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OFFICIAL REPORT
(HANSARD)

Thursday, September 28, 1995

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Thursday, September 28, 1995

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to 13 petitions.

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[*Translation*]

INTER–PARLIAMENTARY DELEGATIONS

Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, pursuant to Standing Order 34, I have the honour to table in both official languages the report of the Canadian section of the International Assembly of French–Speaking Parliamentarians as well as the financial report concerning the meeting of the Co–operation and Development Commission of the IAFSP, held in Beirut, Lebanon, on April 4 and 5, 1995.

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[*English*]

FIREARMS LAW SUNSET ACT

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): moved for leave to introduce Bill C–351, an act to provide for the expiry of gun control legislation that is not proven effective within five years of coming into force.

He said: Mr. Speaker, it gives me great pleasure to introduce my firearms law sunset act today. My bill is seconded by the hon. member for Beaver River and co–sponsored by a number of members of Parliament. I thank my colleagues for their support.

If the bill is passed by Parliament it would provide a five–year sunset provision on all gun control legislation unless the auditor general has reported that the gun control law has been a successful and cost effective measure which has increased public safety and reduced violent crime involving the use of firearms.

The auditor general's report would have to be considered by a 12–member committee comprised of six MPs and six experts on firearms law. The committee report would also have to be presented to and concurred in by the House of Commons or a sunset provision would take effect immediately.

To argue against this type of sunset provision people would have to argue that they support gun control even if it does not work and no matter how much the gun control costs.

No one is arguing that gun control is unnecessary, only that the police time and resources should be spent on measures that get the best bang for the buck. That is exactly what the bill does.

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

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PETITIONS

RIGHTS OF THE UNBORN

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

The first petition contains 495 signatures from the North York area in the federal riding of York Centre. It deals with the protection of human beings, in particular, the protection of the unborn child. It prays that Parliament immediately extend protection to the unborn child by amending the Criminal Code to extend the same protection enjoyed by born human beings to unborn human beings.

It is my understanding that these signatures were collected within a matter of a few hours in one day.

EUTHANASIA

Mr. Tom Wappel (Scarborough West, Lib.): Mr. Speaker, my second petition concerns the subject of euthanasia. Quite a number of people from all across Canada have signed the petition. It prays that Parliament ensure present provisions of the Criminal Code of Canada prohibiting assisted suicide be enforced vigorously and that Parliament make no changes in the law which would sanction or allow the aiding or abetting of suicide or active or passive euthanasia.

WITNESS PROTECTION PROGRAM

Mr. Tom Wappel (Scarborough West, Lib.): Mr. Speaker, the third petition is signed by a number of people from across Canada, primarily from southern British Columbia and the Surrey, B.C. area. It deals with the subject of witness protection, in particular, my Bill C–206.

The petitioners call on Parliament to pass Bill C–206 to give statutory foundation for a national witness relocation and protection program.

I am pleased to note for these petitioners that the government has brought in just such a bill which hopefully will be debated very shortly in the House.

THE ENVIRONMENT

Mr. Mac Harb (Ottawa Centre, Lib.): Mr. Speaker, pursuant to Standing Order 36, I have the pleasure and the honour to introduce a petition signed by Canadians from New Brunswick, British Columbia, Ontario and elsewhere.

The petitioners call on Parliament to institute complete recycling, waste reduction, energy and resource conservation and clean–up and air pollution programs.

● (1010)

PARLIAMENT HILL

Mr. Mac Harb (Ottawa Centre, Lib.): Mr. Speaker, I have another petition signed by Canadians from Quebec, Ontario and elsewhere. These petitioners call on Parliament to allow people to use the grounds of Parliament Hill for the purpose of public interest.

This petition is signed by people from all over the place. I really do not understand the motives behind it but nevertheless I would like to table it.

INCOME TAX

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, pursuant to Standing Order 36, I wish to present a petition which has been circulating all across Canada. This petition has been signed by a number of Canadians from the Vancouver, Surrey and Delta areas of British Columbia.

The petitioners would like to draw to the attention of the House that managing the family home and caring for preschool children is an honourable profession which has not been recognized for its value to our society. They also state that the Income Tax Act discriminates against families that make the choice to provide care in the home to preschool children, the disabled, the chronically ill or the aged.

The petitioners therefore pray and call on Parliament to pursue initiatives to eliminate tax discrimination against families that decide to provide care in the home for preschool children, the disabled, the chronically ill and the aged.

BOVINE SOMATOTROPIN

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, I rise today to present two petitions. The first is from 35 concerned citizens from my riding of Yorkton—Melville who are opposed to the approval of synthetic bovine growth hormone, known as BGH or BST. The drug is injected into cows to increase milk production.

The petitioners are concerned not only about health risks to the dairy cows, but also the serious risks to humans, including breast and colon cancer. They urge Parliament to keep BGH out of Canada until the year 2000 by legislating a moratorium on sales and use and until the outstanding health and economic questions are reviewed through an independent and transparent review.

GOVERNMENT SPENDING

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, the second petition is signed by my constituents who are concerned about high government spending. Given that Canadians are already overburdened with taxation, these petitioners urge Parliament to reduce government spending and implement a taxpayer protection act to limit federal spending.

HUMAN RIGHTS

Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, on behalf of the hon. member for Hull—Aylmer, I am pleased to table a number of petitions. The first petition asks that Parliament not enact legislation which indicates societal approval of same sex relationships.

EUTHANASIA

Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, a second petition asks Parliament to make no changes in the law which would sanction the aiding and abetting of suicide or active or passive euthanasia.

RIGHTS OF THE UNBORN

Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, the third petition asks for the same protection for unborn human beings as those who are born.

I am pleased to table these petitions on behalf of the hon. member for Hull—Aylmer.

CRIMINAL CODE

Ms. Roseanne Skoke (Central Nova, Lib.): Mr. Speaker, pursuant to Standing Order 36, I have the privilege to present to the House today a petition on behalf of 459 constituents in my riding.

Child Safe of Pictou county believes that all sex offenders who are being released from incarceration should have to inform the media that they are being released. This will allow the media to inform the communities of Nova Scotia of the names and addresses of the offenders being released.

Child Safe feels that this is of vital importance to protect the safety and well–being of our children.

COMMUNICATIONS

Mr. Ronald J. Duhamel (St. Boniface, Lib.): Mr. Speaker, this petition from almost 1,000 Canadians asks the CRTC to regulate all forms of violence and abuse on television.

The citizens believe that one needs not to be shocked to be educated, to be informed, to be entertained. These petitioners applaud the CRTC hearings on this subject, violence on television, which are being held right now and to which I might add I had the honour of presenting a brief last Monday in Winnipeg, Manitoba.

* * *

[*Translation*]

QUESTIONS ON THE ORDER PAPER

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

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

● (1015)

[*Translation*]

CORRECTIONS AND CONDITIONAL RELEASE ACT

The House resumed from September 27 consideration of the motion that Bill C–45, an act to amend the Corrections and Conditional Release Act, the Criminal Code, the Criminal Records Act, the Prisons and Reformatories Act and the Transfer of Offenders Act, be read the third time and passed.

