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Speaker: The Honourable Gilbert Parent

HOUSE OF COMMONS

Monday, February 20, 1995

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

[*English*]

CUBA

Mr. Svend J. Robinson (Burnaby—Kingsway, NDP) moved:

> That, in the opinion of this House, the government should condemn in the strongest possible terms the inhumane embargo of Cuba by the United States; that the condemnation be made at the United Nations, the Organization of American States and directly to the U.S. administration; and, that Canada restore full bilateral aid and trade with Cuba.

He said: Mr. Speaker, I welcome the opportunity today to raise in the House an issue of fundamental importance to the relationship between the people of Canada, the people of Cuba and, in particular as my motion points out, to the impact on the people of Cuba of the blockade by the United States.

The motion before the House this morning has three components basically. First, it calls on the Government of Canada to condemn in the strongest possible terms the inhumane embargo of Cuba by the United States. It calls for that condemnation to be made at all possible opportunities, both bilateral and multilateral; at the United Nations, the Organization of American States and directly to the United States administration. Finally, the motion calls on Canada to restore full bilateral aid and trade. There is trade now but we should promote, strengthen and support that trade with Cuba.

This is a significant time in the relationship between Canada and Cuba. In fact, 1995 is the 50th anniversary of the establishment of diplomatic relations between Canada and Cuba. Those diplomatic relations have remained unbroken since 1945, a fact of which I as a Canadian am very proud. Canada was one of only two countries, the other being Mexico, that did not break diplomatic relations with Cuba following the triumph of the revolution in 1959. We celebrate that this year. In fact, there will be a number of celebrations, both in Canada and in Cuba next month.

(1105)

As well, 1995 is the centenary of the death of the great Cuban revolutionary hero, José Marti, who died on May 19, 1885.

This is also an important week for this motion to be debated in the House. Today the Secretary General of the OAS, the Organization of American States, Mr. Gavaria, is in Canada. Later this week the President of the United States, President Bill Clinton, will be visiting as well. I trust that the government will take the opportunity, in particular the Prime Minister, to raise directly with President Clinton the destructive impact of the United States blockade on Cuba. I hope that he will take that opportunity this week.

[*Translation*]

I also regret that the Bloc Quebecois will apparently not support this motion. Frankly, I find it surprising that the Bloc Quebecois, although several Bloc members are taking an active role in the Canadian parliamentary group on Cuba, will speak against a motion to lift the embargo against Cuba, to promote free trade and bilateral aid for Cuba. I can only presume that once again the Bloc Quebecois took this surprising position because of the priority it gives to relations with the United States.

The Bloc supported cruise missile testing; the Bloc supported the free trade agreement; the Bloc now supports the United States' immoral and illegal embargo. This is unbelievable and unacceptable, especially because many groups in Quebec, for example Carrefour culturel de l'amitié Québec–Cuba and Oxfam Québec, are demanding, like other Canadians, that the inhumane and cruel embargo against Cuba be lifted and that the Liberal government put this issue high on the list of items on the agenda for the upcoming meeting with the American president.

Once again, the Bloc Quebecois does not speak for Quebecers on this fundamental humanitarian issue of rights for Cubans. It is a pity that we have had to do this in their stead.

[*English*]

I would note as well that at a major international solidarity meeting last November in Havana, 1995 was declared the international year of José Marti and the struggle against the blockade. This is a motion which is of particular significance in this important year.

Last month I had the honour of participating in the first ever Canadian parliamentary delegation which was hosted by the National Assembly of Cuba. I see a number of my colleagues from all sides of the House who participated in that delegation.

[*Translation*]

Unfortunately the hon. member for Laval East was not able to take part, but she supported us. She supported the requests, as did many other Bloc Quebecois members. The member for Bourassa, for one, would be surprised to see the position taken by the Bloc today.

[*English*]

We met with many groups. We met with Cuban organizations, with individuals and with ministers. We had the opportunity to meet with Fidel Castro. We visited schools, hospitals and research centres. Our group was hosted on this historic visit by the president of the corresponding group in Cuba, the Minister of Education, Luis Gomes. During that same time frame, a large number of NGOs were visiting Cuba under the auspices of the Cuba–Canada Inter–Agency Project made up of some 36 Canadian NGOs and churches and 25 community based organizations.

(1110)

These NGOs have played an extraordinary role in helping to promote greater understanding, awareness, and solidarity with the people of Cuba. They include groups such as Oxfam Canada, the Saskatchewan Council for International Co–operation, CUSO, the United Church of Canada and the Anglican Church of Canada, as well as many groups based in Quebec.

I want to take this opportunity in speaking of NGOs to also pay tribute to the many Canadian NGOs, churches, groups and individuals who have demonstrated their solidarity with the people of Cuba at this very difficult time for that country. Last August a group from across Canada, the brigadistas, travelled to Cuba to demonstrate their solidarity by working directly with the people of Cuba. The friendship groups assist in helping to provide desperately needed aid, particularly humanitarian aid, to the people of Cuba.

Many different elements of the labour movement have demonstrated concrete solidarity. I salute here the recent leadership of the Canadian Labour Congress on this issue, the Canadian–Cuban Friendship Association in British Columbia, in my own area, and many others. All of these groups, without exception, have called on the United States government to lift the illegal and immoral blockade which has been in force since 1963.

At the most recent vote of the United Nations, 101 countries voted in favour of the lifting of the blockade and only two, the United States and Israel, opposed the resolution. Instead of responding to this appeal from around the world, what is the response of the leaders of the United States congress? The new chair of the Senate foreign relations committee, Jesse Helms, says he wants to strengthen the blockade. That is absolutely unbelievable. He wants to effectively put an iron noose around Cuba. The test will come with the response of the United States president.

It is time for President Clinton to stop listening to the right wing reactionary forces based in Miami, the Cuban American National Foundation, the Mas Canosas, and start listening to the progressive voices of the American people, including a number of Cuban Americans. It is time he started listening to the voices of his closest neighbours, the Canadian government and the Mexican government, that have called for a lifting of this blockade.

It is time he started listening to some of his own legislators, democratic senators, members of the House of Representatives, like Claiborne Pell, Charles Rangel, José Seranno and others. Even the *Wall Street Journal* is calling on the United States administration to lift the embargo.

The impact of the blockade has been devastating. Together with the collapse of trade with Russia and eastern Europe, and some admitted inefficiencies in the Cuban economy, the impact has been devastating. Dr. Benjamin Spock, when he visited Cuba in 1993, wrote on his return: ''When I visited Cuba I discovered pediatricians at otherwise splendid hospitals who spent every morning counting medication for the children. The director of a day care centre dreaded that the milk supply would dry up for her preschoolers, as it has for all Cuban children older than seven. How should we feel about an embargo that is keeping food and medicines from Cuban children?'' I feel ashamed.

There are widespread hardships as a result of the embargo. One of the ironies is that these hardships even affect the American people. My colleagues and I visited a research facility in Havana which makes drugs that assist in traumatic heart attacks. These drugs, called recombinant streptokinase, would save American lives. Are Americans allowed access to them under the blockade? No. It is the same with a vaccine against meningitis B developed in Cuba. It cannot be distributed so it is hurting the United States as well.

(1115)

In the midst of all the hardship as a result of the blockade, the Cuban government and the Cuban people have maintained a commitment to fundamental human and socialist values. For example, infant mortality rates in Cuba are the lowest in Latin America. They are lower than in many American cities. According to the most recent UNICEF figures it is about 9.9 per cent, one of the best records in the world. It is sort of ironic that the United States lectures Cuba on human rights.

Yes, we acknowledge there are concerns around human rights particularly in the areas of freedom of speech and freedom of association. There are concerns with respect to the treatment of gays and lesbians in Cuba. The situation is better but the history in that country is certainly not a happy one.

For the United States to lecture Cuba on human rights when it has a record of child poverty, of homelessness, of 37 million Americans with no health insurance whatsoever and of people with AIDS begging for funds to survive in the streets with unprecedented levels of crime, reeks of hypocrisy. It is not good enough. When they raise concerns around human rights in Cuba and are silent with respect to massive human rights violations in Guatemala, East Timor and elsewhere, it is not good enough.

In the midst of some of the most difficult economic times in the history of Cuba, Cuba is able to maintain its international solidarity. Over 13,000 children victims of the 1986 disaster at Chernobyl were assisted by the Government of Cuba. I personally saw a number of these children at a rehabilitation facility at Tarara just outside Havanah. This speaks probably more eloquently than anything else to the sense of international solidarity of the people of Cuba. Even at a time of difficult economic circumstances they are prepared to extend a hand to the poorest, to the most vulnerable in our communities.

Canada has an opportunity to play an important bridging role at this time to promote direct dialogue at last between the Government of Cuba and the Government of the United States. If the Government of the United States can maintain most favoured nation status with China, if it can end its embargo against Vietnam, if it can begin negotiations with North Korea, why this absurd and destructive obsession with Cuba?

What can we do? In the couple of minutes remaining I want to set out some alternatives. Canada can play an important role by extending and strengthening trade. I commend the Canadian ambassador to Cuba, Mark Entwistle, for the leadership and energy he has shown on this front.

We can strengthen EDC financing. We can ensure that we meet the kinds of standards other countries have set. We can promote support for environmental projects. Cuba has the opportunity to be an international environmental leader. Dr. Patricia Lane in particular from Dalhousie University has shown leadership in this regard. For example, they are trying to clean up some of the pollution in the Almendares River and others. This is the kind of role that Canada can play and play effectively.

We can promote strengthening bilateral aid and moving it beyond partnership and establishing a central co–ordination point within the foreign affairs ministry for responding to Cuba.

Perhaps one of the key components or priority in the trade area is negotiating now a foreign investment protection agreement. Other countries are far ahead of Canada in this regard. Spain, Mexico, Italy, Russia and the United Kingdom have already negotiated agreements. We have heard one message loud and clear from Canadian businesses. It is to get that in place. We have heard the same message from our diplomats. I hope the government will move soon on that.

Finally, we should ensure that Cuba is fully reintegrated into all multilateral organizations: the OAS, the World Bank and the IMF. It was shameful that Cuba was excluded from the Miami summit. I was pleased the Prime Minister spoke out against that.

(1120)

In closing, I hope we as Canadians take advantage of this key year, the 50th anniversary of diplomatic relations between Canada and Cuba, to send a strong message to our friends in the American administration that it is time to end the illegal and immoral blockade.

We will be hosting the foreign minister in the near future, Roberto Robaino. We will be hosting the president of the National Assembly, Ricardo Alarcon, and hopefully Minister of Education Gomes as well. I hope our Minister for International Trade will be travelling soon to Cuba.

Canada has a historic opportunity here. I urge the House to join in sending a message today to the American administration and to our government that the time has come to lift the blockade, to respect the strong, proud and dignified people of Cuba and to reintegrate them fully into the community of nations.

Mr. Jesse Flis (Parliamentary Secretary to Minister of Foreign Affairs, Lib.): Mr. Speaker, I am pleased to speak to the motion introduced by the hon. member for Burnaby—Kingsway regarding the United States embargo on Cuba and Canadian policy.

His motion reads at the end:

—and, that Canada restore full bilateral aid and trade with Cuba.

I do not know where the hon. member has been over the last 10 or 20 years. We have full bilateral trade with Cuba that I witnessed personally and will mention later.

I believe Canada and the United States share similar long term goals in Cuba, including the need for peaceful political and economic reform that will allow more liberal economic policies, the development of democratic institutions and full respect for human rights. However Canada has clear reservations about how the United States policy seeks to achieve these goals. I will explain what I mean in a moment.

Let me begin by pointing out that Canada and Cuba have had an official relationship stretching, as the hon. member said, over 50 years. Even at times when we had considerable differences of view with Cuba on Africa, east–west relations, the nature of

political change in Latin America and more recently human rights and good governance, we have maintained our ties and our discourse. I personally have met with the former and present ambassadors of Cuba. We keep very close ties and communications open between our two countries.

There is also a web of unofficial private links that many Canadian organizations, companies and individuals have pursued with their Cuban counterparts over the years. When our review committee was in Saskatchewan I was very pleased to hear Friends of Cuba make a presentation to the foreign affairs review committee.

Some of these unofficial links are concrete and measurable. Cuba is Canada's second largest trading partner after Puerto Rico in the Caribbean–Central American region. Our two–way trade was over $300 million in 1993. It is also a country in which a number of Canadian firms are pursuing investment possibilities.

Cuba is a country that over 120,000 Canadians visit each year. Out of 600,000 tourists 120,000 come from Canada. I was in Cuba recently to open an honorary consular office in Varadero to help Canadians in difficulty. It is a country in which a number of Canadian universities, research institutes and non–governmental organizations have longstanding linkages that benefit both Cubans and Canadians.

We enunciated Canadian objectives in Cuba in June 1994 when the Canadian government announced several policy adjustments. First, we are in Cuba to promote normal Canadian interests including commercial and cultural activities. I underline cultural because when I was in Cuba in the fall well known jazz musician Vic Vogel was teamed with Noche Habanera. It was a performance that Cubans and the Canadians who were there will never forget.

Second, we wish to support positive peaceful change in Cuba, both political and economic. We agree with Cuba on some issues, in particular in the areas of human rights and democratic development. However we will continue to pursue the discussion at appropriate levels.

Third, we wish to encourage Cuba's full, constructive participation in international affairs.

Finally, we wish to support Canadian organizations and individuals who are pursuing development activities in Cuba.

(1125)

The Canadian government has supported Canadian businesses in their pursuit of opportunities in Cuba. Last fall at Havana International Fair we were pleased to see more Canadian companies than ever. Canadian government involvement was more visible. I witnessed 26 companies from Canada involved in this fair. Fourteen were companies from the province of Quebec. None of them had fleur–de–lis flags; they all had the Canadian flag. They were there as Canadians.

I travelled to Cuba at that time to meet these business representatives. I will never forget the warm reception the Cuban government and the Cuban people gave me. Because of the difficult economic circumstances in Cuba our trade has declined in the past year but Cuba's rank remains as I indicated earlier.

We also wish to encourage and support political developments in Cuba. Cuba has human rights accomplishments notably in the areas of economic and social rights. Cuba's health care and educational systems have been models for other countries. As a former educator I was impressed with the standard of education in that country and the standard of health care.

At the same time we have very real concerns about Cuba's respect for civil and political rights, including freedom of expression, freedom of association and freedom from arbitrary detention. We have also expressed our concern about Cuba's unwillingness to co–operate with the United Nations human rights system, in particular the special rapporteur appointed by the UN commission on human rights. We have welcomed the visit to Cuba by the UN High Commissioner for Human Rights and hope this can lead to greater Cuban co–operation.

Thus Canada will continue to make human rights and democratic development areas of continuing discussion with Cuba in order that Cuban accomplishments in the areas I have mentioned can be mirrored in full respect of political and civil rights.

In the area of development co–operation the government has made available the full range of partnership programs of the Canadian International Development Agency to Canadian NGOs and others in the non–governmental sector for their work in Cuba, including academic institutions and Canadian businesses pursuing developmental objectives.

By the end of the current fiscal year Cuba will have received over $1 million in Canadian development assistance through the various programs we support, again demonstrating no need for such a motion as the one tabled today.

These examples make clear that Canada is pursuing its objectives in Cuba through a policy of engagement and dialogue. I would add that this is very much in the tradition of Canadian policy regarding Cuba. As the government noted last June we are making adjustments in our policy, not turning policy around.

The United States is clearly pursuing its objectives in a different adversarial manner. We have made it clear to the United States and publicly that we do not agree with its approach. For example, during the parliamentary debate on Canada's foreign policy review on March 15, 1994 the Minister

of Foreign Affairs referred to the government's hope to see the end of the American commercial embargo against Cuba.

The Canadian vote last year in support of the United Nations General Assembly resolution critical of the embargo reaffirmed that point. At that time we indicated that in this post–cold war period isolation was not the most effective means of fostering economic and political reform in Cuba.

For Canada the central concern regarding the embargo is its extraterritorial reach. The way in which the United States through its laws and regulations governing the embargo seeks to constrain the freedom of trade of third countries such as Canada is not acceptable. Canada has always taken a vigorous stand against such measures and in 1992 issued a blocking order to ensure that Canadian companies were not subjected to foreign laws on trade with Cuba.

We shall remain watchful of other efforts to bring Canadians under the ambit of U.S. laws and regulations. Accordingly I believe Canada has implemented a policy on Cuba which takes into account Canadian interests and Canadian perspectives and responds to the concerns of the member for Burnaby—Kingsway. I therefore do not believe that the motion is necessary and I do not agree with the tone in which it was cast.

I am very pleased that the Canada–Cuba parliamentary friendship group has been established and a visit has already been made. Hopefully parliamentary exchanges will be speeded up. I know that our Minister of Foreign Affairs intends to meet the Minister of Foreign Affairs of Cuba.

When I was there in October I met with five ministers. They welcome Canadians to Cuba. They welcome Canadian investment. You have to be there, Mr. Speaker, to get a feeling for the love and respect of Cubans for Canadians. I appeal to Canadians, if they want a place to invest, to invest in Cuba.

(1130)

[*Translation*]

Mr. Philippe Paré (Louis–Hébert, BQ): Mr. Speaker, I am pleased to speak today on behalf of the Bloc Quebecois on Motion No. 281 presented by the member for Burnaby—Kingsway.

The aim of the motion essentially is to induce the Canadian government to denounce the American embargo on Cuba in the strongest terms possible at the United Nations, at the OAS and to the American administration directly. It also supports the re–establishment of full aid and bilateral trade ties with Cuba.

It is one thing to express solidarity with the people of Cuba; but it is another matter altogether to interfere in United States' foreign affairs and to support a dictatorship. The member for Burnaby—Kingsway, in an analysis that was hardly more than an expression of emotion and without even having heard our arguments, condemned the position of the Bloc Quebecois. I would ask him, therefore, to take note of the basis for our position. Perhaps he knocked down a door that was open much more than he thought.

The Bloc Quebecois will vote against the motion. Now allow me to set out the reasons behind our position. There are two reasons for our disagreement.

First, we do not believe we should force the United States to change their foreign policy to meet the objectives of Canadian foreign policy, especially because we, ourselves, are particularly jealous of our own sovereignty.

Second, we do not believe the state of human rights in Cuba would permit the re–establishment of bilateral aid with it.

With respect to our first objection, we do not see how the Canadian government could dictate rules of conduct to the American government. Canada has always refused to interfere in the internal politics and diplomatic conduct of foreign states. We do not see why Canada would change matters now, and believe, furthermore, that it would not be in Canada's interest to do so.

If Canada undertook the action proposed by our NDP colleague, we would have to be consistent and adopt a similar attitude toward a multitude of other countries whose foreign policy objectives do not coincide with our own.

In any case, the Canadian government already has enough to do to look after its own foreign affairs, without taking on the task of advising its partners.

In this regard, we would like to mention that a number of questions are currently awaiting action by the Minister of Foreign Affairs and International Trade, such as the case of Tran Trieu Quan, which I have mentioned on several occasions in the House. The minister should do everything possible to have this Canadian prisoner released from Vietnam rather than attempting in vain to influence American foreign policy.

Moreover, while the American embargo against Cuba is certainly harming that country's economy, Castro's regime is clearly also responsible for the present economic crisis in Cuba. Would Canada not be better advised to attempt to convince Cuban authorities to truly liberalize their economy, rather than attempting to convince American authorities to raise their embargo? Cuba's state run economy carries a very high price and the few liberalization measures implemented recently, such as making the peso convertible, will not be enough to stop the Cuban economy from nose diving.

Cuba needs help in initiating the unavoidable transition to a market economy. The best thing for Canada to do in this regard is to support such reforms through dialogue and trade. Such

action on the part of Canada would be welcome in view of its new foreign policy direction.

Economic reforms must nevertheless be implemented concurrently with political reforms. Dictatorship and the culture of fear must be eliminated in Cuba. Since the Bloc Quebecois strongly opposes the philosophy of trade at any price, human rights in Cuba should be taken into account in shaping our relations with this country. I will return to this later.

(1135)

That said, we would be against Canada participating in the embargo against Cuba. The Bloc Quebecois expressed its approval when the Canadian government announced its decision to resume aid to this Caribbean state last June.

Let us keep in mind that, following Cuba's involvement in the Angolan conflict in 1978, Canada decided to stop providing aid to, while maintaining diplomatic relations with that country. Now that the cold war is over, the new international order calls for a reorientation of Canada's relations with Cuba. The time has come to end that country's diplomatic and trade isolation. At stake is the very survival of its people, who have been hit extremely hard by Cuba's severe economic crisis. Therefore, it would be quite appropriate to resume our humanitarian aid to that country.

However, this new decision by the Department of Foreign Affairs does not include restoring bilateral aid. The Bloc Quebecois agrees with the government on this. The motion put forward by our colleague from Burnaby—Kingsway calls for restoring bilateral aid. That is another reason why we cannot support it.

The Bloc Quebecois feels that Canada should give priority to partnership–based aid programs and that international co–operation through NGOs is by far the safest and most efficient way to deliver aid to needy countries. This principle should be implemented especially when human rights abuses preclude any sustainable human development effort.

In our dissenting report on the review of Canada's foreign policy, we were very clear on this. The majority of witnesses who appeared before the special standing committee agreed with us.

In this report, we recommended that ''Canada discontinue all bilateral aid to states that UN agencies or any other agency recognized by the UN have identified as having committed or been responsible for gross and reliably attested human rights violations''.

So far, Cuba has shown no sign of being on the road to democracy and establishing a state based on the rule of law. The Cuban government did however make real progress in some areas, particularly social and economic rights.

But as regards civil and political rights, which are systematically violated by the Cuban regime, there is still serious cause for concern, as evidenced by UN resolutions on the matter as well as constant inquiries about Cuba at the Commission of Human Rights in Geneva.

On this subject, I would like to remind the Canadian government that Cuba is not the only latin–american country to violate human rights and that, in fact, matters are considered to be even worse elsewhere in that area. In January, a slew of NGOs expressed concern to the Canadian government about the situation in Guatemala, Mexico, Columbia and Peru.

At that time, the Canadian government was asked to denounce the human rights violations going on in these countries at the 51st session of the UN Commission of Human Rights in Geneva. It matters more to us, the Bloc Quebecois, that the Canadian government take this kind of action in the case of Cuba rather than condemn the conduct of the U.S. foreign policy.

In a nutshell, it might be a better idea for Canada to provide technical assistance and to do so though NGOs, because Cuba, which is currently facing a major food shortage, really needs humanitarian assistance. Any assistance sent directly to the Cuban government is not likely to serve Canadian official assistance objectives as well as if it were granted to humanitarian and non governmental organizations.

This is basically why the Bloc Quebecois opposes Motion No. 281 and why we will be voting against this motion.

[*English*]

The Acting Speaker (Mr. Kilger): In trying to facilitate debate for and against the motion, I will now recognize the hon. member for Thunder Bay—Atikokan for a maximum of 10 minutes. Of course I will return to a member from the Reform Party, if anyone should choose to speak and I have an indication from the hon. member for Red Deer.

(1140)

Mr. Stan Dromisky (Thunder Bay—Atikokan, Lib.): Mr. Speaker, it is my pleasure to address this House regarding M–281, a motion condemning the U.S. embargo on Cuba proposed by the hon. member for Burnaby—Kingsway. It is a pleasure for me to be in a position to second that motion.

The red book states that ''Canadians want their national government to play a more active, independent, internationalist role in this world of change. They do not want Canadian foreign policy to be determined solely through special personal relationships between world leaders. Canadians want a national gov-

ernment that takes pride in its tolerance, openness and common sense, and that reflects those values in its foreign policy''.

As a member of the Canada–Cuba Interparliamentary Friendship Group, I acknowledge openly my pride in the tolerance Canadians reveal in their attempts to understand the differences between and among the nations of the world. There is also our use of common sense in defying the pressures of special interest groups as we encourage, develop, nurture and enhance our relationship with Cuba and other peaceful societies.

It is interesting to note that shortly after the freedom fighter Fidel Castro overthrew the diabolical regime of Batista, the majority of ambassadorial representatives left the island. Recognizing and doing business with the new Government of Cuba were the governments of Mexico and Canada. As a result these countries were permitted to operate from their original embassies and continue to do so to this very day.

Since the revolution, Canada's relationship with Cuba has continued to strengthen even though the Cuban government had to turn to the U.S.S.R. for substantial support. As American influence in other countries intensified and strengthened, so did its network of trade embargoes.

Due to the diminishing supply of goods, it was necessary for the Cubans to introduce rationing early in the 1960s. This practice continues to this very day.

Although the U.S. trade embargo has always deterred economic development in Cuba, it was not until the removal of the annual $5 billion Soviet aid package five years ago that the embargo began to have a dynamic impact on the lives of the Cuban people. There is a shortage of everything and there is no guarantee that the goods will appear in the near future within this tightly controlled economy. There is a serious shortage of instructional materials for the educational system. Certain medical practices must be curtailed or cancelled due to the absence of medical supplies. As people lose hope, despair overcomes and the crime rate rises.

Priorities are established and strictly adhered to in this fight for survival. As wars fan the spirit of nationalism, so grows the spirit of common good against common evil.

Although it may be classified as a third world country, as a member of the Community of Nations, Cuba has never abdicated its responsibility toward others. A good example of that is Chernobyl. Over 35,000 victims of Chernobyl have been brought to Cuba for treatment in one of the most advanced centres for the treatment of radiation. Over 13,000 of that number were children, and with the children came the mothers and fathers during the treatment period.

Three years ago the American dollar economy was introduced in order to glean as many American dollars as possible for foreign trade. This was achieved chiefly through the introduction and enhancement of the tourist business.

The free market economy is beginning to blossom in Cuba. We heard recently that privatization of land is possible. Companies can purchase the land. There are other options available as well. Investment is increasing. Canadians are investing.

The situation was further aggravated two years ago with the introduction of the Cuban Democracy Act, also known as the Torricelli act by the U.S. Congress. The main thrust of the act was that of extending the embargo to American subsidiaries abroad. This of course applied to Canadian based U.S. multinationals.

(1145)

Lifting the embargo now would allow Cuban exports to the U.S. and permit foreign investment in Cuba, having a substantial effect on the Cuban economy.

With the election of the new Congress in the States, however, it appears that the hard line of Cuba may continue. This is unfortunate because the present embargo leads the U.S. down a very lonely path.

For three years the UN has voted overwhelmingly to end the embargo, most recently in 1994. The result was a lopsided vote of 101 for and 2 against with 48 abstentions.

Furthermore, Canada, Spain, Britain, Sweden, Germany, Italy and others are now expanding their links with Cuba. We were very fortunate in our visit to Cuba to meet quite a few representatives from these countries. They were business people who were in various stages of negotiating deals with the Cuban government.

Obviously absent from the negotiating tables were American representatives. As well, private groups across the U.S. have been sending more and more humanitarian aid intentionally challenging official American policy.

The cold war has been over now for five years. Cuba's situation in the present global context is radically different than during the 1950s and 1960s. Cuba is broke, crippled but not down. It is of no threat whatsoever to anybody and there exists no danger in lifting the trade ban.

However, there are those who still refuse to dispose of their 1950 style cold war mentality. It is time to stop trying to destroy Fidel Castro by destroying the people of Cuba. The main problem of American policy toward Cuba is that it is made in Miami, not Washington. Cuban expatriates are extremely powerful and are deemed crucial to ensuring whether the state of Florida swings in favour of the government during the presidential elections. As a result, they hold considerable clout in shaping American foreign policy vis–à–vis Cuba.

In any nation or society where within a special interest group we find that the truest form of love is self–love, where greed is the major source of energy, where avarice and gluttony are esteemed to be honourable personal goals, we find that others in

their relationship with these groups usually are identified as victims in that relationship.

I find that the embargo restrictions imposed on Cuba and other societies are the results of such special interest forces. This embargo which is a blatant example of central authorities catering to special interest, provincially minded political forces, is being maintained without regard for the suffering borne by the innocent.

Our government's position with regard to Cuban foreign policy is very clear. Our ambassador to the United Nations has indicated that we need to engage with Cuba, not isolate it, in order to achieve our goals.

Also, our Ministry of Foreign Affairs and our Secretary of State for Latin America have clearly indicated the need to end Cuban isolation. I applaud our government in this regard.

However, as concerned Canadians we must increase our efforts to have this embargo curtailed and promote practices based on sound, realistic, humanitarian values and inter–relationships.

The U.S. has lifted its embargo on Vietnam, so why not Cuba? Sure enough the time is right for a change of attitude. Let us work together to encourage Mr. Clinton to repeal the three–decade old embargo on all non–military items.

The proponents of this embargo must be made aware of the fact and never forget that as man's relationship with his fellow man is positively enhanced, so is man's relationship with his spiritual leader or God.

Mr. Bob Mills (Red Deer, Ref.): Mr. Speaker, it gives me pleasure to talk to M–281. I have had a long interest in foreign affairs and certainly in bringing Cuba into the modern world and the OAS.

I visited Cuba, travelled around and realized some of the great potential of that country.

(1150)

This motion asks us to make a strong statement against the U.S. policy on Cuba. I do have problems making a strong statement which directly relates to the foreign policy of another country.

The U.S. is one of our most important trading partners. Even if it were not, how would we like to have another country, let alone our closest neighbour, threatening us and demanding we change our foreign policy? The preservation of one's sovereignty has been and always will be an important part of any country's foreign policy.

Let us examine Cuba. The hon. member wishes to support and commend the actions of Mr. Castro and the country. If we are going to try and change the U.S. point of view it should be done by negotiation, not by threats or innuendo from Canadian members of Parliament. Threatening the U.S. will certainly guarantee a negative response and slam the door on what else might have occurred.

Let us examine a few of the facts regarding Cuba. Why do the Americans feel so strongly threatened by that country? The history, the Kennedy missile crisis, the fact that it is 90 miles away from their boundary, the fact that the mafia used this as a headquarters for gambling, prostitution and laundering money are examples. However, when it comes to present history we must recognize that Cuba is ruled by a dictator. Cuba was not part of the summit of the Americas in Miami in December because it is the only country in the Americas that has not moved toward democracy.

Human rights abuses abound in that country. My experience in that country was there was totally no freedom of expression except that controlled by the government. The people love to talk; they are friendly, great people, but they had to talk out on the water where they were sure that their secret service would not be listening to the conversation.

I was able to visit a jail. I watched the prisoners working in a cane field and going back to their crowded conditions. It is quite different from the country club atmosphere of Canadian prisons.

I attended a three–hour speech given in Varadero by Mr. Castro. I found it very interesting that for the three hours the people were told when to cheer, when to be quiet and exactly what to do. That is not exactly freedom of expression.

People in Cuba are prepared to sacrifice almost anything to get on a board and cross 90 miles of shark infested waters just to get out. If the country had any kind of human rights or any kind of freedom of expression, I doubt that would be the case.

There are severe shortages because Russia stopped its aid because it collapsed. Sugar cane production has decreased dramatically. In 1991, seven million tonnes; in 1994, down to four million tonnes. As I have mentioned, the infrastructure is in decay. The black market is running rampant throughout the country.

I found it very interesting to visit the Tropicana show and see the people finally expressing themselves in terms of music and their culture. They were wearing 40 and 50 year old costumes. They certainly deserved some credit for at least trying to express themselves. How about a Sunday in Cuba when they take out the 1950 cars for a drive? It is just more for show than for any practical means of transportation. What about the little kids who love to play baseball? They find that one way they might have to get off the island. There are ice cream stands on every corner. People told me that milk from Canadian Holstein cows was used to make the ice cream.

The friendship toward Canada is certainly very obvious throughout that country. Anyone travelling around the country can see just how primitive the country really is. The last speaker said it was still in the 1950s. I would put it there or below.

There are flight irregularities. Nothing seems to work properly. The hotels are acceptable, usually without toilet paper, white and sterile in nature.

(1155)

The management is also very typical of a true communist country. There is really no incentive, no pride of ownership. There is really no drive left in the country because of the socialist way.

The sanctions are not hurting the Cuban people as much as the dictator who holds them captive by military force. The hon. member should make the motion to condemn dictator Castro and demand his removal if he wants to interfere in another country's foreign affairs.

The U.S. and Canada certainly have interests in Cuba. That country could prosper. In terms of Canadian, American and South American tourist business there would be no better place. If that were instituted the jobs and money would return. There would be an incentive to work. The ideal location of that country I have mentioned before.

This sort of motion sends the wrong message. It is the mosquito approach versus the diplomatic approach to solving the really big problem. We can work and hold our own with the Americans. I do not think we have a problem. We have to help other OAS countries to deal with that American elephant.

This motion makes us sound like spoiled kids with a temper tantrum. It is full of holes and would only be accepted by those who believe socialism would ever work any place in the world. We must work to gain respect and equal status with the Americans. We can show leadership. Certainly in the OAS we have a great opportunity to show leadership.

Most of the South American countries are looking to us to show leadership in dealing with the powerful U.S. In NAFTA we have taken a role and will take an increasing role. The WTO will only increase our trade. Hopefully some day Cuba will be part of that.

It would be nice if Cuba would join the other 34 members of the OAS, joining the 21st century in the whole UN reform and the new global community we are going to create. Cuba will be left in the dark ages if it does not change the infrastructure, the government within.

As we have talked about many times, when it comes to trade there are three world areas: the European community; the Americas and Asia–Pacific. Cuba is part of the Americas and we should make it a part. Cuba is a part of our world and therefore we have a responsibility to help it get out of the dark ages of socialism. We do not have sanctions on Cuba now, never will have, and should never have.

Remember, Castro is a dictator. People are held hostage. Socialists have tunnel vision, only seeing one side of the issue. They will never reach a solution by their antagonistic approach. It is like a horse with blinders. One thing the member can take to heart is that sanctions do not really work anyway. They are probably not as effective as he might think.

Finally, to attack a neighbour, our largest trading partner, and strain our relationship for an aging dictator who persecutes his own people for the sake of the impossible socialist utopia makes no sense. I expect the next thing the hon. member might suggest is a special day for Che Guevara.

