should be paid for by the public. It should be publicly financed not privately financed.

I believe that democracy works best when we involve as many Canadians as possible and that includes the financing of election campaigns. We should not as democrats and believing in a democracy when calling an election turn that engagement, if I can call it that, over to private parties or private donors.

(1755)

When General Motors carries out certain private affairs, let us say looking for a new board of directors, does it come to the public and say: "Gee, we have this little election campaign of our own to find our new board of directors and we would like you to help out". General Motors does not do that. It does it on its own. It expects that particular private engagement to be paid for privately by the shareholders of General Motors. We should apply exactly the same logic when it comes to political campaigns. We should not be looking to private donors to finance election campaigns. But we do it.

I am not suggesting for a moment that the system is fraught with corruption, that it is all broken down. But I think that we as politicians should constantly strive to do better, to improve our institutions including the largest and most pervasive institution that we have, the institution of democracy.

In this particular era we often hear the term level playing field. We want a level playing field when it comes to politics and especially election campaigns. But when we have private donations there is an edge for those who have money.

I will use the old jargon that when it comes to licking stamps, stuffing envelopes and knocking on doors and walking the streets the poor, the modest people, average Canadians are on equal terms with the rich. They are. They can walk as well and they can knock as well and they can lick stamps as well as anyone with a huge bank account. The one difference is that the rich have money and they can exercise influence. They can bring their clout to bear with money, something that most people do not have because most of us are not in relative terms rich. Therefore we should constantly look for a level playing field.

Then there is the whole matter of perception. There is a perception out there that money does have a major influence in political decisions in our politics, in our governing. I do not happen to believe that it is as bad as some people believe, but there is that perception that if you have money, if you are high and mighty you are going to get a little closer to the politicians, a little closer to the decision makers and you are going to have access and influence that other people do not have. That is the kind of thing that we should avoid.

Politicians and the people who work around politicians should not be spending a lot of time raising money. We should be

spending our time governing the country, working on policy, working on legislation. It is not so bad in this country vis-à-vis the United States.

We hear horror stories about how much time politicians in the United States have to spend on the road raising money. Is that why Americans send congressmen or senators to Washington, so they can spend 50 per cent of their time raising money? I do not think the purpose of politics is to go around raising money. Yet a lot of politicians in the United States have to do that.

In conclusion, I would say that by moving toward a more publicly financed system in this country we would have a better, stronger and more representative democracy.

Mr. John Williams (St. Albert): Mr. Speaker, I rise to speak on the Liberal amendment to the motion that is before us today. The amendment is to reduce the \$5,000 figure to \$1. I thought I was going to have the privilege of agreeing with the hon. member for St. James. Unfortunately, as usual, they take an entirely different point of view from ourselves.

(1800)

I was wondering if the hon. member actually understood the main motion in front of us. We are not talking here about the federal government financing political parties. If I read the main motion, in part it says: "the government should bring in legislation limiting solely to individuals the right to donate to a federal political party, and restricting such donations to \$5,000 a year".

That has been amended by the Liberals down to \$1. We are not talking here about the federal government giving money to political parties. We are talking about the right of Canadians to donate to a political party of their choice. That would be completely denied apart from one single dollar by the amendment put forth by the Liberals.

Perhaps they have a problem raising money. I took a look at some of the donations and donors in the last election. Some constituencies had donations from 300 or 400 different contributors. Multiply that by the money they are allowed to give and of course they were able to finance their campaign. Under this amendment the entire constituency split between several different parties would be able to spend \$300, \$400 or perhaps \$500 in total.

If he thinks we can get through to the electorate, publish brochures, purchase television advertising and split all that between two or three parties with only \$500, the previous speaker must know something I do not know.

He was talking about the concern of raising money. In the last election the Reform Party was able to raise almost \$10 million or \$12 million from small donors. Perhaps the previous speaker

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may wish to run under a Reform banner. Then money may not be that difficult to raise in future.

We as Reformers believe that the federal government should not be in the business of financially subsidizing political parties, which is in direct opposition to the previous speaker.

We believe that political parties and lobby groups should be self-funding, raise their own money, and be self-reliant. The level of financial support is going to be totally dependent upon the generosity of the people who support their cause.

We had a demonstration outside the Chamber this afternoon. Several thousand people showed up to support their particular cause. There is no doubt that particular lobby is going to be effective in raising money to advance its particular cause because people support the cause.

That is what politics and political parties are all about. Canadians say: "This is the policy I want to see put forth. Here is the money I wish to use to support them. Go ahead and accomplish the objectives".