Mr. Patrick Gagnon (Parliamentary Secretary to Solicitor General of Canada, Lib.): Mr. Speaker, I welcome this opportunity today to speak to Bill C–45 and related initiatives. It has been said many times in this House that our penal justice system lacks the means required to control high–risk offenders, including sex offenders.

The public has become increasingly fearful and intolerant of crimes committed by these offenders, especially when the victims are children. This is a very legitimate concern which Bill C–45 should help to alleviate by providing better protection for the most vulnerable members of our society. In many cases, sexual offences not only harm a person physically but also cause

psychological damage that unfortunately may leave lasting scars.

If we want to improve public safety, we must act quickly and use the most effective means at our disposal. That is why we have opted for a comprehensive approach consisting of legislation and other measures that will help us deal with the problem on all fronts. As you know, Bill C–45 contains major amendments to the Corrections and Conditional Release Act that will increase public safety.

The principal changes include amending the provisions on the detention of sex offenders who attack children. To provide better protection for our young people, Bill C–45 gives the word ''child'' the broadest possible legal sense, in other words, any individual under 18 years of age. Thanks to the proposed amendments, it will no longer be necessary to prove that serious harm was or will be caused to the child by a sexual offence.

This change was necessary because in many cases, the impact of sexual abuse is not easy to detect in a child. The problem is further compounded by the fact that child abusers often tell their victims that the sex acts they are forced to commit are acceptable and not to be discussed with others. Research has also shown that the harm suffered by a child who is a victim of sexual abuse may not become apparent until years later.

For all these reasons, it is difficult and almost impossible to find out whether there was serious harm. Bill C–45 will fill this gap by giving the National Parole Board the authority to keep in custody any offender it deems likely to commit a sexual offence involving a child before the expiration of his sentence.

I would like to point out that we have before us a piece of legislation that is intelligent and sound and based on the latest scientific research. It was well received by many of the witnesses who appeared before the Standing Committee on Justice and Legal Affairs during its study of the bill. I may refer more specifically to the clinicians representing the Canadian Psychological Association. They found the bill perfectly reasonable in clinical terms, because, as they said, people sexually drawn to children, known clinically as pedophiles, have a much higher risk of recividism than those suffering from some other form of deviant sexual behaviour.

At times, treatment appears to have no effect on pedophiles. Accordingly, since the bill concerns offenders representing the greatest threat to the security and welfare of children, we believe it should go a long way to calming Canadians' concerns.

Before I talk about other legislative changes, I would like to return to the comments by the solicitor general on the point amending the provisions on detention. The fact that the change applies only to young victims does not mean that sexual offences against adults are of less concern to us.

• (1020)

All sexual crimes are serious, and the vulnerability of the victim, whoever that may be, is a vital consideration in each decision on parole or detention.

We must give ourselves the means to accurately assess the risk involved in a sexual offence, whoever the victim may be. In recent years, some people have wondered whether we can really assess the damage victims suffer when there has been no bodily harm. This is particularly important in the case of victims of sexual crimes.

As many of you know, the definition of serious harm in the present legislation covers both physical injury and psychological damage. As psychological damage is not apparent most times, it is often difficult to detect. In an effort to overcome this difficulty, the Department of the Solicitor General formulated guidelines on this last fall.

Accordingly, the people responsible for identifying cases of potential detention and commissioners responsible for deciding on them are better equipped to assess the psychological wrong a victim has suffered. They can therefore better recognize offenders who are more likely to cause serious harm in the future.

The department developed these guidelines according to the most recent research available on the psychological effects of crime for victims and on clinical diagnostic criteria. This major undertaking results from the department's commitment to clarify the concept of serious harm and to better protect the public against high risk offenders. Whether they are violent criminals or sexual offenders.

The bill contains other changes along these lines, as I mentioned earlier. Some of them have to do with Schedules I and II of the act, which list the offences for which an offender can be referred for detention.

These lists will now include several violent crimes against persons and serious drug offences such as conspiring to commit serious drug offences, impaired driving, criminal negligence causing death or bodily harm, criminal harassment, and breaking and entering when the planned offence is listed in Schedule I.

The addition of this last crime means that an offender who breaks and enters a home with intent to commit a serious offence such as a sexual assault will no longer be eligible for the speedy review procedure and will automatically be subject to review for detention.

In addition, a number of sexual offences that have been repealed will be included in Schedule I so that any offender serving a sentence for one of these offences will be covered. The purpose of these amendments is to correct any shortcoming in the detention provisions that may compromise public safety.

Another important set of amendments provide for the house arrest of some high risk offenders who do not meet detention criteria. These amendments had been demanded by the members of Standing Committee on Justice and Legal Affairs, the former Standing Committee on Justice and Solicitor General, the Ontario commission responsible for investigating the Stephenson case, and the Canadian Police Association.

In response to their recommendations, the government recently made legislative amendments to Bill C–45, which were approved by the Committee on Justice and Legal Affairs last March.

These amendments will enable the National Parole Board to require that offenders who must be released because they do not meet detention criteria but who need additional community support live in a community based residential facility.

This will allow the board to better monitor and manage these offenders and the risk they present, in order to strengthen the released offenders monitoring system and facilitate their reintegration into society.

• (1025)

While the legislative or policy changes I mentioned represent a sound reform, we must bear in mind that these changes alone cannot ensure greater public protection. We must not settle for longer prison terms for offenders. Most sexual offenders are sentenced to a definite term of imprisonment and, sooner or later, they are back in the community.

To properly deal with the problem of sexual offenders, sustainable solutions must be developed. In this regard, many of the witnesses who testified at the justice committee hearings on Bill C–45 were of the opinion that the best way to protect society against sexual offenders in the long term was through formal phased release programs combined with treatment and support.

This has prompted the government to undertake a number of initiatives with regard to programs, including enhancing treatment programs for this category of offenders.

[*English*]

I will briefly comment on what we know to date about treating sex offenders. Research evidence shows sex offenders are not all the same. Their offences are influenced by a host of motivating and situational factors which vary from one individual to the next. Consequently, there is no single cause for sexual abuse and no single approach to treatment. However, there is general agreement among clinical practitioners that for many offenders the risk of reoffending can be reduced through continuity of treatment programs and relapse prevention.

In keeping with this view, a key component of our public safety strategy focuses on the expansion and enhancement of treatment programs for sex offenders. Research and pilot

projects in support of rehabilitation and safe reintegration of sex offenders are an integral part of this endeavour.

To ensure the federal correctional system uses the most effective management and treatment methods for sex offenders, Correctional Service Canada created a national committee earlier this year. This committee has developed standards to deal with the important issue regarding the assessment and treatment of sex offenders. The committee is undertaking consultations with provincial mental health and correctional agencies with a view to developing a national consensus on these and other issues of mutual concern.

To facilitate this effort I had the pleasure of opening the first conference on the national sex offender strategy in Toronto last March. This conference brought together sex offender experts from across Canada as well as from other countries to share their knowledge, refine our assessment and treatment methods, and find innovative ways of restoring public confidence in corrections and criminal justice. This is an important milestone, and I am confident good progress in this area will continue.