[*Translation*]

Mr. Mark Assad (Gatineau—La Lièvre, Lib.): Mr. Speaker, first of all, I would like to support the motion put forward by the member for Burnaby—Kingsway regarding Cuba. It is obvious that the Reform member who spoke before me had blinders on when he went to Cuba. It certainly was a change of scenery, but it obviously did not help him change his mind.

I think that the description he gave is exaggerated and that Cubans are not slaves to a dictator. I saw people who are trying to build a future for themselves, who are standing tall instead of being down on their knees as they once were. Cubans have shown a lot of courage. I would like to say that successive governments here in Canada have had the wisdom to stay in contact with Cuba, and to maintain diplomatic and trade relations with that country.

(1200)

They have done it because Canada is a humanitarian nation that will always stand up for justice. Of course, anybody who has had the opportunity to visit Cuba and to meet with politicians there is well aware of the situation. Those politicians did not try to make us believe that they live in a paradise. They know that they have problems. They know that Cubans are making sacrifices but that they have the motivation to succeed.

The embargo imposed on Cuba by the United States is inhumane and we hope the United States will soon come to its senses and realize that making a whole country suffer is insane. Cubans are trying to protect what they have. They know that they do not live in a paradise, but they stand tall and want to preserve their values.

[*English*]

Mr. Harbance Singh Dhaliwal (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.): Mr. Speaker, it gives me great pleasure to speak on this motion. First of all, let me congratulate the member for Burnaby—Kingsway for giving

us an opportunity to speak on this subject. I am going to get right to the major points because time is very short.

We had a great opportunity to visit Cuba in January, myself along with a number of other parliamentarians. We spent a week in Cuba and met with all the major leadership there, including the president, Fidel Castro.

Back on December 5, I wrote to President Bill Clinton and asked him to remove the embargo. The embargo that is put on Cuba by the Americans really does not make sense in the 1990s. What are the reasons for the embargo?

The original reason was security. The Americans said it was for security reasons, but is that still relevant today? Is the superpower of the world, the United States of America, afraid of Cuba? Does it have something to fear? I do not think so. There is no security threat to the Americans from Cuba. That is not a reason to have the embargo.

Is the embargo there because of human rights? Are the Americans concerned that there are human rights violations? If that were the case, surely there are other countries that have serious human rights violations and the U.S. has traded with them and continues to trade with them. Therefore that is not the reason the Americans should have an embargo.

There is no logical reason that an embargo should continue on by the Americans against Cuba. The rest of the world has said that as well. Looking at the UN, 102 countries voted to have the embargo removed and the U.S. has not listened.

In conclusion, I hope we send a strong message from this House that this embargo is unjust, is not necessary and should be removed as soon as possible to help the people of Cuba.

The Acting Speaker (Mr. Kilger): The time provided for the consideration of Private Members' Business has now expired. Pursuant to Standing Order 96, the order is dropped from the Order Paper.

GOVERNMENT ORDERS

[*English*]

YOUNG OFFENDERS ACT

Hon. Fernand Robichaud (for the Minister of Justice, Lib.) moved that Bill C–37, an act to amend the Young Offenders Act and the Criminal Code, be read the third time and passed.

Mrs. Sue Barnes (London West, Lib.): Mr. Speaker, I am very pleased to stand in this Chamber today to talk about the youth justice system in Canada. It is a system that is going through change. It is a system that needs Canadian understanding.

I often have felt over the past years that the public perception is far removed from the reality of the legislation and of the youth and their lives in Canada as they come before the courts every day across this land. Youth 12 to 17 years of age are captured in this act. That represents roughly 8 per cent of our 28 million population.

In today's society it must be very difficult to grow up in Canada. It is much different from when I was a child. It is much different from when many members of this House were children. There is an increasing culture of violence in Canada and I believe Canadians have an increasing appetite to change that culture of violence.

(1205)

Most kids in Canada today are good kids. We have to start with that premise. Most youth who are faced with drugs, alcohol, violence and fears for the future still turn out fine. They still manage. Their parents cope.

It is difficult to be a parent in this society as well. I have three young children of my own. The first became a teenager a couple of months ago and I have already noticed a change. He questions a lot more. He does not accept things the same way he did when he was five.

It is going to be a challenge for society, a challenge for the child, a challenge for our schools, a challenge for our court systems to cope with the difficult times these children go through.

We talk about violence in society. It is there in the fantasy life of our children. It is there in the video games they play, on TV, and in the news they see every day. And it is not only fantasy. They see the atrocities of Rwanda. They see the ongoing wars in Europe and no peaceful times. They have more knowledge of violence at an immature stage of their development. We have to work against that backdrop to send different signals to counteract the violence, to counteract the prevalence of those signals.

There is public concern both by adults and by youth. They are fearful of crime. They are fearful of young offenders. That is in part, I think, because crime sells papers. We read and hear a lot about crime in the media. Seventy per cent of the population believes everything they read in newspapers. I do not believe everything I read in newspapers and I am sure members of this House know there are often a few details added.

That is the other backdrop we have to deal with. We have to address the reality of the fear of violence and put the fear of violence from youth into perspective. With this piece of legislation and with phase two which will come after it, we have to find a way to address the concerns of Canadians.

The issue of young offenders is a hot topic. Everywhere I go people tell me that they have a problem with the Young Of-

fenders Act and that there is a problem with our youth today. We have some problems and we can do much better.

We also have to realize that 86 per cent of violent crime committed in Canada in 1993 was committed by adults, not youth. Only 14 per cent was committed by youth. Of that 14 per cent, a full 50 per cent was the schoolyard punch and shove. A lot of that comes because of the new reporting and new zero tolerance programs in schools.

There is a gradual rise, an increase in violent crime in youth. Depending on how the stats are read and the time periods of those stats, it can be seen as a significant rise, but it is rising and we have to address that.

In this act we will delineate the very necessary harsher system for violent crime. There is a group of incorrigibles in our country who need to be given a very clear, strong message. This act in part deals with that message.

It also delineates the other side of the coin. It also acknowledges that there are some less serious offences that bring youth before the courts. In fact, 60 per cent of them deal with property crime, often for the first time.

When we talk about the violent offences reported in the papers, on average over a decade there have been about 40 murders per year involving charged youth. Last year there were 22. Somewhere between 115,000 and 130,000 young people go through the young offender system every year. A lot of those youth are saved by our system. We have to acknowledge that.

(1210)

We have a national law, the Young Offenders Act. We also have provincial and territorial situations that interpret the act differently.

We heard testimony in the justice committee which sat from September through to the end of November last year. The committee sat up to four times a week. We heard many different witnesses. We heard from school associations. We heard from parents. We heard from judges and lawyers and people who deal with youth in the probation and correctional facilities.

We heard from young offenders themselves. Some of them had come through the system and had been saved by it; some had been hurt by it. Their testimony was very revealing and informative. We heard from victims groups. The victims groups are now going to be more thoroughly addressed by this legislation. There will be an allowance for victim impact statements to be made.

This was a difficult task for the three–party committee. All the members sat around the table looking for appropriate solutions. I believe that very little time should be spent in saying what is bad and a lot of time has to be spent in asking what we should be doing better. We have to give credit where credit is due.

If I were a child in trouble with the law in Canada today, there is no doubt in my mind that I would wish I were in trouble in Quebec over any other province. Quebec has interpreted its young offenders acts much more progressively than a lot of other areas in this country and with much better success. It has employed more diversionary tactics away from the courtroom. We can learn from that experience. It is essential that we learn from that experience.

When I first started my law career in 1979 the Juvenile Delinquents Act was in force. I spent many days in courtrooms as duty counsel. Seven–year–olds were in those courtrooms. It is more appropriate now that there is this age. Phase two will revisit the question of age because Canadians want us to. We have had one debate in this House and the age question was defeated. Many people think we should lower the age for young offenders. I do not believe that. I think the ages are appropriate.

We have to consider the level of maturity and understanding of youth today. We are dealing with a very malleable and impressionable age in this Young Offenders Act. That has good and bad points. One bad point is that kids are impulsive. They do not think the consequences through. They think they know everything. They think the Young Offenders Act is a joke and that nothing will happen to them.

They think our system has no teeth. In fact the teeth are the same for youth as they are for adults. It is very important that youth understand that. It is very important that people understand that some of the breaks we give to adults in sentencing are not available for youth.

Many members opposite like to say that if you do the crime, do the time. In youth court that is exactly what happens. There is no mandatory supervision or early parole. When a youth gets three years, he or she serves three years for the most part. It is important to understand that time is a different concept for a child in the developmental years. A year for an adult seems to fly by, but a week drags on for a child.

Today in Canada when our youth come before the courts, of those found guilty roughly one–third will end up with a custodial sentence. I believe, along with many of my colleagues, that a custodial sentence, just locking somebody up and putting them away, is not a good short term answer and certainly is not the best long term approach.

(1215)

It is important where we do lock people up and lock children up in a custodial setting that we provide some treatment while they are there; make sure that we are not just not warehousing, make sure the time, the money and the effort spent are directed to a change in the behaviour that in the long term will be much more effective in changing society, in safeguarding society, protecting citizens of Canada, and in changing the life of the individual who came before the court. We have to ensure that we

take the time that we take from these children and put it to good use. To me that means behaviour modification.

There will be difficulties because a lot of people say that is being too soft, that is not tough enough. It is a lot tougher to sit down at a program and work through your problems and address those problems than it is to sit and watch a TV set or lull around the house or just pass the time away counting the days until you can be free again, than it is to work with the members of your community, with the members of your family, with the professionals put there for your assistance into changing behaviours.

My community of London, Ontario, works very well with the young people diverted to it through either court order or alternate sentences. In particular I would like to commend the St. Leonard's Society of London because it puts programs into effect in the community that integrate the youth who have problems back into the community, paying back the community in ways that are meaningful in situations in which they are not pulled apart but integrated into the community, often without the community realizing it. Therefore the community helps in restoring their sense of self–worth, their sense of discipline, their sense of accountability. I will give one example of a project that works well in my community for youth and has met with success.

In the spring, summer and fall a group of youths who have come into contact with the law go to plots of land in London and grow vegetables. They work those gardens. They hoe. They do the physical labour. They do the planning. They do the nurturing. They are there helping other people around them with their vegetables gardens. At the end of that time period they deliver the harvest back to the food bank.

One of the people who worked in this project last summer reported to the counsellor who was working with them that it was a very good feeling for him because he had to come to that food bank, he and his family, to get food.

A lot of our youth in trouble with the law are not all necessarily poor. Just like crime goes across all sections of society for adults, it also goes across all sections of society for youth. It is important to understand that the socialization process has an affect on youth.

I am going to point out one thing that has bothered me. Maybe it is so obvious that we do not see the forest for the trees in this point. If I could predict what is the best predictor of getting into trouble with the law in this country it has to be being male. Our federal penitentiaries, all of our penitentiaries, are predominantly housing males.

Recently in the youth system it used to be roughly 80 per cent male, 20 per cent female. We are seeing right now a significant increase in female participation coming before our courts. It is significant and disturbing.

In the committee in phase two when we go on the road after we have these amendments through for our overall evaluation looking at what we can do better, looking at the 10–year review of the act, we can also take a look at what happens in our social culture differently between males and females because there are different results.

This is a minor point but it is certainly very obvious when you look at the number of people using our systems. The problems of females with justice are on the rise admittedly but it is still substantially less than what happens to boys. I believe we are born equal, therefore something has to happen socially.

(1220)

It does not happen socially, magically when one hits age 12. Something had to go wrong long before that and we have the expertise in this country to understand what went wrong. We can predict with very young children that they are getting into trouble, that there is aggressive behaviour that needs attention.

We have the expertise with our psychologists, teachers, preschool teachers, neighbours and parents. They can see it. What in my opinion is criminal is that they see it and nothing is done. The answer often is the criminal justice system should get in there and fix it.

There are problems putting really young kids in the criminal justice system. The problems have to do with understanding, with process. We have a very formalized process for serious offenders in the criminal justice system. It is necessary because there are rights of individuals, there are rights of youth. That was one of the big changes between the old Juvenile Delinquents Act and the Young Offenders Act, that we did give children rights.

I go back to the analogy of a parent. If my child offends the rules of my household, I do not want to say: ''I am going to see you next week and we will talk about it for the first time. Then we are going to adjourn this conversation for a month. Then you come back and another month later we will look at it again and then we will do whatever''. I want immediacy. I want some fast action. I want to be able to cope better and faster and that is what is necessary in our youth courts.

They have a tremendous job and when we look at the funnel of people going into this very formalized process, we have to make sure that we are funnelling in the right people, the right youth, to the more formalized, stricter process and we safeguard their rights.

With lesser offences, lesser violations of the community, we should try now through this act to funnel more of them back to the community for it is the responsibility of all of us in that community to fix the problem.

They are not our children to be shipped out of our jurisdictions and sent away and forgotten, hopefully not to return. We know in our federal system part of the reason that we want to do a rehabilitation program is that on fixed term sentencing 80 per cent of the population is going to come back and reintegrate into society. Kids for the most part are all going to be reintegrating into society unless there is an unusual case where there is a murder by a youth who gets bumped to adult court and has to stay most of his life in the adult system. If that is the case, that youth is going to be subject to stricter sanctions than are there right now for the adult who commits an offence of murder.

We have to understand that kids are open to change and how difficult changing behaviour actually is. It has to be done from a base of knowledge. There have to be values put into that base of knowledge that include words like respect and accountability. There also have to be other words present like compassion and understanding.

Retribution is part; rehabilitation is a better part. If one wants to fix in the long term one's society, then one had better put some attention to the detail of changing that underpinning, interdisciplinary approach of why things went wrong. It is not that this offence merits this amount of time and we will only talk about paying back for that crime.

As a society we really have to address more and more crime prevention which is now in the preamble. We have to address long term rehabilitation which is also in the preamble. We have heard evidence at committee level that those things are counterproductive.

I submit that they are not counterproductive. They are going to be a challenging base on which our justice system for our youth will change over time.

(1225)

People will say we are not tough enough. There are going to be many people in this debate today who will tell us about the tough measures in this bill. I will deal briefly with them because it is important that people understand that we did address the concerns of the public. We have increased from five to seven years the time for those offences. That is a significant increase, especially given the fact that judges throughout Canada today are not even going to the maximums on the times allocated to them under the old provisions.

We have to talk about who needs to know when the youth gets in trouble. That also was a concern of the public. It wants to be aware of who is offending and why this is happening in its communities.

Again, we have taken a responsible and reasonable approach in this area. The area of providing information about offenders has been widened, has been increased. The professionals, the school officials, the welfare officials, the people who are dealing with the best interests of that offender will have an ability to get that information.

This is far removed from branding a child by a label and giving broad based public information and shaming some child back into the right course which I have heard advocated in this Chamber. That is not what we are doing. We are going to have judicious use of information. If there is a need for protection of the public there will be a vehicle through the act and through the court system to get a wider distribution of information. That is necessary in some circumstances.

I want to take a minute to make sure that I talk about another provision of the bill. We have had the ability since 1908 to take a child and move him up to the next level, to adult court. In this bill we have moved a further step. We have reversed the onus for some 16 and 17 year old offenders. It is called a presumptive transfer. It is saying that when one commits five very serious offences in this country one is going to be taken very seriously by the system: murder, attempted murder, manslaughter, aggravated sexual assault and one other in the list.

Basically in those instances we are going to make the young offender prove to a judge that he should not be transferred, that the youth system is a better system to deal with him. The presumption will be a reversal. I think that is very harsh but these are very big offences. The reality is that people need to understand that the options will be there.

We in committee heard much testimony on presumptive transfers. It is not a concept of reverse onus that I am very comfortable with. I think it should be used sparingly. Over time it has been used sparingly in our systems. It is expensive. It will create delays. It makes process very time consuming.

It is necessary in some cases but what is important is again the delineation between harsh, strong, compassionate and behaviour modification. We have streamlined very effectively in this bill two different paths that are available. Judges will have to say why they do not choose the path of community if it is not one of those very strong offences.

It is not only the offence, though. It always has to be the individual. If I say that theft under $200 is a summary conviction offence, maybe that is not that serious in the magnitude of the Criminal Code. But if it is the 15th time there has been theft under $200, maybe stronger intervention with different tactics relating to behaviour have to be changed.

(1230)

This act will still give a judge the ability to look beyond the charge, to look at all the circumstances. Consent to treatment will be changed and the ability to put more programming before an individual will also be there.

I can only reiterate it is an ongoing process that will come with phase two. By the spring the Standing Committee of Justice and Legal Affairs will take the time to go into communities and talk to those groups that have knowledge and interest in youth. We will be looking for better partnerships with the people who are involved, who have strengths in these areas.

At the London Family Court Clinic in my riding they have developed a handbook for schools funded through the department of health which was distributed to all superintendents of school boards across Canada. It dealt with integrating anti–violence messages into the curriculum from the low level grades right up to high school. It has been discovered that integrating these messages into the lesson plan on a daily basis can have a dramatic effect on violent attitudes. Studies are being done all the time and if these situations are not taken care of they will show up in our prisons later on.

During these rounds of testimony we are hearing from people who are very concerned and have different ways of looking at their problems. Specifically I think of some of the First Nation witnesses that came before the committee. They talked about sentencing circles and appropriate ways of dealing with corrections for their people. It is quite different.

They do not want to see the overpopulation of their youth in our prison systems. They have an alternate system they can engage. Perhaps in our sentencing it is time for us to look at some of those alternate systems. When we are talking about sentencing circles for native youth, we are talking about responsibility to the elders, responsibility and reparation to the community. The youth are accountable before their peers and the immediate family group.

In phase two we need to figure out a meaningful way to get parents involved in their children's lives again and to restore the harmony that has been lost in a household. We have to know that justice is more than punishment. Justice for youth has to be meaningful and include reinvolvement, rehabilitation, reintegration into a community that cares for these children and wants them back as tax paying, hard working, responsible adults. We want to make sure we have more saves than losses.

Along with my colleagues I look forward to spending time trying to figure out how we can develop better systems for youth. Bill C–37 goes a long way in addressing the concerns of the public. Violent crime needs to be addressed more strongly but we must leave a door open so that our communities can deal more meaningfully with the youth justice system.

[*Translation*]

Mrs. Pierrette Venne (Saint–Hubert, BQ): Mr. Speaker, the subject before the House today is the third reading of Bill C–37, an act to amend the Young Offenders Act and the Criminal Code.

This bill was tabled by the Minister of Justice on June 2 last year. The Bloc Quebecois was frank and forthright in its criticism. During the first debate, I said that I would not vote for a bill that tries to punish crime by creating criminals. I moved that the House decline to give second reading to Bill C–37, the purpose of which is repressive. Unfortunately, my motion was defeated.

(1235)

Bill C–37 is part of the Liberal government's policy on youth crime. This strategy has two components. Bill C–37 is the phase one of the proposed reform, while phase two is to be a comprehensive review of the system by the Standing Committee on Justice and Legal Affairs.

On June 6, 1994, the Minister of Justice said that he had asked the Standing Committee on Justice and Legal Affairs to undertake a comprehensive review of the Young Offenders Act and of the youth justice system in Canada in general. He went on to invite Canadians to take part in the discussion on the subject.

The Minister of Justice should have requested the review before tabling this bill. I have already said that the Minister of Justice is a minister of consultation, and in this particular case, he is the minister of indiscriminate consultation. Whether these consultations are held before or after a decision is made is irrelevant, since they will have no effect on his decision.

The minister proposes to change some important aspects of legislation that subsequently will be the subject of a comprehensive review by the Standing Committee on Justice and Legal Affairs. The Minister of Justice has put the cart before the horse. At this rate, the Liberal government's strategy will produce a law lacking any consistency it may have had.

The Minister of Justice was in such a hurry to table a bill in response to increasing pressure from some members of his own caucus and from the Reform Party that he forgot to apply the most elementary principles of logic, according to which changes should not be made until one has a full understanding of the problem. The Minister of Justice panicked. He decided to amend legislation without realizing what was involved.

The Young Offenders Act has been amended before. On May 15, 1992, a major amendment on sentencing came into effect. This amendment increased the maximum sentence in youth court for a young person convicted of murder from three to five years. Today, the Minister of Justice wants to increase sentencing. They would be increased to seven years in the case of second degree murder and to ten years in the case of first degree murder. Furthermore, the minister is going after a very specific group of young offenders—the 16 and 17 year olds.

They will now have to prove, if they are accused of violent crimes, that they should be tried in youth court, otherwise, they will be sent to the court that would normally have jurisdiction—adult court. This reversal of the burden of proof means, in other words, that an adolescent may no longer be considered as such,

depending on the type of crime he has committed. In addition, his criminal liability increases, not as a function of his age, either, but as a function of the crime.

However, the preamble to the Young Offenders Act seems clear, and the one to Bill C–37 is even more so. This section provides that young persons should not in all instances be held accountable in the same manner or suffer the same consequences for their behaviour as adults. How do we explain this nonsense? On the one hand, it is agreed that degree of responsibility should be measured in terms of age, on the other, 16 and 17 year olds are being treated like adults.

Does the minister have some hidden statistics to which only he has access? Do they indicate a disturbing increase in violent crime among 16 and 17 year olds? If the answer is yes, let him show them to us, because he needs a lot of justification for proposing such a bill.

The approach of the Minister of Justice is similar to that of the members of the Reform Party. He supports the member for New Westminster—Burnaby, who stated the following in the House and I quote: ''The juvenile justice system in its operation should mirror the adult system as much as possible if it is to be understandable by the community and develop general deterrents''.

(1240)

What is the point of having an act for young offenders when a third of those it targets could be treated as adults? We might just as well propose revoking it. At the rate things go, this could well happen in the very near future.

I shiver at the idea of a single system touted by the Reform Party. If we listen to the member for New Westminster—Burnaby, we should label young offenders in kindergarten. On June 6, he made the following statement: ''Violent patterns in children are identifiable at the kindergarten level. By identifying young offenders before they graduate into the teen world of crime set before them, we drastically reduce the number of young adults we are forced to deal with six years down the road. This is social engineering at its best''. I wonder where he took his courses on social engineering.

The minister did not bother to check the impact of the 1992 amendments. He did not concern himself with statistics on young people and criminality. He did not take the time to examine how all those involved were applying the Young Offenders Act. If he had, he would have understood that many of the problems stem from how the act is being implemented, and not from the act itself. But no, the minister once again caved in to pressure. The winds of hysteria made the Liberal reed bend.

Bill C–37 is premature. It cannot answer questions that have never been asked. The justice committee proposed some amendments following its study. Most of the 28 amendments it adopted were minor, and regarded style, terminology and concordance of the texts in both official languages. Some of them were more substantial, however. I do not intend to dwell on these points, but they are worth mentioning, if only to define what we are debating today.

To start, the first amendment removes aggravated assault from the list of offences leading to automatic transfer to adult court. In this way, we eliminate the danger that prosecutors lay heavier charges than the evidence available at the time would support. Without the amendment, a young person could almost automatically be transferred to adult court but be found guilty of a lesser crime which would not have merited such a transfer. That was only the lesser of the evils, since automatic transfer in principle remains intact.

The second amendment pertaining to transfers allows for parents to be heard before their child is transferred to adult court. This becomes one more element for the judge to consider. The committee also agreed that in regard to proceedings brought before a judge and jury, the Young Offenders Act is applicable to young persons. Measures of the Young Offenders Act will therefore take precedence over provisions of the Criminal Code in regard to protecting privacy. The amendment emphasizes the young person's right to legal representation when absent from proceedings as a result of poor conduct or when his competence to stand trial is being assessed.

These are significant amendments proposed by the committee. Since these amendments do not in any way alter the repressive nature of this bill or change the transfer procedure to adult court, all the while retaining the severity of sentences, I cannot believe that we are now debating an improved version of what was presented to us last June.

The Liberal government has tried to smooth things over by suggesting a few amendments at the report stage. In committee and in this House, we have stressed a great many times the procedural problems created by Bill C–37.

(1245)

By increasing sentences for murder, the minister has given no thought to the confusion he will create. Section 11(f) of the Canadian Charter of Rights and Freedoms stipulates, and I quote, ''Any person charged with an offence has the right to the benefit of trial by jury where the maximum punishment for the offence is imprisonment for five years or a more severe punishment''.

Thus, the justice minister would increase the sentences for first and second degree murder without considering for a moment that a young person normally subject to the Young Offenders Act, which does not allow for trial before a judge and

jury, in fact has the right to a trial before a judge and jury under the Canadian constitution.

There is no provision for bridging the gap between the Young Offenders Act, which governs the appearance in court and the request for bail, and the Criminal Code, which governs crime proceedings in which the accused can choose to appear before a judge alone or before a judge and jury, while a magistrate under the Criminal Code will oversee the preliminary hearing if there is one.

The minister's feeble response to this nonsense and legal vacuum was to propose a hasty amendment at the report stage. This amendment details the Criminal Code provisions that will apply to preliminary hearings, when young people accused of murder are transferred to youth court.

No one at the Department of Justice had a stroke of genius. Although the amendment was intended to improve a lame bill, it creates more problems than it solves. Once the young person chooses or is deemed to have chosen a judge and jury trial, the preliminary hearing will be held before the youth court. Fine, but when does the defendant make the choice? When he appears before the youth court or after the preliminary hearing, when he can still choose to be tried before a judge alone?

What about the young person who is transferred to adult court? Will the preliminary hearing still be held before the youth court and will he then be summoned to appear before the adult court?

Given the undeniable seriousness of the offences listed in the section on transfer to adult court, the young person will be held in custody while awaiting trial. However, the young person is entitled to a bail hearing, which would allow him to be free on bail until legal proceedings are over.

Before which court and when will the bail hearing be held? If the election occurs when the accused appears in court, as is often the case, will the bail hearing be held before a higher court? As we can guess, the young person may well find himself in several jurisdictions even before being summoned to trial. He could appear before the youth court, have his bail hearing before the adult court, return to the youth court for his preliminary hearing, elect a judge and jury trial, and be summoned to appear before a superior court of criminal jurisdiction.

If you have followed me so far, you will understand why this bill and its amendments are nothing but hogwash to create a situation that only judges will be able to untangle, judges who should not have to take on a responsibility that falls to the legislator in the first place.

But when the legislative power does not do its job, then we have no choice but to defer to the judiciary, with the risks this may involve. Instead of the legislator, you now have jurisprudence deciding procedure and substantive law.

Bill C–37 is typical of the kind of bill moved by a government that is reactionary and repressive. This is the coercive approach this government is taking to respond to pressures from a misinformed public and a right wing group that manipulates it.

Bill C–37 cannot be justified either in terms of substance or in terms of the purposes it is claimed to have. Far from providing the appropriate remedy, it promises on the contrary to be a major source of procedural problems. It increases the costs to the provinces and substantially changes the role of rehabilitation centers in Quebec.

(1250)

We do recognize, on this side of the House, that the rate of juvenile crime is cause for concern. Crime creates fear and jeopardizes the quality of life in our neighbourhoods and our cities. But it seems to us that the way juvenile crime is perceived is quite far removed from the reality around us.

Reformers and some Liberal members are blind to this reality. To justify their repressive stance, they cite extreme cases that reflect in no way present trends.

The inflammatory remarks made by the hon. member for New Westminster—Burnaby on June 6 have certainly made many people jump. He said, and I quote: ''We will be Her Majesty's loyal, constructive opposition with advocacy for improvements to Bill C–37 based on what the community wants''. And he went on to say: ''Reformers are the true opposition —Let the people speak and Reformers will bring their voice to this House''.

Not only do Reformers not know how many seats they have in this House, but they crow over the idea of being the only sensible representatives of the electorate.

Instead of caving into pressure from his colleagues and their confederates in the Reform Party, the Minister of Justice should take a closer look at the report by criminologist Julian Roberts, which was commissioned by his own department.

Professor Roberts' study was about the public's perception and knowledge of crime and justice. This criminologist concluded, for instance, that crime is a serious problem in Canadian society that gives rise to a great deal of concern and controversy about the kind of preventive policies we should implement. However, before determining whether the public supports those policies, we must establish what the public really knows about crime and criminal justice.

Professor Roberts wondered about the general public's perception of the Young Offenders Act. His remarks are an eye opener: ''Canadians have a very negative opinion of the legis-

lation but are not very familiar with its provisions and impact. They do not understand the underlying principles or the specific provisions of the legislation and probably see it as another example of clemency being shown by the criminal justice system. The public and certain criminal justice professionals are wrong to think that the crime rate can be reduced by harsher sentencing''.

One of the avowed objectives of Bill C–37 is to provide better protection for the public, and the means chosen to achieve this is to extend sentences for young offenders. What the Minister of Justice is proposing is the exact opposite of what all studies on the subject recommend. Those studies were done, in fact, by his own department. It is surprising, to say the least, that the minister should go the route of repressive measures to deal with crime, if only to impress the public. No one in Quebec is impressed.

Dealing with crime is not just a matter of sanctions or legal procedures. Bill C–37 is an exercise in futility. There are no statistics to justify a legislative change of this kind. Since the bill deals more specifically with young persons of 16 or 17 who have committed serious crimes, one would expect the statistics to show a disturbing increase in the crime rate among this population.

Nothing could be further from the truth. A review of the records held by youth courts since the Young Offenders Act came into effect reveals that the percentage of cases heard by the court which involve this population has not varied.

(1255)

Another example of statistics the Minister of Justice appears to be ignoring is to be found in a document on homicide in Canada put out by the Canadian Centre for Justice Statistics. It reveals that 35 young people between the ages of 12 and 17 were charged with homicide in 1993. This includes first and second degree murder, manslaughter and infanticide. The figure represents a 40 per cent reduction over 1992. Only 6 per cent of the individuals charged with homicide in 1993 were young people as against 9 per cent in 1992.

How can we justify increasing the sentences for first and second degree murder, and in such a draconian fashion, when the trend is decreasing? How can we justify such a repressive approach? Is the aim of the exercise to impress?

Nowhere does the literature indicate any effect of lengthening sentences on deterring or fighting crime. For example, robbery is liable to a sentence of life imprisonment, but statistics indicate that the percentage of robberies remains stable. The minister, however, is increasing the maximum sentence for first degree murder from five to ten years and the maximum sentence for second degree murder from three to seven years. This increase and the new provisions on parole eligibility are creating some rather extraordinary situations.

It should be noted right off that the starting date used to determine the length of detention varies according to whether a young person is tried in adult court or in youth court. Thus the confusion is compounded.

The most ludicrous situation is as follows: a 15–year old found guilty of first degree murder would be eligible for parole after five years in prison if judged in adult court. Yet this same 15–year old, if judged in youth court, would have to serve a six year prison term before being paroled.

In spite of the new measures regarding transfer, a young person in this position would do well to keep quiet, in the hope of being transferred to adult court. Ironically, he could be released sooner that way.

On the subject of transfer, the justice minister has drawn up a list of offences for which the offender may be transferred to adult court. It is odd that the justice minister has not increased sentences for such offences he himself calls serious. This list of offences seems entirely arbitrary to me and entails the real danger that crown prosecutors might be tempted to increase the severity of the charge for the sole purpose of reversing the burden of proof.

As I have already indicated, the Standing Committee on Justice has dropped aggravated assault from this list. The danger remains for other offences, however, such as in cases of aggravated sexual assault.

I would like to stress at this point the inconsistency of the bill as pertains to multiple offences. Such situations are very common, unfortunately. Consider for example a young person charged with both murder and robbery. On the count of murder, the burden of proof in respect of transfer rests with the young person, and on the other charge, with the crown. How does the justice minister envision the application of this procedure? No solution is to be found anywhere in this bill.

Will there be a joint inquiry exclusively in regard to transfers? If so, who would begin producing evidence? The young person in the preceding example might find himself in two separate jurisdictions in respect of the same events. This situation could lead us to make contradictory decisions. Imagine for example if he were acquitted in one jurisdiction and found guilty in the other.

If the minister had bothered to properly analyze the amendments he is proposing, he would have realized that the mere act of reversing the burden of proof coupled with the increase in sentences would turn the whole system upside down.

(1300)

Bill C–37 ignores the fundamental differences between Quebec and the rest of Canada. Once again, the federal government is trying to impose legislation Canada–wide, without taking into consideration regional differences and systems already in place. The fact that the Minister of Justice does not acknowledge that our system is distinct is not so bad, but he adds insult to injury

when he proposes a bill whose administration falls under provincial jurisdiction and whose reforms will have to be paid for by the provinces.

If the Minister of Justice had done things right and had undertaken a general study of the penal system for young people before amending the law, he would have noticed that Quebec does things differently. He could have improved his reforms by copying Quebec. The Quebec Bar Association presented a thorough paper to the Standing Committee on Justice, which summed up the situation in Quebec.

In an eloquent passage from the paper, the association said: ''Young offenders in Quebec can take advantage of an alternative measure which entails referring the file to the youth protection branch. An agreement can be proposed and alternative measures imposed, such as reimbursement of the victim or community work. In fact, close to 47 per cent of all cases take this route. All other cases in Quebec are heard by the youth court. Once the order of the court is issued, the health and social services network carries out the sentence. Quebec's choice of sending these young offenders to institutions reporting to the Ministry of Health and Social Services illustrates its policy in this area, the ultimate goal being medium and long term rehabilitation rather than a repression oriented panacea which would probably only protect society in the short term''.

That is how things are done in Quebec. I can already hear Reform members accuse us of being too soft and encouraging juvenile delinquency. They should know that the juvenile delinquency rate in Quebec is the second lowest in all of Canada. If passed, Bill C–37 would disrupt all Quebec institutions now focused on rehabilitation.

Extending sentences for murder would mobilize rehabilitation resources for longer periods. Quebec institutions will focus more on protecting society by putting young offenders away instead of rehabilitating them. On the other hand, youth court trial applications by 16 and 17–year–olds who have committed violent crimes and appeals of decisions to dismiss such applications will result in additional delays, during which the young person will be held temporarily in a rehabilitation centre. This is compounded by the delays caused by holding a trial before judge and jury.