We are against the tax credit that makes political donations subsidized by the federal government. We hear so often in the Chamber about how we should subsidize the poor and we should subsidize the disadvantaged. However, when it comes to political donations, it gets turned upside down and the subsidy goes to the largest, the richest and the party that spends most money which quite often is the party in power.

Mr. Silye: They overspend.

Mr. Williams: They always overspend. They overspend on the budget. They overspend in every department. Now they overspend in the campaigns.

Let us stop the federal subsidization of political parties and let them get on with it. If they can get the support of the people that way we will have a true representative democracy where people are prepared to put their money where their mouth is. That is what it is all about.

In 1991 the main estimates show that it cost the taxpayer of Canada, whether he believed in politics or not, \$11,503,800 to subsidize political parties, and that was not an election year.

We do not have the numbers for the election in 1993, but I can assure the House that it is going to be a lot more than the \$11,503,800 that taxpayers put out whether or not they think we should all be thrown out of office.

(1805)

I would suggest to the mover of the main motion and to the mover of the amendment that they get their heads together and

come up with a real policy, a reform policy that gets government out of subsidizing political parties.

Let us put money where our mouth is and let us introduce some real legislation to get the job done.

[Translation]

Mr. Louis Plamondon (Richelieu): Mr. Speaker, I am pleased to close this debate on the motion calling for political parties to be financed solely by individuals who have the right to vote, thereby excluding unions, profit and non-profit organizations as well as corporations, so that only eligible voters have the right to donate to political parties.

I think this is in keeping with the measures taken over the past two decades. We will recall that twenty years ago, party financing depended chiefly—95 per cent of the time—on corporations.

Through changes to the election law, to allow tax credits for example, improvements were made, with the result that 40 per cent of the financing now comes from individuals. I think we need to take one more step toward a fully democratic system, in accordance with the electoral wish expressed by all the parties represented in this House to strive for fiscal consolidation. It seems to me that one way to achieve this is by limiting solely to eligible voters the right to donate to political parties.

At present, the only purpose of the federal election law is to impose a ceiling on election expenses. Our public financing proposal would complete existing regulations in that it would apply before, during and after elections.

This motion is also consistent with the spirit of the bill. The hon. members remember the bill on lobbyists, Bill C-43, that the government introduced out of concern for transparency and integrity. I would remind the government that there is much talk in the red book of the need for restoring voters confidence, promoting integrity within political institutions and limiting conflict of interest and influence peddling. Would public financing not be a good way to implement the principles set out in the red book you brandished throughout the election campaign? Would it not be a positive step toward achieving these goals?

Over the past three hours of debate, government members have referred repeatedly to the Lortie Report. Let us not forget that this report was commissioned by the Conservative government. Before the 1988 elections, Mr. Mulroney had promised to institute public financing at the federal level, like in Quebec. This announcement made the front page of *La Presse*. Following the elections, he decided to establish the Lortie Commission to release itself somewhat of its responsibility in that regard. The commission, which was established on November 15, 1989, and was presided by Pierre Lortie, tabled its report in 1991. In this report, Mr. Lortie indicated that the report itself showed that

certain donations might be made in hope of obtaining some direct material gain.

That is on page 448 of the Lortie Report and the hon. members failed to mention it while on the subject of public financing.

I also wish to remind you that public financing would induce many people who are in a conflict of interest position not to be. Section 121 of the Criminal Code clearly states that making a donation with the intention of receiving a favour from a government is a criminal offence.

Consequently, every time someone gives \$50,000 to a political party, there is a risk of that person expecting the favour to be returned. The Lortie Report makes that very clear.

The report goes on to say that limiting contributions to candidates would have little impact on campaign financing but would provide a kind of "insurance policy" against any attempt to exert undue influence.

Again according to the report, studies done on the financing of candidates' campaigns in 1988 show that outgoing members, especially ministers, receive a greater number of large donations than other candidates. Why do companies give more to ministers than to others? There may be some influence peddling.

In this regard, I would like to quote from an article in the March 31, 1994 issue of *Hill Times*, which was itself quoted in the April 8, 1994 issue of *Le Soleil*. It says that the largest donations were made by the Seafarers' International Union of Canada, which gave a total of \$31,500 split among 11 Liberal candidates. Six of them are now ministers or secretaries of state. The seafarers' union is closely followed by Burns Fry, Onex Corporation, Molson, three major communications companies, namely Rogers, Canwest Global and Unitel, and then pharmaceutical companies Merck Frosst, Apotex Limited and Magna International.