[*Translation*]

We are also active on the local front to help community organizations protect children against sexual abuse. Over the years, the RCMP has played a major role in this respect with its Canadian Police Information Center, or CPIC, a data base made available to police across Canada. This center provides computerized information on the criminal records of individuals who have been fingerprinted. Thus, local police can now check, on behalf of community organizations, the background of those who want to do volunteer work or work for pay involving children. It is one of many ways of helping to prevent direct contact between child molesters or sexual offenders and children in our communities.

Last November, the government announced that the CPIC had been upgraded so that checks run through this national data base can be even more efficient.

As a result, the CPIC now provides information on restraining orders issued in cases of family violence, orders prohibiting holding positions of trust around children and peace bond orders issued to child sex offenders. It also provides more detailed information on the criminal background of offenders, including a list of all sexual offences, whether summary or indictable, committed against children.

• (1030)

These improvements will provide a better profile of those people who could be a threat to the safety and well–being of our children. However, are these improvements sufficient? Some victim advocates have said that better information will be of little use if community organizations do not know it exists, or if they do not systematically check the track record of applicants with the local police force.

In response to that legitimate concern, the solicitor general, justice and health departments are working to set up a national awareness program, in co–operation with the Canadian Association of Volunteer Bureaux and Centres. Starting this fall, and for the next few years, public information and education documents will be prepared, and training sessions will be provided to police officers as well as to volunteer and sports organizations in more than 200 communities across the country, in an effort to ensure better screening of volunteers and staff.

As for high risk offenders who remain a danger to society at the end of their prison term, we are pursuing our efforts to find an adequate solution to the problem. We work in close co–operation with our provincial and territorial counterparts, and quick progress is being made. Every province and territory has agreed to make the best possible use of the Criminal Code provisions which relate to dangerous offenders.

These provisions authorize judges to impose an indeterminate jail term to offenders who, in their opinion, remain a danger to society.

[*English*]

The solicitor general also announced last March a national flagging system to identify at an early date those offenders who may later be considered for a dangerous offender application. Should any offender who is flagged be prosecuted in the future, all relevant background information held by other jurisdictions will be available to assist prosecutors in deciding whether to bring in an applicant.

The solicitor general and the justice minister in conjunction with their federal, provincial and territorial counterparts have agreed to an examination of legislative changes with regard to creating a new category of long term offender. This could lead to special preventive measures for a broader range of violent offenders, especially sexual predators such as pedophiles, including up to 10 years of supervision following the usual penitentiary sentence.

The ministers have agreed that other criminal justice options will be explored for offenders who are at the end of their sentences and who are still believed to be too dangerous to be released into the community. In this regard the solicitor general and the justice minister convened a meeting of leading constitutional lawyers and other experts this past spring to review the limits and possibilities related to the detention of offenders beyond the end of their sentence. This will allow for a full examination of possible strategies under the criminal law which might be viable to achieve greater public safety.

[*Translation*]

All these measures seek to increase protection of the public against high risk offenders and to restore the confidence of Canadians in our criminal justice system. They are based on a progressive policy dealing with practical issues related to therapeutic programs for offenders, and with the development of the most effective program strategies to treat sexual and other high risk offenders.

Our criminal justice system must be balanced, so that we can truly make our country a place where Canadians and their children can live without fear of being victims of violence or sexual abuse.

I believe that Bill C–45, along with related initiatives and the work that will continue to be done in the months to come, clearly shows that the government intends to do its utmost to make our communities safer. I am sure that members from both sides of this House will help us achieve that goal through this bill.

• (1035)

[*English*]

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, I would dearly love to stand here today and say I will support Bill C–45 but if I did I know exactly what would happen. If our party did that I know exactly what would happen. People across the way would turn around and say: ''If the Reform Party supports it, I guess we have gone far enough. We have done our job''.

Therefore we will not support this. We will continue to hound government members over issues of criminal justice to let them know they have not gone far enough and that the public right to protection is much greater than the rights of criminals. We will continue to pound that message home. The member for Wild Rose, the member for Crowfoot, the member for Calgary Northeast, the member for Yorkton—Melville will be on the government like a pack of hounds until we get some real tough justice in this country.

One of the concerns I have about Bill C–45 is that it is extremely narrow. It does not go nearly far enough in addressing the concerns of other people. We had a big to do in the House not very long ago when an hon. member was accused of mimicking another hon. member. There were screams and yells of sexism in the House. People were running around saying: ''You people are bad. You are sexist''. That was a bunch of baloney.

The real measure of how prepared people are to stand up for women is in their actions, not in their words. We are not seeing the action in this legislation that really defends women to the degree they should be defended. Why in this legislation do we not have measures to hand down the same types of penalties that are being proposed here and even tougher penalties when women are sexually assaulted?

Why can women not enjoy the same protection in the law? To me that makes sense and that is why we cannot support this legislation. I know if we supported this people over there would say: ''Good, we have them on side. We do not have to do any more''. My goodness, all it takes is a stroke of the pen. All they have to do is spend a couple of more minutes writing that type of amendment. Then we would have protection for women as well. Why not go the full way? Why not do it all?

Another concern I have with this legislation is that it does not address the huge problem of young offenders who are sexual predators. I will read a letter in a moment from a constituent of mine who talks about this problem. Before I do I remind hon. members across the way about an incident that happened not too many years ago on the west coast.

A sexual predator, a young offender, and his family moved into a new community. Because he was a young offender no one knew about his past. Not even the police knew about his past. The people next door definitely did not know about his past when they invited him to come over and babysit. I think everyone can imagine what happened. That young man subsequently raped and murdered the little girl next door and nobody was the wiser to his past because the Young Offenders Act protected him. That is insane and ridiculous. There is no reason in the world why this government cannot address those types of problems.

Yesterday in the House our leader asked the justice minister what he will do to ensure that when there was a conflict between the rights of criminals and the rights of victims the scales of justice were tilted to the side of the victims. He gave us a lot of rhetoric.

We would like to see some action. It is too late for that little girl in British Columbia but it does not have to be too late for the rest of the country. All it requires is a stroke of the pen, a little initiative. Why is the government holding back? What is the possible motive for not addressing this issue?

• (1040)

To me it can only be a misguided sense of responsibility or charity to the criminals. Yes, these people sometimes come from bad backgrounds and bad environments. I feel bad about that. I am sorry they turn out to be criminals in many cases and sexual predators in some cases.

At the end of the day, as sorry as I am for that, the responsibility of government, the justice system and the House is to ensure that the rights of the public are raised above the rights of the criminals. There is no excuse for not dealing with that in this legislation. It should be in there.

We have to keep plugging away until we get some changes not only to bills like Bill C–45 but also to the Young Offenders Act. It has to happen.