Did the Minister of Justice try to find out if institutional resources are prepared to accommodate these new clients? I remind him that Quebec has chosen to place these young people in the care of the protection and rehabilitation system. Quebec's Youth Protection Act is a model piece of legislation which reflects a forward looking policy and should be copied by the other provinces. This approach was favoured long before the federal Young Offenders Act was implemented. The rehabilitation centre network took over the facilities used as youth correctional centres a long time ago.

Today, the Minister of Justice is bluntly asking Quebec to change its policy. He is asking Quebec to backtrack and convert these rehabilitation centres into ordinary prisons.

(1305)

Quebec uses a different approach and methods. Convincing results show that we are on the right track and should be held up as an example. Faced with a complex problem, we opted for a multidisciplinary approach and methods that have proven effective. All in all, the Minister of Justice should have had a better look at the Quebec experience before proposing his reform.

* * *

[*English*]

BUSINESS OF THE HOUSE

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I think you will find consent in the House for the following motion:

> That, notwithstanding the Order made February 16, 1995, during the proceedings in the Chamber on February 23, 1995, two television cameras, one operated by American networks and one operated by Canadian networks, shall be permitted on the floor of the House in locations below the Bar of the House, as directed by the Sergeant–at–Arms.

(Motion agreed to.)

* * *

YOUNG OFFENDERS ACT

The House resumed consideration of the motion that Bill C–37, an act to amend the Young Offenders Act and the Criminal Code, be read the third time and passed.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, I am pleased to participate in third reading of Bill C–37.

I begin by saying unequivocally that I am opposed to the bill because it does absolutely nothing to address the causes of rising criminal activity among the youth of our country. It does nothing to protect our sons and our daughters from the vicious attacks launched by their peers in school yards and on our streets. It does not expand the Young Offenders Act to include 10 and 11 year olds. It does not mandate the raising of 16 and 17 year olds to adult court, except through the reverse onus proposition that I will address later. Its disclosure clause is insufficient to provide members of the public with the information they need to protect themselves from violent young offenders, including sex offenders that reside within our society.

The young faces in Canada's courts and jails are like masks. They hide society's ugliest scars: poverty, drug and alcohol

addiction, sexual abuse, physical abuse, neglect, learning disabilities, fetal alcohol syndrome, racial and sexual discrimination.

I am sympathetic to the many social adversities that confront the young people of the country. However it is not the role of the justice system to address what lies beneath these veils. It is not within the boundaries of justice to treat the social problems that are the root cause of crime.

I believe this government and past governments have tried to mould the justice system to deal with the causes of crime. They have tried to make the system address factors it was never designed to deal with and they have tried to fool Canadians into believing this can be achieved.

The justice system cannot prevent dysfunctional families. The justice system cannot reverse the ever increasing high level of taxation. It cannot change the fact that 50 cents out of every dollar earned by a mother or father is taken by various levels of government. It cannot stop the unacceptable level of unemployment. The justice system cannot prevent the negative aspects of society that lead to crime.

The areas where these factors must be addressed are the same areas that are responsible for creating them: poverty, a lack of money to meet the cost of living. This exists when a person is unemployed or underemployed. This falls within the human resources development minister's area. Providing Canadians with better employment prospects will help alleviate poverty. We all know how successful the minister has been in this regard with his social policy reforms.

Taxation, the single most debilitating financial factor in the country, falls squarely on the shoulders of the Minister of National Revenue, while economic conditions such as interest rates, the falling dollar and the ballooning deficit that continue to pressure Canada are responsibilities of the Minister of Finance.

(1310)

The greatest threat to the economic stability of the family is the unrestrained power of governments to tax away the wealth of the individual. This has been going on at an enormous rate over the last 25 years.

The Minister of Health has on her plate responsibility for dealing with the problems of alcoholism and drug abuse which destroy families and greatly affect our youth. Provisions for social services and programs designed to provide counselling for families and youth remain within provincial jurisdiction.

These ministries are responsible for dealing with the negative aspects of society, the root causes of crime. The objective of the justice system is the protection of society. The justice system was designed for one purpose and one purpose only: to protect society against those individuals who move toward a life of crime.

It was designed to protect Canadians from people who lack self–discipline and respect for others. This objective can only be met through deterrence and the application of just penalties. Deterrence means ensuring penalties or the consequences of criminal behaviour are sufficient to thwart criminal activity. When crime occurs the justice system must provide penalties proportional to the offence which will protect innocent individuals within society.

The attempts by the social engineers over the last 20 years to create a dual animal of some sort within the justice system has created a sieve. It has corrupted the justice system to the point where the rights of the criminal supersede the rights of the victim, where there is absurdly light sentencing, out of touch judges, easy parole, deportation orders that are an utter joke, and an absolutely ludicrous belief that murderers should not have to serve their full life sentence.

This two–tier animal fostered by a bleeding heart mentality has led to the demise of the traditional justice system whereby it is no longer protecting the lives and the property of Canadian citizens.

It is very apparent that Bill C–37 does not move to discard this problem. In fact it reinforces its foundation rooted in the parent act, the Young Offenders Act. The first clause of Bill C–37 reads:

> (a) crime prevention is essential to the long–term protection of society and requires addressing the underlying causes of crime by young persons and developing multi–disciplinary approaches to identifying and effectively responding to children and young persons at risk of committing offending behaviour in the future;

Bill C–37, as is the Young Offenders Act, is the product of an attitude that criminals are not bad people, that they are all victims of poverty and a ruthless, competitive society who do not require punishment but the infinite application of some mysterious panacea that has never been found or defined.

The remedies are not defined within Bill C–37 as they are not defined within the confines of other justice bills. Both the causes and the treatment of criminal behaviour are beyond the scope of justice.

A counsellor and youth worker in the youth correctional system of Quebec and Alberta has provided profiles of the young offender who came under his care. He said that the kids came from homes where one or both of their natural parents did not want to have them around. Many came from single parent families, women on welfare or working at low wage jobs who lost control of their children. Many were brought up by grandparents, uncles, aunts or foster parents.

Common to all these histories was the impression that the young inmates were raised in homes that were emotional junk yards with fighting, screaming, drunkenness or drug abuse,

violence and neglect. ''Definitely'', the author says, ''not a warm and fuzzy place''.

These kids grew up angry. No matter how tough, no matter how lenient, no matter what their rehabilitative efforts may be, the Young Offenders Act and likewise Bill C–37 cannot change the hostile environment that bred many of our young offenders. That environment can only be changed by powers that fall outside the justice system.

The government can move against the influences in society that attack the moral fibre of our youth, influences such as pornography. We have in Canada peep shows where adults go into a room for a fee and watch naked women dancing and gyrating through a peep hole. We have naked dancing and lap dancing in bars where our daughters are enticed into so–called occupations that contribute to moral decline.

I quote from a letter I received from one of my constituents. ''Last night'', he states, which was October 15, 1994, ''I went to pick up my daughter and turned on CBC radio. Usually the program 'Ideas' is on. The show was about female ejaculation. In the five minutes I listened to it before picking up my daughter, a woman was describing self–stimulation in front of mirrors and how exciting it was to ejaculate in front of the mirrors''.

(1315)

The government can do something about this kind of thing and I ask that it do so. I ask the justice minister and the minister of culture to look into this particular radio broadcast. If these facts are accurate, as I have been assured they are, those responsible should be disciplined and this type of broadcasting should be eliminated from the CBC, which is financed by the taxpayers.

These are areas the government can do something about. Yet members across the way refuse to act in these areas that attack the moral fibre of our society, particularly our youth.

Until the negative aspects of society that breed delinquent behaviour are addressed, this pretence that the Minister of Justice is getting tough on crime will continue. I suggest it is only a pretence. Until the minister moves to eliminate those areas within the Criminal Code that facilitate violence, the pretence will remain.

If the minister is serious about getting tough on crime, why does he not amend the legislation that allows a statutory release of violent offenders such as Mr. Auger, who is the prime suspect in the murder of Melanie Carpenter, after serving only two–thirds of their sentence? Why not move to stop that type of release of violent offenders into society? The members of the parole system advised those in charge that Mr. Auger was still dangerous and would likely offend again.

Why does the minister not act? He could move quickly to plug that loophole. He would certainly have the support of the members within the Reform Party caucus. Why did the Minister of Justice vote against the private member's bill eliminating section 745 of the Criminal Code which gives murderers an opportunity for early parole?

Why is he voting in favour of the criminal and against a safer society? Will the Minister of Justice change his vote on this bill if he is serious about getting tough on crime? I ask all members of the House, what do they believe is a fair and just penalty for the premeditated murder of an innocent person such as Melanie Carpenter?

I can support portions of this bill. The minister has obviously been listening, if only somewhat, to the thousands of Canadians who have demanded toughening of the Young Offenders Act. Although I believe that many Canadians were looking for significant change, as were we in the Reform Party, not what we consider to be a charade.

The amendments contained in Bill C–37 are not significant. They are nothing more than a pretence that the minister is dealing with the problem at hand. I believe that people like Stu Garrioch, the father of a boy who was stabbed in the stomach with a hunting knife by a 15–year–old and the 195,000 people who signed his petition want to see major reform, not mere tinkering and amending.

The same could be said for Donna Cadman, whose 16–year old son was fatally stabbed by another youth on a street corner in Surrey in 1992. She is asking that all violent offenders be tried in adult court. We ask the same.

Yvette Steck, a 27–year old housewife in Fort St. John, B.C., has been pushing her community to call for a registry of sex offenders. She was motivated by the revelation that she had been leaving her seven–year old daughter at a neighbour's home where a convicted child molester was staying. On a petition demanding that molesters lose their right to privacy after victimizing a child, Mrs. Steck collected 6,500 signatures.

An estimated 10,000 people demonstrated on Parliament Hill on September 24, 1994 calling for crime control, not gun control. On September 25, 1994, 3,000 people marched in a rally alongside Bob Niven, whose 31–year old son was beaten to death by two teens, demanding tough reform of the Young Offenders Act.

(1320)

In November last year 1,500 people converged on the lawns of Parliament Hill. They came out of respect for Anne–Marie Bloskie of Barry's Bay, whose skull was smashed after being sexually assaulted by a 17–year–old. They came out of respect for Melaine Deroches who was beaten to death with a wrench in Kemptville by a 14–year old classmate, for Marwan Harb, the Hull teenager who was stabbed to death during an after school

rumble with three teens, and for Nicholas Battersby who was shot on Elgin Street.

They came to mark the fifth birthday of the late Joshua Baillie, a young accident victim struck dead by a youth out joy riding in a stolen van. They came out to say: ''Enough is enough. We want significant change, not just tinkering and mere amendments''.

The boy who sexually assaulted and murdered Ann–Marie earned three years in jail. Melaine's killer received a three–year term in youth custody. Young, innocent Joshua's assassin, after pleading guilty to criminal negligence, got one year in custody plus one year probation.

A couple of weeks ago 3,000 people from B.C. mourned the death of Melanie Carpenter and thousands more people are rallying around a campaign organized by the Carpenter family demanding reform of the criminal justice system.

Bill C–37 is a half–hearted attempt to address the concerns of Canadians. This bill, although propelled by the grassroots and not the ivory towers of this nation, does not meet the needs of Canadians. Why has the the minister not been consistent in his adherence to the wishes of Canadians? Where are all the petitions containing thousands of signatures?

Where have all the protests been held calling for the registration of rifles and shotguns? How many people marched on Parliament demanding an outright ban on handguns? I have not seen them.

I have travelled throughout the west and northern Ontario. My colleagues have been in the east. We have witnessed gathering upon gathering of thousands of people. We have in our possession petitions from every part of Canada containing thousands of signatures protesting the minister's decision to compel law–abiding citizens to register their rifles and shotguns. Yet on and forward goes the minister.

The minister is inconsistent in his adherence to the wishes of Canadians. He is also inconsistent in his approach to criminal justice. Although he has moved to increase sentencing in relation to gun offences, he was reluctant to increase sentences for youth criminal offences.

I commend the justice minister for increasing the penalty for murder from five to ten years for young offenders. However, how does he equate 10 years for murder with the same penalty of 10 years for deliberately neglecting to register a rifle or shotgun? Does this make sense? Is this fair and reasonable? What do the inconsistencies in this type of legislation do to further attack the credibility of the present justice system?

During the 1993 election campaign I heard constituents in my riding expressing concerns about the prevalence of crime, particularly about youth crime. Every day I receive letters asking for our help in restoring some sense of sanity to a justice system that seems to have run amok.

I hear about the deficit and the debt and the runaway taxes imposed by previous governments. I hear about the mounting cynicism toward politicians, particularly those at the federal level.

During the campaign people in my riding revealed that they felt betrayed. The imposition of the much hated GST and wasteful spending habits were at the root of their cynicism prior to the 1993 campaign. Today it is the result of a lack of substantive action on the part of the Liberal government.

During the campaign I did not hear one person, nor do I today hear people expressing concern that we do not have enough firearms control. In fact the *Maclean's* Decima poll indicated only 5 per cent of Canadians felt violent crime was due to a lack of sufficient and adequate gun control measures. However, I did hear and continue to hear that people are concerned about their safety. They are worried about the alarming rate of youth crime, particularly violent crime.

Bill C–37 is not the answer for the rising rate of crime among our youth. The answer is a complete review, an overhaul of the Young Offenders Act with a goal of restoring the traditional role of justice to our system.

Reform wants a number of amendments to the Young Offenders Act which in the absence of a complete review will be the only way to satisfy us that the protection of society will prevail. We have requested that the Young Offenders Act cover youth aged 10 to 15 inclusively rather than 12 to 17 which currently is the case.

(1325)

I am sure members are aware that the criminal justice system cannot hold accountable youth aged 10 and 11 years for any of the crimes they might commit. That is unacceptable. We believe that there are too many 10 and 11 year olds committing crimes for which the police cannot charge nor prosecute them. As for older offenders we believe that youths age 16 and 17 are old enough to assume full responsibility for their crimes and should in all cases and in particular in the case of violent offences be tried as adults.

Under Bill C–37 the justice minister has proposed that 16 and 17 year old youths who are charged with murder, attempted murder, manslaughter, aggravated sexual assault, and aggravated assault be tried in adult court unless an application is granted for the youth's case to be heard in youth court. The onus is now on the young offender to demonstrate why he or she should not be tried in adult court and the court will have the discretion to accept or reject the application.

This amendment creates a hearing within a hearing. It will cause delays and add to the backlog of cases currently before the courts. It will be more costly. We reject the suggestion and the amendment.

The Reform Party had proposed increased sentencing. Therefore I support the provisions contained in Bill C–37 to have sentences for first degree murder increased from five to ten years. We had also recommended that amendments to the Young Offenders Act include permission to publish the names of young offenders who have been convicted of any offence involving the use of violence, who contravene any narcotic control act or food and drug act or who have been convicted previously of any two offences.

Bill C–37 has failed to provide this amendment. It is perhaps the greatest failing of the bill. I firmly believe that the publication of the names of young offenders is essential for the protection of Canada's innocent children.

For example, a school principal may not know that one of his students has been convicted numerous times for drug trafficking. A parent may not know that his child is associating with a offender convicted of a series of rapes. The young man next door who has been entrusted to babysit children could be another Jason Gamache.

Who should we be protecting, the vast majority of Canadians who are law–abiding, hard–working, caring people who will continue to be the building blocks for a productive society or the local high school's drug dealer and unknown rapist in the neighbourhood? I do not think that is a hard question to answer. Undoubtedly it is these offenders who must be made known to society.

We are not talking about the youth who makes a small mistake and comes in contact with the justice system on a single occasion. The best interest of the public may not be served by publishing the details. We propose and firmly believe that in order to make community protection the number one priority, the publishing of violent young offenders' names must not be prevented by law as it is today and continued in Bill C–37.

A successful justice system cannot have as its base the withholding and concealment of the truth. The names of victims and the horrific details of the crimes perpetrated on them are open to public scrutiny but the names of the offenders remain a state secret. The young faces in Canada's courts and jails are the masks that hide society's ugliest scars, scars that will fester if they are not exposed.

The Reform Party on behalf of our many constituents has asked the government to establish a registry of child sex abusers. The government has provided its typical response to a request of this nature. It knows there is a problem. It knows that Canadians want something done about it. It has promised to study the issue and consult the proper authorities. In other words, the government is dragging its feet and in the meantime children will continue to be sexually abused and violently attacked by repeat offenders that the government is guilty of protecting by refusing the public the information it needs to protect our children and our society from these perpetrators.

In an effort to understand the need for a child registry Health Canada, Justice Canada and the Ministry of the Solicitor General commissioned a study. The federal ad hoc interdepartmental working group on information systems on child sex offenders prepared a discussion paper.

What was the conclusion of that study? We need another study and we need further consultation. Also contained in that paper is information which clearly indicates both the need for a child registry and for the publishing of young offenders' names.

(1330)

The report states: ''Statistics compiled on all violent crime committed against children in Canada indicate that young offenders, those aged 12 to 17, account for approximately 23 per cent of all accused offenders. Further information indicates that from 17 to 29 per cent of those accused of child sexual abuse are under the age of 18''.

It is important to note that this same age group only represents 7.9 per cent of the Canadian population. The report states that studies have repeatedly indicated that sex offenders have one of the highest rates of recidivism of any criminal group, with an estimated 40 per cent reoffending within five years of release. Furthermore, research examining the effectiveness of offender treatment programs has shown limited results.

Did the Minister of Justice not read the report of the federal ad hoc group? If he had, he would know that sex offenders reoffend. If he could do simple calculations he would know from the stats that between 17 and 29 per cent of sex offences in Canada are committed by young offenders. If 40 per cent of that 17 to 29 per cent reoffend, sadistic acts will continue to be committed against the most innocent and vulnerable members of our society. And the government could have prevented this by releasing their names to society. If they had read their own report and acted immediately on its findings, unspeakable acts on our children could have been thwarted.

Bill C–37 does not undertake to protect our children from the Jason Gaumaches of this world. It does not protect us from the faceless, nameless individuals poised behind the mask of adolescence.

Furthermore, the weight is still balanced in favour of the young offender in this country. The protection of society, the

protection of our children, is still outweighed by the so–called rights of violent and delinquent young Canadians.

All we are asking is that the scales be evened out, that the rights of the victims, the rights of our children be given priority. We ask that the protection of society outweigh the protection of violent young offenders who have no respect for the lives and rights of others.

All we are asking is that the Minister of Justice listen to the people of Canada; listen to the mothers and fathers whose children have been taken from them at such an early age; listen to the grassroots of this country, not those in the ivory tower who are immune to what is really going on at ground level.

I can only support legislation that finds its roots with the people or that can be substantiated by fact, not personal agendas. In closing, I reiterate my opening remarks. I cannot support Bill C–37. I will only support legislation that meets the objective of justice: the protection of society.

The Acting Speaker (Mr. Kilger): We will now move to the next stage of debate. During the next five hours members will be entitled to interventions of 20 minutes subject to 10 minutes of questions or comments.

Mr. Derek Wells (South Shore, Lib.): I rise today to speak in favour of the amendments to the Young Offenders Act put forward by the Minister of Justice and confirmed by the report of the Standing Committee on Justice and Legal Affairs as tabled in this House on December 8.

First of all, I can state that I consider the minister's two–part strategy to reform the youth justice system to be an appropriate response to the problems of youth crime.

As a lawyer and as someone who has worked with youth for many years and also as a parent, I do not support the hard line argument that a weak Young Offenders Act is leading today's youth to commit more and more crimes. I acknowledge that the act has shortcomings but I am satisfied that the amendments in Bill C–37 will begin to close the gaps, increase rehabilitation and improve public safety.

While I support the need for changes in the Young Offenders Act, I consider it imperative that any changes be based on the best available knowledge rather than on public fear and anger or on the widely held myth that harsher punishments are what is needed to bring most youth crimes and violence under control.

I believe that most criminal behaviour stems from sociological factors. I am therefore pleased that phase two, the parliamentary review of the Young Offenders Act, will include a study of the alternatives to legislative responses to youth crime. If we can prevent youth crime by gaining an understanding of the underlying causes of criminal behaviour and tackling these causes, then I think it will be proven that the Young Offenders Act is an effective tool of the justice system.

Rehabilitation should be the ultimate goal of any legislation dealing with youth crime. The act as it now stands is somewhat lacking in this area but I feel that the changes proposed in Bill C–37 will begin to address this deficiency. This legislation is an indication that the rehabilitative needs of young people are being seen in relation to the need to address issues related to public safety. I would like now to comment on the various components of Bill C–37.

(1335)

The bill proposes two major changes to the act's declaration of principles which I feel set a more appropriate tone for its interpretation in court. This is achieved by acknowledging two truths: one, that crime prevention is essential to the long term protection of society; and two, that there is a relationship between the protection, society and the rehabilitation of offenders.

Bill C–37 proposes an increase in the maximum penalty for first degree and second degree murder to 10 and 7 years respectively. This is an important change. In fact I would support a further increase in these maximums for this most terrible of crimes.

The proposed change to the act which requires 16 and 17 year old youths charged with specified serious crimes involving violence to be tried in adult court is a significant departure from the current system of treating all youth between the ages of 14 and 17 the same way. This will ensure a more appropriate response to each young offender's transgression. For those who have to go through the process of showing the judge why they should be tried in youth court, this amendment will ensure that they are left with a clear understanding of the seriousness of the charge and the consequences of their violent action.

Section 16 of the act specifies the criteria to be considered by the youth court in making these transfer decisions. I would like to quote them because they are important. The criteria include: the alleged offence, the age, the character and criminal record of the young person, the availability of treatment in either system—that is a very important criterion—and any other factors considered relevant by the court.

In making transfer decisions, youth courts must consider both the protection of the public and the rehabilitation of the young person. Where the two objectives are irreconcilable, protection of the public is to be paramount. The young person must then be proceeded against in adult court.

There have been a lot of discussions on this change. People have raised the argument that this will be set aside on a charter argument in time. I guess we will have to wait and see on that. For certain, there is a reverse onus. We acknowledge there is a reverse onus.

Some people may have difficulty with that but I agree with it. Some people suggest there is a presumption of guilt built into this, that the young offender is presumed guilty. I reject that argument. I do not feel there is a presumption of guilt built into this section.

On balance I feel this change is good. It is appropriate. Let us not forget that it deals with only the four most serious crimes: murder, attempted murder, manslaughter and aggravated sexual assault.

The amendment which allows for victim impact statements to be made in court meets the strong demand of victims to be a part of the criminal justice process.

Two other important amendments are the changes to the record provisions of the act and the improvement of information sharing within the youth justice system. The general public and young offenders will both benefit from an increased level of co–operation among the various professionals who work with young people in the community.

The proposal that allows a judge to impose conditional probation at any time it is deemed necessary for the benefit of the youth or for the protection of the public is another amendment which should meet the demands of those concerned with public safety and those in favour of rehabilitation for young offenders. The same can be said for the change that will authorize the courts to request psychological and medical assessment of chronic and serious young offenders.

As a person in favour of measures to improve the chances of rehabilitation, I find the proposal encouraging the consideration of alternatives to custody for less serious crimes an important one. Many experts report that closed custody is the most expensive and least effective way of dealing with less violent forms of delinquency. This change responds to research which shows that non–violent young people do better when they are treated in the community away from more serious and violent young offenders. It also recognizes the widely held belief that custody often undermines rehabilitation.

(1340)

By allowing for any number of alternatives to be considered, the youth system will be able to identify the most effective way of dealing with each individual offender. As well, it forces young offenders to take an active responsibility for their actions. This change is an important one because ultimately rehabilitation improves public safety.

As I stated earlier, I am satisfied that the proposed changes to the Young Offenders Act are appropriate. Most of the amendments demonstrate an underlying concern with protecting the public while allowing for the necessary conditions to encourage rehabilitation.

The Young Offenders Act is based on the premise that youth should be held responsible for their illegal actions but that young people have special needs as they develop and mature. It is therefore a balance between the need to protect the public and the need to assist young persons in conflict with the law to develop into productive law–abiding adults. The proposed amendments maintain this critical balance.

In addition to the changes I have discussed, I believe that the findings of the widespread review being conducted by the Standing Committee on Justice and Legal Affairs will be important to the development of a co–ordinated long term response to the general problem of crime in Canada.

Legislation is only one part of the solution however. It is becoming increasingly apparent that until we are able to effectively address the issues of poverty, alcoholism, family violence, abuse, racism and illiteracy just to name a few, our legislative efforts at reducing youth crime will continue to be deemed as insufficient.

In his presentation to the Standing Committee on Justice and Legal Affairs, Dr. Alan Leschied, assistant director of the London Family Court Clinic, confirmed this research by citing four major predicators as to why kids commit crime. First, he noted it has something to do with the nature of families and how we in our society function as families. Second, it reflects the impact and nature of friendships and peer influence. Third, it has something to do with how we develop certain attitudes that justify anti–social actions. Fourth, it can also have a lot to do with substance abuse.

Research has proven that there are reasonable links between crime prevention and the proper care of children. Youth who turn to criminal activity often come from an environment where poverty, neglect, substance abuse, physical abuse and unemployment are the norm. It goes without saying that the more positive influences that are present, the better.

While Dr. Leschied expressed his opinion that there is no cure for crime, he noted there are solutions that will reduce the incidents of youth crime.

For instance, a solid relationship with caring adults has been shown to deter children from developing anti–social behaviour. Therefore, where possible as a society we must ensure that youth are raised in a supportive environment. Where this is not possible we must work to ensure that there are adequate support networks to assist youths and their families.

High quality day care and an adequate education can also have a significant impact on behaviour. In addition to providing a solid basis for the future, schools can also play an important role in crime prevention by, among other things, teaching young people about the legal system; encouraging the development of social skills, including responsibility, tolerance and respect for others; teaching methods of conflict resolution; including

anti–racism programs in the curriculum; and early identification of and intervention for those with serious problems.

(1345)

As well, it may be more appropriate for those children who grow up in homes where violence, drug or alcohol abuse or emotional and mental problems are prevalent to be dealt with by the mental health system rather than the justice system. It is clear to me that in most cases it is only when all the support systems fail that the justice system is forced to respond to youth who have committed a criminal offence.

Therefore we should be focusing our efforts on improving the effectiveness of these services. I am hopeful that the results of phase two will support this argument.

For those who feel that the amendments introduced in Bill C–37 do not go far enough, I would like to quote from an editorial which recently appeared in the *Chronicle Herald*, a local newspaper in Halifax, Nova Scotia: ''We should be careful not to equate our wishes for teenagers to have more respect for people and property with shortcomings in the Young Offenders Act or the criminal justice system. Reform of the act is not a panacea for the apparent discipline problem of our youth. Fundamental social and family problems put children in court''.

Before concluding, there seems to be some misunderstanding of what the Young Offenders Act is supposed to do and perhaps some misunderstanding of what the amendments propose. In the few remaining minutes I would like to set out again for the record the major elements of the act.

There are amendments to provide that 16 and 17 year olds charged with specified serious crimes involving violence will be proceeded against in adult court unless the youth court orders that they be proceeded against in youth court. There are amendments to increase the sentences in youth court for young persons convicted of murder. There are amendments to increase the period of time that 16 and 17 year olds convicted of murder in adult court must serve before becoming eligible to apply for parole.

There are amendments that provide that young offenders should be accountable to their victims and to the public through non–custodial dispositions where appropriate. There are amendments to provide that the records of young persons convicted of specified serious offences will be retained for longer periods and that records for young persons convicted of minor offences will be retained for shorter periods. There are amendments to provide for greater sharing of information relating to young offenders with persons who require such information for safety reasons.

There is always a fine balance when trying to determine what is best for society and what is best for the individual. Every piece of legislation does not get it right every time. This, like any criminal justice legislation, is evolving. It continues to be reviewed. It has to be reviewed on a regular basis.

I feel that these amendments address some of the very real issues in front of the public today. The general public has been asking for changes and I believe the government has responded. It has responded in a reasonable way and it has listened to people who work with youth.

On a number of occasions I attended the committee hearings. The committee had experts attend to give evidence and it had experts that worked with youth on a regular basis. They were people who understand the system, who understand the youth justice system and who understand what is required for rehabilitation. I believe that to a large extent, although not in every instance, what is incorporated into this legislation reflects what the committee heard from the experts who appeared before it.

(1350)

The quote I used earlier states my position and the government's position very clearly. We should be careful not to equate our wish for teenagers to have more respect for people and property with shortcomings in the Young Offenders Act or the criminal justice system. I believe that is a truism. I believe it strongly and I fully support the amendments put forth in Bill C–37.

Mr. Ian McClelland (Edmonton Southwest, Ref.): Mr. Speaker, I listened to the dissertation by the hon. member for South Shore. As I was listening to the hon. member, I was struck with the fact that there is an inconsistency between the sentencing aspects of young offenders under the provisions of Bill C–37 and the sentencing provisions under Bill C–41, another government bill having to do with sentencing circles for aboriginal Canadians.

The idea under the Young Offenders Act is that the anonymity of the young offender is the watch word of the whole thing. Once the young offender makes a mistake or does not make a mistake but does something very deliberate, creating an offence of significant magnitude against someone else, the whole idea is that we have to somehow make sure we can save this young offender from recidivism, making sure we get them started on the right track.

That is great. It is a good idea. It is motherhood and apple pie. The problem is that it demands almost total anonymity. The young offender's neighbours cannot be informed of the offence. The newspapers cannot be informed of the offence.

At the same time we have sentencing circles requiring positive peer pressure. We would return someone to their community so their sentence would be handed down by their elders. They would have to face members of the community they have injured or disgraced.

We have the whole notion of the principle that motivates human beings. Is it recognition and reputation or shame and disgrace? On one side under Bill C–37 we have complete anonymity. On the other side we have peer pressure, the opposite of anonymity. I wonder if the hon. member for South Shore would comment on this inconsistency and tell the House and Canadians how sentencing circles which would require peer pressure from the community could work for aboriginal Canadians, while non–aborignal Canadians are expected to change their ways in complete anonymity.

Mr. Wells: Mr. Speaker, I do not propose to comment on Bill C–41. I will comment on the provisions of Bill C–37.

What I said earlier applies. We have to find the balance. We are dealing with young offenders. We are dealing with people of a tender age, if we can use that worn expression. I do see some benefit if we are dealing with the four most serious offences that we are now treating differently for 16 and 17 year olds.

I would consider engaging in some discussion on those types of offences at that age of individual, to look at perhaps publishing the names even if the youth court decided they would remain in youth court. There is some discussion that could be had on the point that perhaps peer pressure could be brought to bear. There are some advantages in school principals and others knowing who these people are. I think that is the point being made.

I do not suggest for a minute that some of the points are not good points. I am suggesting that some of the flaws or concerns we had originally with the Young Offenders Act have been addressed in this bill.

There is phase two. We are going to go forward with a further review of the act. Suggestions you have of that nature have some merit. I would not hesitate at all to discuss the pros and cons, recognizing at the end of the day that perhaps everything you want and everything I want we may not get.

(1355)

The Acting Speaker (Mr. Kilger): I hesitate the interrupt the member for South Shore but I think it is worthy to remind ourselves not to get into a dialogue between two members of the House when we are all participating. All interventions are to be directed through the Chair.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, there are a couple of comments I would like to make with regard to what the member has said. I would like to get his comments back.

The government seems to be quite pleased with the idea that 16 and 17 year olds are going to be charged in adult court. Then it has thrown in a little extra clause which says unless it can be proven by the defendant that it would be more beneficial for them to be in juvenile court.

To me that means that every 16 and 17 year old who gets charged as an adult will appeal and want to be charged as a youth. I would not blame them for wanting to do that. That means more court time and more nice little jobs for lawyers to take on to help fill their pockets a little more and it does not change anything. Now we are charging the youth and if they feel they ought to be in adult court, then we have court trials to fight for that. I do not see where that has changed anything. Either 16 or 17 years old are in adult court or they are not. I cannot believe the government would come out with that kind of wishy–washy legislation.

I really wonder why so many members from the justice department are constantly concentrating on the social aspect of problems. We have a social department. I want to see good prevention programs. I want to see good rehabilitation. I want to see all the things that these people want to see, but the justice department does not want to address the part called justice. It continually wants to talk about low income families, the poor mistreated child, the victims of society. It does not address the justice part. Victims of this country are so anxiously awaiting to hear what we are going to do in terms of justice. I have not heard that yet.

The Speaker: Before I give the floor to the member for South Shore, I think we are close enough to two o'clock now for Statements by Members. I wonder if the member for South Shore could think about his response and as soon as question period is over I will return to him.

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*]

STEPHANIE RICKARD

Mr. Andy Mitchell (Parry Sound—Muskoka, Lib.): Mr. Speaker, I rise in the House today to recognize one of my constituents, Stephanie Rickard of Bracebridge. Stephanie is one of 25 Ontario youth selected to participate in the 1995–96 Canada World Youth Program.

Canada World Youth is a Canadian non–profit organization which operates youth exchanges between Canada and the developing countries of Asia, Africa, Latin America and the Caribbean. Since its creation in 1971 over 42 exchange countries have been involved with a total of over 15,000 young people from Canada and exchange countries participating.

This year's program for Stephanie will run for a seven–month period with Egypt. She will spend the first half of the experience in Nova Scotia with 20 other Canadians and 21 young people from Egypt. From there the group will depart on the second half of their experience to Egypt where they will enjoy a reciprocal experience with their Egyptian host families.

I wish Stephanie and the other World Youth Program participants well as they embark on the experience of a lifetime.

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[*Translation*]

COLLÈGE MILITAIRE ROYAL DE SAINT–JEAN

Mr. Claude Bachand (Saint–Jean, BQ): Mr. Speaker, having committed a blatant injustice by closing down the college in Saint–Jean, the only French–language military college, the Minister of Intergovernmental Affairs is now adding insult to injury.

How can the minister claim to be doing Saint–Jean a favour by giving it the same compensation as Royal Roads Military College in Victoria, that is to say $25 million over five years, when the school population, operating budget and facilities at Saint–Jean were twice that of Royal Roads?