(1810)

In all, some 24 ministers, including the Prime Minister, the Deputy Prime Minister and six secretaries of state from the Liberal government, benefited from these companies' generosity. There is room for questions.

We recognize that there is a danger. There is a risk of influence peddling, and limiting to individuals the right to finance political parties would address that problem. Of course, a lower ceiling could be justified, say from \$5,000 to \$3,000, and I, for one, would be open to reducing the amount. Still, \$5,000 sounds pretty reasonable to me. We must draw a line somewhere. Some have also invoked the Charter of Rights and Freedoms, saying it would not allow us to limit corporate involvement.

It can never be said often enough: it is not companies or corporate entities but citizens who vote in an election. The motion confirms the primacy of voters over public finances. Is this not in keeping with the spirit of the Charter of Rights and Freedoms? This is also aimed at giving all citizens a renewed

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taste for getting involved in and controlling their political institutions whose credibility has been greatly undermined in the past, as we may recall.

The Chairman of the Royal Bank of Canada, Allan Taylor, in a speech given on February 26, 1991, argued that corporate funding of political parties does not contribute to the continuing democratization of and popular participation in politics. This quote is taken from page 446 of the Lortie report dealing with Mr. Taylor, Chairman of the Royal Bank of Canada. It is precisely this process of democratization and participation that we want to restore by proposing popular financing for political parties.

Restoring confidence means minimizing the dependence of all candidates, whoever they are, on large donations and thus limiting the risk of breach of trust. Is financing by the people feasible now? Keep in mind that seven Canadian provinces and Canada have legislated on financing. Four provinces limit donations; four provinces and Canada require publishing the source of donations.

Quebec is the most progressive in this regard since political parties there are financed only by the people. It is not something new, then, and in practice, one federal political party, the Bloc Quebecois, has put popular financing in its bylaws. No company, union or association gave anything to any Bloc candidate or to the national party during the election campaign, but we were still able to spend \$3.5 million, with an average donation of less than \$50 per contributor.

Now, and I conclude with this, I think that two main principles guide me and my fellow members in the Parti Quebecois, who have been joined by our colleagues in the Reform Party, so that popular financing will be enacted soon.

On the subject of transparency, voters want their elected representatives, their members of Parliament, to serve the common good and not vested interests. A voter who gives \$20 has much less clout than a company that gives \$50,000. If people finance political parties, voters become important again and parties are forced to be closer to their constituents and be concerned about their needs. The membership is more valued and has a greater feeling of belonging to the party; it invigorates democracy in a society and also forces a party to decentralize its authority.

I will close with this sentence, hoping that it might influence members in power and in opposition: "Tell me who finances you and I will tell you whom you serve."

Mr. Gilles Duceppe (Laurier—Sainte-Marie): Mr. Speaker, I think the bill introduced by the hon. member for Richelieu reflects the general principles defined by the Parti Quebecois when it came to power in 1976, which included a more grass-roots approach to the way political parties operated and to government in general. I believe this was a reaction to the way certain politicians behaved in Quebec and in Canada, but especially in Quebec, since the Parti Quebecois is a provincial

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party, when the public began to challenge the integrity of politicians.

We all know the stories about the “frigidaires à Duplessis”, refrigerators used to buy votes, and bottles of gin handed out during election campaigns. This was part of the political folklore, but there was also the story of the Liberal Party’s Brinks trucks in 1970, in Quebec.

The Parti Québécois wanted to clean up the system. I think we have seen what happened since that time, and today, even the Liberal Party of Quebec operates according to the democratic rules now in effect in Quebec. That does not prevent them from having a very substantial campaign fund, though it failed to win them the last election.

The fact remains that all parties abide by this rule. Other governments in Canada have tried to imitate the system but did not go far enough, which is why the hon. member for Richelieu presented his motion.

I think my time is up, Mr. Speaker.

[*English*]

The Acting Speaker (Mr. Kilger): It being 6.16 p.m., is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Kilger): The question is on the amendment. Is it the pleasure of the House to adopt the amendment?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Kilger): All those in favour of the amendment will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Kilger): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Kilger): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Kilger): Pursuant to order made earlier this day, the recorded division stands deferred until Tuesday, September 27, 1994 at 3 p.m.

SUSPENSION OF SITTING

The Acting Speaker (Mr. Kilger): Shall we now suspend to the call of the Chair and conclude the business of the day with the late show beginning at 6.30 p.m.?

Some hon. members: Agreed.

(The sitting of the House was suspended at 6.18 p.m.)