I will read a letter from a constituent of mine whom I talked to on the phone a few days ago:

> I am writing to you because of something that happened to my family this past summer. In late July of this year I had my nephew come and stay with us. He is 13 years old and I had no reason to believe my worst nightmares would come true. During the four days of his stay he sexually abused my oldest sons, ages four and five. My two year old son does not talk yet, so if there was any abuse perpetrated against him I will never know.
>
> I reported the crime to the local RCMP and to social services in the community where he comes from. It was during a talk with another family member that I was informed of the sexual abuse committed against her children, one girl and one boy, by my nephew some seven months prior.
>
> It has been a long summer for my family, not only in dealing with the devastation of having our young children become victims of a sexual crime at such a young age, not that any age is acceptable, but in waiting for justice to be served. By justice I specifically mean waiting for the police and the courts to hold the 13–year old criminal accountable.
>
> This past Monday, September 19, I found out that according to the Criminal Code, Michael, my nephew, is immune from prosecution, not because he did not commit a crime but because he is 13. The first sexual crime was not reported to police. The family of the children and the family of the abuser and social services decided it was an act of an immature boy experimenting with his developing sexuality. It was because of this cover–up that I was unable to protect my children. Therefore my children became the young, innocent victims of his second attack that we are aware of.
>
> I am disgusted and helplessly frustrated with the whole situation. The RCMP officer was quick to assure me that they would get him the next time. Am I supposed to feel proud to be part of a society that surrounds young criminals in a blanket of protection while ignoring the pleas of the whole families that are victimized? By not holding these young criminals accountable based on their age, are we not inviting them to victimize again and again, stealing innocence, forever changing lives?
>
> There is so much more I want to say but more importantly now I know I must take action. I believe if I do not take some action to see the laws changed to protect the young potential victims, then I have not done my job as a parent. If the police and courts cannot help my children get justice, then I must go above them.
>
> Monte, I cry at night because of what this 13–year old did to my children and it torments me to know he will never be punished for this crime. It is just unacceptable at any age to abuse our young future in any way. If we do accept it we have failed them and ourselves. I write this letter in faith that you will be my voice, Monte. Somehow it does not seem enough, words on paper, but it is a start.

This letter says more eloquently than anybody in the House could ever say just how devastating and unnecessary these crimes are. That is what is so frustrating.

I do not really understand why the police did not intervene. They say the boy was 13. My understanding is he should be culpable when he is that age. I certainly put a phone call in to the police to talk to them about that.

• (1045)

However, the whole point is that if this young man were accused, brought to justice and convicted, it would not necessarily mean he could not do it again, because the public would never know what he had done. That is crazy. What are we doing here? Why are we allowing this to happen? It is ridiculous.

I look around here and I see people who are of high intelligence and mature individuals who must understand exactly what this does to people. Why are we not doing something about it? Why is the government not moving legislation today to fix this? I do not understand it. The people at home do not understand it. If it were just a case of not understanding that would be one thing, but it is the terrible damage it does that is so frustrating.

My friends over here have pounded away at the government, asking it to bring in some changes that address these types of things, and it has not. It has not addressed them. It would be so easy. We frittered around with tiny little pieces of legislation over the last few days when we could have been dealing with things of real consequence, things that would really help people.

Maybe I was idealistic when I took on this job, but I thought we could bring some of these obvious problems to light and perhaps something would happen, perhaps there would be changes. It has not happened. It does not happen, and that drives me and everyone here crazy. I know it drives members across the way crazy. There are people who sit on the back benches who ask why we cannot change this. I do not know the answer to that. I guess the only people who know the answer to that are the people who reside in cabinet, where all the decisions are made.

I encourage them to open up their ears and realize that by not acting to bring down some fundamental changes in the justice system they are allowing people to get hurt. If they are not consciously and not maliciously doing it, they are unconsciously doing it. However, the effect is the same.

I encourage government members to start thinking about some of these victims out there, to start supporting some of the amendments like my friend from Wild Rose brought forward the other day, which would compensate victims, and to start opening their eyes to what is happening out there in the real world. When that day comes there will be 52 Reformers standing up and giving the government 100 per cent support.

As I said at the beginning of my speech, I would love to support this bill but I know what would happen if we did. This government would take that as an excuse to quit. Therefore, it is with reluctance that I say it is a step in the right direction but it does not go nearly far enough. We will not give the government an excuse to quit. Over the next several months my friends will be on the heels of the government every day.

Mr. Andrew Telegdi (Waterloo, Lib.): Mr. Speaker, I am pleased to enter into this discussion.

The member from the Reform Party said the actions of the government drive every member of the Reform Party crazy. He inferred that the same is applicable to this side of the House. Let me agree with the first part of his statement and very strongly disagree with the second part.

The member, in his convoluted statement, said he supports what we are doing but that it does not go far enough as far as he is concerned, so he and his party will vote against this bill. I have sat in the House for the past two years and I have never ceased to be amazed as to how simplistic the Reform Party attitude has been to this whole issue. It seems to me that during many of their interjections and their discussions they are promoting a very simplistic justice system, very simplistic solutions to a very complex problem.

• (1050)

They are forever talking about victims and victims' rights. I am amazed that a party that purports to be for law and order would not support the victim groups that want stronger gun control and support the government's legislation. Maybe the member can tell me how and why he does not support gun control as asked for by victims groups as well as the police in the country.

Mr. Solberg: Mr. Speaker, I assure the hon. member from across the way that he does not speak for all his backbenchers. I have talked to many of them and I know where they stand on the issues.

With respect to the whole issue of victims' rights, many members of our caucus have been in regular contact with victims groups, have been supporting them, have been proposing legislation through private members' bills that would help them. We moved a motion in the House the other day which the government did not support. That motion would have provided some kind of compensation to victims. I want to make it very clear that we come down four square on the side of victims.

On the issue of gun control, I think it is an improper characterization to say that all victims groups to a person believe that gun control will somehow staunch crime in the country. That is obviously wrong. I also point out, as my friend from Yorkton—Melville has claimed in the House, that many police, I would argue the great majority of rank and file policemen, do not support gun control as it has been proposed in the House.

If there is anything simplistic in the House it is the comments of the hon. member across the way. I argue there is not a person in the country who has watched this channel for any amount of time who would ever doubt for a moment the sincerity of members on this side of the House when it comes to standing up for victims and hounding the government to bring about some changes which, to the government's credit, it is starting to bring about in some of this legislation.

We will continue to nip at the heels of the government until we start to see some real substantial changes in all areas of criminal justice.

Mr. Morris Bodnar (Saskatoon—Dundurn, Lib.): Mr. Speaker, the hon. member has made reference to a particular case and read a letter. I take it the hon. member is well aware that laws are made by the federal government but the enforcement of these laws is strictly in the hands of the provincial governments. Barking in the Chamber is the wrong place. Comments have to be made to the provincial attorneys general to make sure matters are taken care of.

The John Howard Society has put out statistics showing that a substantial number of young people are convicted of offences, and 31 per cent of the young offenders are incarcerated but only approximately 20 per cent of adults are incarcerated. Proportionally there are more young offenders being incarcerated than adults. Yet we can see the Reform Party is clamouring for stronger sentences. As well, it appears that more young offenders are being charged but the crime rate of young offenders is not going up.

With the position the Reform Party is taking, is it indicating there should be more incarceration facilities built in this country for young offenders and perhaps resort to a system similar to what is developing in California?