As he crows about a few jobs saved, the minister is overlooking the 175 jobs cut in the last budget. As we say in French, we just saved the furniture in Saint–Jean.

* * *

[*English*]

MEMBERS OF PARLIAMENT PENSIONS

Ms. Margaret Bridgman (Surrey North, Ref.): Mr. Speaker, it has been reported that the Liberal cabinet is ready to reform MP pensions.

While these reported changes do not go as far as Reformers would like, they are a little nudge in the right direction. We in this House must be mindful of the anger that this topic causes with Canadians.

Vancouver *Sun* columnist Barbara Yaffe wrote a column asking people to express their opinions on this issue. The response within 10 days was 12,000 letters from people fed up with politicians raising taxes and cutting services for ordinary Canadians while at the same time leaving their own perks and pensions untouched.

In a time of fiscal restraint and budget cutbacks, Canadians rightfully expect their representatives to show fiscal leadership by tightening their own belts.

I ask all members of this House, regardless of their political stripe, to make and accept the necessary changes to bring MP pension plans in line with those of other Canadians.

[*Translation*]

CONTRACTING OUT

Mr. Eugène Bellemare (Carleton—Gloucester, Lib.): Mr. Speaker, the government operations committee of which I am a vice–chairman has been reviewing contracting out practices for over six months.

[*English*]

The previous government's bias toward wholesale contracting for services within the public service has led to little accountability as to numbers or quality of the shadow public service. The committee continues to be frustrated by the lack of data and costing.

The $5.2 billion for contracting services in 1993 is but a guestimate and could well be twice this amount. It is my belief that the government should restrain this practice so that public service employees not lose their jobs while the shadow public service continues to grow and prosper out of control.

* * *

TRIAL PROCEEDINGS

Mr. Walt Lastewka (St. Catharines, Lib.): Mr. Speaker, I want to congratulate the daily newspaper in my riding, the St. Catharines *Standard*, on its editorial calling for the media to examine the moral question of how visual evidence should be reported at the Paul Bernardo trial.

The editorial states:

> Does the public have a right to know every single detail of evidence that will be presented during the trial? In principle, in defence of freedom of the press, the answer must be yes. But does the public need to know every gory detail? The answer surely is no, so long as the public is assured that such evidence has been seen and weighed by the judge and the jury of 12 who will represent us all in deciding the case.
>
> While the media may have an obligation to inform the public, there is surely also a duty to respect the dignity of the victims and of the victims' family, neighbours and friends.

Canadians must ensure that the media coverage is handled in an appropriate and respectful way; in short, in a Canadian way.

* * *

SMALL BUSINESS

Mr. Sarkis Assadourian (Don Valley North, Lib.): Mr. Speaker, I would like to recognize and applaud the aggressive approach the city of North York is taking in establishing the North York Small Business Centre.

Canadians realize that the small business sector now accounts for over half of all private sector employment. They understand, as this government does, that the impact of small business on the

Canadian economy is profound. Small business will be relied upon for economic growth and job creation.

This government promised to focus on a jobs and growth agenda. The Minister of Industry's plan calls for partnerships among all Canadians and their institutions—businesses, unions, professional associations, interest groups and governments—to facilitate and create jobs and growth in the private sector.

The North York Small Business Centre realizes that growing new businesses is important, that new business people need help in marketing themselves and simply need some encouragement.

I would like to pay tribute to Mr. Lincoln Allen, the executive director, and all of the centre's staff and wish them success.

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[*Translation*]

COPYRIGHT

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, in an attempt to boost his image before the Christmas holidays, the heritage minister announced with hoopla, on December 22, that the government planned to be reviewing the Copyright Act in the spring.

Last week, the 50 groups participating in the Canadian Conference of the Arts' cultural summit rejected government plans for gradual reform and demanded immediate action.

The minister's announcement does not help make the Copyright Act any less antiquated. The time has come for the government to be more specific about its plans with respect to the content of this bill.

(1405)

By refusing to subject the bill to a comprehensive review, the heritage minister clearly indicates his unwillingness to take on his industry colleague, as he was supposed to do. It is clear who the real sponsor of this legislation is.

* * *

[*English*]

PATRICK KELLY

Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.): Mr. Speaker, I rise to seek the justice minister's commitment to act in the case of former RCMP officer Patrick Kelly.

As I noted in this House last year, Mr. Kelly was convicted 11 years ago in the murder of his wife. The prosecution's key witness, Dawn Taber, came forward in 1993 and admitted that she had not witnessed the murder, contrary to her testimony almost ten years ago. Ms. Taber said last Wednesday: ''You cannot imagine what this has been like, to realize that what you have said has put a man in prison''.

I understand that the minister has a lot on his desk: amendments to the criminal code, constituents up in arms over firearms registration, as well as constituent concerns. However, when the Minister of Justice leaves his office at the end of the day a woman will be sitting at home wanting to clear her conscience and a man will be sitting in jail awaiting a new trial. Before another day passes I challenge the minister to start the process and give Mr. Kelly a chance to state his case fairly in a court of law.

* * *

WOMEN'S INSTITUTES

Mrs. Marlene Cowling (Dauphin—Swan River, Lib.): Mr. Speaker, yesterday, February 19, marked a very important day for rural women in Canada and around the world. It was on that date some 98 years ago that the women's institute was founded in Ontario by Mrs. Adelaide Hoodless, Mr. and Mrs. Erland Lee and 101 members.

Now associated women's institutes around the world provide nine million rural women in 70 countries with opportunities for personal growth, community service and equality.

As former national agriculture chair for the Federated Women's Institutes of Canada I know first hand the important work the women's institute does. Therefore, it gives me great pleasure to pay tribute to our founder, Mrs. Adelaide Hoodless, for her vision and to the countless women who throughout the years have worked tirelessly with the women's institute for the betterment of themselves, their families, their communities, their countries and the world.

* * *

KINSMEN AND KINETTE CLUBS

Mr. Murray Calder (Wellington—Grey—Dufferin—Simcoe, Lib.): Mr. Speaker, it is my pleasure to stand here today to extend my congratulations to the Kinsmen and Kinette Clubs of Canada on their 75th anniversary.

It is impossible to calculate the many direct and indirect contributions Kinsmen and Kinette members have made to their communities, provinces and Canada since 1920. However, we do know that in the past ten years Kin members have raised more than $220 million for community service work while donating countless hours of their own time to fundraising and service projects. More than 600 communities across the country have benefited from Kin initiatives.

They also have an impressive record of carrying out international development projects throughout the third world which have extended the Kin's commitment to serving the community's greatest need to include the world community.

On the 75th anniversary of Kinsmen and Kinettes they are to be congratulated on a job well done.

* * *

LONDON AND ST. THOMAS REAL ESTATE BOARD

Mrs. Sue Barnes (London West, Lib.): Mr. Speaker, the London and St. Thomas Real Estate Board has adopted an initiative which we should note and applaud.

Each of its 1,450 realtors will be contributing an amount of $5 per member per year until the year 2000. The money will be deposited into a special trust fund to accumulate and accrue interest. The invested money is expected to reach $50,000, at which time it will be given to the federal government to be applied to the national debt.

The board's president, Debbie Collins, believes it is the first private sector association to undertake such an initiative. It has challenged fellow realtors across the country to do the same. It is serious about reducing Canada's deficit and debt and feels it is a very pressing problem.

Individuals and organizations are starting to take this seriously and will work out strategies along with the government to cope with our fiscal reality.

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[*Translation*]

DAIRY INDUSTRY

Mr. Jean Landry (Lotbinière, BQ): Mr. Speaker, at a press conference this morning, the association representing Canada's 26,000 dairy producers made it very plain that they would not accept any concession on the part of the federal government in the present trade dispute between Canada and the United States over agricultural products. Their legal position is firm, and respects the new GATT agreements, as well as Canada's obligations under NAFTA.

The official opposition supports the agricultural producers of Canada and of Quebec and demands that the government immediately cease all discussions with the American government on this issue.

(1410)

Canada has nothing to negotiate. It must immediately take this dispute to a GATT or NAFTA panel, which will obviously rule in Canada's favour. If it does not do so, this government will sooner or later have to explain why it is trying so hard to trade away the interests of the agricultural producers of Quebec and of Canada.

[*English*]

JUSTICE

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I want to tell Canadians about a sterling record of incompetence of the justice system which released this offender on parole once and on mandatory release three times beginning in 1963:

Six thefts, one B and E, one weapons possession, one attempted robbery, escaped custody, two auto thefts, one possession of dangerous weapon, one assault, one theft and then another escape, one car theft, one possession of dangerous weapon, parole violation, contributing to juvenile delinquency, theft and escape from custody, B and E, theft over $200, mandatory release and mandatory release violation, common assault, mandatory release and mandatory release violation, assault and theft under $200, indecent assault and failure to appear, forcible confinement and two counts of buggery, mandatory release and release violation.

Two counts of sexual assault finally ended this litany of crime.

I wonder if the parole board would consider mandatory supervision one more time for this habitual criminal. Mr. Gibbs promised to clear up boondoggles such as this in the parole board.

We on this side of the House are watching and wish him well.

* * *

HERITAGE DAY

Mr. Rey D. Pagtakhan (Winnipeg North, Lib.): Mr. Speaker, today on Heritage Day we celebrate our unique Canadian culture, values and institutions, our shared identity.

Whether we were born here or came from across the oceans, whether we came earlier or later, together we have built this great nation.

From time to time the tentacles of disunity have threatened the virtue of national cohesion. Today Canadians are proud to live in a country that is number one in the world in quality of life, for we promote accommodation, not assimilation. We are idealistic, not ruggedly individualistic.

We pursue pleasure to enrich our lives, not simply to gain material wealth. We work to sustain peace, order and good government. We reject violence.

Today let us harness the strength of our unique nationhood. Let us preserve one geography, one national soul, and achieve one national dream for our youth of today and their children of tomorrow.

CROATIA

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, the Canada, Croatia and Bosnia–Hercegovina parliamentary group is pleased to be hosting a visit by a parliamentary delegation from the Republic of Croatia.

Members of the delegation include Dr. Zarko Domljan, Vice President of the Croatian House of Representatives; Dr. Franjo Greguric, former Prime Minister and member of the House of Representatives; Mr. Ivica Racan, Leader of the Social Democratic Party and member of the House of Representatives.

Over recent years Canadians have learned a great deal about Croatia. Last spring three colleagues from this House visited Croatia to learn about and assess developments there in the economy, administration and politics.

We are glad that Drs. Domljan and Greguric and Mr. Racan could be with us here this week. It is through these exchanges that legislators learn and share the thoughts and ideas which will guide our democracies to the common global goals of peace, security and prosperity.

* * *

PRESENCE IN THE GALLERY

The Speaker: Colleagues, perhaps now would be the appropriate time to introduce our three parliamentary brothers from Croatia who are today in our gallery.

* * *

TAXATION

Mr. Jim Abbott (Kootenay East, Ref.): Mr. Speaker, today the Liberal government is using a smoke screen of words referring to tax increases as making the system fair or having everyone pay their fair share. Canadians denounce this tactic. A classic example from last year's budget is the $100,000 lifetime capital gains exemption.

The Department of Finance and Revenue Canada are currently disadvantaging thousands, if not hundreds of thousands of senior citizens who depend on OAS and guaranteed income supplements.

Revenue Canada has structured the income tax return in such a way as to disadvantage pensions at the bottom end of the economic scale. Low income Canadians are being frozen out of passing their assets to their heirs and successors in a way that middle and upper income pensioners can.

Once again the Liberal government has fallen on its own politically correct sword. While saying it is going to make everyone pay their fair share it has created gross inequities in the income tax system.

ORAL QUESTION PERIOD

(1415)

[*Translation*]

CANADIAN SECURITY INTELLIGENCE SERVICE

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, Michel Robert, spokesperson for the Security Intelligence Review Committee, the same Michel Robert who denied the existence of a secret file bearing the name of Preston Manning, said that Grant Bristow did nothing that was reprehensible. However, a recent video contradicts this statement and shows that Mr. Bristow committed acts that are unlawful and unacceptable in a democratic society like ours.

My question is directed to the Solicitor General. Will the Solicitor General finally admit that when he was a CSIS informer, Mr. Bristow acted in a way that was reprehensible and unlawful by engaging in a campaign to promote violence, more specifically against the Canadian Jewish Congress?

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.): Mr. Speaker, SIRC thoroughly investigated all these matters and prepared a comprehensive report that was tabled in this House, and I think the hon. member should draw the attention of SIRC to any remaining concerns he may have in this respect.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, a video exists that was brought to the attention of quite a few people, and it shows that Mr. Bristow was, at the time, making speeches to promote violence and the commission of unlawful acts.

How does the Solicitor General expect the public to trust the Security Intelligence Review Committee when this is the second time the committee's findings have been contradicted? After it was denied that there was a file on Preston Manning, we are now told that Mr. Bristow, and this was shown on the video, committed totally reprehensible acts when he was an informer for CSIS, although we had been given assurances this was not so.

[*English*]

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.): Mr. Speaker, my hon. friend is mistaken. The Security Intelligence Review Committee did not say that there was a file about Preston Manning but rather that the file had been mistakenly entitled Preston Manning while it dealt only with the investigation into possible election financing by another government.

The activities of the source in question were gone into thoroughly. Points were raised by the Security Intelligence Review Committee about the nature of the activities in question and how CSIS should update its methods of control of sources as

a result. This has been gone into. I think CSIS has dealt with this matter in a very satisfactory manner.

[*Translation*]

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, you must admit it does not take much to satisfy the Solicitor General.

Would the Solicitor General agree that the only way to get to the bottom of these allegations concerning Mr. Bristow, a CSIS agent, and his activities within the racist Heritage Front organization is to set up a genuine commission of inquiry to find out what is going on there, since obviously the Security Intelligence Review Committee is not well informed and its investigation techniques are not up to scratch?

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.): Mr. Speaker, the SIRC is like a standing royal commission of inquiry with a mandate to supervise the activities of CSIS on an ongoing basis, and that is what it is doing. However, I wonder why the official opposition house leader would give the Heritage Front this kind of credibility. Why?

* * *

MEMBERS OF PARLIAMENT PENSIONS

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, my question is for the Solicitor General.

We are starting to get the picture about the government's intentions with respect to the members' pension plan. The government is supposed to introduce a bill dealing with this issue, this week.

Can the Solicitor General give us the assurance that this will not be a half–baked reform which will introduce one standard for long time members and another for new members?

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada): Mr. Speaker, the government will keep its promises, based on the red book.

(1420)

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, can the Solicitor General and government House leader confirm that, once the new system comes into effect, while vested rights are respected, all members, both new and old, will make the same contributions and will accumulate the same benefits?

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.): Mr. Speaker, the hon. member will have an answer as soon as the bill is introduced.

[*English*]

THE DEFICIT

Mr. Stephen Harper (Calgary West, Ref.): Mr. Speaker, on Friday the Minister of Finance said his deficit target of 3 per cent of GDP was an interim target and that the ultimate target was to eliminate the deficit. A target without specifics is no target at all; it is just political grandstanding and wishful thinking.

My question is for the Secretary of State for International Financial Institutions. In its upcoming budget will the government specify clearly how and when it will reach its ultimate target?

Hon. Douglas Peters (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, I am happy to confirm for the hon. member that we will be presenting a budget showing that we will reach our 3 per cent interim target on our way to the zero deficit target.

Mr. Williams: When?

Mr. Peters: The timing of it is not certain. We will have rolling two–year targets so that we meet those targets. There is no point in going out like members of the previous government and saying that there is going to be a certain deficit in so many years when they have no intention of achieving it.

We are going to meet our targets in rolling two–year periods as the finance minister has said.

Mr. Stephen Harper (Calgary West, Ref.): Mr. Speaker, we all know about the imminent downgrade of Canadian debt by Moody's. Moody's primary concern is not the deficit for this year or next year. It is mid–term factors. It knows full well that the 3 per cent target will leave the government open and an inevitable downturn in the U.S. economy will cause an escalation once again in the debt–GDP ratio. The minister knows that.

Once again, will the minister tell the House, if he has no idea how the government is going to achieve its ultimate target, how they can assure investors that the deficit–GDP ratio will not again spiral out of control once we have a downturn in the U.S. economy?

Hon. Douglas Peters (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, the hon. member has some economics training and knowledge. He should look at the structural pattern.

Some hon. members: Oh, oh.

Mr. Peters: There seems to be some disagreement among my colleagues. He should look at the structural pattern in the deficit. We have made some major changes in the structure of the deficit.

Our structural deficit is much lower than it ever was. It is a matter of the changes we made in the last budget and the changes that will be made in this budget which will make that deficit target achievable in the near term.

Mr. Stephen Harper (Calgary West, Ref.): Mr. Speaker, the minister who also has some economics knowledge will know that a 3 per cent GDP target at the top of a cycle is a very high structural deficit.

On Friday, once again, the Minister of Finance blamed the previous Conservative government for the problem, saying that it had left a huge accumulated debt. The House will remember that the previous Conservative government used to blame the Liberals before them for the large accumulated debt.

When will the government stop with these excuses, stop saying it suddenly discovered compound interest and abandon the go slow, go nowhere policies that caused millions of Canadians to abandon the Conservatives?

Hon. Douglas Peters (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, the millions of Canadians that abandoned the Conservatives gave the hon. member an opportunity to run for Parliament.

Let me tell the hon. member that the changes we made in the last budget were the biggest changes in spending cuts that have been made in any budget in a decade. We are going to continue to move on our path to get the deficit down.

* * *

(1425)

[*Translation*]

NATIONAL DEFENCE

Mr. Jean–Marc Jacob (Charlesbourg, BQ): Mr. Speaker, my question is for the Minister of National Defence.

The *Ottawa Sun* reports that three generals intervened directly during the military police inquiry into events in Somalia implicating enlisted personnel and officers of the Airborne Regiment in Petawawa.

Can the defence minister confirm that three generals did intervene directly in the military police inquiry to protest the way the military police had conducted its activities in the case of Lieutenant–Colonel Carol Mathieu, claiming that those conducting the inquiry were going too far?

[*English*]

Hon. David Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, the hon. member must know that it would be inappropriate for me to comment upon any matter relating to the investigations surrounding the deployment of the Canadian airborne regiment to Somalia in 1992 and 1993.

[*Translation*]

Mr. Jean–Marc Jacob (Charlesbourg, BQ): Mr. Speaker, this is not the first time the minister has replied. I think that is indeed pertinent to what I am asking him. I would like him to answer.

Does the minister acknowledge that this totally inappropriate intervention by three generals on behalf of Lieutenant–Colonel Mathieu discredits and seriously calls into question the military police inquiry following which Lieutenant–Colonel Mathieu was acquitted by a court martial?

[*English*]

Hon. David Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I have repeated the same answer a number of times.

There will be an inquiry headed by a civilian. It will be public. It will answer all questions relating to the deployment to Somalia. The hon. member should wait until that time.

* * *

TAXATION

Mr. Jim Abbott (Kootenay East, Ref.): Mr. Speaker, the Canadian people have said very clearly no tax increases.

At noon today the Canadian Taxpayers' Association presented on the Hill 230,000 petitions against taxes. Our party has received over 15 sacks full of mail strongly advising the finance minister not to increase taxes.

My question is for the Minister of National Revenue. Will he take this anti–tax message to the Minister of Finance? More important, will he vote against any net tax increases in the next budget?

Hon. David Anderson (Minister of National Revenue, Lib.): Mr. Speaker, I can assure the hon. member that the Minister of Finance and other members of the government are listening with great care and attention to the public on many issues related to tax, but I can assure him that we will not be dissuaded from proceeding with our deficit reduction plan outlined, as the Secretary of State for Financial Institutions mentioned a moment ago, in last year's budget.

We will achieve those goals regardless of protests that might occur.

Mr. Jim Abbott (Kootenay East, Ref.): Mr. Speaker, I really expected that answer from the minister. He was quoted in the newspaper about 10 days ago as saying that tax protesters do not make any difference to him or his government anyway.

May I ask the minister: Would he care to join me in the lobby outside following question period where I will be happy to give

him 15 sacks full of messages from ordinary citizens? Will he join me in the lobby outside after?

Hon. David Anderson (Minister of National Revenue, Lib.): Mr. Speaker, the hon. member has referred to a statement made in Vancouver. Just for the record, I would like to read it out to him because he obviously does not understand it. I said: ''Obviously we will be listening to the public and obviously I have had many meetings with groups of Canadians on tax matters, but Mr. Martin's approach to the budget will not be altered simply by protests here or there. He has objectives he must meet''.

Again I repeat to the hon. member that he cannot blow and suck at the same time. Either he is in favour of reducing the expenditures of the government and meeting our deficit targets or he is not. He cannot keep saying that we must give in to every protest that might come along either on one side or the other.

The Speaker: Our expressions are getting a little more colourful as we go along.

* * *

[*Translation*]

EXCISE TAX ON CIGARETTES

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, my question is for the Solicitor General.

By lowering taxes on cigarettes last year, the federal government wanted to put an end to smuggling. The Solicitor General promised at the time to set up a complete plan to stop smuggling.

(1430)

Since the government has decided to raise taxes on cigarettes, are we to understand that the Solicitor General's plan for fighting smuggling has actually led to the dismantling of all of the smuggling networks?

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.): Mr. Speaker, we said a year ago that it would take time to dismantle the smuggling networks. We have had considerable success up to now, and this is why it is now possible to raise taxes on cigarettes to a certain extent.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I would like to believe the minister, but I would remind him of one thing as well. He has not yet submitted a report to this House on the results of the fight against smuggling.

What assurance can the Solicitor General give us that an increase in taxes will not help rebuild the cigarette smuggling networks?

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.): Mr. Speaker, we are acting on the advice of the RCMP and other police forces. According to their advice, we can raise taxes as proposed last week in the ways and means motion, in order to increase government revenues without threatening our plan to fight vigorously against all sorts of smuggling.

* * *

[*English*]

MEMBERS OF PARLIAMENT PENSIONS

Mr. Ed Harper (Simcoe Centre, Ref.): Mr. Speaker, it is amazing how quickly viewpoints change when a party becomes the government.

In opposition the Liberal rat pack railed against the Mulroney government patronage perks and pork. Now in government the rat pack has become the fat pack. They fought against changes to their lavish gold plated pension plans and they appear to have won. The Liberal government has backed off reforming the pension plans of the fat pack and any other MP with more than 10 years of service.

My question for the President of the Treasury Board is: Why will he not introduce pension reform that cuts equally across the board?

Hon. Arthur C. Eggleton (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, the government is not backing off anything. We have made it quite clear that we are going to deal with the matter of pension reform. We are going to live up to our obligations that we made in the election campaign.

The Prime Minister said in this House not more than one week ago that it would be done either before the budget or at the time of the budget and it will be done.

Mr. Ed Harper (Simcoe Centre, Ref.): Mr. Speaker, on Friday the President of the Treasury Board said the government will acquit itself of its obligation with respect to MPs pensions mighty soon. The only obligations in the red book deal with double dipping and the age of eligibility.

Will the President of the Treasury Board confirm today that real cuts will be made to bring all MPs pensions into line with the private sector and not just the obligatory scrapes mentioned in the red book?

Hon. Arthur C. Eggleton (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, I am glad that my colleague has finally read the red book and understands the commitments of the government.

This whole matter though will be dealt with mighty soon.

[*Translation*]

GUN CONTROL

Mrs. Pierrette Venne (Saint–Hubert, BQ): Mr. Speaker, for the bill on gun control which was tabled by the Minister of Justice last week to have its desired effect, it will have to be coupled with more aggressive measures to fight gun smuggling from the United States.

Will the Minister of Justice tell us whether he personally asked the Solicitor General and the revenue minister to have police and customs officers escalate the war on gun smuggling?

[*English*]

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, over the course of the last 10 months I have worked with the Minister of National Revenue and the Solicitor General specifically on that issue.

We have developed not only the legislative proposals that are now embodied in Bill C–68 but we have also forced administrative and policy changes in the way that border controls are enforced. We expect that in the coming months and years as a result of these changes we will have even more effective border control than at present.

[*Translation*]

Mrs. Pierrette Venne (Saint–Hubert, BQ): Mr. Speaker, will the Minister of Justice guarantee that the measures proposed in his bill will be applied Canada–wide, without exception, including on aboriginal territory?

[*English*]

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Of course I can, Mr. Speaker. As the Prime Minister took pains to emphasize this time last year in another context, there is but one law in Canada and it is applied equally throughout.

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GUN CONTROL

Mrs. Bonnie Hickey (St. John's East, Lib.): Mr. Speaker, at a gun control meeting in St. John's East my constituents raised concerns with the Minister of Justice about BB and pellet guns. Children have been seriously injured playing with these guns. The city of St. John's has banned them and the Newfoundland and Labrador Federation of Municipalities has unanimously asked that BB guns and air guns be classified as firearms.

(1435)

How will the minister address the concerns of my constituents regarding the danger of BB and air guns?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I well remember the meeting in St. John's to which the hon. member referred. I met on that occasion with two mothers whose young children had each lost an eye as a result of the misuse of BB guns or air guns.

As a result of that meeting I examined the manner in which air guns or BB guns are regulated in this country. I discovered that at present some of them are classified as firearms and therefore regulated as other guns are, the distinction being the muzzle velocity of the projectile. If the muzzle velocity is above a certain threshold, then they are regulated in terms of acquisition or possession as others guns are. The question is whether that threshold should be lowered to capture the commonly available BB gun and perhaps save the eyesight of children.

A recent research study at the University of Ottawa demonstrated that BB guns are the leading cause of eye loss among children in Canada which has to be troubling to us all.

May I tell the hon. member in conclusion that I am keenly aware of the problem. We have it under consideration and I will communicate further with the House when we have completed our analysis.

* * *

FORMER YUGOSLAVIA

Mr. Jack Frazer (Saanich—Gulf Islands, Ref.): Mr. Speaker, our peacekeepers in Croatia are soon likely to face the most difficult tactical situation given a soldier: a withdrawal under fire. Yet two weeks ago it was announced that the Canadian forces surgical team is to be withdrawn.

Now national defence headquarters has reportedly again refused our peacekeepers' request for an armoured engineering vehicle to clear mines and to facilitate their withdrawal, should it become necessary.

Will the Minister of National Defence tell this House why our troops, who have been facing mines and gunfire for the last three years and are soon likely to face even greater danger, are being denied facilities and equipment which we have but refused to provide?

Hon. David Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, there are a number of inaccuracies in the article which appeared in the *Globe and Mail* on Saturday.

The armoured engineer vehicle is not designed as a mine clearance vehicle. The Slovakian group, as part of UNPROFOR, is equipped to take this task on, not just for Canadians but for all other personnel. Should there be a non–permissive withdrawal from Croatia and Bosnia, this will be carried out by NATO. Obviously all of the necessary equipment will be provided by the NATO allies.

Mr. Jack Frazer (Saanich—Gulf Islands, Ref.): Mr. Speaker, if there is one Canadian casualty resulting from this lack of support, I hope the minister will remember that.

Our forces in the former Yugoslavia have made do with outdated, unreliable equipment and have done well despite this handicap. Now, despite the situation becoming much more serious, headquarters' response is negative.

What will the Minister of National Defence do to provide our Canadian peacekeepers with all possible support to help them survive?

Hon. David Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, on the specifics I answered the question, but I do resent very much the threat implied in the hon. member's answer. It is reprehensible. Mr. Speaker, I am surprised that you did not rule him out of order. To make that kind of statement in the House of Commons, he should be ashamed of himself.

The Speaker: I am sure, my colleagues, that this very serious matter is the cause of a great deal of emotion on both sides of the House. Again, I would appeal to all of my colleagues to be very judicious both in the questions and in the answers.

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[*Translation*]

PRIVATE DENTAL CARE PLANS

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

The Canadian Dental Association has recently launched a new campaign to nip in the bud any thoughts the federal government had about taxing private dental care plans in Canada. The minister has said many times over the past year that her mission is to make sure that the health care system in Canada remains free.

Does the minister realize that taxing private dental care plans will directly reduce accessibility to health care?

[*English*]

Hon. Diane Marleau (Minister of Health, Lib.): Mr. Speaker, let me remind the hon. member that the Canada Health Act sets the criteria regarding medically necessary services. While we know that we have some very difficult fiscal decisions to make, we must make those decisions to ensure that we can offer programs with fairness and compassion, programs which Canadians expect, and frankly, which Canadians deserve.

(1440)

[*Translation*]

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, will the minister, on the eve of the upcoming federal budget, guarantee that she will keep our health system free and that she will energetically oppose the taxation of private dental care plans?

Hon. Diane Marleau (Minister of Health, Lib.): Mr. Speaker, as Minister of Health, I have said that the Canada Health Act is unquestionably here to stay, and the Prime Minister of Canada has said the same. We will preserve the fundamental principles of the health care system. The promise was made in the red book, which forms the basis of our party's mandate. We will continue to do exactly what we said we would do.

* * *

[*English*]

IMMIGRATION

Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.): Mr. Speaker, last May immigration officials granted refugee status to a 25 year old Polish man. The man claimed he was discriminated against because he had HIV and the Immigration and Refugee Board granted him refugee status.

Given that this individual will pose a drain on Canada's health care system and a potential threat to the health of Canadians and that this individual was allowed into the country in direct contravention of section 19 of the Immigration Act, will the Minister of Citizenship and Immigration reverse this decision by the IRB and deport this person immediately?

Hon. Sergio Marchi (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I think the member is confusing the refugee stream and the immigration stream.

The issue here is not a claim based on whether an individual is or is not HIV positive. The claim made was on the basis of being a member of a social group, in this case sexual orientation, and that there was a well founded fear of persecution.

Three years ago the Supreme Court of Canada ruled that sexual orientation constitutes a social group. The Geneva convention allows for claims to be made based on social group persecution. There have only been two cases in the system. One was refused. There is this case raised by the hon. member which was initially refused by the IRB and appealed to the Federal Court. The Federal Court of Canada ordered the IRB to rehear it.

It is not a question of being HIV positive. Each individual case must lay before the board a well–founded fear in terms of a social group persecution.

Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.): Mr. Speaker, after being granted refugee status, this HIV infected individual claimed on national radio that he came to Canada specifically to take advantage of our overburdened health care system. Meanwhile, thousands of Canadians are waiting in line to use the system they have been paying into for years.

As much as the IRB has accepted another outlandish refugee claim setting a precedent that can be abused by bogus refugees around the world, will the minister now take the advice of the Reform Party? Will he disband the IRB and put refugee determination in the hands of competent immigration officials using established admission guidelines?

Hon. Sergio Marchi (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, this case does not set a precedent. That is why the hon. member does not understand how the Immigration and Refugee Board operates. It operates independently of the government. Also, cases are considered on their own individual merits.

I mentioned to the member that there have only been two cases in the system. One was refused because it could not demonstrate a well founded fear of being persecuted.

Also, the immigration stream does have the ability to screen for health care costs as well as danger to the public. In most cases where people are found to be HIV positive, they are denied entry into Canada.

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ENDANGERED SPECIES

Mr. Ted McWhinney (Vancouver Quadra, Lib.): Mr. Speaker, my question is for the Minister of the Environment.

Around the world, 48,000 wildlife species and subspecies are in danger of extinction. The illegal trade in endangered wildlife species jeopardizes global biodiversity.

(1445)

Could the minister tell the House what the government is doing both in Canada and also internationally to curb the illegal trade in endangered wildlife species?

Mr. Clifford Lincoln (Parliamentary Secretary to Deputy Prime Minister and Minister of the Environment, Lib.): Mr. Speaker, Canada is approaching the Convention in International Trade in Endangered Species in three ways.

First, in training, we are conducting workshops presently in western Canada addressed to the RCMP, addressed to the customs officers, Agriculture Canada and also provincial natural resource officers to let them know about the convention, what it covers, what Canada's commitments are, identifying the endangered species which, as my colleague stated, are 48,000 in number.

Second, we are conducting an information campaign geared to travellers to advise them about endangered species so that they will make proper purchases. If there is no market for endangered species, then there is no business for poachers and traffickers in endangered species.

Finally, in the spring—

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[*Translation*]

FISHERIES

Mr. Bernard St–Laurent (Manicouagan, BQ): Mr. Speaker, my question is for the Minister of Fisheries and Oceans.

In 1994, the Minister of Fisheries and Oceans committed $1.9 billion to the Atlantic groundfish strategy. The minister claimed at the time that this amount would be sufficient to restructure the Atlantic fishing industry within five years. Today, with 80 per cent more benefits than forecast, we see that the strategy did not achieve its goals and that the funds may be depleted by 1996.

Does the minister admit that his strategy is a failure and that the funds committed will be depleted well before the deadline?

[*English*]

Hon. Brian Tobin (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, the member is making a case on behalf of the Bloc Quebecois that the fishermen of Quebec be completely cut off any income assistance from the national government.

I know that there is a profound attempt by the Bloc Quebecois to sever Canadians living in Quebec from the benefits of Canada but this surely is a ridiculous proposition.

[*Translation*]

Mr. Bernard St–Laurent (Manicouagan, BQ): Mr. Speaker, does the minister realize that the way things are going, the funds aimed at restructuring the industry will be completely depleted when the time comes to shift responsibilities to the provinces, as they are requesting?

[*English*]

Hon. Brian Tobin (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, the groundfish assistance program available for the fishermen of Atlantic Canada is under some financial stress because more fishermen and more plant workers than originally anticipated have had to request assistance.

One of the reasons that there are more fishermen and more plant workers is that from an ecological point of view, more fisheries have had to be closed as recently as a few months ago.

The red fishery, which is important to the Magdalen Islands had to be closed, necessitating more assistance being paid out to additional plant workers and fishermen.

We are looking for ways of streamlining the program. For example we could reduce training programs for older workers who really will not make use of them in order to get the program back within budget. It is a program that is supported by the

fishermen and by the plant workers of Atlantic Canada, including those in Quebec.

Frankly the Bloc Quebecois should be celebrating this virtue of federation, that those who have share with those who do not in times of need. That is the strength of the unity of Canada.