SITTING RESUMED

The House resumed at 6.25 p.m.

ADJOURNMENT PROCEEDINGS

[*English*]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

TRANSPORT

Hon. Audrey McLaughlin (Yukon): Mr. Speaker, on June 16, I rose to ask the Minister of Transport about his plans for the transportation system in this country which clearly seemed to indicate in large measure that they were plans to dismantle a national transportation system.

The irony is that while the Liberal government is very proud of telling Canadians how much it has done in its infrastructure program—sewer systems, roads and highways—it is at the same time dismantling through the transportation policy that was announced by the minister earlier this year the most fundamental infrastructure system, the nation’s air system.

I was pleased to have received a letter from the Minister of Transport in which he stated in late June that he was interested in all members of Parliament consulting their constituents on transportation policy.

Before I was able to undertake that consultation process, just three weeks after having received that invitation from the minister, the minister made a speech whereby he outlined his whole transportation policy.

It seemed to me that it was not a serious attempt to have members of Parliament consult their constituents at all, because there was certainly not sufficient lead time on that. It led me to believe that the minister’s objectives as he outlined in the response to my question were less than what I had seen actually happen in practice.

When this national airports policy—one part of the transportation policy—was announced, it clearly demonstrated where the government was going. It was a transparent attempt to transfer responsibility for airports to municipalities, provinces and territories. It seems to me there is nothing national about that, leaving communities to fend for themselves.

As a northerner, as a Yukoner, this is a particularly important question because it is very difficult for smaller airports in rural and northern areas of Canada to be self-financing. If a government is truly committed to a national air transportation system, that must be taken into account in any policy. Alas, I had not seen that in the minister’s comments at the time of my question nor in his subsequent comments.

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There are many questions about what the impact will be of the national transportation policy on rural and northern areas, on costs both to consumer and to carrier and of course on safety costs as well.

The government has decided to do a little word play by using the word commercialization instead of privatization but any way you slice it, it is privatization.

I recently attended a regional consultation on the automated air navigation systems being proposed. While it was certainly a useful consultation by Transport Canada—I think it presented it well—having listened to the arguments and to the people who were there from the industry, it is clear there will be two results of this policy. First, the air navigation system will be privatized; second, the cost will go up to consumers and the cost will go up to the owners of carriers.

There was no evidence to indicate this would cost less to the consumer or the owner of the carriers or even remain the same.

There are many, many questions that have been left unanswered about the transport policy of the minister. The question that I am addressing tonight is one of them, but there are many more to be addressed. I must say that I have a lot of concerns that these are not being done in a fundamental way with a full broad based consultation. Privatizing simply to lay off federal employees is not the answer to the national dream of a national transportation system.

Mr. Harbance Singh Dhaliwal (Parliamentary Secretary to Minister of Fisheries and Oceans): Mr. Speaker, I am sure you will agree that an efficient, reliable, safe and viable system of transport is absolutely essential for Canada's future growth and prosperity.

What Canada must have is a national transportation system that emphasizes safety and reliability, that is efficient, that builds strong viable companies in all modes. It is time to give the frustrated Canadian taxpayer a break. It is time for those who use the transportation system to pay a fair share so that as a government we can better allocate our scarce financial resources.

The budget called on Transport Canada to review the potential for the commercialization of a number of its major activities.

This will be done in consultation with affected parties with the objective of improving efficiency and ensuring long term viability.

Commercialization means users dictate what services they want to have provided and how costs can be controlled. Commercialization means that whatever option is selected it must allow market discipline to lead to more efficient service, greater flexibility and less dependence on tax dollars.

Commercialization means that the goal must be higher quality and more efficient service to the user at less cost to the taxpayer. For instance the Minister of Transport recently announced a new national airports policy. Under this policy the operations of Canada's largest and busiest airports will be transferred to Canadian airport authorities made up of community interests. These airport authorities will be able to make the most of their airport's commercial potential and to explore new methods of finding financing and to achieve greater efficiency and cost saving and to match their services with the local demands.

Commercialization will not dilute Transport Canada's priority ensuring and where possible enhancing the safety and security of all Canadians.

Transport Canada does not have to be the owner and operator of a service in order to make sure it is a good service. The department's role can be defined by its role in policy and regulation.

There is every reason to believe that carefully planned commercialization will mean major savings to taxpayers and better service to the clients.

As the Minister of Transport said in responding to the hon. member's original question with commercialization: "We will maintain the involvement of the Government of Canada in a supervisory, a regulatory and policy way".

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 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 6.33 p.m.)

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