• (1055)

Mr. Solberg: Mr. Speaker, the hon. member has addressed several issues. He mentioned this was more of a provincial matter when he referred to the letter I read from. I am sorry the member missed the point I was making. If that young man had been convicted, and since federal laws say his name cannot be released, then he could go on to do this again and again and we would not be protected from him because we would not know his identity. To me that is a federal matter. Anybody who knows anything about the law should know that it is this way. I am surprised that as a lawyer the hon. member did not realize that.

With respect to the stronger sentences, I remind the hon. member that it was his government that felt stronger sentences were necessary in Bill C–41. I remind the hon. member that in this very legislation there are stronger sentences being proposed. Now he is arguing against them. That is a little ironic. I encourage the hon. member to read the legislation.

With respect to the fall in the crime rate among young offenders, there is a demographic issue that needs to be addressed here. It is not at all clear. If we go back a generation and look at the rise in violent crime between the sixties and today, it

has gone up fourfold, I believe. Let us not spew out statistics without all of the background that goes with them.

The hon. member should take the time to sit down and read this legislation. If he does he will not be so quick to jump up and start criticizing the Reform Party.

Hon. Raymond Chan (Secretary of State (Asia–Pacific), Lib.): Mr. Speaker, I rise to address the House about a critically important public safety issue and to outline some of the measures the Government of Canada has initiated in response to our commitment in the red book to ensure safe homes and safe streets.

All of us are painfully aware that the issues related to the management and treatment of sex offenders in federal correctional institutions are very much of public concern. Media attention and public outrage over violent crimes committed by sex offenders on conditional release have heightened fears about public safety.

During the summer I had extensive consultations with my constituents in Richmond. I went to the bus stops and the shopping malls to speak with my constituents. Sure enough, the number one concern of my constituents was with crime issues. Last year I did the same thing, I reached out to the constituencies, and their concern was with the debt and deficit. I suppose this year, because of the works of our government, the debt and deficit are under control. Now their concentration is on crime issues.

It is imperative that the Government of Canada take action to restore the public's confidence concerning the management and treatment of this group of offenders. I am confident the provisions contained in Bill C–45 as well as a number of criminal justice rights initiatives taken by the government would go a long way to restoring the public's confidence in Canada's criminal justice and correctional system.

The issue of high risk sex offenders is a complex problem, which has many facets. It would be unrealistic to expect a simple solution. The problem requires a comprehensive approach involving all jurisdictions and agencies, both governmental and non–governmental, in criminal justice and corrections. The Canadian government recognizes this and has taken leadership to gain the support of all parties concerned toward achieving a mutual solution.

At the federal and provincial levels there has been much discussion about this issue among ministers responsible for justice and corrections and a number of actions have already been announced. Among these was the announcement by the solicitor general last March of the establishment of a national flagging system using the Canadian Police Information Centre to help crown attorneys better identify high risk violent offenders at the time of prosecution. This system, along with the project now under way called the crown file research project, will assist prosecutors with decisions regarding prosecutions and charging strategies, including whether to bring a dangerous offender application against an individual. If a person is ruled by the courts to be a dangerous offender, an indefinite sentence of incarceration can be imposed.

• (1100)

Both these actions were recommended by the federal, provincial and territorial task force on high risk violent offenders which released its report earlier this year. The government is also addressing other important recommendations outlined in the report. For example, legislative changes are being examined which would make it easier for crown attorneys to make use of the existing dangerous offender provisions in the Criminal Code.

The provisions would be strengthened by making an indefinite sentence of incarceration the only sentencing option for those found by the court to be dangerous offenders, providing for new expanded presentence risk assessments in place of the current requirement for the evidence of two psychiatrists and the creation of a new category of long term offender, which would give the courts a new sentencing option for this group. This would require the long term supervision of the offender for up to 10 years following the end of the penitentiary term.

In addition to the work of the task force, the amendments to the Corrections and Conditional Release Act contained in Bill C–45 include other important changes which would tighten the legislation to ensure greater public protection. Principal among these are changes to detention provisions as they relate to sex offenders who victimize children. The amendments will eliminate the current serious harm criterion for this group of offenders.

Research has shown that the harm caused to children by sex offenders may not manifest itself until later in life. Therefore, because it is so difficult to draw a direct relationship between the offence and the consequent harm done, sex offenders often fall through the cracks when it comes to deciding whether they should be detained until the expiry of their sentence. The changes in Bill C–45 will close that gap by removing the requirement to determine whether serious harm occurred in sex offences involving children.

In the area of federal corrections much has been done to make the system more responsive to the demands for increased attention to public safety. Correctional Service Canada has experienced rapid and unprecedented growth in the number of sex offenders in its custody. The rate has been quite disproportionate compared to the overall increase in the federal inmate population.

In the past 10 years the number of sex offenders in federal penitentiaries has grown at a faster rate than any other group. From December 1990 to December 1994 the number of sex offenders under the jurisdiction of Correctional Service Canada increased by almost 50 per cent, while the total population increased by 10 per cent. In 1984 they represented little more than 7 per cent of the total federal inmate population. Today, however, nearly one–quarter of the incarcerated population and 17 per cent of the supervised population are sex offenders. As of

January 1995 there were an estimated 4,900 with sexual related offences in their sentences.

• (1105)

This increase is the net result of a number of factors. Ten years ago about 14,000 reports on sex offences came to the attention of police each year. Today police receive more than 30,000 such reports annually. The police have become better trained in investigative procedures determining the profiles of sex offenders and in their sensitivity to victims.

As well, attitudes have changed. Victims are much more willing to come forward. We have seen cases being prosecuted that occurred almost 30 years ago. There have been legislative changes resulting in new offences that were not investigated or prosecuted 10, 20 or 30 years ago.

Our society has seen decreased tolerance. The length of sentences being imposed by the courts has also increased. In 1991 the average length of sentence for sex offenders was 4.2 years. Today it is well over five years on average.

The trend therefore is that more sex offenders are entering the federal correctional system. They are staying longer and many are quite likely to be detained until the expiry of their sentence.

Of the 555 offenders detained today, 60 per cent are sex offenders. Correctional Service Canada, therefore, has had to respond to this dramatic increase by quickly expanding its treatment capacity from less than 100 offenders 10 years ago to more than 1,800 today.

This year it will increase to over 2,200. The correctional service has also increased the amount of money devoted to this area of treatment during the past five years. Expenditures in the coming years will increase by another $1.3 million in addition to last year's estimated $11 million.

Recognizing that treatment does not stop at the front gate of a prison, the correctional service has also expanded its capacity for follow–up treatment and relaxed prevention in the community for offenders under conditional release.

Seven hundred of the eighteen hundred treatment placements currently available are being provided in the community. To its credit the correctional service with the help of many experts has developed and implemented among the best programs and risk assessment tools of any other correctional jurisdiction in the world.

In late March the correctional service sponsored a national conference on sex offender treatment in Toronto. More than 400 experts and practitioners from across Canada, as well as the United States, Belgium, New Zealand and Norway, met to share knowledge and expertise in this important area.