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CRTC

Mrs. Jan Brown (Calgary Southeast, Ref.): Mr. Speaker, my question is for the Minister for International Trade.

The CRTC has kicked the American Country Music Television network off Canadian airwaves. Canadian country artists used to be seen in over 32 million homes around the world but in retaliation for this decision, CMT now refuses to play Canadian artists' videos, reducing air play to two million homes.

Promoting Canadian culture by closing our borders is like stoking a fire with a wet blanket. Canadian artists themselves denounce this decision.

(1450)

Instead of smothering Canadian culture, how does the minister expect to promote Canadian cultural exports and allow for more consumer choice?

Hon. Roy MacLaren (Minister for International Trade, Lib.): Mr. Speaker, the government's policy is to promote in every way it can the growth and expansion of Canadian culture.

One part of that policy is to ensure that while meeting our international trade obligations, we are able to give Canadians a choice of programs on television and radio, a spectrum of choice that includes not only imported material but Canadian produced goods as well.

Mrs. Jan Brown (Calgary Southeast, Ref.): Mr. Speaker, despite those fine words the government is moving toward a policy of protectionism in the cultural industry.

Cultural industries will be at the top of the American president's agenda when he visits this week. By closing our borders, the government has started a potential trade war with the United States. What form this retaliation will take will be announced by Mickey Kantor on March 6.

When the government meets with Mr. Clinton, will it announce what areas of Canadian trade it is willing to sacrifice to keep up this charade of cultural preservation?

Hon. Roy MacLaren (Minister for International Trade, Lib.): Mr. Speaker, we are unwilling to sacrifice any area of Canadian trade. The member raises a question that will indeed be touched upon in my meetings with Mr. Kantor. On that occasion we shall continue to assure him, as we have done in the past, that the Canadian measures to promote Canadian culture are entirely consistent with our international trade obligations.

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INCOME TAX

Mr. Alex Shepherd (Durham, Lib.): Mr. Speaker, my question is for the Minister of National Revenue.

Canadians want government to take the tough decisions to meet our deficit targets. Many wonder if the deficit could also be reduced simply by collecting the taxes that are now outstanding.

What is the minister doing to ensure the government is collecting the taxes it is owed?

Hon. David Anderson (Minister of National Revenue, Lib.): Mr. Speaker, I thank the hon. member for his question which allows me to state that we collect the vast majority of accounts receivable with interest.

Of course there will always be some area of bad debts. Last year it was less than one–half of 1 per cent of gross revenue. This year, we are budgeting slightly more than that, but still well below 1 per cent.

It is very important to note that we collect the accounts receivable. They are taken into account by the Minister of Finance in his budgetary projections. There is no pot of money out there not being collected which could be used to reduce the deficit. All the moneys in accounts receivable have been taken into account.

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THE ECONOMY

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, my question is for the Secretary of State for International Financial Institutions.

Regarding the rather lopsided debate in identifying the actual cause of the accumulated debt, would the minister confirm that today we are spending about the same proportion of our GDP on social programs that we were spending throughout the mid–1970s?

Hon. Douglas Peters (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, I am sure the hon. member has checked the numbers or he would not have asked the question.

I do not have the numbers with me now so I am not able to confirm them. I am sure the hon. member will, in his supplementary question, give me the right answer.

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, I will endeavour to do that. This is now turning into answer period. The minister would know if he had done his homework that the spending—

Some hon. members: Oh, oh.

The Speaker: I am sure the hon. member has a question.

Mr. Riis: Mr. Speaker, I had a question. I will put it this way.

While the minister knows that spending on social programs is about the same proportion today as it was in the seventies, would he confirm that the reason our accumulated debt has grown since 1984 has been almost exclusively the result of the high interest rate policy of the previous government, continued by this government apparently, and the myriad of tax loopholes particularly for corporations and the wealthy?

(1455)

Hon. Douglas Peters (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, the hon. member will recall that I spoke out in the early 1990s about the high levels of interest rates and about the policies of the previous government. This government has changed those policies and we are moving not only to cure our deficit but to improve our social programs as well.

* * *

GUN CONTROL

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, in his questions and answers booklet on the Canadian firearms registration system, the Minister of Justice tells Canadians that his new registration system will help eliminate smuggling and stolen firearms as sources of supply.

Just last Thursday the minister stated publicly that the new gun control legislation will do little to prevent smuggling. Could the minister please explain which statement is true?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the proposals we put before the house will help a great deal in reducing the smuggling of firearms. We have been through this before. *Hansard* is replete with detailed responses to questions that are asked daily in the House by the same members.

Let me come to the specific question the member puts. I believe, and the government believes, that its proposals will help enormously. Last week it was put to me by a provincial counterpart, the Solicitor General of Ontario, that there is much more we can do. I agreed with him. Indeed there is much more we can do and should do. With the collaboration of the provincial solicitors general, I believe we can and will do more.

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, this minister has had 16 months to deal with gun smuggling. He has done nothing but table a plan to register the guns of law–abiding Canadians. Registration has not proven effective for crime deterrence in any other democracy in the world.

Why does the minister not take the $85 million he has committed to gun registration and instead target it toward directly defending our borders against gun smuggling?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, in large part, the registration system we propose is targeted at the borders to reduce smuggling, and we are very confident that it will have that result.

* * *

[*Translation*]

AGRICULTURAL SUBSIDIES

Mr. Jean–Guy Chrétien (Frontenac, BQ): Mr. Speaker, my question is for the Minister of Agriculture and Agri–Food.

Just days away from budget day, the federal minister of agriculture talks about reviewing all agricultural subsidies, and those for grain transportation in particular. He plans to replace existing rail carrier subsidies with direct assistance to Western grain producers.

Will the agriculture minister confirm his government's intention to stop paying rail carriers subsidies and start subsidizing Western grain producers directly instead? And if so, can he undertake before this House to—

The Speaker: Perhaps the hon. member could ask one question and maybe another short one, but three is a bit much.

[*English*]

Hon. Ralph E. Goodale (Minister of Agriculture and Agri–Food, Lib.): Mr. Speaker, the subject of western grain transportation reform has been debated for probably the better part of the last 25 years.

We intend to proceed with various aspects of that reform. Indeed some measures are already before the House in the form of proposed legislation.

Over the course of the last number of months both the Minister of Transport and I have been engaged in intensive discussions with farmers, farm organizations and other stakeholders in the industry involving all aspects of Canadian grain handling and transportation from one end of the country to the other. At the time of the budget or shortly thereafter there should be an opportunity to describe the details.

[*Translation*]

Mr. Jean–Guy Chrétien (Frontenac, BQ): Mr. Speaker, can the agriculture minister give us at this time the assurance that all farm producers in Canada will be treated equally and that the measures he will be putting forth will not allow Western producers to use federal subsidies to compete with Eastern producers?

(1500)

[*English*]

Hon. Ralph E. Goodale (Minister of Agriculture and Agri–Food, Lib.): Mr. Speaker, equity, fairness and balance are established as hallmarks of this government and will continue to be.

ROUTINE PROCEEDINGS

[*Translation*]

ORDER IN COUNCIL APPOINTMENTS

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

Pursuant to Standing Order 110((1), these are deemed referred to the appropriate standing committees, a list of which is attached.

* * *

[*English*]

CRIMINAL CODE

Mr. Paul E. Forseth (New Westminster—Burnaby, Ref.) moved for leave to introduce Bill C–304, an act to amend the Criminal Code (prostitution).

He said: Mr. Speaker, I want to thank my hon. colleague from Crowfoot for seconding my introduction of first reading of the bill. It is my pleasure to introduce the bill to this House.

The bill will increase the penalty for persons who engage in the public act to buy or sell sexual services from a summary conviction to an indictable offence. It would make the penalty of section 213 of the Criminal Code, which is public communication to obtain sexual services, parallel to that of section 212 just before it in the Criminal Code, which is procuring.

A summary conviction has a maximum sentence of only six months. While this may be appropriate for some crimes in Canada, it is most certainly not appropriate for the acts of the public prostitution trade. With the increase to an indictable offence it will allow the courts to give a sentence for the maximum penalty of up to ten years and provide the range of flexibility that is needed. By such designation it changes the category of seriousness and affects the allocation of police resources. It places more flexible tools into the hands of the police, who instead of writing a curb–side ticket may now arrest, if necessary.

Canadians are frustrated with the street trade of prostitution. They are upset that along with this comes widespread criminal drug use. I note that many Canadians want stiffer penalties for this behaviour and that is exactly what my bill attends to do.

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

* * *

CRIMINAL CODE

Mr. Paul E. Forseth (New Westminster—Burnaby, Ref.) moved for leave to introduce Bill C–305, an act to amend the Criminal Code (voluntary intoxication).

He said: Mr. Speaker, I have the pleasure to introduce a second bill. Again my hon. colleague from Crowfoot is seconding the introduction of the first reading of this bill.

This bill will create a separate punishment for those who willingly become intoxicated through alcohol and drugs and who during this self–induced intoxication commit a prohibited act.

The bill clearly defines what is meant by a prohibited act and I believe that all Canadians would concur with this.

The recent Supreme Court ruling is what began the outcry. It is interesting to note that it was a suggestion of the Supreme Court that we as members of Parliament make the necessary changes to an apparent flaw in the system.

In his minority report Mr. Justice John Sopinka stated:

> It has been suggested that Parliament should create a new offence of dangerous intoxication. Such changes are for Parliament and not for this Court to make.

I therefore encourage all parliamentarians in this House to support legislation that would put an end to further inconsistencies within the Canadian Criminal Code.

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

* * *

(1505)

PETITIONS

JUSTICE

Mrs. Jan Brown (Calgary Southeast, Ref.): Mr. Speaker, I rise before this House on day 11 to present petition No. 11. These petitions are being presented on behalf of constituents who wish to halt the early release from prison of Robert Paul Thompson. April 11, 1995 is the date set for the parole hearing.

The petitioners I represent are concerned about making our streets safer for our citizens. They are opposed to the current practice of early release of violent offenders prior to serving the full extent of their sentences.

The petitioners pray that our streets will be made safer for law–abiding citizens and the families of the victims of convicted murders.

YOUNG OFFENDERS ACT

Mr. Jack Frazer (Saanich—Gulf Islands, Ref.): Mr. Speaker, pursuant to Standing Order 36, it is my duty and honour to rise in the House to present a petition, duly certified by the clerk of petitions, on behalf of over 3,000 constituents of Saanich—Gulf Islands and surrounding area.

The petitioners humbly pray and call upon Parliament to enact legislation to revise the Young Offenders Act as follows: when a youth 14 years of age and above commits any crime of violence, including but not limited to murder, manslaughter, aggravated and sexual assault and armed robbery, he or she will automatically be tried in adult court with criminal records and adult sentences, taking into consideration the maturity of the offender; and public identification of a convicted young dangerous offender.

GUN CONTROL

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, it my pleasure to introduce two different petitions into the House today.

The first one draws to the attention of the House that although the proposed anti–firearms legislation, as these people call it, will do virtually nothing to reduce violent crime it will, however, severely restrict the rights and freedoms of millions of innocent firearm owners contrary to the very principles of justice upon which this country was founded.

They ask and pray that the government refuse the anti–firearm proposals of the Minister of Justice and insist that he bring forth legislation to convict and punish criminals rather than persecute the innocent.

I think that is a good emphasis.

HUMAN RIGHTS

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, the second petition is from people in and around my riding. They ask Parliament not to amend the human rights code, the Canadian Human Rights Act or the Charter of Rights and Freedoms in any way which would tend to indicate societal approval of same sex relationships or of homosexuality, including amending the human rights code to include in the prohibited grounds of discrimination the undefined phrase sexual orientation.

It is a pleasure to introduce this on behalf of my constituents.

CANADIAN BROADCASTING CORPORATION

Mr. Walt Lastewka (St. Catharines, Lib.): Mr. Speaker, 1,000 of the undersigned residents of Canada draw to the attention of the House that the Canadian Broadcasting Corporation is Canada's national public broadcasting service and an agent of Her Majesty; that the CBC is funded by the federal government with taxpayers' dollars; that the CBC plays a significant role in meeting the statutory objective set out for the broadcasting system of safeguarding, enriching and strengthening the cultural, political, social and economic fabric of Canada; that the CBC has applied to televise the proceedings of the Paul Bernardo trial and that this application does not support the role of the CBC and does nothing to safeguard, enrich or strengthen the fabric of Canada.

Therefore the petitioners call upon Parliament to condemn the actions of the Canadian Broadcasting Corporation and to request that accordance with its responsibilities as the national broadcaster, the CBC withdraw its application to televise the Paul Bernardo trial.

CRTC

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I have a petition signed by over 400 residents of the County of Peterborough, many of whom I know personally.

They point out that the Canadian Radio–Television and Telecommunications Commission, the CRTC, has allowed Bell Canada to increase local area calling rates by $2 per month for each of 1995, 1996 and 1997, which represents an increase of approximately 50 per cent over three years. They point out that the proposed increases far exceed the cost of living index and that the proposed savings in long distance rates will be of little benefit to the majority of senior citizens receiving the guaranteed income supplement and other low income individuals.

(1510)

Therefore, these petitioners request that Parliament urge the CRTC to require Bell Canada to file a plan that will address the issues of accessibility to local telephone service and the affordability of local calling rates for senior citizens who are receiving the guaranteed income supplement as well as other low income individuals in our community.

YOUNG OFFENDERS

Mr. Mark Assad (Gatineau—La Lièvre, Lib.): Mr. Speaker, pursuant to Standing Order 36, I have two different petitions.

The first one is from very concerned citizens who would like to see a review and revision of our laws concerning young offenders by empowering the courts to prosecute and punish young offenders who are terrorizing society by releasing their names and lowering the age limit to allow persecution to meet the severity of the crime.

HUMAN RIGHTS

Mr. Mark Assad (Gatineau—La Lièvre, Lib.): Mr. Speaker, my second petition is from a group of concerned citizens who

call upon Parliament and petition Parliament to amend the Canadian Human Rights Act to protect individuals from discrimination based on sexual orientation.

ASSISTED SUICIDE

Mr. Morris Bodnar (Saskatoon—Dundurn, Lib.): Mr. Speaker, today I have three petitions. In the first one the petitioners request that Parliament continue to reject euthanasia and physician assisted suicide in Canada and that section 241 of the Criminal Code which forbids counselling, procuring, aiding and abetting of a person to commit suicide be enforced vigorously.

In the second petition the petitioners request that Parliament ensure that the provisions of the Criminal Code prohibiting assisted suicide be enforced vigorously and that there be no changes to the law to sanction euthanasia in any manner.

HUMAN RIGHTS

Mr. Morris Bodnar (Saskatoon—Dundurn, Lib.): Mr. Speaker, my third petition is a petition indicating that the petitioners believe that gay men, lesbians and bisexuals are subject to discrimination in this country and that the Charter of Rights and Freedoms guarantees that everyone has a right to protection against discrimination.

They request that Parliament amend the Canadian Human Rights Act to protect individuals from discrimination based on sexual orientation.

EUTHANASIA

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, pursuant to Standing Order 36, I am pleased to present four petitions today. The third and fourth petitions aim to draw Parliament's attention to the consequence of legalizing euthanasia.

The petitioners request that Parliament continue to reject euthanasia and physician assisted suicide in Canada.

GUN CONTROL

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, the 400 petitioners of the first and second petition are requesting that Parliament not attack the recreational firearms community.

They support legislation that severely punishes one who uses a weapon including a weapon other than a firearm, protects the rights and freedoms of the law–abiding recreational firearms community to own and use firearm responsibly, passes careful scrutiny to see that it will improve public safety in a cost effective manner, and repeals present firearms control legislation that features tortuous language and has been characterized by the courts as one of the most horrifying examples of ad draftsmanship.

I am pleased to submit these petitions. I support them.

MINING

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, it is my honour to present a petition on behalf of a number of residents from mining communities in British Columbia who are calling on Parliament to take action that will see an increase in employment in the mining sector, promote mining exploration, rebuild Canada's mineral reserves, sustain mining communities and keep mining in Canada.

HUMAN RIGHTS

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, in another petition the petitioners simply ask 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 or of homosexuality, including amending the human rights code to include in the prohibited grounds of discrimination the undefined phrase sexual orientation.

* * *

QUESTIONS ON THE ORDER PAPER

Mrs. Jan Brown (Calgary Southeast, Ref.): Mr. Speaker, on a point of order pursuant to Standing Order 39, I placed a question on the Order Paper on September 30, 1994. That was 143 days ago.

As the question required a detailed response, I did not request that the answer be provided within 45 days as the Standing Orders allow.

I am seeking information on grants from the Canada Council. The government has failed to provide the information requested and the Canada Council is already exempt from access to information requests. Now it appears to be exempting itself from usual parliamentary procedures and the expectations of this member of Parliament.

(1515)

In these times of government restraint taxpayers are demanding that government funds be used responsibly so it is my role to ask questions to ensure that this happens. However someone has chosen not to answer the question. Why is this information being hidden from Canadians?

One hundred and forty–three days is an unacceptable length of time to respond to my question which I shall pose again:

> For 1992 and 1993, what was the total amount of funds received by individuals and groups from the Canada Council, who were these individuals, for what specific projects did they receive funding and how much did they receive?

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I thank the hon. member for raising the point. I hope I will be in a position to furnish the House with an answer to her question later this week.

I note that the reply will be lengthy because the Canada Council hands out a great number of grants to numerous individuals and bodies across Canada. The first reply was received. Certain information that the member requested was missing from the answer and it was sent back so that it would be made complete. I expect to be in possession of the complete answer later this week.

If the hon. member is so concerned about saving taxpayers' dollars I have no doubt she would have gone to the Library of Parliament and looked up the annual reports of the Canada Council wherein all its grants are listed. She could have obtained the answer there instead of putting a question on the Order Paper which will cost many thousands of extra dollars to provide to the House in the copies and in the form that she wishes to have it.

Having given that response, I would ask that all questions be allowed to stand.

[*Translation*]

Mr. Jean–Paul Marchand (Québec–Est, BQ): Mr. Speaker, this is the fourth time I rise in the House to point out to the government that I have had a question on the Order Paper since October 19. This is more than 120 days ago, although normally, it takes 45 days to get a reply. It has now been four months, and I have yet to get an answer to my question, unlike the hon. member for Calgary Southeast.

The Minister of Public Works is doing everything in his power to prevent us from having access to the information I requested. I wonder whether the government is trying to keep members from having access to the information they need. I ask the Speaker to urge the government to observe the rules of this House. In my opinion, this shows utter contempt for the Standing Orders of this House. Could I have a commitment from the hon. member, a specific date on which I will get the information I requested four months ago?

Mr. Milliken: Mr. Speaker, the answer is the same answer the hon. member was given Friday. This government does not vary its answers. The answer is always the same. We will have a reply very shortly, and when I receive it, I will table it here in the House.

[*English*]

The Deputy Speaker: Shall all questions be allowed to stand?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

YOUNG OFFENDERS ACT

The House resumed consideration of the motion that Bill C–37, an act to amend the Young Offenders Act and the Criminal Code, be read the third time and passed.

The Deputy Speaker: Before question period I understand the Chair undertook that the member for South Shore would have time to reply to the question or comment of the hon. member for Wild Rose.

Mr. Derek Wells (South Shore, Lib.): Mr. Speaker, I believe when we broke there were approximately two minutes left so I will keep my answer short.

It will come as no surprise that I disagree almost completely with the premise of the member for Wild Rose. We ignore the sociological factors at our peril.

I would be more apt to accept the views of Dr. Alan Leschied over those of the hon. member. The hon. member will perhaps remember that Dr. Leschied was at the committee hearing. I believe the hon. member was in attendance when he addressed the factors that had to be considered. If we read the transcript which is quite lengthy it would set out the views that I expressed earlier in my representations.

The Deputy Speaker: There is approximately one minute left. If the member for Wild Rose wishes to use 30 seconds of it he has 30 seconds.

(1520)

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I want to make sure the House understands that I agree we need to address those things but it should not be through the justice department. I am trying to differentiate between the two.

I also asked the member about 16 and 17 year olds and about how it is making a difference when I see it making no difference whatsoever. I would like him to respond to that part.

Mr. Wells: Mr. Speaker, the new provisions for 16 and 17 year olds are not yet law. They are simply before the House in the bill. I would ask the member to give them a chance. I think he will see that they will make a difference.

[*Translation*]

Mr. Benoît Tremblay (Rosemont, BQ): Mr. Speaker, the Young Offenders Act, amendments to which we are discussing today, reaches deep into the fabric of our society. When we

decide to amend this act, we must try to better express the ideals, values and objectives of our society for the young people who have committed crimes.

We must remember that the very existence of a young offenders act is an expression of Canadian society's desire to offer young people an alternative to the Criminal Code, which applies to adults. Our society is aiming not only at stopping and penalizing the criminal behaviour of young people, but also at giving them training to help them learn and adjust. For this reason, responsibility for administering the Young Offenders Act does not rest with the judicial system alone, but also with the social services set up by the various provinces.

In Quebec, organized services for young people in trouble and young offenders date back to the establishment of the first industrial and reform schools in the second half of the 19th century, that is, even before the federal Parliament adopted the first juvenile delinquents act in 1908.

More than 8,000 social workers from various professions currently work in youth centres in Quebec. They are involved annually with 85,000 young people and their families, including nearly 22,000 young persons who are referred to them under the Young Offenders Act. These experts represent an extraordinary resource we would be wrong to forgo.

We are in the curious situation in the House today of discussing a bill to amend the Young Offenders Act in third reading, when almost all those making representations before the House Standing Committee on Justice and Legal Affairs had asked that the adoption of these amendments be delayed.

These people all asked the Minister of Justice to move immediately on to the second phase of his plan of action—an in–depth evaluation of the present act and its application—before making such substantial amendments to the act.

Based on this evaluation, the amendments proposed by the justice minister could be reviewed and all members could vote with the full conviction that they are giving the parties involved in fighting youth crime the legal tool to do so, while at the same time promoting deterrence and rehabilitation.

Why is the justice minister refusing to take this logical step? Can the minister convince us that the amendments he has proposed must definitely be passed without delay?

In preparing my statement, I was struck by the fact that none of the stakeholders I met would feel any better equipped to fight youth crime if the amendments proposed by the minister were passed. On the contrary, they are convinced that their job would be even more difficult, both in respect of the public and the young persons themselves.

For instance, increasing sentences for serious offences may create a false sense of security among the public, although past experience gives us no reason to expect that such a measure would have a positive effect, either on the level of crime or on recidivism among young persons.

(1525)

Moreover, by basically limiting detention orders to offences involving serious assault with bodily harm, the act would deprive the judicial system and social workers of an instrument sometimes necessary to the rehabilitation of certain young persons for whom recidivism, schooling, family and personal situation and other circumstances must be taken into account. In short, a prison sentence may be appropriate in certain cases even if the offences in question did not entail serious personal harm.

In other words, we can assert on the basis of present findings that passing this act would not provide any greater measure of social protection and that the quality of supervision for certain young persons would suffer. The question which naturally comes to mind is the following: Why is the Minister of Justice bent on pushing through so quickly an act that all those concerned doubt will be effective?

Many people think the answer to it is that the Minister of Justice has given in to a small but very vocal group that favours lex talionis, ''an eye for an eye, a tooth for a tooth''. This group is reacting to the small glimpse they have gotten of juvenile delinquency and to the knowledge they have gleaned from the media of certain extreme but very rare manifestations of that criminality, such as crimes against persons. Left to its own devices and fanned by radio talk–show hosts, this fraction of public opinion is demanding that draconian measures be taken against juvenile delinquency.

By giving in to such pressure, the Minister of Justice shows that he pays more attention to what radio talk–show hosts say than to those working in the sector. Has he forgotten that his primary mission is to propose effective laws to Canadians that enforce our ideals of justice?

We are very disappointed that the Minister of Justice has abdicated his primary responsibility by proposing repressive and ineffective amendments inspired by ultraconservative opinions on social policy first propagated by the Reform Party, then apparently adopted by the Liberal party as their own.

The Bloc Quebecois believes that we can and must channel the legitimate concerns of the population towards a better understanding of juvenile delinquency and towards a willingness to apply adequate preventative and deterrent measures, as well as effective rehabilitation measures for young offenders.

The minister promises that he will take that approach later, while forcing us to adopt amendments which go against the spirit of the very approach he proposes. The members of this

House must understand that the amendments proposed by the Minister of Justice reflect a policy and values that are fundamentally different from those underlying the act itself.

By increasingly linking sentencing to the seriousness of the offences committed as the sole factor, these amendments thwart the search for measures consistent with both the seriousness of the offences and the needs of the young offenders. This search is the very basis for the existence of a Young Offenders Act distinct from the Criminal Code.

How can they ask us to renounce today the underlying principles of a law that is supposed to undergo a thorough review in the coming months?

We are well aware of the inconsistency in the approach proposed by the Minister of Justice and will vote against these amendments. We know, however, that the bill is at the third reading stage and that, unless it is withdrawn by the Minister of Justice, it will be passed by the government majority, probably with the support of Reform members.

Therefore, I ask the Minister of Justice straight out to reconsider his position and initiate his proposed review of the Young Offenders Act now before this bill is passed.

(1530)

I am confident that such a decision would be widely supported across Canada, and it would be the only acceptable option from Quebec's point of view. In Quebec, this bill was opposed not only by those who work with young offenders but by the Quebec government, which expressed its opposition very clearly through its Minister of Justice, its Minister of Health and Social Services, and its Minister of Public Security.

As early as June 14, 1994, Roger Lefebvre, as the then Minister of Justice and on behalf of his colleagues, the Minister of Health and Social Services and the Minister of Public Security, told his federal counterpart about his deep concerns regarding Bill C–37. Quebec's position, together with a detailed analysis of the bill, was relayed to the federal deputy minister as early as September 12 and tabled before the House of Commons justice committee.

Let me read the main conclusions of this analysis: Bill C–37 does not resolve the problem adequately; Bill C–37 is unfounded; Bill C–37 is full of inconsistencies and ambiguity; Bill C–37 has undesirable and unjustified effects in terms of service organization and principles as well as in clinical and financial terms.

Quebec's position on this bill could hardly be clearer and more devastating. I want to emphasize the fact that this position was developed by members of the previous Cabinet in Quebec, a Liberal Cabinet, and that it was fully endorsed by the present Party Quebecois government. Therefore, there is no doubt that this position reflects a very large consensus in Quebec society.

The federal justice minister must understand that, should the amendments contained in this bill be passed, the justice, health and social services departments as well as those primarily responsible for their enforcement in Quebec would then be forced to put into application amendments to the Young Offenders Act that they unanimously denounced and against which the vast majority of members from Quebec would have voted.

This brings to light a serious situation where the Canadian majority would impose upon the people of Quebec values and directions to which they object.

This situation appears all the more unacceptable that most witnesses from the rest of Canada and even federal justice analysts agree that Quebec is in fact a model in combatting youth crime and rehabilitating young offenders.

While the youth crime rate in Quebec compares favourably to the rate in the other provinces, the number of cases transferred is much lower than it is in the other provinces. There are only 9.4 per cent of referrals in Quebec, with 25.4 per cent of the youth population between the ages of 12 and 17.

This is due to a large extent to the enforcement measures put in place in Quebec and a more extensive use of the alternative measures program. In addition, the emphasis put on the Youth Protection Act and its enforcement in Quebec makes it possible to deal with difficult family circumstances without resorting to the Youth Offenders Act. In short, Quebec has developed an integrated and efficient approach and the other provinces should follow suit.

How are we to explain to our fellow Quebec citizens that, if this bill is passed, we will have to abide by the wishes of the federal Parliament even though these amendments were rejected unanimously by the Quebec departments and officials in charge of enforcing them?

(1535)

Of course we will have to mention the constitution, although the hon. member for Shawinigan and Prime Minister of Canada does not like it when we bring this up. Well, according to the Canadian constitution, the Young Offenders Act is a federal matter, although its implementation is up to the provincial governments.

Quebec will have to submit to the will of Parliament in this respect, until we change the constitution or decide to draft our own constitution, as a sovereign country.

Some members or observers may think I am just using this debate to promote the sovereignist option by stressing the differences between Quebec and the federal government. That is certainly not the case, since I have asked the Minister of Justice to delay the passage of this bill and to proceed with a review that would be beneficial to all the provinces of Canada.

If the Minister of Justice says no, I will have to conclude that we are faced with two different philosophies regarding youth crime and that the rest of Canada, by using the powers conferred by the constitution on the federal Parliament, is forcing on Quebec an approach that it cannot accept. I think that young people in Quebec who are in trouble deserve a more satisfactory response than the one proposed by the Minister of Justice, which draws its inspiration from the repressive and ultraconservative policies that come to us from Western Canada.

In any case, the Bloc Quebecois will do everything in its power to stop these policies at the Quebec border. First, by voting against this bill, and then by maintaining our support for sovereign status for Quebec, which would give it exclusive legislative powers.

[*English*]

Mr. Ovid L. Jackson (Bruce—Grey, Lib.): Mr. Speaker, I know that Quebec has a different approach to young offenders and it works quite well. I wonder if there is not enough leeway in the bill for judges to make a decision that would accommodate Quebec's option.

[*Translation*]

Mr. Tremblay (Rosemont): Mr. Speaker, the government of Quebec submitted an analysis, which I could give my colleague. It was tabled with the House justice committee. Very clearly, it says first that this bill is not justified. Reasons are given for increasing sentences. Sentences were just increased in 1992, when Kim Campbell was the Minister of Justice. In 1992, she increased sentences for young offenders.

We have yet to see the results. Now we are giving in again. We are trying to be like the people of California, or just about. Their biggest budget items are prisons and the police. We want health and education to be the biggest items here, not prisons and the police.

In the bill, sentences are being increased. What is more serious in this bill from the standpoint of young people? One very important point is that, from now on, detention will be almost impossible for young people who have not committed serious crimes against individuals.

For example, young people involved in car theft networks or even in drug or cigarette trafficking, who have not been caught committing crimes against individuals, but who need to be withdrawn from their surroundings, must be detained for rehabilitation. The bill will restrict the ability of those in these situations who must intervene and remove young people from their surroundings so that they do not become hardened criminals.

(1540)

On the one hand, unfortunately, sentences are being increased, while on the other, offences for which such sentences can be imposed are being restricted. Basically, however, if the system is adequate—which is unfortunately not the case in all provinces—being in custody allows for the young person to be extricated from criminal surroundings and rehabilitated before it is too late. The other aspect which seems absurd to us is that a 16 or 17–year old will have to prove that he should be heard in youth court.

First of all, I would like to point out a misconception which I hear on a regular basis from members of the Reform Party. In certain cases, young persons might clearly fare better before an adult court than under the Young Offenders Act because the Young Offenders Act also provides for extended sentences in certain cases to allow for rehabilitation and, very often, such young persons are removed from a series of measures instituted to help them, but also to supervise them.

I listened to what was said and at times I found it quite astonishing. Putting young persons into custody under the present system is no picnic for them, but it provides for good supervision and gives them a chance to make a fresh start for themselves. The bill refers to rehabilitation; the preamble has been changed. Nothing in the amendments provides for improved rehabilitation. Changing the preamble and including all the measures which appeal to the Reform Party will not improve the act.

In Quebec, we are systematically opposed to it. All institutions, departments concerned and interested parties know that it is taking us in the wrong direction.

[*English*]

Mr. Ted McWhinney (Vancouver Quadra, Lib.): Mr. Speaker, in rising to speak on Bill C–37, which amends the Young Offenders Act and the Criminal Code, I am taken back to earlier stages in my professional career as a sometime crown prosecutor and a defence lawyer. At a later stage I specialized in the teaching of Soviet law and the aspects of Soviet criminal law. I speak now of non–political crimes where that country had moved in the sentencing phase into much more of a sociological approach than a conventional criminological approach.

The bill is interesting because it comes at a time of historical transition in our society and in the world community as a whole, with the social tensions that are always present in a period of very rapid change which outstrip the ability of the social processes to accommodate to the changes.

As one who has to deal a lot with statistics, I have reservations, but it is a fact that the statistics show no substantial increase in the numbers of crimes being perpetrated in our society. It is also a fact, I think beyond doubt, that the intensity of the crimes and the violence of them are greatly augmented. This is what explains the public demand, it is certainly reflected in one of the opposition parties, for a toughening up of the criminal law, if one can use those terms.

The criminal law, not less than any other branch of public law, represents an attempt to balance the larger public interests against individual interests. Sometimes the metaphor of the pendulum has been used, but the pendulum which has swung much more in the immediate past years in favour of the rights of accused persons has swung, in the last several years certainly, much more strongly in favour of the protection of societal interests. We all reflect that.

(1545)

It is reflected in the petitions presented in this House today. I note with interest that members of several different parties present petitions on this general question. All of us as members of Parliament receive letters from our constituents.

One of the very sad things in all this is that since Jeremy Bentham first formulated his plans on penal reform, on curing of the offenders, one has the terrible feeling that not as much progress has been made in that as a scientific discipline as should have been made. Therefore we come back to the issue with this bill: How has the balance been struck by the minister in approaching the demands for amendment of the existing Young Offenders Act and the Criminal Code? How has he responded to the conflicting social interests?

Listening to the debate, one was struck by the difference in the attitude of the two opposition parties. The official opposition, and I take the criticisms of the hon. member for Rosemont as reflecting this, felt that the measure was too severe, that it did not adequately reflect the social interests in protecting young offenders. With the other opposition party, I think the criticism was made that it did not go far enough.

If the minister manages to build in both those criticisms of his work, it may strike many that maybe he has found the middle way. Let us have a look and see exactly what has been done.

There is the increase in the maximum sentences for teenagers to ten years for first degree murder or a maximum of seven years in the case of second degree murder. This reflects quite clearly the public concern that young offenders can commit murder and walk away from them.

I thought that the hon. member for Rosemont suggested that this was a simplistic approach and it did not take enough account of the element of recidivism which he feels is still severe in relation to young offenders who have been imprisoned. Perhaps we can take a look at that a little later when we examine other parts of the proposed bill.

The second part of the bill is significant and concerns young offenders, 16 or 17 year olds, charged with serious personal injury offences which are defined in the revised act as murder, attempted murder, manslaughter, aggravated sexual assault, and aggravated assault. These persons will be tried in adult court unless they can show a judge that public protection and rehabilitation can be achieved through the youth court. It changes the burden of carriage of the suit significantly from the preceding act which it now proposes to amend.

The bill does reflect the public interest in the public right to know the facts of offences. Parameters must be established in this regard.

In this House in recent days we have heard a certain cry of anguish from many members about what many feel are indecent attempts of some public media to open the books on recent sex offences and murders involving young people. Members know the cases without my citing the names.

The public interest, the public right to know demands increasingly that the courts be opened up. This process is reflected architecturally in the grand design of the Supreme Court of British Columbia, Arthur Erickson's design, which is literally intended to allow people to walk in from the streets and through the courts.

Courts used to be shut up. When I was a young lawyer, they were closed. It was very hard to find your way and was panelled in dark wood. The court officials seemed to do their best to keep people out. Therefore this particular aspect is certainly there. In so far as court proceedings are a part of the general public educational process in criminal law, I think this is a step forward without any apparent disadvantages to it.

(1550)

The time that 16 and 17 year old young offenders convicted of murder in adult court must serve before they can be considered for parole is extended. This is a reaction generally to a public feeling that the parole system today is not functioning as it should. It is being addressed in a more general way by other sections of the justice ministry.

Suffice it to say, for the most serious offence of all, the extension of the time to be served in the case of young offenders responds to very clear public interest. This was expressed to all members of Parliament through petition and through direct correspondence to us.

The provision for information sharing among professional people, school officials, police, and certain public groups when public safety is at risk has been criticized by some as exposing young people to public obloquy. It has been criticized by one of the opposition parties in this debate as not going far enough. There are two things to remember.

We have moved a long way from the 18th century notion that people were exposed in the docks, in the public stocks in the village square, and made to wear a letter on their chest if they were convicted of certain offences. It reflects a reaction to this but it also recognizes awareness of the relevance of the charter of rights. The charter of rights, as interpreted in the jurisprudence in our courts, is very strict in its definition of the limits of the public right to know and the protection of the privacy of individuals.

In this particular sense, it seems to me the minister has gone as far as he sensibly can go. He is a law reformer who wants his law to prevail. He does not want it to be challenged endlessly before the courts and perhaps thrown out on the basis of the rational interpretation of the court jurisprudence that all of us as professionals in the field know how to make.

Similarly, with the provisions for rehabilitation and treatment of young offenders, I was struck by the comments of the member for Rosemont, the official opposition. I think we are all ready and willing to learn from the experience of other countries and certainly from provinces within our federal system. I was struck by the thoughtful question posed by a member of my own party to the member for Rosemont.

This exchange of information is important. As far as the federal law is concerned, it represents a significant advance on provisions as they now exist.

One very interesting area is the provision the minister makes for the private law responsibility of offenders, here specifically young offenders, where property crimes or less serious offences are what is involved. The concept seems to be the restorative one that the criminal offender, the delinquent, should not merely purge an offence in terms of suffering punishment but should also assume the burden of correcting the social situation that he or she has so rudely disturbed.

If young people wantonly destroy property, we can take the Singapore approach and you can cane them in well publicized ways. Or we can ask the young people to repair the property as part of their sentence. We can ask them to accept the responsibility for what they have done which I think is an excellent approach. I hope it will be extended more widely within our criminal law.

(1555)

Contrary to public impression and also public impression of some public officials, the way always exists under our law for private law actions to compel just that, the restoration of the situation to as it existed before. Actions are quite common in continental European law against the parents of young offenders or against the young offenders themselves for that matter, for whom their parents would stand in responsibility.

In any case, this is innovative. It shows the attempt the minister is making to produce a coherent law that balances the old with the new social imperatives in a period of rapid change. In making compromises, it strikes a balance that takes us beyond the social problem as it has been thought to exist.

On this basis this is a valuable step forward. We have to be especially careful when dealing with young offenders in facing the reality that long incarceration with young people encourages recidivism and may be the least effective social control of all.

Nevertheless the minister, in relation to the supreme offences, first and second degree murder, has taken the step of increasing the punishment. In other areas he has recognized the public wish to be involved but within the limitation that we will not encourage prurience by publishing televised tapes that people recorded of their victims. We will go so far as to say the public has a right to know.

We will bring in the social services people to encourage rehabilitation of young people. We will accept the notion that in the protection of the public responsible public officials in schools and elsewhere need to be given information. However that information must be done in conformity with the Charter of Rights and Freedoms as interpreted by the courts and as predictably applying in cases such as the present.

On this basis, I am happy to commend Bill C–37 for adoption by this House.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I have a hard time understanding this. A 17–year–old murders an individual, such as the mother in Edmonton. Someone else, who happens to be one year older, does the same thing. For him it is an automatic life sentence for first degree murder because he is one year older.

Why should there be a difference between a 17–year–old and an 18–year–old? Why should a 17–year–old who performs that kind of act receive three years, which is very possible, and an 18–year–old who performs that kind of heinous act receive a 25–year sentence?

I am struggling with the difference. Why do we not take 16 and 17 year olds and say they are in adult court, period? Why include something that says unless it can be proven that it would be more to their benefit to be in juvenile court? Are we trying to create more work for lawyers? That is probably one of the motives, but I would not dare suggest it.

Mr. McWhinney: Mr. Speaker, I appreciate the fruitful question raised by the hon. member. I would have thought the bill as presented by the minister responded to the specific cases he raised. These 16 and 17 year olds are to be dealt with in adult court under the bill. The maximum sentence is 10 years for first degree murder.

We are getting into this issue of marginal variation and where do we draw the line? Would we extend it from 16 years down to 15, or why not then 14? A life sentence and even death sentences were routinely applied in earlier periods of criminology to young children. We have obviously gone beyond that.

(1600)

We have tried to establish a new line which reflects present societal expectations and present societal realities. It is always possible to amend this, but I would have thought that there is a significant change now made in applying this 10–year minimum sentence for first degree murder. On that particular score I think that the bill represents an advance. However, if on experience it is found that changes are needed, it can be amended again.

Mr. Paul E. Forseth (New Westminster—Burnaby, Ref.): Mr. Speaker, I rise today to speak again on Bill C–37, an act to amend the Young Offenders Act.

This matter is close to my heart, as I lived with young offender issues and their consequences long before the Young Offenders Act became the law of the land. I was a part of the more than 10 years of consultation and wrangling that occurred which finally produced Bill C–61 back in 1981, which brought us this tragic, social science experiment perpetrated upon the Canadian people.

I have a clear message for the Minister of Justice and his cabinet colleagues. I also want to wake up the policy section of the Department of Justice which has led the justice minister into the mistake of Bill C–37.

I can appreciate that the justice minister has to take what he believes is the best advice he can get from his advisers. I say to those few in the department who have misguided the minister that the shame of the country is on their shoulders.

The condescending prescriptive approach of Bill C–37 is fundamentally out of step with mainstream Canadian values and it makes one's heart sink. I do not know what I can say to drag the members opposite into the nineties, clear their heads and listen to what I am saying. They should not discount what I say because of where I stand in the House. I claim particular credibility about the Young Offenders Act.

This country does not need Bill C–37. Rather, it needs a renewed Young Offenders Act, one which will improve the safety of our streets, put Canadians' minds at ease and reflect what Canadians want.

Members of this House and the minister, listen to what I am saying and make the appropriate adjustments. Bill C–37 is wrong. Hopefully we can get it right at the 10–year review.

Since coming to Ottawa I have sat through most of the justice committee meetings which dealt with Bill C–37. I have held town hall meetings and have done widespread surveys in my riding of New Westminster—Burnaby. I have also consulted across the country. The conclusion is the same, the Young Offenders Act and the amendments proposed as part of Bill C–37 do not come close to solving the problems associated with young offenders today.

In a survey included in a recent householder of mine I asked constituents a straightforward question: Does the current Young Offenders Act need to be amended? The yes response was an astounding 96.3 per cent. At town hall meetings in my riding the consensus was to lower the age and to change other essential elements.

This feeling is widespread across Canada. However, the bleeding heart Liberals do not want to admit it. Clearly the YOA is fundamentally flawed and has not achieved the acceptance that we would expect if it were operationally appropriate.

Canadians have had it with high taxes and an uncontrollable deficit and debt. They have had it with gun control measures which do not deter criminals. Most of all, they have had it with the Young Offenders Act which does not protect innocent people or support the principles of specific or general deterrence. Instead it seems to protect the rights of the offender in a manner out of balance with that of the victims.

The Young Offenders Act makes certain that the identity of a young offender is not known even if this puts the general public at high risk. Further, the Young Offenders Act fails to recognize the rights of the victim as a needed integral part of the justice system, as there is no legal recognition of their stake in the general proceedings.

The Minister of Justice asked for consultation, such as his 1993 discussion paper ''Toward Safer Communities''. The public thinks that the minister really cares about what it thinks. What the public does not know is that the minister already finished drafting the bill before the last responses were received.

True consultation is something which all members of the Liberal Party need to learn. Perhaps they should take a lesson from the members on this side of the House. To consult means not only to listen but to implement what the majority wants. Canadians are being reminded again that the Liberals' definition of consultation is to appear to listen and then to follow their original agenda.

(1605)

Before the drafting of Bill C–37 there were rallies upon rallies across the country for drastic changes to the YOA. What happened? There were no drastic changes. Now on the eve of the 1995 budget Canadians are holding tax rallies from Victoria to St. John's demanding no more taxes. What will happen? The finance minister will raise taxes and increase the deficit all in one shot. The Liberals will still have the nerve to say that this is what the general public wants or should have.

The Reform Party appreciates the grassroots and listens very carefully. Our plan of reform of the YOA is community based, with a history of a bottom up approach, rather than the traditional bureaucratic, top down, no grassroots approach. Therefore, the Reform proposals I want to present are the ones that the

Canadian public wants and the ones that the Canadian public deserves.

One, lower the young offenders age of definition of young person from 10 to 15 years inclusive from 12 to 17 years inclusive. Two, any young offender who commits an indictable offence could possibly be transferred to adult court. Three, remove extra privacy and secrecy provisions in the Young Offenders Act and treat all YOA records, access to information, ability to publish in the same manner as is for adults.

Four, sentencing must emphasize victim compensation, community service, skills training, education and deterrence to others. In custodial facilities opportunities for rehabilitation must be emphasized in a disciplined environment. Medical psychological treatment orders should not require the consent of the young offender.

Five, parents of young offenders should be held responsible for compensating victims for property crimes if it can be demonstrated that they have not made a reasonable effort to exercise parental control. Six, victims must be given legal standing in youth court and be invited to be involved at all stages of court.

Constituents often ask why the government always tinkers with the YOA instead of making all the necessary changes in one try. I think we all know the answer. By changing it slightly throughout its mandate, the government makes it appear that it is really working hard for the people while basically preserving the status quo and not changing what it originally gave us.

Many members spoke on Bill C–37 at second reading stage and many more are going to be speaking at this stage. However, very few who will speak on this bill have experienced the frustrations of the Young Offenders Act firsthand. I realize that many of my colleagues in this House are lawyers but I know that only a few have ever dealt with defending or prosecuting a young offender.

As a former probation officer in the British Columbia Youth Court, I had to deal with the Young Offenders Act on a daily basis. I have lived and breathed the Young Offenders Act problems for years. As an officer of the court I did my best to administer at the street level the Young Offenders Act and its predecessor, the Juvenile Delinquents Act of 1908.

Beyond the lawyer who may have defended a youth at court, I regularly made home visits with young offenders and surveyed the social context of the offender. I worked hard to promote innovative resolutions to varied crises in case management, bringing together public health, social work and psychiatry in the schools to respond to particular needs. This both pre–court and post–court effort was happening long before the Young Offenders Act became law. The reality of administering the sentences and consequences of the Young Offenders Act is far removed from court proceedings. This different world is not comprehended very well by legal drafters and policy people.

I mention this as it relates not only to what should be done to fix the YOA but in respect to the credibility of the message giver. The Bloc accused me of nostalgic fascism when I rose to speak about the Young Offenders Act on May 12, 1994.

I want to remind my detractors in this House and those few lawyers who think they know something about young offenders—it seems that everyone in this House has an opinion about youth crime—that my recommendations come within the context of years of intimate working knowledge of trying to make the system work at the level of basic application.

The Reform Party's proposals are not right wing reactionary, but rooted deeply in direct experience and a careful evaluation of the balance between community desires and specific offender concerns.

The member for Notre–Dame–de–Grâce is nationally known for his misguided views about offenders. At report stage he was again attributing views to the Reform position on Bill C–37 which had more to do with covering his own guilt about what he and his colleagues did to this country when a previous Liberal administration, which included the current Prime Minister, told Canadians what was good for them and thereby gave us the Young Offenders Act.

I was involved in early consultations when the Juvenile Delinquents Act was being changed to the early version of the Young Offenders Act. Philosophies are varied. I have seen violent youth released because of minor technicalities and flaws in the act. The Young Offenders Act is terribly flawed and will only further harm Canadians if it is kept in its present state, including if the amendments to Bill C–37 are given royal assent.

(1610)

I tried as a professional to defend the system with the tool box of rules and resources that I had at my disposal. I found the act at times to be very cumbersome, a liberal statement of unrealistic hope over reality, inflexible rules over common sense, a sense of government betrayal to many victims, and a carte blanche to the self–centred predator.

On a regular basis I ran into frustrated parents on both sides. Some parents wanted the law to do something with an offending son or daughter but the hands of the authorities, including mine as a court officer, were tied. Victims were always asking the same questions, why the parents of young offenders cannot be held accountable, why the guardians who are supposed to be doing their duty and who fail to act cannot be held accountable for what they allowed to happen. How many times have we all heard the comment when a young offender is caught: ''Where are the parents?''

This government gave its answer to the country and it was in plain, clear English. It could not care less. In December 1994 this bill was at committee stage. At that time the Liberal and Reform parties brought forward amendments that would alter Bill C–37. Every amendment the Reform Party put forward was voted down by the Liberals, not because they may have disagreed with the amendment but because some were afraid to break party ranks. They were afraid to do what was right for the country.

One of our amendments would have included some limited parental accountability to the Young Offenders Act. The proposed change was to clause 13 of the bill. It asked the courts to order the person having custodial care and control of the young person who fails to reasonably exercise foreseeable parental duty to pay and to order such person at such time and on such terms as the court may fix an amount by way of compensation for loss of property, for loss of income or support for special damages for personal injury arising from the commission of the offence where the value thereof is readily ascertainable, but no order shall be made for general damages.

It is now a record for the whole country to see where this government stands. This government is determined to have its own way, to defend the status quo and to continue the old style way of governing this country. The Liberals only listened as they were preparing the red book. They put in the red book what the people wanted to hear but then they quickly forgot what they had heard.

The book promised changes to the Young Offenders Act. More so, it promised to deal with Canadians' concerns. It was 100 per cent smoke and mirrors, I think. Canadians' thoughts were not even brought to the table.

Let us look at what has been accomplished. The Liberals were elected as the government and the people are still suffering under an ill fated Young Offenders Act. By failing to take bold action to correct what was largely not working and introducing legislation just to mollify a restless public and fulfil an election promise with the call ''trust us'', this government has fallen short and let us down.

The Liberals' efforts are simply a top down, we know best answer to an increasingly aware and justifiably demanding populace. I am most pessimistic about any result from the announced 10–year review.

Members of this House of Commons may not feel the backlash from constituents just yet, but be sure that when they vie for re–election constituents from coast to coast will be asking what Liberal Party members did to improve the Young Offenders Act. When these Liberal MPs have to really defend to their constituents the inadequate improvements electors will look for the party that will truly represent the people and that party will certainly be the Reform Party.

We have a social philosophy of openness and community accountability that the old style Liberal ideology just cannot seem to comprehend. A new Young Offenders Act must be socially resonant. It must clearly demonstrate Canadian society's values and mores. It must be an instrument not only of rehabilitation and treatment but also of deterrence and orderly denunciation. It must reflect mainstream Canadian values.

Parents are concerned for the safety of our children. They are demanding an accountability of the justice system to the community and they want to have a sense of ownership in the process of justice. They are frustrated and angry that the current system seems to operate for and around a select enclave of justice professionals, the criminologists, the legal community, corrections workers, offender care agencies and the police.

Nine pages of this bill relate to amendments around a faulty premise. I say clearly to the minister let go of these outdated notions and stop the tangled bureaucratic response where one line in the act would suffice to simply state that a youth court record and an adult criminal record are one and the same of a continuum to be kept in one computer and handled like all other criminal records.

Society sees violent crime with abhorrence, needing denunciation and a sensible social defence response.

(1615)

If the violent 16 and 17 year old young offender is kept within the bounds of the Young Offenders Act, the maximum penalty for first degree murder would be 10 years. If that same violent offender were dealt with in adult court, the penalty for first degree murder would be life imprisonment. While 10 years under the new proposal would seem to be sufficiently harsh, the reality is that probably only 6 years would be spent in detention at most, with the remaining 4 years to be spent under community supervision.

At the other end of the spectrum are the youngsters 10 and 11 years old who are flexing their egos and daring society to take them to task. Under the provisions of Bill C–37, they remain untouchable. By the time they are 12 years old, the hard core are street wise and becoming increasingly sophisticated in testing the system. When they finally appear as young offenders, they are already beyond being intimidated by the system. The successive warnings and breaks they receive as young offenders then become meaningless.

They often are too deeply entrenched in the game to see or desire a way out. However I believe that 10 and 11 year olds, if brought under the umbrella of the justice system, publicly denounced and placed in programs of education and rehabilitation, would be much more responsive to efforts to set them straight.

It would provide the legal tools to break the offending cycle and require the social services of public health, social work and education to deal co–operatively and resolutely with these individuals.

The Reform Party cannot support this bill. It does not represent the wishes of my constituents. Some of the members who sit across from me on the government benches represent ridings close to mine. I have received correspondence from their constituents. These constituents do not support Bill C–37 and therefore neither should their member of Parliament.

The one saving grace for this legislation is the second phase that will take place later this year. The Standing Committee on Justice and Legal Affairs will have the opportunity to hear witnesses from all across Canada as part of a 10–year review of not only the amendments to Bill C–37 but the entire Young Offenders Act.

I understand the committee will travel across the country and make itself available for all Canadians to provide input. I want to encourage the chairman of the committee to solicit witnesses from all groups and not stack the hearings with bleeding hearts as was done sometimes during the committee stage.

As well, the Minister of Justice must respect the wishes of those who provide the input for this 10–year review since these are the people who are affected most by such changes. The minister has a second chance to do what is right, namely lower age limits, deal with serious offenders in adult court, eliminate publication bans, put victims into the system and make parents responsible for property crimes committed by the youth.

Let the YOA become a short, clear statement in principle rather than a tangled act that is becoming a retirement plan for lawyers. Bill C–37 is off track and I call on the government to set it right during the 10–year review.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I would like to compliment my colleague on a very well delivered speech. He said some great words.

I too have had lots of experience with youth over a 35–year period. Could he explain or comment on his views of the young offender under the age of 12 at that time? How real was it and how informed and knowledgeable was that age of child, anywhere from 7, 8, 9, 10, 11 or whatever the age might be as compared to the idea now that they are not accountable?

I would like his comments on the people who were under age 12.

Mr. Forseth: Mr. Speaker, we know that common law tradition previously was that we would not put anyone under seven years of age through the criminal process. We had developed through common practice of the administration of the provinces under the old Juvenile Delinquents Act that no one under 10 years old was ever processed.

Our suggestions of changing the age of operation is to provide a better context where social services can be directly brought to bear on those who are most likely to benefit from those social services.

In this day and age of growing awareness and the sociological changes, by the time someone is 16 years old we grant them the privilege to drive a car and become an impaired driver. Yet we are going to still treat them as misguided children.

If the age in the Young Offenders Act was lowered to 10, probably most 10 and 11 year olds would never come before the courts. They would be dealt with through alternative measures. It would certainly put a flexible tool into the hands of the police for those exceptional cases that could be redirected at an earlier stage, rather than becoming a tragedy later in the system. We are saying that the basic change of operation is well rooted in criminological science and the experiences of social services in the community and is not a rather reactionary response.

(1620)

Mr. Jesse Flis (Parliamentary Secretary to Minister of Foreign Affairs, Lib.): Mr. Speaker, I was hoping the hon. member would delve a little deeper into the alternative measures that he started talking about.

I wonder if the hon. member is looking at the same bill, Bill C–37. I draw his attention to the summary.

> This enactment amends the Young Offenders Act and the Criminal Code.
>
> The major elements of the enactment are the following:
>
> amendments to provide that sixteen and seventeen year olds charged with specific serious crimes involving violence will be proceeded against in adult court—
>
> amendments to increase the period of time that sixteen and seventeen year olds convicted of murder in adult court must serve before being eligible to apply for parole;
>
> amendments to provide that young offenders should be accountable to their victims—

This is what his constituents are requesting. In fairness, he should draw this to the attention of his constituents.

> amendments to provide for greater sharing of information relating to young offenders with persons who require such information for safety reasons.

Again, this is something his constituents are requesting. Sometimes I believe that members of Parliament are not serving their constituents properly if they do not share with the constituents exactly what is in the bill.

Mr. Forseth: Mr. Speaker, certainly I have made an effort to share what is in the bill. The mild gestures for opening up the system, for sharing of information, for example, is going to be a

most tangled provision. It is going to be very difficult to administer.

We have heard very convincing arguments that we really do not even need a young offenders law because of the charter. I have heard some rather learned people argue successfully that way.

I am saying that Bill C–37 really does not go far enough relating to the ability to take a statement or general openness. For specific and general deterrence to work the media should have access. We have a system of rules for maintaining criminal justice records. I know how difficult it is trying to keep separate files and create a fiction to a subsequent sentence in court, trying to figure out what I am allowed to tell the judge and what I am not allowed to tell the judge because of all the tangled provisions in the Young Offenders Act. I might be misleading the judge because of the social engineering aspects of it.

I am simply saying that Bill C–37 is not workable and there is nothing that can fulfil that ideal. I can give cases where the act has worked the other way and has caused harm.

As far as 16 and 17 year olds are concerned, we basically say they should be dealt with in the adult system.

Mr. Morris Bodnar (Saskatoon—Dundurn, Lib.): Mr. Speaker, it is a pleasure to stand today to deal with the Young Offenders Act in light of some of the comments that have been made, especially the comments that seem to be based on the premise that in our society youth crime is increasing.

That is not the truth. If the Reform Party is indicating that youth crime is increasing, then the Reform Party is misleading the public. It just is not true. That is the problem. Its arguments are based on a premise that is not true.

When we deal with matters such as lowering the age, what is so magical about the age of 10? If we are going to reduce the age from 12 to 10, why not 8? Why not lower it to the age when they begin to walk? Is there any problem with that?

There lies another problem. No basis is given as to why the age should be lowed to 10. I have a 12–year old child. I cannot see that child being in young offenders court. They are young and immature. Twelve–year–olds may be physically tall, but mentally they are not mature. Putting such people into the criminal justice system is not right.

(1625)

The bill provides that young offenders can be transferred to adult court. In the proposed amendments, on serious offences, 16 and 17 year olds are to be tried in adult court unless they can convince the court that they should be in youth court. Surely there is no need for change in that area.

Removal of privacy is another factor that has been brought up. What good is it to society to reveal the name of a young offender? It will ostracise the child from the rest of society. It will ostracise the child and will restrict rehabilitation. That is not what the Reform Party wants to do. It wants to know and make it a matter of gossip that a certain child was in youth court.

There is no purpose to be gained by revealing such information. In the proposed amendments we deal with it. The information can go to the essential parties. It can go to school teachers and groups such as that so they can deal with the matter as is required.

Sentencing is the fourth point raised. Rehabilitation is to be emphasized. Unfortunately for the Reform Party they must realize that this is a matter of provincial jurisdiction. Young offenders are sentenced to facilities that are under the control of provincial governments. Some provincial governments deal with the matter differently than others.

In some provinces they simply put the young offender into a holding tank, lock the door, and release him or her four or five or ten months later. Open the door and out comes the young offender, not rehabilitated but simply better trained by prison to commit crime. That is the problem we have.

If the young offender leaves better trained to commit crime, then we have a problem because that young offender in short time becomes an adult and knows how to commit crime better. That young offender just goes through the system again and again.

Rehabilitation may be wonderful and should be emphasized by governments but it is a matter of provincial jurisdiction. They have to deal with it more seriously than they have in the past.

Reform members want parents of young offenders to compensate the victims. One has to distinguish whether we are in a civil court or whether we are in the criminal court when we are dealing with these matters. The mixing of the two does not always mix that well.

In giving the victims legal standing one has to question whether this is an offence of a youth. Is this an offence against the state as it has been traditionally in the criminal justice system, or are we now going to have everyone from a community come in and apply for standing in dealing with matters that are before the courts? This would completely uproot hundreds of years of tradition.

Certain perceptions have been raised by members of the Reform Party. According to them there are indications that crime has been increasing by young offenders, but in reality this is not so. The only area where there has been an increase in crime are those crimes classified as violent offences. However a violent offence involves a common assault, a slapping, et cetera.

The problem we have in those particular areas is that people have been reporting more of these incidents. When two young people are fighting at school, the matter is not resolved by the young people going to the principal's office or calling the parents. The matter is resolved by calling the police and charges are laid. That is how statistics get distorted and that is how statistics show that those crimes have gone up. It has not happened. That is the problem.

(1630)

Statistics are being used to distort reality. In fact 16 and 17 year olds in our criminal justice system have been treated more harshly than adults. Sixteen and seventeen year olds in youth court who are sentenced to six months of closed custody serve every day of that six months of closed custody. They do not get paroled; they are not released early. That is different from the way adults are treated in our system today.

Another problem that has arisen is the perception that the police cannot properly enforce laws against young offenders. Of course police can. Their rights are the same as they are for adults. If they can use the same rules they use for adult criminals when dealing with young offenders they can deal with them just as easily.

The Young Offenders Act enhanced the authority of police compared to old Juvenile Delinquents Act. The police can fingerprint young persons and maintain records of prior convictions. These matters cause young people to be treated more like adults and simplify enforcement proceedings for police in dealing with young offenders.

Young people can be transferred to adult court. Under the proposed legislation and the proposed changes, 16 and 17 year olds automatically go to adult court for serious offences. The sentences for first degree murder are doubled to 10 years. That is the maximum. Of course there is discretion on the part of the judge sentencing the person.

One has to question what would be served by increasing that sentence to a further term. What would be served by having a young person who is 16 years of age sentenced to life imprisonment? What is served by that? Many of our young people who get into problems come from dysfunctional families. Many of them come from families where the parents are drunks. They are not raised with direction. They go out into the world with the problem of not knowing how to deal with it.

These are the young people that members of the Reform Party would want to throw away, lock the doors and support forever. They want a system similar to that of the state of California where more money is spent on prisons than on education. If that is what we are going to do we have a problem. We cannot let that happen to the youth of this country. We have to help them get rehabilitated. We cannot lose faith in the youth.

Another problem we have is that anyone who tries to show that a system works or has worked over a period of time is immediately accused of being bleeding hearts.

In discussing these matters with prosecutors who have prosecuted in the field they have indicated the Young Offenders Act works well. These prosecutors are Canadians. They are in the system all the time. It is only when Canadians are given misinformation that they have different opinions. When they are given the facts they agree that the Young Offenders Act basically works well.

Most violent offences are not committed by youth. Adults commit 86 per cent of violent crimes. Of the approximate 14 per cent committed by youth, half are what we classify as common assaults: a slap or a punch. Those are the facts. Over 57 per cent of property crimes committed by youth are thefts. The majority of those are theft under $1,000. In other words most of them are offences such as shoplifting.

(1635)

Let us not distort the facts. These are the facts. With these facts we have to look at the Young Offenders Act to determine whether it was working properly. I suggest the act is working very well.

In the past police often decided that charges should not be laid, especially for first time offences by young offenders. They would take the young offenders home. They would take them to the parents. The young people quite often were more embarrassed than anything. That would end the matter. That is not the way it is dealt with now. The young offender is apprehended on an offence, a charge is laid, the youth is then taken into court and the matter is dealt with in the court system.

I am not criticizing that maybe that is not the way it should be dealt with, but that is how statistics are built up. They are built up in particular areas when they should not be. As well there is an increasing willingness to report offences in the school system instead of schools taking care of matters as they have in the past.

We can all recall years ago when there would be a fight in a school yard and the principal, at least in my school, would take matters into his own hands. He would take the young people to the office. The odd one got the strap. The odd one was kept in detention. The police were not called. The way it is now the police are being called to lay charges, which is distorting the facts.

However the proportion of all persons charged from 1986 until now has remained virtually unchanged. There is not this huge explosion of an increase in crime by young offenders. It just has not happened. It only appears to have happened when distorted facts are given to the public. That has not happened. Since it has not happened we have to inform the public of the facts.

Fourteen per cent of young offenders were charged with violent offences in 1992. Almost half of those offences were equivalent to very minor assault charges. None involved weapons. The offences resulting in the most serious of personal injuries amounted to approximately 2.4 per cent. We are hearing this large furore over the way matters are being dealt with or should be dealt with. The number of youth charged with break and entry has actually decreased. It was lower in 1992 than it was in 1986. These are the facts.

The Young Offenders Act must be doing something right. Something is working. We have to fine tune it in particular areas and that is what we have endeavoured to do by increasing the sentences for teenagers convicted of first and second degree murder in youth court to ten years and seven years respectively. We hope that we have been able to deal with the matter in giving the system flexibility.

Rehabilitation was raised by the member from the Reform Party. Rehabilitation is an important factor. However rehabilitation quite often commences in the jails because the youth never got an earlier chance. They never learned how to get up in the morning. They never learned how to go to work in the morning. They never learned how to take care of their room. They never learned personal hygiene. They never learned basic things like knowing how to work. They never learned how to clean anything. They never learned how to do any basic jobs. These are matters that have to be learned and these are required parts of the rehabilitation scheme. We cannot do this by simply opening a door, throwing youth in, locking the door behind them and forgetting about them until their term is over.

I must admit that it would not hurt if some of the parents were given the same treatment because many of them do not know how to get up in the morning. Many of them have not taught their children because they have not known how. They are going through a vicious cycle. It is going from generation to generation in that direction. It has to be halted. The Young Offenders Act goes as far as we can go in halting it. The provinces have to take over at a particular point.

(1640)

This is not bleeding at all. This is simply common sense. I wish it was incorporated at times in the comments being made about young offenders. Common sense plays a part and certainly goes a long way in remedying some problems that exist.

Some young offenders who are violent need extended periods of time in incarceration. That is what we are dealing with in the Young Offenders Act. This provides a chance to rehabilitate them in the institutions where they are placed. Once that is done it is up to the provinces and the workers working with them in the institutions to take over rather than advocate the holding of young people for prolonged periods of time.

In the proposals dealing with transfers to adult court we have done what many people in society have wanted. They have wanted young offenders in extremely serious offences to be tried in adult court. If those young offenders can convince a judge and demonstrate that the objectives of the protection of the public and rehabilitation can be met in youth court then they remain in youth court but only then. The young offender who has committed 10 or 15 break–ins will not be in youth court. He will be in adult court. The person who continuously repeats offences will go into adult court.

These are important factors to be dealt with. We have dealt with them in a responsible manner. The amendments are before Parliament so that the courts will eventually have more flexibility in dealing with these matters and dealing better with these matters.

The sharing of information and records is important. We do not demonstrate to the world what the young person's name is. There is no purpose in that. We do give it to the right people to be dealt with for the purpose of protecting the public such as school officials and child welfare agencies. There are people who should have the information. Such information when released is important. We have balanced the interest of the child and the interest of society by doing what we have done.

The amendments we have proposed at this time certainly meet many of the requirements of the Canadian public. The Canadian public has wanted some changes. We have come up with those changes. They are responsible changes in attempting to fine tune portions of the legislation that had to be changed. We have done this.

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, I listened with rapt attention to the hon. member's discourse. When hundreds of thousands of Canadians are voicing their opinion that the Young Offenders Act needs serious reform or serious overhaul I find it absolutely astounding a member would claim as he just did that ''the Young Offenders Act is working very well''.

The hon. member derided the use of statistics, yet he himself went on to use statistics throughout his presentation over and over again to try to prove his own personal bias that the Young Offenders Act is working very well.

I would like to ask the member, in as few words as possible, if he feels therefore that young offenders who reoffend over and over again should be held accountable? He said that somehow it was their background, that they came from dysfunctional families. They have all sorts of societal reasons why they commit crimes and why they break the law and have no respect for it. If it is always someone else's fault how do we hold these people accountable?

(1645)

Mr. Bodnar: Mr. Speaker, when we are dealing with repeat offenders who recommit offences over and over again, quite often we are dealing with a very small proportion of the members of the young offenders group who commit these offences.

Of course there is a need for rehabilitation. Quite often the reason they are committing these offences is that there is nothing for them in the institutions in their provinces that prevents them from doing it or rehabilitates them in any way. If nothing is done the only problem and the reason they recommit and get caught is that they were not trained well enough the second time. They are out, caught again, go in again and recommit. That is the problem we have.

Of course people do not want to be just in jail. They do not want to be just in jail for the sake of being incarcerated. That is not what they want, but they have not learned a different way of life. We have to realize this and become realistic in this direction.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I have a couple of questions to ask the hon. member. I would like to comment on the 14 per cent of crimes being committed by youth; 12 to 17 year olds if I am not mistaken make up 14 per cent of the population, so that balances out pretty well.

Recently I went on a ride along in several places with police throughout the country, not just in one or two places. I witnessed the police dealing with youth on a few occasions. On many occasions there were no charges brought forward. Rather, the police dealt with the situation. They contacted parents and charges did not follow.