To ensure that the service maintains its high standard of performance, a national strategy on sex offenders has been developed which is being shared with provincial mental health and correctional agencies to achieve a national consensus on standards for the assessment and treatment of sex offenders.

It must be said, however, that experts and practitioners the world over do not claim there is a cure for sex offenders. There is no single cause for this form of deviant behaviour and there is no single approach to treatment.

Instead there is a need for a continuum of treatment from intensive to intermediate to low intensity and a strong emphasis on managing risk through relaxed prevention. The latter involves teaching these inmates to recognize the factors that led to the commission of their crimes as well as avoidance and coping techniques for dealing with high risk situations. Even though the treatment programs and assessment tools are acknowledged to be among the best in the world, the state of knowledge unfortunately is not 100 per cent perfect, and it is unlikely it will ever be.

• (1110)

Sex offenders are not a homogeneous group. The nature of their offences vary. Their treatment needs vary. Their security levels vary. Not all sex offenders pose the same risk to the community when they are released. The majority of them will be released eventually whether under some form of conditional release or on expiration of their sentences.

The correctional service has conducted a number of follow–up research studies to acquire a better understanding of the rates of reoffending for treated and untreated sex offenders. It is too early to draw any firm conclusions, but by and large sex offenders who have participated in treatment programs have a greater probability of success than those who are untreated.

A three–year follow–up of nearly 1,200 sex offenders released from prison between 1985 and 1987 revealed that 6 per cent were readmitted for another sex offence. Almost 14 per cent were returned to prison for a variety of non–sexual offences and 11 per cent were readmitted for some form of technical violation of release conditions.

We know full well that statistics are of little comfort to the families of victims of these offenders in the aftermath of a tragedy. However I assure members of the House, indeed all Canadians, that tragic incidents also have a profound impact on correctional staff. It strengthens its resolve to improve the assessment procedures and the quality of treatment programs.

Real progress is being made to ensure greater protection for Canadians, especially from violent sex offenders who pose a high risk to women and children. The government has taken a very balanced approach and will continue to launch new initiatives in coming months to demonstrate its commitment to doing everything it can to make our homes and our communities safer.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I have a quick question for the hon. member. Earlier we heard the parliamentary secretary to the solicitor general speak. I heard some of the same things a few minutes ago about treatment for our criminals that is going to be delivered, what we are going to do.

We are forever spending lots of money on treatment of these types of individuals. The victims need treatment as well for the trauma they go through, but we do not spend a nickel on treatment for victims. Nor do we provide them with any psychological help or any number of things. We do not do anything in that regard.

Now we are to spend more money because our treatment programs are to be better than they have ever been. The prisons will tell us that they have a tough time delivering treatment programs now, and they have had a tough time doing it over the last 10 years. All of a sudden we have a piece of legislation that is to make it happen and it is to be really good.

I have two questions. Why not spend some time helping victims in the same regard? If this is to be done in the prisons, where in the devil are you to get the money?

The Deputy Speaker: I ask all hon. members to put their questions through the Chair.

Mr. Chan: Mr. Speaker, it is not true the government has not done anything for victims. Legislation is in place or in process dealing with restitution for victims of crime and helping them in different areas. It is incorrect for him to make that kind of statement. Treatment is so important in the prevention of crime. Sex offenders vary in the degree of their sickness and they need different types of treatment. A blanket coverage of just putting them all in jail forever or not give them conditional release, so they could be treated before they are released into the public is pure irresponsibility.

• (1115)

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, what a wonderful thing I just heard, all the great things that are being done for victims across the country. That is just not true.

All we need to do is visit any victim, as I did yesterday, the family of Louis Ambas in Scarborough. Tell me one thing that has been done by the government for the family of that individual, the orphans and the widow. Nothing has been done.

I get tired of the same old rhetoric about the wonderful things being done for victims. Wonderful things are being done for the criminals. Their rights are looked after so much. Boy, are we going to treat them and help those poor guys and ladies. We are going to really do our best to make sure they are well looked after.

I will say it again, nothing is being done for victims, nothing. If I knew how to say it in French, I would make sure I said it once more.

For the last two years the government has brought forward legislation such as Bills C–37, C–41, C–68 and now C–45. All this legislation reminds me of an old motto of my mother, and probably your mother too, Mr. Speaker: ''Put a little spoonful of sugar with the medicine and it will go down''. That is what the government has done with every one of these pieces of legislation. It has sprinkled in a little sugar in Bill C–37, very little mind you, but some would say that is not a bad idea. After looking at the whole bill there are so many rotten things in it that we just cannot support it.

Bill C–41 is a really good example. There are some things in it that are not bad. Then we get petitions tabled here, letters from all across Canada about Bill C–41 saying: ''Do not include sexual orientation in section 18.2. If the government includes that section, don't vote for it''.

I know these people across the way table many of those petitions. I know that many of those people across the way have tried to amend that section. Some of them really made a big effort. Some of them voted against the bill and got punished because they did what Canadians wanted. Is that not a shame? I think you know what I am talking about in that regard, Mr. Speaker. What a shame.

However, we are the bad guys. We did not support Bill C–41 because of all the fine things it is going to do. We tried to amend them. Members from the Liberal Party tried to amend the bill and make it better. It did not happen. If they voted against it, look out.

Along comes Bill C–68. That sucker is that thick, about 167 to 180 pages. The government sprinkled some sugar on about 17 pages that addressed the criminal. The rest of the bill addressed the duck hunters, deer hunters, rabbit shooters, gopher shooters, target shooters, gun collectors; the legal, the law–abiding citizens, the taxpayers, the hard working people that pay those wonderful pensions Liberal members all took, with the exception of a few who I am glad did not. That is what that bill attacks. Seventeen pages of the bill have a little sugar and we are supposed to support it because of those 17 pages. Why can we not pull those out and give us an opportunity to do that?

• (1120)

The government really makes it tough when it creates legislation like that. Is it a game being played in the justice system? If we took Bill C–37 and piled it on top of Bill C–41 and piled Bill C–68 on there and piled Bill C–45 on that we would have a stack quite high. They took millions of dollars to create. They are

written in a bunch of gobbledegook that a guy like me who has 16 years of education does not have the vaguest idea of what one–tenth of it means. Therefore, we rely on the help we can get. We get researchers to help us out. We even go to the justice committee and ask some of our colleagues from the other party who are really good at doing that. I really appreciate their efforts. They are able to tear into that legislation. I really appreciate when some of the members of the Liberal Party come forward with amendments that will make the legislation better. Add more sugar in there, I like that. Let us do that.

However, if a Liberal member is effective on a committee like that and dares to vote against the front line on any issue that he or she might disagree with, then he or she is out of that committee. They are bad boys or bad girls because they did not vote with the government. Democracy? Democracy in a pig's eye.

That is what makes it so hard. That is why when we look at some parts of Bill C–45 we say: ''Darn, that is a good idea. I would really like to support that''. However, the government makes it impossible with all of the other gobbledegook that is put in there.