If charges were being made at a ridiculous pace to include school fights et cetera, I would have thought from those nights I was involved that there would have been a real increase in crime. However, there were no charges brought forward. I wonder what basis he has to show this House that is happening, that school yard fights are being reported. Where does he get his information?

I know at my school in my district of many schools, never once were the police ever called. That was until 1992. Never once were they called for a school yard fight. As far as I know, to this day they have never been.

He said that some provinces throw them in the clink for four to ten months and then just let them go. I would like to know what provinces these are and where he got his information.

Mr. Bodnar: Mr. Speaker, I can speak fairly well from personal experience. Rehabilitation does not really function in the province of Saskatchewan. That is because money is not being put into the system to properly rehabilitate individuals.

The whole question indicated by the hon. member for Wild Rose of the number of people young offenders represent being 12 to 14 per cent of the population and therefore committing 12 to 14 per cent of the offences verifies the fact that we do not have this explosion of offences among young offenders. It has not occurred. It is not occurring. I am very pleased the hon. member for Wild Rose has just verified that fact for me.

Mr. David Chatters (Athabasca, Ref.): Mr. Speaker, I would like to ask the member where he is getting his statistics from. I have statistics from the Canadian centre for justice statistics showing that since 1962 the rate of young offender offences has risen by over 300 per cent.

Since the introduction of the Young Offenders Act in 1982 the incidence of young offender violations has risen some 117 per cent. There was a small drop between 1992 and 1993 of 3 per cent. At the same time young males between 15 and 25 in our population dropped by 14 per cent.

I do not know where you are coming from. There is an explosion of youth justice, looking over the last 30 years. The Young Offenders Act simply is not working. Where are you getting your figures?

The Deputy Speaker: I would ask hon. members to put their questions or comments through the Chair.

Mr. Bodnar: Mr. Speaker, I rely on that most unreliable authority called the John Howard Society which indicates that the youths charged as a percentage of all persons charged in the period 1986–92 has not increased.

Mr. Paul E. Forseth (New Westminster—Burnaby, Ref.): Mr. Speaker, when characterizing how young offenders are placed in custody in Saskatchewan, the hon. member made a description something like open the door, put them in and then let them out.

(1650)

I will be contacting the attorney general of that province and I will be getting the information about the millions that province is spending on juvenile offenders for social programming while they are in custody. Millions are being spent across Canada by every province. The federal government has a tremendous share of that cost sharing program.

We are doing a lot to provide social services and community resources to those who are in custody. It is an awful thing to say that in any province in Canada they would treat young offenders in the way that he is describing.

Mr. Bodnar: Mr. Speaker, I can facilitate matters for the hon. member since I live about three blocks from the youth detention centre in the city of Saskatoon. If he wishes to come to see it,

contact me and I will arrange matters for him. If he wishes the attorney general's phone number it is in Saskatoon under his wife's name.

[*Translation*]

The Deputy Speaker: It is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Frontenac—customs tariffs; the hon. member for Québec–Est—social housing; the hon. member for Cariboo—Chilcotin—citizenship and immigration.

Mr. Gilbert Fillion (Chicoutimi, BQ): Mr. Speaker, right off the bang, I am going to tell you that the Bloc Quebecois' position on Bill C–37 is that it is repressive and loses sight of the ultimate goal of all criminal laws: crime prevention and the rehabilitation and reintegration of offenders.

The bill will in no way contribute to stopping young people from committing criminal acts. Ottawa is going down a dead–end street, as far as Quebec is concerned. Quebec is to assume responsibility for administering the system. Our recommendations have once again been overlooked. This is yet another good example of the struggle between the legitimate goals of Quebec and those of the rest of Canada. Once again, the bill demonstrates that the federal regime has failed.

As I already said in this House when speaking about the same issue last June, I am very concerned about the situation our young people find themselves in. I am sure that many of us are also concerned, but I am less sure of what we want to do to help them.

For over 34 years, I worked with young people as a teacher in a comprehensive school. I got to know many thousands of young people, and I can assure you that the image we tend to have of them is not always true to life.

Of course, there are a few who stick out from the others because of the way they dress, because their hair is the colour of the rainbow, or unfortunately because they commit reprehensible acts.

I think it is important to remember that the current Young Offenders Act has a very special philosophy. This policy is to help and supervise young offenders, unlike Bill C–37, which tells us that young offenders must be punished. This bill caters to the feelings aroused by extreme cases, while the notion of educating, helping and supervising young people is totally forgotten.

(1655)

The policy statement behind this bill refers to rehabilitation and social reintegration, but what about prevention? Where, in this bill, is the word ''prevention''? This is a repressive bill. One of the things that strike me the most is that 16 and 17–year olds who commit serious crimes will now have the burden of proof as to whether they will be tried in adult or youth court. This makes all the difference.

I really wonder why we should favour such an extreme solution and whether it is really necessary. Under the existing legislation, a young person charged with a serious crime may be tried in adult court. This provision is used by crown attorneys when a thorough review of the young person's record by several people shows that he must be tried in adult court.

Do we really need to amend the existing legislation, when it already allows us to transfer records from youth court to adult court? We cannot afford to move toward automatism. By virtue of his age alone, a young person may now face trial in adult court. This bill raises many questions, including the following: Is a 17–year–old first time offender who injures someone while committing a robbery more of a criminal than a 15–year–old who has committed close to 100 burglaries? It is a question.

Please, let us be a little realistic. Again, it is not a matter of age. It is a matter of prevention and education. I will tell you that in my riding, for example, in January, a young man was sentenced to imprisonment for incest. His own father had gone to jail before him for the same offence. As incredible as it may sound, for this young man, incest was a normal thing. Would you not say, Mr. Speaker, it is high time we take our responsibilities as adults and as a society?

Let us stop burying our heads in the sand and delude ourselves into believing that by offloading on the judiciary, we will resolve the youth crime issue. What I mean by taking our responsibilities is giving our young people reason to have faith in the future, because we know full well that the causes of youth crime are many.

The example I gave earlier is but one of many. Other factors are drugs, movies where violence is pervasive and so on. Again, let us take our responsibilities and unite against poverty and dropping–out. Yes, let us fight together against poverty and dropping–out. Furthermore, let us provide parents and, in their absence for whatever reason, the various officials involved with means to show young people that there is nothing wrong with being young.

(1700)

When a young person has the misfortune of committing a crime, our reaction must certainly not be to throw him or her in jail, because we all know—and no one can deny it—that jail is a breeding ground for criminals. Moreover, it is clear that custody has no deterrent effect.

Our youth should have rights, including the right to be better provided, better provided with the services of experts and better provided with shelters if need be, but certainly not with adult jail as the only alternative.

The Young Offenders Act, as it stands, contains very strict guidelines relating to the maintenance of records on teenage offenders. Access to these records is restricted. However, in this

bill, the confidentiality aspect has been set aside completely. What is this supposed to achieve? I have no idea.

Bill C–37 proposes to disclose information on a young offender to representatives of the school system and other unspecified persons. I find this part of the bill very disturbing as well.

Last week, *Newsweek* reported that the U.S. justice system was using shame as a deterrent. Young people who had committed a crime had to ask their parents and their victims for forgiveness in front of the television cameras, to show they really felt remorse. Furthermore, the nature of the offences and identity of young offenders could also be disclosed in church.

Bill C–37 mentions revealing the identity of young offenders. It proposes to disclose information on young offenders to representatives of the school system and other persons concerned.

Again, who are these other persons? Are we going to follow the American model? Will announcements during high mass be next? This is absurd.

We can hardly expect a young person who has committed a crime to rehabilitate himself when he is acutely aware that so many people know his identity and what he did.

How will young people react when they see their privacy invaded and their record made public knowledge? We must stop punishing and looking down on people, and we must try to help our young people who, need I repeat, are the future of our society. Give them a job, because that is how they will regain their self–esteem.

On May 5, the Liberal Party of Quebec—yes, the Liberal Party of Quebec—and the Parti Quebecois agreed to move a motion in the Quebec National Assembly demanding that the federal legislation on young offenders comply with the laws and policies of Quebec with respect to youth protection.

This agreement was possible because Quebecers are aware of the need to protect the rights of the child.

In Quebec, the experience of the last fifteen years has shown that prevention, rehabilitation and readjustment are far more effective than repression.

(1705)

We are trying to find out the causes of delinquency instead of using custody as the only deterrent. Of course, this will not solve all problems. There are a number of obstacles. The system is not perfect. Sometimes prevention and rehabilitation are not enough. On the whole, however, the approach taken by Quebec is more effective in protecting young people. How could a bill like the one before the House today ignore this fact? Should the minister not take advantage of Quebec's experience and show the rest of Canada that repression and intolerance will undoubtedly aggravate problems instead of solving them? I repeat: Young people are the future of our society. It is up to us to help them.

In concluding, you may recall that we as adults have certain responsibilities. One of our poets, Paul Piché, explains how we have an impact on the next generation. If I may, I would like to quote a passage from one of his songs: ''Children are not really, really bad. They may misbehave, from time to time. They can spit, lie or steal, but after all, they can do everything they are taught''.

[*English*]

Mr. Randy White (Fraser Valley West, Ref.): Mr. Speaker, in one of his comments my colleague said we should look for the causes rather than lock up those who offend. There are so many cases today where young offenders do offend repeatedly. I would like to ask him whether at some point it seems a logical conclusion to lock up an individual. Whether the individual goes to a prison where adult criminals are is another question.

I would also like to ask him about his concept of looking for the causes when there is a young offender. I would also like to find out whether he thinks the publishing of young offenders' names is something that is relevant in the case of an offender or would he be more on the side of looking for the causes as well as opposed to some of the solutions to the young offender problems we have?

[*Translation*]

Mr. Fillion: Mr. Speaker, I thought what I said was fairly clear. First and foremost, we must find out the causes of crime. Environment is everything. When the environment is a healthy one, we give our young people every opportunity. If they do not have every opportunity, there comes a time in their life when they may well do something wrong. On the other hand, are they always to blame for such action? When the parents are not home, when there is no money and no work, these are all factors.

As to the second question, about identifying, publishing the names of offenders, I am totally against it. This is not the way to remedy things. Let us give our young people access to people who can look after them, experts in various areas, places to stay where people will listen to them and where they can go and talk about their problems.

(1710)

Let us listen to their demands. You will see that, if we keep listening to them and giving them work, pride will come out on top, and the crime rate, although dropping now—it was at two per cent in 1992 as compared to five per cent in previous years—will continue to drop.

[*English*]

(1715)

Hon. Warren Allmand (Notre–Dame–de–Grâce, Lib.): Mr. Speaker, as chair of the justice committee which made a thorough study of this bill I would like to make a few comments.

The bill was referred to the justice committee on June 23, 1994 and was subject to hearings until December 8, 1994. Over that period of time we heard from 42 witnesses, groups and individuals from all walks of life. We heard from victims' groups, groups of offenders and ex–offenders, experts from the correctional service, witnesses from children's aid societies, witnesses from police forces, judges, bar associations, psychologists, sociologists, school board officials and representatives from the provinces. We had a very wide range of input into the work of the committee. I want to congratulate and thank members of the committee for their co–operation over those months when we had hearings on the bill.

The bill dealt with a very limited number of issues. To begin with, it added to the declaration of principles with respect to the Young Offenders Act. It pointed out in section three that crime prevention was essential to the long term protection of society and affirmed protection of society as a principal goal of the law. It also affirmed that young persons must bear responsibility for their actions and for their contraventions, although not in the same way as adults. That is one of the main reasons we have the Young Offenders Act.

The bill also dealt with transfers to adult court. Under the present law which deals with young persons from 12 to 17 years of age inclusive, a youth aged 14 to 17 can be transferred to adult court on an application from the crown for certain serious offences. The youth court will make the judgment as to whether the young person will stay in youth court or will be transferred to adult court. That is the law as it exists at the present time.

Under Bill C–37 a change is proposed whereby those who are 16 and 17 years old would be transferred automatically to adult court for certain serious crimes of violence against the person unless the young person makes an application to the court not to be transferred to adult court. That is a sort of reverse burden of proof which is being put forward in this particular bill as opposed to the present law.

The bill also deals with the penalty for murder. It would increase the penalty for murder for young offenders tried in the youth court to ten years for first degree murder and to seven years for second degree murder. At the present time the maximum penalty is five years.

The bill also provides for victim impact statements at the time of sentencing of a young offender.

It also provides that for treatment the consent of the young offender must be obtained. Under the present law treatment can be ordered for the young offender without his or her consent.

Another principal change the bill makes is to leave the decision with respect to open or secure custody with the provinces when the provinces have set up offices to deal with that.

Finally, the bill would provide for a greater publication of youth offence records, in particular the publication of the names of young offenders who have committed certain offences. Under the present law this dissemination of information is highly restricted.

Bill C–37 would allow for a greater dissemination of that information to people in positions of trust and administration, in schools and other places where young people study or work, so that there would be greater protection for the public.

More or less those are the changes that Bill C–37 would bring in with respect to the Young Offenders Act.

As I pointed out, during the hearings on the bill we heard from a great number of people, approximately 42 individuals and groups. I must tell the House that the great majority of those who appeared before the committee did not want us to proceed with Bill C–37 until we did a general review of the act such as was proposed as phase two of our studies.

The House will recall that the Minister of Justice, when referring this bill to the House and to the committee, stated that he also wanted the committee to do a complete review of the Young Offenders Act since it had been in force for 10 years. He wanted us not only to study every aspect of the law, but also the resources available to administer the law and the situation with respect to youth crime in this country.

A great majority of witnesses said: ''If you are going to do that overall, comprehensive general study, why legislate in these few particular areas right now? Should you not complete your broad, general study and then make a judgment with respect to those matters once that study is completed?''

That made sense to many members on the committee, but to the majority it did not. The committee decided that despite these pleas it should carry on with the consideration of Bill C–37, principally because during the election campaign, the government had made a commitment to bring in those very specific changes. It felt those changes should be legislated right now despite the fact the committee was going to undertake a general study as phase two of its work.

The committee did proceed with Bill C–37 and reported back to the House and the bill is now before us. At the end of our hearings we did make 28 amendments. Most of those were technical amendments. They were corrections in the wording, improvements in the expression of the law, improvements in the

French translation. However, there were a couple of substantive amendments among the 28 that were made by the committee.

One substantive amendment was to change to a certain extent the new transfer provision. I mentioned that Bill C–37 provides for automatic transfer of 16 and 17 year olds, unless the 16 or 17 year old can make a case before the court that they should not be transferred to the adult court.

An amendment was made in committee. It was agreed that it would not be necessary to hold such a hearing and go to the expense and the time consuming process when the crown attorney agreed with the defence attorney that the young person should remain in youth court despite the fact that the individual may be 16 or 17 and had committed one of the serious offences referred to.

Another amendment of substance was to curtail somewhat the dissemination of information that was provided for in Bill C–37. While Bill C–37 will now provide for greater information to the public with respect to young offender records than under the present law, it will not go as far as Bill C–37 would have gone in the first instance.

(1720)

During this debate over the last few hours and when the bill was before the House at report stage, some members especially some of those from the Reform Party, have charged that the Young Offenders Act is a failure. They have charged that youth crime is out of control and that the Young Offenders Act is to blame for that increase in crime among youth.

As a matter of fact, some have blamed me, as one of the original authors of the Young Offenders Act, for this state in our country. They blame me for what they consider to be an increase in youth crime and for the failures of the Young Offenders Act. I want to respond to that.

To begin with, youth crime is not out of control and has not increased in Canada. The incidents of youth crime have not increased. As I pointed out the other day at report stage on the bill, the greatest number of homicides committed by youths 12 to 17 years of age was 68 in 1975. That was before the Young Offenders Act. The lowest number was in 1987 when there were only 35. With respect to homicides, there was a much higher number committed by those 12 to 17 years of age before the act and the lowest number was committed after the act came into force.

One could give even more precise statistics. For example, in the period from 1974 to 1978, a four–year period prior to the Young Offenders Act, there were 60 charges for murder laid against youths in Canada. From 1984 to 1989 which is a five–year period after the act, there were 40 charges. One could go on and on.

Of course, a certain phenomenon has been taking place which has led to an appearance of increase in statistics. That is what might be called the zero tolerance approach in many school board districts. School authorities now call in the police whenever there is a fight or a disruption in the school yard. In the past, when those sorts of incidents took place, the principal might call in the young people involved and discipline them, call in their parents and do something about the incident, but criminal charges would not be laid.

Now in those ordinary types of assaults in the school yard, charges are being laid in many jurisdictions. Therefore of course the statistics for charges laid has increased but the number of incidents has not. As a matter of fact, the trend has been more or less the same with respect to those kinds of assaults over the years, both before and after the act.

Let us be absolutely clear. I can refer to many documents. There is a fact sheet put out by the John Howard Society on youth crime. The title of the bulletin is ''Youth Crime: Sorting Fact from Fiction''. It goes into much detail and deals with violent crime rates with respect to youth over the years. There has not been a substantial or significant increase in crime with respect to young persons. As a matter of fact, as I pointed out, there were much higher rates of youth homicide before the act than there were after the act.

The act has not failed. The act is the same one from Newfoundland to British Columbia. It is the same act in Windsor, Ontario, as it is in Tuktoyaktuk in the Northwest Territories, but it is administered very differently in the different provinces and in the different territories. In some provinces and territories there is no trouble with the act; in other provinces and territories there are problems with the act.

(1725)

I must ask, are the problems attributable to the provisions of the act or the way in which the act is administered? It so happens in some provinces such as my province of Quebec a great deal of resources, much more than other provinces, are dedicated to the administration of this act and to dealing with the causes of youth crime. There is much greater satisfaction with the act in the province of Quebec than there is in certain other provinces, but it is the same act in Quebec as it is in Alberta, as it is in Manitoba, as it is in New Brunswick.

The act is not the cause of youth crime where it does take place. I do admit there are still some horrible youth crimes taking place in this country. The perception of those youth crimes is way out of proportion to the number of crimes which are actually taking place.

In any case, the act is not responsible for the crimes. There are causes for those crimes and it is there that we must direct our attention. We must also accept the fact that there has been very uneven administration of this act across Canada and very uneven dedication of resources, both human and financial, to the whole area of youth offenders and youth delinquency.

If that is the case, if the act is not responsible for those crimes which do take place, then simple changes really will not reduce the level of crime. To suggest to the Canadian population that we are going to change section 5, or section 8, or section 25 and all of a sudden there will be a panacea and we will reduce crime is to mislead the public.

If we are serious about reducing youth crime where it does exist in Canada then we must dedicate resources to the causes of that crime, whether it is broken families, whether it is alcoholism, whether it is battered children and battered mothers, whether it is drug addiction and the trafficking in drugs, whether it is the lack of employment, the lack of recreation opportunities, latchkey kids who have nobody to come home to, a whole range of things. If we are serious about reducing the rate of youth crime, a simple amendment to the law will not do it.

However putting our minds to it and putting some resources and care into it at the level of the causes at the community level might do it because where that has been done there has been more success and less youth crime. We only delude ourselves and the public by suggesting that a few changes here and there to the act will substantially change the situation.

I want to absolutely rebut those suggestions. I am sure we will hear them again, especially from the Reform Party. We will hear that youth crime is out of control, that it has substantially increased, that the cause of that youth crime is the Young Offenders Act which is a failure. Well it is not a failure and it is not out of control. However, there are still some serious cases of youth crime in this country and if we are serious about this issue we should direct our attention to those causes.

In conclusion, I want to say that this bill has some worthwhile changes in it and they should be supported. There are other changes which I find doubtful. I will nevertheless support the bill with the understanding that when we do our phase two review we will re–examine everything that we have done under Bill C–37 as well as the entire Young Offenders Act.

As chair of the justice committee, I give lukewarm support for this bill because I feel it is a mixed bag. It has some good sections that are worthwhile. It has others which are doubtful. However we are going to have a chance to do a complete review of the act within a few months.

It will not be just a complete review of the act but a complete review of the administration across the country of the facilities for correcting young offenders, the probation systems, the secure custody systems and so on, and also the nature, level and status of youth crime in Canada. We are going to do all those things in the committee later this year. Therefore, I will reserve judgment on those matters until that time.

(1730)

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, the YOA is not the cause of crime. I do not think there are any qualms about that. I know we have been accused of saying that it is the cause but that is not the case at all. There are a number of causes. I agree with the hon. member there are causes that have to be addressed. We must address the causes in any way we can. We involve the provinces, social service and every aspect we can.

When we are trying to eliminate the causes and are doing a good job and somebody crosses the line and breaks the law anyway by committing murder, we say that the YOA is not doing its job of performing justice. The word justice is missing from our system in a number of ways.

I received 15,000 letters in one day that I will be delivering soon to the Minister of Justice. There are another 5,000 to 6,000 letters that I received in my riding and in Ottawa. I am sure every member has received letters that ask us to do something about young offenders. The government continually sits over there saying that it is all right, that Canadians like what they are doing, and that the act is good. That is baloney.

When will the government recognize what people are saying out there? It should pay attention to Canadians. The Young Offenders Act is not satisfactory to Canadians. Why does the government continually deny that? I know the member receives the same letters I do.

Mr. Allmand: Mr. Speaker, at the beginning of his remarks I thought my good friend from Wild Rose was more or less agreeing with me. However at the end of his remarks I knew that he was not.

He asked a question and it is a serious question: What do we do with an a young person who commits a serious crime of violence after all has been done to prevent crime and all has been done to direct our attention to the causes of crime? Of course the individual has to be sent to secure custody. In some cases we would probably send him to adult court and to adult prison if the case is serious enough. The law provides for that and I support that.

However let us remember that justice in my view means protecting the public. It does not mean revenge. It does not mean an eye for an eye, a tooth for a tooth.

In our system the overwhelming majority of youth as well as adults who are convicted will be sent back to society. If we are really concerned with protecting the public, which I believe is the purpose of the justice system, we must do everything possible with an individual in our control to rehabilitate the person and to make sure that when the person returns to society he or she will be a safer risk for society. We are not going to keep that person in prison until he or she dies. We do not have

capital punishment. We are going to release the individual sooner or later, whether it is five years, seven years or ten years.

The hon. member asked what we should do. Yes, we should keep the person in custody if the person is a young violent offender. However we should work on the individual to give him or her a sense of worth, to give him or her a trade or an education, to make sure the person knows how to deal with the problems of life when released from prison, to make sure the person has contacts with family if there is family, and so on. We should build up a situation so that the person returns to society a better risk than when he or she entered the prison system.

That is what I believe. I believe in protecting society. We must dedicate our resources when the person is in secure custody or open custody to doing everything possible to rehabilitate the young person so that he or she will be better off upon return to society.

Mr. Arseneault: Mr. Speaker, I rise on a point of order. My understanding was that during questions and comments we would rotate between the established parties present. I am wondering whether or not that is the practice.

The Deputy Speaker: My practice is to give the opportunity to an opposing party of the member speaking unless there is nobody rising from an opposing party. In my experience powder–puff questions tend to be put by a member of the same party.

(1735)

Mr. Randy White (Fraser Valley West, Ref.): Mr. Speaker, I would agree with that. Powder–puff has been here today.

Mr. Arseneault: Mr. Speaker, I rise on another point of order. I hate to say this but I take exception to your statement about my question being a powder–puff type of question. I had a comment to make on the bill. I think the point you made should be retracted.

The Deputy Speaker: The comment was not addressed to the particular member. It was addressed to members in all parties in all situations.

Mr. White (Fraser Valley West): Mr. Speaker, I can assure the member that this will not be powder–puff.

The hon. member talked about not blaming the Reform Party and not blaming him. I do not think that is the case at all. After all he is only a one–one hundred and seventy–seventh part of the problem.

There is no misleading the public at all. There is a genuine concern for law–abiding Canadian citizens. My hon. colleague read demographics and statistics from various documents. He quoted the John Howard Society. I would like to quote a few items from Victims of Violence that has a big stake in the bill.

According to Victims of Violence youth crime is up 117 per cent since the Young Offenders Act took effect in 1984: 25 youth committed first degree murder in 1990, 23 youth committed second degree murder in 1990 and 6 youth committed manslaughter in 1990.

I suspect the member would say that is not very many. However the fact is that there are strings of victims in the wake of what is going on here. When one crosses the line, as the hon. member for Wild Rose has said, there must be an act in place to effectively look after that.

I would like to ask my hon. colleague this question. If he looked at the statistics from Victims of Violence, would he not agree that the tougher the measures for those who cross the line the better and more effective the fixing of the problem would be rather than looking at it from his perspective which is in my opinion is powder–puff?

Mr. Allmand: Mr. Speaker, the statistics I referred to come from the Canadian Centre for Justice. We had the Victims of Violence group before us in the committee. I do not know from where it got its figures.

There is no doubt there are still some serious crimes in the country. I deny that there has been an increase in violent crime among youth over the years. When we look at the statistics from the police and from the Centre for Justice statistics they show that is not the case.

Despite that I sympathize with the public that is seriously concerned with youth crime, whatever there is. He asked if it was not better, once they crossed the line and committed serious offences, to have tougher measures.

I do not agree with that and I will tell the member why. I do not agree with it because it does not work. They are doing it in the southern United States: three strikes out and you are an outlaw. They have a much higher rate of crime than we have in Canada.

The southeastern state of the United States have brought back capital punishment and have mandatory sentencing. They execute somebody in the morning and they have three or four murders in the afternoon. The countries doing exactly what the member is suggesting have the worst rates of violent crime in the western world.

What the member is suggesting has led to no improvement in the situation. That is why I am not for it. A much better approach is the approach being used in western Europe in countries like Holland, Sweden, Denmark, Norway, France, Germany, Italy, et cetera, and in Canada to a certain extent. It is to concentrate on the causes of crime, to concentrate on rehabilitation and correction, and not simply on harsh, hard, long penalties that do not protect the public. If they did protect the public we would be able to walk the streets freely in Miami, Dallas, New Orleans

and many other cities which we cannot do simply because they are doing what the member suggests.

(1740)

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, I appreciate the opportunity to add my thoughts and concerns on the Young Offenders Act and Bill C–37 to the debate.

I would like to begin by sharing a letter from a constituent who writes:

> Last week my neighbour's son was physically assaulted in the hallways of his high school, not by a teacher or a fellow student but by a youth gang member who walked in off the street. The kids call him the ''enforcer''. Apparently my neighbour's son had asked the wrong fellow to stop spraying rocks when he spun out of the parking lot. This less than courteous driver had gang membership connections and sent for the ''enforcer'' to beat him up.
>
> I realize that changing the Young Offenders Act won't solve all our problems, but it would be a very good start. All of society has to take responsibility for putting an end to violence through long term teaching and learning in our education system. We must begin to give the message that the rights of victims will be protected more than the rights of criminals. The youth of today are laughing at our judicial system.
>
> The RCMP advised my neighbour to press charges even though he said it would take up to 18 months to go to trial and the kid would only get probation. This type of youth thinks probation is something to brag about. We need to do more than slap wrists. We have to stop this senseless violence.
>
> Surely the government can act to change the present state of our judicial system. An overhaul is long overdue. The rights of the average law–abiding citizen of Canada need to be protected now.
>
> As for my neighbour's son he is on a waiting list for a head scan as they feel the bone fragments in his head could cause permanent damage. The doctor said this was not a school kid fight but a serious attempt to do permanent damage. How many more young leaders of the future have to be maimed or killed before changes to our laws are made?

That sentiment is echoed by many letters. I am sure I am not the only MP to receive those types of concerns from constituents.

This one school yard incident illustrates much of what is wrong with our youth justice system today: youth gangs, physical assault, fear in the school yard, misplaced value systems, increasing levels of violence among youth, lengthy delays in our youth detention centres before going to trial and overcrowded courts, lack of respect of youth for the justice system, and inadequate penalties for repeat and violent young offenders.

When I speak about school yard violence I have to relate it to my own situation. We can all appreciate that as we grew up we were confronted with bullies. I know in my case my father said: ''At some point in time you just have to stand up for yourself. The only language bullies understand is to meet force with force, or you will just keep getting pushed around''.

I have a young son who will be 12 years old pretty soon. I hear in the news about young children getting stabbed at school or getting kicked in the head. I see some members opposite laughing about this. I do not understand how they find it humourous. I am very concerned about when my son will come to me for advice on what to do about bullies in the school. I do not know if I should tell him to stand up for himself against a bully who might bring a knife to school the next day and stab him or kick him to death.

Something has to change. Bill C–37 begins to address some of the problems but I do not think it goes nearly far enough. We cannot afford to tinker with our justice system. We must look at what works and what does not work. We must have the strength and the confidence to change what must be changed.

One out of every two young offenders who passes through the system will commit another offence. That is far too high. Obviously our current system is not working.

One significant problem that must be addressed is the enormous time delays between the commission of a crime and the court date. In some jurisdictions it takes from six months to a year. In Prince George it can take up to 18 months, and that is not acceptable. How can young offenders think we take their crimes or rehabilitation seriously when it takes so long to get their cases to trial? All too frequently if left at liberty youths will reoffend while they are waiting for their court appearance.

(1745)

According to justice statistics in 1993–94, 9 per cent of the youth court cases dealt with young offenders who had not complied or had failed to appear for previous court dates. However, if the youth is held in a youth detention centre pending trial, they are subject to physical, mental, emotional abuse by other more violent young offenders. This is not fair either to any youth.

A lengthy stay in such an environment is not conducive to learning more socially acceptable behaviours. Eliminating trial delays must be a priority so young offenders are placed into programs appropriate for them sooner, whether community service or the so–called boot camps.

Another serious flaw of this bill is that it does not apply to 10 and 11 year olds. Child protection services in most provinces do not have the resources to meet the needs of every child they know is at risk of criminal activity. They know once the youth is finally arrested at age 12, additional resources might be available within the young offender system.

According to a preliminary study on youth gang activity done for the Solicitor General, gangs are recruiting young children to transport drugs, break into houses and rob commercial property. Children under 12 are re–enacting the violent behaviour of older juvenile delinquents in the school yard. Twelve is obviously too late.

We must get these children into the system earlier, giving them appropriate counselling, structure and values before they become set in their criminal ways. They must learn as early as possible there are always consequences for one's actions, if you're old enough to do the crime, you're old enough to do the time.

Our justice system needs to distinguish between young, first time offenders who commit minor crimes and those who engage in habitual or violent criminal behaviour. Everyone deserves a fair chance to mend their ways, to learn responsibility, accountability and a new sense of purpose.

Many of these first time offenders are trapped in dysfunctional or abusive families. Some are poor or have learning disabilities. They have low self–esteem and are looking for a way out of their cage. Some turn to a youth gang for security. They steal something to boost their own confidence, to impress their peers or simply because they are looking for help.

Our youth justice system must recognize these kids and provide them with a sentence appropriate to their needs to guide them back to the straight and narrow. That does not mean we allow them to blame their background or society for their actions. It does not mean we put them into counselling and ignore their crime.

The first step on the path to becoming a responsible citizen is to accept responsibility for one's own actions. They must be held accountable. If they are sentenced to open custody, part of that sentence must entail reparations for the damage they have done. In some cases it might mean picking up garbage. In others, more difficult work such as planting trees.

If they are going to be successful, community programs must be tailored to the needs and the punishment of the particular young offender. We must differentiate between those who deserve a chance with a lighter sentence and others who have repeatedly demonstrated they have no respect for our laws.

Despite what some advocates would have us believe, not all young offenders who commit non–violent property offences are harmless. Many are already habitual criminals with no moral conscience and a warped value system. They do not understand why they should respect the lives and property of other Canadians.

These youth need to know the punishment for their crimes will not be a slap on the wrist like raking leaves at the local park on weekends. These youth need a stronger reason to think twice before stealing another car. We need to strike a balance between deterrents and accountability, between punishment and rehabilitation.

Under Bill C–37 sentences for young offenders are inadequate and uncertain. It fails with respect to habitual delinquents. For property offences Bill C–37 advocates open custody. If a youth commits a property offence, the onus is now on judges to justify sending them to secured custody rather than to the community.

Currently there are not enough community programs to absorb these youths. The infrastructure is not yet in place. For property offences more emphasis has to be placed on whether the youth is a habitual offender. I do not think a bit of community work will be taken seriously by someone who openly flaunts the law on a continual basis. They should be dealt with very differently than other first time property offenders.

(1750)

For violent offences Bill C–37 generally prescribes maximums rather than minimums. In the case of premeditated first degree murder a young offender is subject to a maximum six–year sentence in secured custody with an absolute maximum of ten years, including open custody.

This is a substantial improvement over the old five–year maximum but still does not go far enough. With no minimums, a young offender may still believe the sentence for murder will be a few short years. Some people do not believe longer sentences will deter youths. All I can say is ridiculously light sentences sure have not.

We need longer minimum sentences for violent young offenders so they know exactly what they will be facing when they contemplate rape, assault or murder.

When we incarcerate youths today the law says they must be provided with shelter, safety and schooling. There is also some counselling but the rest of the time they are frequently idle without constructive structure in their life.

Last summer at a justice rally in my riding one teenage girl told us that she has friends who actually look forward to detention. It was like a vacation for them with three square meals a day and no worries. They do not have to confront the reasons they are there. How can you rehabilitate a violent young offender if they do not understand there are serious consequences for breaking the law? How can they learn an acceptable value system if they view custody as a vacation?

Youth detention centres are expensive. In Alberta it has been estimated that it costs about $45,000 per year to keep a young offender. In Ontario it costs taxpayers $100,000 per youth. At least 50 per cent of all young offenders currently reoffend. For $100,000 a year Canadians have a right to expect better results.

I advocate the concept of the so–called boot camps. We do not yet have enough statistics on the various models of these camps to prove whether they are effective in all cases, but we do know

that the reoffending rate is lower for many graduates of these wilderness or outbound camps, or whatever you call them.

For many youths in these camps, it is the first time in their lives they are placed in a highly structured environment with specific tasks, responsibilities and expectations. They do not have idle time to scheme or intimidate other youths.