I listened to the justice minister, who challenged me to join with him in helping to make the country safer. However when I stand here and move a motion that asks why we want to limit dangerous sexual offenders to only those who offend children, why not everyone, what happens? Who can argue with the fact that we should keep dangerous child sexual offenders in jail? Who can argue against that? I cannot. However, should it make any difference that the one they are keeping in has offended 13, 14, 15 or 16–year olds and the one they are not going to keep in has offended against 19, 20 and 21–year olds, grown woman or 85–year olds? That is what does not make any sense.

Therefore, we stand and move a motion. I defy anyone to tell me there is a big difference between raping a 17–year old and raping an 18 or 19–year old. Tell me there is a big difference. We moved a motion to amend that. Did we get support? No, not one bit. The little boys on the front line probably passed the word that the backbenchers were not allowed to vote for it. When their strings are pulled the puppets jump up and the arms vote the way they are told because they do not want any more punishment. If they get any more punishment they lose the ear of the government. I have news for them, the government is going to lose the ear of the public. It is sick and tired of it.

There was a rally last night in Scarborough of nearly 500 people. They are fed up to here. Simplistic is a guy who jumps up like a puppet and does not vote for his constituents. Simplistic is when you do not think for yourself, stand on your own feet and represent Canadians. Instead, you represent the front row, that is simplistic. What an easy way to earn $64,000 a year. It is real easy.

Let us look at Bill C–45, the bill dealing with dangerous offenders. What about the parole boards? We have a serious problem in this country. We are going broke. However, we are going to put in more things to help these criminals. We are going to give them more treatments. We are going to keep the parole boards active. The parole boards cost quite a bit of dollars.

• (1125)

I hear over and over again from the people who work closest with the criminals that it really should be handled at their level. Maybe now would be the time to consider there not even be a parole board, that releases should be determined by the case workers, the guards, the psychologists and the people who work in the prisons closest to the inmates. Why not consider that?

Wait a minute. If we got rid of the parole board, guess what? A whole lot of positions would disappear. Some people would not be appointed to it so they could stick their snouts in the trough. We cannot have that. It is the traditional way. We have been doing it for 30 years. Let us not do anything different.

I asked the government to make it mandatory that bad decisions by parole boards be totally reviewed. In Bill C–45 it may be done. We wanted it to be mandatory. It makes sense. The ordinary Joe on the street anywhere would say: ''Sure, why not?'' What is wrong with a little accountability?

I do not think there is a person in this place who did not come from some job somewhere where they had to be accountable in that job. Why should it be any less now in government or in an appointed position? That is all we were asking for. The answer was no. The Liberals would not vote for it.

I asked for mandatory restitution. There is a clause in Bill C–45 that says 30 per cent of the wages earned in prison are to be paid back to the government to pay room and board. Nobody can argue with that. It is not a bad idea. I realize that is not a great amount of money but even a little bit helps. I simply wanted a motion that said: ''How about taking that 30 per cent and giving it to the victims, to the widows, helping them out?'' After all, the government is looking after the victims. No. No. That could not be considered. I really do not understand.

Then all of a sudden I do understand. There are probably quite a few people on the backbench who would like to support it but the boys in the front row pull the strings and up jump the puppets and away we go again.

When I look at the legislation that has been written, that stack, I wonder why it cannot be in a little better language, something that an ordinary guy could sit down, read and maybe understand what we are doing. Or does it have to be produced that way so we can keep all those ants running around the justice building over there, all those senior bureaucrats making a lot more money than we are, so they can continue to put this stuff together and make sure not to get to the meat of the problem. Just make sure to sprinkle a little sugar throughout the whole thing so that we

would look like fools if we did not support it. That way we can keep those fellows employed all the time.

It is wonderful, just wonderful. A bunch of bureaucrats running around, do nothing bureaucrats creating a bunch of stuff the ordinary Canadian, including the member across, cannot understand. It cannot be read or understood. I am just trying to make sense out of it.

Instead of spending millions of dollars putting stuff like that together, how about taking that money and putting some guards down at Port Erie where the trucks drive through. Customs cannot even stop them because they do not have enough help.

The attorney general for Ontario says that trucks are coming through driven by criminals. What do we do? I am sure they are over there working on it right now. There will be another Bill C–926 or whatever it will be called. It will be thick and full of gobbledegook. It will not be as simple as saying: ''Look, there is a problem. Let us fix it''. That is not the way it is done. The game is not being played right.

• (1130)

I am tired of playing the game. I have been here two years and I have been listening to nothing but games. We ought to be able to accomplish something in the House. Instead, the best thing that has yet happened is the legislation on DNA testing. The only reason that happened is this party put the Liberals in a corner and they had to do it. They refused it for a year. Then all of a sudden out of the blue they decided it was a good idea, after I had asked for about the tenth time.

I do not know how members of that party can sit opposite to us and laugh, thinking this is all a big joke. I wish they had spent an afternoon with me talking to a few widows and orphans. I would bet they probably do not know what a victim of crime looks like.

I wish they had been with me when I spoke with the mother of the five–year old girl who was found in a garbage dumpster in Calgary with her throat cut. She is a single mother with no income, barely making ends meet. She has not received one penny's worth of help and has two other people living with her. The best they come up with over there are giggles and laughs.

Somebody is going to wake the government up. I am trying to. I am sure I will not accomplish it but I will guarantee there are Canadians all across the country. Your day is coming. You guys at the pig trough talk about 1.5 million kids starving in this country. I have news: Let us all give up our pensions and steer that money toward those starving children. What is wrong with that? You are too greedy.

Mr. Bodnar: You are on pension already.

Mr. Thompson: The hon. member does not even know what he is talking about. If he wants to talk to me about my teacher's pension I will be more than glad to do it. Once he understands it I am sure he will say: ''Well, I didn't realize that''.

Let us solve the problems. There are hungry children in this world and people living in poverty. Do something. Join the rest of us, including six of your own members. Give up those pensions and let us do something. Let us steer that money that way. You do not want to? You like what you have? You live with it and wait until the next election. You explain it to people in your community who may have these starving kids. You explain to them why we continually bring up legislation—

The Deputy Speaker: The hon. member has used the word you referring to other members at least four times in the last three minutes. I ask him please if he is using the word you to refer to whoever happens to be sitting in the Chair.

Mr. Thompson: There I go again. Mr. Speaker, you realize what I am saying. If these people are starving and hungry and there is poverty in Canada, why do we not do something? We have had more and more opportunities. I am fed up to here. This justice system is not a justice system; it is a legal system. It is an industry. My goodness we spend a lot of money in this industry. We take forever to get the Bernardos convicted. We spend millions. We plea bargain with the Homolkas. We pay Clifford Olson $10,000 for every body he leads us to. Does that make any sense at all?

My hon. colleague will sit over there and say: ''Ah, that simplistic old fool''. Another will say: ''Just because that guy taught for 30 years in a school, he is not entitled to $900 a month pension'', even though it is all my money to begin with.

An hon. member: Not taxpayers' money.

Mr. Thompson: It was not taxpayers' money.