Just south of Prince George we have one such camp. It has been around for 23 years and has a fairly good success rate. These young offenders warm up with callisthenics and go for a four mile run before breakfast. They are assigned tasks and chores around the camp, have strict school and study regimes, and almost no idle time.

They are not doing hard labour as critics of some camps might suggest. They are in a disciplined, structured environment, designed to foster more responsible behaviour.

Just this last year Manitoba has also moved toward this style of detention for youth. In Ontario it costs half as much to send a youth to Camp DARE and they are far less likely to reoffend than if they stayed in a youth detention centre.

Another problem with this bill is that it only transfers 16 or 17 year olds who commit violent personal injury crimes to adult court. It does not deal with 16 or 17 year old habitual offenders who obviously hold the justice system in contempt.

In B.C. between April and September of last year 999 of the 1,819 youths sentenced or remanded in custody were 16 or older. They are responsible for more than half the crimes committed by youths. When it comes to 16 or 17 year olds who commit crimes, I am in complete disagreement with this bill.

I believe every 16 or 17 year old knows the difference between right and wrong. They know when they are committing a crime and I believe they should be treated as adults. They do not belong in the same system as a 12–year–old, nor should they expect the same treatment for their criminal behaviour. This bill provides a loophole to keep even the most violent of older offenders in the youth system. Sixteen and seventeen year olds who commit murder or violent assaults can request that they be kept in the youth system. This bill has created a whole new field for lawyers and will tie up even more valuable court time. I do not think that is right.

I was recently reading an article in *Readers' Digest* by Mike Royko which originally appeared in the Chicago *Tribune*. It illustrates the sentiments many Canadians feel toward violent criminals who rape or murder regardless of their age. I will quote a part of the article:

> Judge McKay hears criminal cases in Trumball County, Ohio. Recently he had a two–legged beast in front of him who had kidnapped, robbed and repeatedly raped a 12–year old girl. When it was time to sentence the 22–year old villain Judge McKay said:
>
> ''When you slithered out of your hole that day and spewed your venom all over this defenceless girl, you made this court's top ten list of the lowest scum this country has to offer. In a way the best sentence this court could give would be no sentence at all because if you left this courtroom I don't think you would be alive 10 minutes. You are nothing but a weed among wheat. When we have a weed, it is my job to eradicate it because if I don't you will choke the wheat. Therefore I am going to take you off the streets for as long as I can''.
>
> The judge then ticked off long sentence after long sentence for each crime committed against the girl. ''You won't be eligible for parole until you're 92'', the judge pronounced, ''that leaves only one more count, aggravated robbery. You stole this little girl's bra as a souvenir, probably to brag about it to your friends. I'm going to give you a souvenir of Trumball County justice, and that is a maximum sentence of 10 to 25 on the aggravated robbery for stealing that bra and I hope that in your last 25 years in prison you remember that souvenir. Get this scum out of here''.

(1755)

There are millions of Canadians across this country who are demanding that type of justice for that level of criminal. When a 17–year–old in Canada murders or rapes they should know they are going to face serious, severe consequences. Three meals a day in our current youth detention centres and time to practise more criminal skills does not cut it.

I believe inmates in adult prisons should not be idle either. Reform of the entire prison system is not the subject of this bill.

In summary, young offenders must know they will get caught, they will be convicted and they will be punished. Young offenders must know that justice will be swift and sure and they must know what to expect.

Bill C–37 is a start but our entire youth justice system must be overhauled now. It should include 10 and 11 year olds who are slipping through cracks of underfunded child protection agencies and becoming habitual criminals before the age of 12. It should recognize that all 16 and 17 year olds are responsible for their actions, not society. It is their choice to break the law.

We must commit the resources to implement and monitor programs for first time offenders. We must establish or expand highly structured and disciplined youth detention facilities and programs that teach habitual and violent young criminals respect for our values and laws.

Mr. Harold Culbert (Carleton—Charlotte, Lib.): Mr. Speaker, I listened to the presentation of my hon. colleague with a great deal of interest as he discussed Bill C–37.

One of the points that we should recall in that bill quite obviously is the fact that 16 and 17 year olds are moved over to adult court and there is only one way as I understand that piece of legislation for them to even be considered in youth court. They must prove for some reason beyond a doubt and must have

that evidence agreed to by the judge that they would be considered for youth court.

That would happen in very limited situations with extenuating circumstances. As we know also basically this new legislation would double sentences.

Further, I would like to touch on a presentation that I recently had the opportunity to attend by Dr. Fraser Mustard. The presentation indicated the research that he had done over many years. While many in this House would recognize that a few short years ago when we looked at early intervention with children we thought of kindergarten age. Today according to Dr. Mustard we are looking at a much young age. We are looking at an age as low as six months for proper nutrition, for nurturing and for assistance.

(1800)

My question for my hon. colleague would be formed in this fashion. Does he not believe that community assistance and community help in addition to those changes in Bill C–37 to make penalties stiffer is certainly something that we all have to work for in order to prevent those crimes from happening and the necessity to punish our youth in the future?

Mr. Hill (Prince George—Peace River): Mr. Speaker, I thank my hon. colleague for his thoughts on my presentation and for his question.

I will try to address my answer to the issues he raised in the same order that he did. As to the transfer of 16 and 17 year olds under Bill C–37 to adult court, he is quite correct. The onus is on the individual, on the young offender, to apply and give reasons why he or she should be kept in youth court.

As a previous speaker noted, there is also the facility that came forward by way of an amendment when it was at committee stage where the prosecutor and the defence attorney can get together and make that decision before it comes to court. This leaves the whole thing open to exactly what we have seen in cases of plea bargaining. It is of real concern to us.

As I stated in my speech, 16 and 17 year olds should not be given that option. At 16 years old, these children know exactly what they are doing. They should know the consequences of committing that crime. Therefore there should be automatic transfer with no chance to be tried in the same youth court that would try a 12–year–old.

As far as the comment about the sentencing provisions of Bill C–37 that double the sentence, my understanding is that Bill C–37 only doubles the sentence for murder.

As I said also in my speech, the sentence goes from five to ten years. I personally believe that for first degree murder, 10 years is not long enough. It certainly is not when one looks at the maximum. It can be six years in closed confinement and four years in open.

As to the comment about the community service, certainly I support that concept. I referred to it in my speech as well. We have to have all the forces that can be brought into play. That is not the answer in all cases.

The wilderness camps are not the answer either. Closed confinement is not the answer for everyone. We have to look at a wide range. However, the concern that members are hearing from Reformers is that there are those individuals out there who constantly flaunt the law.

Mr. Speaker, I am sure you are familiar with a case of three young offenders last spring in Edmonton who broke into a young family's home. They knew the family was at home. The young mother woke up and disturbed their burglary. They could have ran. She was no threat to them. However they had absolutely no respect for law or even for human life. They cold bloodedly murdered her. They stabbed her to death.

That is why Reformers say we have to get tough with these people. We have to send a message that our society is not going to condone that type of behaviour.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I did not want to take part in this debate; I especially did not wish to comment on the hon. member's speech. However, given the well–known difference between his way of thinking and the mentality in Quebec, I feel compelled to speak up.

The way I view these matters is far removed from that of the Reformers. To listen to the hon. member, one would think that young people are the very scourge of society. One would think that young people 18 years of age or younger are truly responsible for the majority of crimes or that crime is increasing because of 18 year olds. We need only look at the statistics. I am a Bloc member and I will use statistics from Justice Canada: we see that the average number of persons under 18 years of age suspected of homicide has dropped considerably in recent years as compared with the 1970s.

(1805)

Since the 1970s, I believe that the number of serious and abhorrent crimes committed by young offenders has decreased. There are of course the tabloids—the type of newspaper Reformers probably read—which report and in fact highlight such serious crimes. Yet that is not a true representation of what is happening in Canadian society, especially in QUebec.

Would the hon. member please say whether, in his own province at least, the present young offenders act is enforced in the spirit of its objective? Specifically, the act states that ''the protection of society. . . is a primary objective of the criminal law applicable to youth''. This objective is served by rehabilitating young persons whenever possible. In his own province, is

the act enforced with this objective in mind at least? Is there a system to rehabilitate and reintegrate these young people? It is fine to criticize, but are the minimum instruments in place to help reintegrate these young people into society? I think not.

[*English*]

Mr. Hill (Prince George—Peace River, Ref.): Mr. Speaker, I hope I will be granted as much time as was granted my hon. colleague who just rose with his comments.

I have a couple of comments. The hon. member from the Bloc finds himself a thousand miles away from Reform thinking. That is very obvious and all I can say is thank goodness for that.

The hon. member likes to quote statistics. I notice that most members seem to be using statistics that support their case. I guess we will continue to do that as long as this debate lasts.

I am referring to the Canadian Centre for Justice statistics which say: ''Since 1992–93 the number of property cases has decreased by 5 per cent''—this is referring to young offenders' statistics—''while the numbers of cases in all other offence categories have either increased or remained near the same level. The number of cases involving violence has increased by 8 per cent''.

We can all quote statistics. We can all say the problem is getting worse or better, depending on what side of the House we are on and what side of the argument we are on.

The point I would make to the hon. member is this. The people who are demanding justice the loudest are the children themselves, the good kids. We tend to forget that. Some seem to think that if Reformers get up and say that we have to get serious with these young offenders that we are somehow attacking youth.

We are trying to defend the youth who are the good citizens, the model citizens, the ones who are afraid to go to school, scared to walk down the street after dark because they could be attacked by some gang because the gang is not being properly dealt with by the system. The system is failing these young people.

Mr. John Cannis (Scarborough Centre, Lib.): Mr. Speaker, let me say how pleased I am to have the opportunity to join in this debate on such an important issue as the well thought out and timely amendments to the Young Offenders Act that have been proposed by the Minister of Justice.

The issue of youth crime and youth in general has been a part of the Canadian political scene since the passage of the Juvenile Delinquency Act in 1908. It was completely overhauled in the mid–1980s and replaced by the current Young Offenders Act which has gone unamended since its initial passage.

The government made certain commitments and promises during the election campaign. It promised to move on this specific issue. As a matter of fact it was a promise instrumental in my election to Parliament. Once again we have delivered as we have on so many other issues. Even the media has praised us for our efforts and I admire them for doing so.

Let me quote an article by an Ottawa reporter. ''The Tories talked tough on law and order, but the Liberals have acted'' says Sean Dirkan of the Ottawa *Sun*. ''Jean Chrétien's red book brigade have introduced more tough law and order legislation in a little under nine months in office than the Tories did during nine years in power''.

(1810)

He points to measures introduced by the Minister of Justice and by the Solicitor General, measures such as amendments to the Young Offenders Act, sentencing reform, a crackdown on child sex offenders and reform to the correctional and parole systems. It goes on and on.

This legislation does not stand alone, nor should it stand alone. It will no doubt have an important impact on various other portfolios. Not unlike a car engine, all cylinders must work together, one province co–operating with the other, all levels of government and political parties working together in harmony to achieve this very important goal.

The most important player is the family unit. That is where it all begins.

Several months ago my family had a frightening experience with a group of youths at the exhibition grounds in Toronto. Since that time I have urged the Minister of Justice to act swiftly to bring forward changes to the Young Offenders Act so that we can once again make our streets safe for ourselves and for our children.

Since my election to the House I have had the opportunity to speak with many of my constituents regarding this legislation. One common theme that has consistently been raised is that the crime situation has grown out of control in general and among youths in particular.

Although the crime rate has not increased according to Statistics Canada, it is the seriousness of youth crime which has been amplified both in the media and by the Reform Party specifically.

A recent article in the *Globe and Mail* stated:

> No longer are students simply breaking windows and stealing from corner stores, rather they are breaking into cars and carrying weapons to school.

In the city of Scarborough, school board officials have recently noted that prior to the implementation of the board's zero tolerance policy they were finding 25 weapons a month, of which half were strictly possession for self–defence and the other 50 per cent were used to intimidate, scare and assault. I

find that very disturbing. Our children attend schools for educational and intellectual stimulation, not to intimidate or assault. They should be taking pens, pencils, books and calculators to classrooms, not guns and knives.

The government's real interest is in attacking the roots of youth crime, getting at the circumstances that breed crime, learning why youths have committed those crimes and ensuring that they do not happen again so as to stop the next generation of potential criminals. These circumstances include child poverty, youth unemployment, inadequate day care and insufficient counselling for high risk families and children before they fall into a criminal pattern. We must attack those roots and prevent criminal behaviour before it starts.

The 12th report of the standing committee on justice released in 1993 stated that we must attack the roots of crime, including unemployment, physical and sexual abuse and neglect, illiteracy, low self–esteem, substance abuse, glorification of violence in film, video and television, school failure, dysfunctional families and inequality.

This is not to say that we should ignore or simply pardon crimes committed by youth, who unfortunately, due to circumstances beyond their control, have violated. Youth must be held accountable. They must learn to be accountable for their actions. If they violate societal rules they should be punished. They must learn at an early age to be respectful, responsible and accountable. It is at this stage that the family plays a vital role.

We must go beyond punishment. We must rehabilitate those who break the law and that is what this legislation also does. It provides for the punishment of violators while recognizing that the most successful treatment for young offenders is not only punishment, but rather to both punish and rehabilitate so that the offender will learn that it is wrong to commit a crime, know why it is wrong and will not reoffend.

The onus to reduce crime is not just on the government to bring in and amend legislation. The onus is also on the participants of society. The family is paramount in helping to alleviate the problem of youth crime. This is the first line of defence. It is here that youth receive their earliest level of socialization and they are taught right from wrong.

The onus also falls on our educational system and our educators. They must step forward and show leadership and compassionate guidance, become once again role models for their students and motivate and encourage them to become nothing but the best. But the school system must also have the opportunity to function in an environment that is free from fear.

(1815)

The onus also falls on our police forces to properly carry out the law. If we are going to ask them to provide and improve their performance, to take a leading role in crime prevention without seriously jeopardizing their lives, we have an obligation to provide the proper resources so they may be able to serve and protect the public.

The onus also falls greatly on the CRTC in the type of programs that are easily and readily available which so much influence our youth of today. I have an article here from the Toronto *Sun* about Jamie Taylor and Mark Williams who became murderers at age 17.

It states here how Jamie Taylor grew up as an abused and neglected child. When he was three Jamie was rushed to hospital after his step father severely beat him with a curtain rod. Since the age of 12 he had no supervision. He did whatever he wanted. His mother often disappeared for a month at a time without checking in on him. Jamie grew up watching macho man destructo movies, playing war games, embracing the very tough image. That was his way of having a leading role.

We also know of a case in the U.K. in which a youth watching a video took an axe and seriously injured the child he was baby sitting. We can see here how constant bombardment of this nature not only can but does influence people's minds and behaviours.

When we do apprehend, convict and incarcerate these people, let us ask ourselves is the problem solved? I do not think so. This is what I mean. Mark Williams has had virtually no treatment in six years. He has seen his case worker four times, less than once a year. Mark also states how he has had to rehabilitate himself. Is the system helping in any way to prepare this person to re–enter society? I do not think so. I am very worried because his parole comes up in 1998.

I have stated in the past that I would make the parole request contingent upon successful completion of a rehabilitation program so that the risk of reoffending can be if not eliminated, greatly minimized.

It has been said many times by many people and deserves repeating once again that our youth are Canada's future. However, it has been said recently this is the first generation that will not have a higher standard of living than its parents. For me that is truly a tragedy.

Youth should be a time of bright optimism. Today our youth find themselves facing problems that are not of their own making. Unemployment for youth is at an all time high. We are in an economy grown weak by constant tinkering, a political situation that to many seems to defy solutions, an economy weakened by constant talk of separation which has brought nothing but instability. We hear of investors in companies hesitating to expand and invest because they do not know if Quebec will be in or out tomorrow.

It is no wonder that our youth live in a perpetual sense of pessimism. I think it is time to move away from political rhetoric to concentrate on economic renewal, development and job creation for our youth.

We must work together to turn this sense of hopelessness around. We must encourage our youth to stay in school, complete their studies and become valuable members of our community. We as a government have initiated programs to do just that. However, our government or any government cannot do it alone.

In partnership with the other players in society, the businesses, the educators, the community groups as well as members of the opposition parties, we must work together to achieve this goal of eliminating youth crime.

Some of the proposed amendments to the Young Offenders Act such as doubling the sentences for those convicted of first and second degree murder go a long way in doing so. Also, victim impact statements would be allowed where victims, should they wish, would now have the opportunity to make a statement about how a young offender's crime has affected them. I believe this will certainly go a long way in helping the courts to see the broader picture in imposing proper sentences.

With respect to medical and psychological assessments, we will with these amendments give the courts the authority to request assessments be done on chronic and serious young offenders without having to request consent from the offender.

Through these amendments we have also established an information sharing system which I believe is very important. Records and information would be shared and would also allow the release of information of young offenders to affected members of the public where there might be a risk to them in the entire community. This information would be shared among professionals, for example between the police, school officials, child welfare agencies, day care centres, et cetera.

(1820)

Again, we can see here that this will help minimize the risk and we will add more protection for all. Most important, with these new amendments the young offender who was charged with murder, attempted murder, manslaughter, aggravated and sexual assault will now automatically be transferred to adult court.

This is a very important step because the onus here will now be on the youth to prove that they should be tried in the youth court as opposed to adult court. We can see therefore that all these amendments go a long way in sending a strong message that crime at any level will and can no longer be tolerated.

In conclusion, we can clearly see that these changes, some of which I have mentioned, are a step in the right direct so as to help our youth get started in the right direction and send a strong message that violence will no longer be tolerated.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, it is always a pleasure to hear government members speak on bills like Bill C–37.

The bill on young offenders was hotly discussed in Quebec. I would like the member to tell me whether Bill C–37 reflects the opinion of the Quebecers who spoke before the justice committee. Their message to summarize it in very clear terms, was ''do not touch the Young Offenders Act''. The act is only good if each province enforces it and, to the best of our knowledge, Quebec enforces it the most. The provinces that say the Young Offenders Act is no good are those that do not enforce it.

Is the government member aware of that and will he tell me whether Quebec's demands are respected in the government's proposed amendments to Bill C–37? Perhaps Quebec's reaction to the Young Offenders Act is an example of its distinct character.

Will the member tell me whether the amendments to the bill contain changes to meet Quebec's demands?

[*English*]

Mr. Cannis: Mr. Speaker, I thank the member for his question. In our red book commitment when we looked at this issue we did not try to look at B.C.'s, Quebec's or Ontario's interest. We tried to look after Canada's interest because it is Canada's youth. It is not Quebec's youth, not Ontario's youth, not B.C.'s youth.

It is an overall picture that we are looking at here. I believe the members from the Bloc Quebecois and the members from the Reform Party should learn to put our differences aside for a moment and work on streamlining these amendments together collectively to bring forward the proper amendments, to send the right kind of message as a united force that violence will no longer be tolerated whether it be youth in Quebec, Ontario or anywhere in the country.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, to the hon. member I would like to say how much I appreciate his family values and the importance and emphasis he puts on schools and the function that they have to perform. I compliment him on his speech in that manner. He did a very good job.

I would like to ask the hon. member to comment on something that crosses my mind when we talk about what we are going to do with regard to these problems. Over the course of the last 20 or 25 years or whatever we talked about causes. The causes, we have to search them out.

I remember the drinking age being 21 and how that was lowered. That simply meant that it was lowered even lower than the illegal drinking age. Instead of 18 and 19 year olds illegally drinking, now it is 14, 15 and 13 year olds.

I think of pornography. There was a time we did not have any. Now it is running rampant. We have a lady in Alberta who is fighting hard to get rid of pornography, peep shows, nude dancing, all these things which we know contribute to the minds of our youth in a very negative way. It is a cause.

(1825)

If you walked down the street and called a policeman a pig when you were a young man, what would happen? You would not do it out of fear, but more so out of respect. Now it is common practice. Yet there is no recourse, no way in the world that they are supposed to do any thing. We do not meet violence with violence. We listen to all of this bad mouthing—causes.

It seems like every time I address it the one thing that comes up is a wall that is put in front of me. If we want to do something about these causes, it is the Charter of Rights and Freedoms that stops us so many times. When we decide we want to do something about a problem we have to remember the rights. I think it is a hindrance in our judicial system in that regard with young offenders.

Would the hon. member comment on that?

Mr. Cannis: Mr. Speaker, I thank the hon. member for his question. As much as I would like to agree with him, I cannot. In any civilized society we need to have a basis to function around. We need a charter. We need rules and regulations. Sometimes we do not agree with them. We need obviously rules and regulations to protect us.

There have been times when people abuse these rights. I am not disagreeing with that. This is why the Minister of Justice is taking the initiative to bring forth changes. I am not saying that these changes are going to solve our problem. As we know there is ongoing consultation. The justice committee has not finished its work. It will continue.

We have often heard the saying that Rome was not built overnight. The minister cannot bring forth an amendment that will solve every one of our problems. This is a step in the right direction.

I certainly would hope that the justice committee would continue to look at the situation, monitor it and make continuous recommendations. Hopefully as time goes on we will make new changes, new amendments that will hopefully improve the system and make it safer for ourselves and our children.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, I too would like to commend the hon. member for his speech. I enjoyed it very much. It is that kind of attitude that certainly we can work with on this side.

There are some things that the government can do and there are other things it cannot do to help people out. My hon. colleague from Wild Rose mentioned this point. We have a problem with pornography and these other things which eat away at the moral fibre of our society, in particular the moral fibre of our young people.

Would the hon. member be prepared to support the elimination of pornography, pass laws that would do away with peep shows where people for a fee can come in and watch girls dancing and gyrating on the other side naked? Would he be prepared to pass laws to support the elimination of naked dancing in bars and lap dancing? Would the member be prepared to support legislation, initiate legislation, on the government side to eliminate this kind of conduct that has such a terrible, negative—

The Deputy Speaker: The hon. member for Scarborough Centre has about a minute.

Mr. Cannis: Mr. Speaker, I thank the hon. member for his warm comments about my presentation. I campaigned on family values. I tried to reflect that in my presentation.

I personally do not approve of pornography, especially child pornography, and I certainly would like to see the elimination of child pornography and see people who engage in that type of pornography harshly penalized.

This legislation is not one that addresses this specific concern. I know there are proposals to address these concerns. I hope that the quicker we bring them forth the cleaner and safer our society will be.

There are so many justice issues that we have to address it would be unfair to spread ourselves too thin. We are attacking one specific issue and that is the Young Offenders Act in this debate.

I certainly hope that the other issues, as the member has stated, come forth as soon as possible so that we can address them with the thrust with which we are addressing this Young Offenders Act. As I stated earlier, I think this is a step in the right direction. I believe there is room in the future, but again, let us not prejudge our youth. Let us give them the benefit of the doubt.

(1830)

In the future I would be very happy to work in the area of eliminating pornography.

ADJOURNMENT PROCEEDINGS

[*Translation*]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

CUSTOMS TARIFFS

Mr. Jean–Guy Chrétien (Frontenac, BQ): Mr. Speaker, worried about the federal government's unwillingness to intervene while Canadian customs tariffs are under attack from the U.S., I questioned the Minister of Agriculture and Agri–Food last Friday. What I was asking the minister to do was to ready his

guns and get down to confronting the Americans on the yogurt and ice cream issue.

Let me remind you briefly of the cause for my concern. According to U.S. commerce secretary, Mickey Kantor, Canada is in breach of the North American free trade agreement when it imposes tariffs varying between 100 and 300 per cent on ice cream, yogurt, eggs and poultry exported to the U.S. On the other hand, under the GATT agreements, customs tariffs should be going down gradually over the next six years.

That is where I start having a problem with the Liberal government's inaction. The minister stated that the Canadian government was determined to defend dairy and poultry producers. I wish I could believe the government, but if it acts in the future like it did in the past, after seeing what it has done to Article XI of the GATT agreement, I must say that I can only doubt the good will, the genuine willingness of the minister and his government.

In response to my question, the minister also reiterated his government's support to the Canadian supply management system. In my sense, nothing is more uncertain than the Canadian government's willingness to fight for our supply management system. I would not be surprised if the government's feebleness on the ice cream and yogurt issue were the price to be paid to the Americans for resolving the conflict over Western wheat last summer.

One way to settle this dispute that may very well, in my opinion, degenerate into a trade war is to stop putting our heads in the sand and fight for recognition of GATT's precedence over NAFTA. All we have said so far is that GATT should indeed prevail, but we do not say it too loud to keep our American partners from hearing us.

Three days ago, the minister gave me the following answer: ''If the United States has a different point of view and wants to take a run at us, we obviously cannot stop it from taking a run at us, but if it does, we will defend ourselves with everything we have''. Incidentally, what do we have to defend our farmers with?

I do not think the minister has any effective means to defend our farmers because he has not gone to a GATT panel that could settle the Canada–U.S. dispute. Allow me to quote the Federation of Dairy Producers of Canada: ''Unfortunately, the U.S.–based controversy surrounding the GATT and NAFTA regulations on tariff quotas has reached such proportions that our dairy producers are increasingly doubtful that Canada will succeed in negotiating a bilateral agreement that will benefit them''. This quote does not come from me.

(1835)

In a news bulletin, a few moments ago, I heard Claude Rivard and the vice–president of the Quebec milk producers' federation at a press conference here in Ottawa beg the government to show some guts and take action.

[*English*]

Mr. Lyle Vanclief (Parliamentary Secretary to Minister of Agriculture and Agri–food, Lib.): Mr. Speaker, it is a pleasure to respond to the hon. member's comments tonight.

On February 2 the United States trade representative, Ambassador Kantor, requested formal consultations under NAFTA relating to the U.S. access to the Canadian market for dairy and poultry products.

The Minister of Agriculture and Agri–Food and the Minister for International Trade have repeated frequently and remain of the view that our application of tariff equivalents in our bilateral trade in poultry and dairy products, including ice cream and yogurt, is fully consistent with our rights under GATT and NAFTA. In fact, the ministers issued a press release on February 2 of this year setting out that view so there could be no misunderstanding on it. The Canadian position has not changed and is not changing. Moreover, both ministers stated their view again in this House last Friday.

The U.S. request for consultations should be seen as just that, a request to meet with us and to discuss the issue. The fact that the U.S. is seeking consultations under the dispute settlement provisions of NAFTA does give it a more formal character, I agree, but it does not alter its fundamental nature.

Requests for formal consultations occur quite frequently between trading partners. Sometimes they are in the form of a panel before they are over. Other times the consultations are adequate to resolve the issue. In some cases they are concluded only after lengthy discussions.

We expect these consultations to start in the next week or so. In this particular case we are satisfied that our legal position is sound and we will continue to hold our own. Our preferred approach is a negotiated solution.

It could be expected that the issue might arise in the upcoming visit of Mr. Clinton to Ottawa. If it does, the Canadian line will not change. We are acting within our trade agreement rights and we will defend those rights.

[*Translation*]

SOCIAL HOUSING

Mr. Jean–Paul Marchand (Québec–Est, BQ): Mr. Speaker, last Friday I put a question to the minister responsible for social housing about the unfair way Quebec is being treated with respect to social housing.

I wanted to ask him whether he was aware of the fact that Quebec has had a potential loss of $100 million per year for several years. On a per capita basis, Quebec should receive at least 25 per cent of CMHC spending, but at the present time, it gets only 20 per cent. One hundred million dollars annually is a

lot of money. If we were to calculate this on the basis of need, Quebec should receive as much as 29 per cent of the CMHC budget.

So a shortfall of $100 million annually for Quebec is a lot of money, and that is a conservative estimate. In fact, this is all part of the government's attempt to get another $25 million or $26 million out of the pockets of people who live in so–called social housing. The government intends to raise rents by 20 per cent. It looks more like the government has no social housing policy at all.

(1840)

Funding for social housing has been frozen since the Liberal Party came to power. Quebec is not getting its fair share, and now they want to raise the rents of the neediest group in Quebec. Would the government like to clarify this? Would it at least admit that this is unfair, and would it like to explain what it is doing with respect to social housing? Does this government have a social housing policy?

Mr. Réginald Bélair (Parliamentary Secretary to Minister of Public Works and Government Services, Lib.): Mr. Speaker, I am pleased to respond to my colleague's statement.

[*English*]

I want to be very clear on one point. This government is committed within the current financial climate to social housing for all Canadians in need. This includes those Canadians who reside in the province of Quebec.

In order to fully understand how existing housing expenditures are made, my friend must recognize that in the early years of public housing the province of Quebec elected not to participate. For example, under the old rent supplement program, Ontario began participating in 1971, whereas Quebec only joined in 1978. In those years, Ontario delivered 9,500 units for which it continues to receive subsidies, whereas Quebec delivered no units and as such has no subsidy.

Notwithstanding history, our friend across the way must understand that dollars for new housing commitments in Canada are now distributed according to a formula based on core need, not on population. That important distinction must be recognized. According to these principles, each region receives its share of housing dollars for new commitments.

[*Translation*]

In 1993–94, some $350 million was spent in Quebec, which provided assistance for more than 140,000 social housing units. Quebec also received additional funds because of special circumstances. I am referring to the $4 million provided under the RESO program established to improve living conditions in southwestern Montreal and promote local development.

I am also referring to the $5 million given to the Montreal owner–occupants whose homes were damaged by the drought.

[*English*]

Finally, on the point of the alleged $100 million that is not going into Quebec, my friend is aware that the number he is using is false. He knows it. It is most regrettable that the member and the Bloc Quebecois are attempting to play separatist games on the backs of those in Quebec who can least afford it. He should come clean with Canadians and Quebecers.

IMMIGRATION

Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.): Mr. Speaker, earlier today the Minister of Citizenship and Immigration stated that I understood neither the Immigration and Refugee Board nor the refugee process.

As for my supposed misunderstanding of immigration law, section 19.1(a)(i) and (ii) and (b) of the Immigration Act clearly states the grounds by which an individual is to be refused admission into Canada. It states that one is not to be allowed into Canada if they are: first, likely to pose a danger to public health or safety; second, would cause excessive demands on the health care system; or third, are unable to support themselves in society.

Given Mr. Arthur Lasha fits all these grounds, he should not have been allowed into Canada and should be both stripped of his status and returned to his native Poland. In regard to the specifics of the case, according to numerous reports, this HIV infected individual was accepted as a refugee by the IRB based both on the disease he carries and the reaction the Polish people showed toward him.

Mr. Lasha's claims are ludicrous and the IRB should have known the following. First, the Polish parliament is currently in the process of passing a broadly supported bill recognizing same sex marriages. Second, a constitutional amendment recognizing the equality of homosexuality and heterosexuality is in the process of being adopted there. Therefore, the claim that there is systematic discrimination against homosexuals and, as in Mr. Lasha's case, HIV carriers, is groundless.

Clearly Mr. Lasha has not been entirely honest in describing his homeland. The minister has not accurately portrayed the facts in terms of refugee claims based on homosexuality. The minister said that only two such claims have come before the IRB.

In Newfoundland alone the claim has 90 per cent acceptance rate. According to a legal aid official in that province it is becoming a popular approach to staying in this country.

The minister spoke a great deal about Mr. Lasha being a member of a social group, that being by sexual orientation, and cited the Supreme Court of Canada as having made that decision.

In the 1993 case of Canada v. Ward, the Supreme Court set out the guidelines for assessing whether an individual was a member of a social group. There were three possibilities: first, groups defined by an innate or immutable characteristic; second, groups defined by an association so important to their human dignity that they should not be forced to forsake the association; and third, groups defined by a former voluntary status, immutable due to historic permanence.

The court also suggested possible groups for examination, including homosexuality, but added it was the job of legislators, not the courts, to decide whether or not homosexuality could be considered a social group.

Given that the question of whether homosexuality is the result of genetic makeup or environmental influence is far from being settled, the minister cannot say whether Mr. Lasha was or was not a member of a social group.

The IRB was therefore gravely misguided to make this judgment on the assumption that this individual held an innate or immutable characteristic.

To conclude, in this case the IRB was wrong on a number of accounts. It ignored several subsections of section 19 of the Immigration Act, placing an unfair burden on the health care system and Canadian society as a whole.

Second, it failed to examine Polish society and the accepting environment that the government is fostering toward the homosexual community.

Third, it failed to use the definition of social group properly, as outlined by the Supreme Court of Canada.

Given all this, it is clear that the Immigration and Refugee Board has failed those legitimately seeking protection in Canada from well founded persecution. It has failed Canadian society by allowing in those who clearly should not be admitted into this country.

Now that the minister is fully aware of the facts of this case, will he not accurately portray the facts about immigration application and acceptance? Second, will he have this individual deported immediately? Third, will he disband the IRB? Fourth, will he replace the IRB with competent immigration officials armed with well established guidelines centred around helping those from around the world truly in need of immediate protection?

Ms. Susan Whelan (Parliamentary Secretary to Minister of National Revenue, Lib.): Mr. Speaker, as the member knows, the decision was made by the Immigration and Refugee Board which is a quasi–judicial independent decision making body.

On the broad general issue of sexual orientation there are two compelling facts that may help explain the issue. In June 1993 the Supreme Court ruled that sexual orientation constitutes membership in a particular social group.

As well, the Geneva convention recognizes that in certain countries, members of particular social groups have grounds to fear persecution. It is on these grounds that individuals are eligible to apply for refugee status, not only in Canada but in all other countries that are signatories to the Geneva convention.

This case does not set a precedent. To date there have only been two cases on the basis of sexual orientation. One claim was determined to be negative. The other, the claim the member raises, was determined to be positive following an appeal to the Federal Court of Canada.,

Let me inform the member that Canada is not the only country to accept refugees on the basis of sexual orientation. In fact the United States, Germany and New Zealand have all accepted the positive claims on the basis of sexual orientation.

In conclusion, when claims are evaluated it is with a view to offering Canada's protection from systemic persecution and abuse. I remind the member that Canada has been internationally recognized for its compassion and thorough stand on human rights issues when it comes to refugee determination in Canada.

The Deputy Speaker: Pursuant to Standing Order 38, the motion to adjourn the House has now been deemed to have been adopted. Accordingly the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 6.49 p.m.)

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