I am more than pleased to give up my pension in the House. I am not an opportunist. I do not plan to make a career out of politics. I plan on trying the very best I can to get some laws changed so that my grandchildren—I have three of them who are about this big—and your grandchildren and a few more young children and women will be more than pleased to go downtown by themselves and feel safe. What is wrong with that?

• (1135)

I know what is going to happen though. The cabinet will decide and the puppets will vote and support its wishes. It is not

the justice system that will grow; the Liberal system will grow. That is a real danger to Canadians.

Mr. Tom Wappel (Scarborough West, Lib.): Mr. Speaker, the hon. member in his usual folksy and entertaining way has made a speech in which, of course, he has managed for the most part to stay away from the subject matter before the House today, Bill C–45. He has ranged over the Young Offenders Act, MPs pensions, his travels throughout the country, but what has he really talked about? Has he really addressed the issues of Bill C–45?

The reason I am up is that yesterday the hon. member visited the very nice community of Scarborough of which I am privileged to be one of the five members of Parliament. Five hundred and fifty thousand people live in the city of Scarborough. I hope we made the hon. member feel welcome as a member of Parliament and that he had the opportunity to express his point of view which in a democracy everybody is entitled to do.

I want to talk about Bill C–45 and ask the hon. member a question. He talked about gobbledegook. He talked about how laws are written in gobbledegook. That may be if one is not a lawyer.

What we do in the House is write and pass laws. If we do not understand them, somebody has to understand them. We hope that they are the lawyers in the justice department. If they do not understand them, then as has been done in the past, the courts will tell us what they mean. I will be referring to that very topic in my speech in a few moments. We do not want to be told by the courts what we meant. Therefore we had all better make an effort to understand this gobbledegook because if we do not understand it, then we are at the mercy of the lawyers.

The previous speaker from the hon. member's party gave the nub of the problem of the Reform Party which is that there is really nothing wrong with Bill C–45. It is actually kind of good. It actually does some good amending to former Bill C–36. However the Reform members dare not support it because, in the words of the hon. member for Medicine Hat, that might be enough and we will not go any further.

I recall the Reform Party members, when they came here, saying they would do things differently. They were not going to oppose for the sake of opposing. If something was good, they would support it. What is really wrong with Bill C–45 that the member cannot support it while still making the points he makes about the various other topics he spoke about?

Mr. Thompson: Mr. Speaker, I guess it is more of what is not there than what is there which bothers me. I talked about dangerous offenders. I hope the message went out that I feel it should not apply to the offenders of children only. It should go beyond that to a great extent. Because my time ran out I did not get a chance to talk about a couple of other things that should be in the bill.

For example, drugs are a very serious problem in our prisons. I am sure hon. members including the member for Scarborough West would agree that they are a serious problem. I am trying to figure out why we have not brought in legislation which says there will be no more drugs in the prisons that they will be out of there. Does it make any sense when 70 per cent of the people going in there have a drug problem? Yet they are sending them to a place where drugs are more accessible than they are on any street. We are going to rehabilitate them while they are in there. Think about that.

• (1140)

Here is a guy who is going to prison. He represents about 70 per cent of the prison population in that he has a drug problem. That is why he got into trouble to begin with. We are sending him to a prison where drugs are more accessible than they are on the streets. To help him we will give him the bleach program or sterilized needles. Then in four years we will let him out and he will be rehabilitated. We might as well take an alcoholic and sentence him to a wine cellar for six months and see how well he is fixed when he gets out.

It is not so much what is in the bill, but it is a lot of what is not there that should be. There are some things in there we would like to support, but why do we always have to make the tough decision about supporting something we do not want to in other parts?

I know the hon. member struggled with Bill C–41. There are some good things in Bill C–41. Should we support it? That is the decision which is always tough. They could do better when it comes to the gobbledegook. Why do we not stick to what Canadians want? Why do we not listen as parliamentarians to what Canadians say? My people are saying: ''We want this; we want that. Now write the laws''. Is it so difficult that these guys over there are so smart that they cannot write in common English, French or a language we can understand?

The hon. member is right. We had better understand it. I am trying to make every effort I can to understand it. It is too bad we cannot pick up a lot more by ourselves without having to get a bunch of help to do it. I do not know if it is possible, but if it is not impossible let us fix it. Let us give a direction to the authors of our laws that from now on when they write income tax laws or criminal justice laws they are written so that the farmer in Alberta or the bushman in British Columbia can sit down, look at them and understand them. That is simplistic according to some members but to me it is common sense.

Why do we not take the good things that the people want? Let us listen to them and talk about them as parliamentarians. We should put our differences aside and say: ''Here are some things we have really got to fix''. Why do we not go into committees together, work together and get this done? Because it is not the

Liberal way. It is not the Conservative way. It is not the way we do it in Canada. Maybe it is time to change.

Mr. Mac Harb (Parliamentary Secretary to Minister for International Trade, Lib.): Mr. Speaker, the hon. member for Bonaventure—Îles–de–la–Madeleine made a very eloquent presentation. I was surprised that my colleague on the other side did not listen to the parliamentary secretary. All that Bill C–45 does is close some of the loopholes which exist in the present system.

Does the hon. member have a problem with the government making it easier for the parole board to keep people in the penitentiaries until the end of their offences if they are sex offenders or repeat offenders? Does he have a problem with the parole board being able to keep people who have committed violent crimes until the end of their sentence? Does he have a problem with those two recommendations? If he does not, does that mean he will support the bill when it comes before the House for the vote on third reading?

Mr. Thompson: Mr. Speaker, there again he is talking about a bill which is this thick and he talked about a very small portion of the bill. That is what he talked about.

Certainly I can support that idea. Can I support the entire package? If I want to support that idea I have to vote for the whole ball of wax. It reminds me of the Charlottetown accord. How many times has the Prime Minister said: ''You do not want a triple–E Senate; if you had wanted a triple–E Senate you would have voted for the Charlottetown accord''. Hogwash. That is maybe one thing in there we did like, but there was a whole pile of stuff in there that people did not like, obviously, or it would not have gone the way it did. Sometimes you do not buy the whole package because of some good stuff.

• (1145)

That is why it is really difficult when we sit over here. When the government does produce something that has the sugar in it that we like, the things that ought to be in there, why does it colour it black with some other stuff when it knows people do not want it? Why do we have to buy the whole package?

Mr. Tom Wappel (Scarborough West, Lib.): Mr. Speaker, I have been listening attentively to the debate. I have listened attentively to the Reform Party and its position.

It is difficult to be in opposition. The Reform Party sometimes forgets that our party was in opposition for nine years. It is not as if we do not know what it is like to be in opposition and how difficult it is sometimes.

I gather basically that what the Reform Party is saying is there is nothing wrong with Bill C–45 per se; what is wrong is there is not more in it. I take some solace in that. There is nothing wrong with Bill C–45 specifically. Everything can be improved. We can always do better. There can always be suggestions coming forward based on what happens in certain cases. That is no reason not to support a bill in which there is nothing really wrong, other than that it is not thick enough, I guess would be the way we would put it.

In my brief time I will concentrate on two aspects of Bill C–45 in the context of how individual members of Parliament can make a difference to the legislative process. This is reasonably relevant in view of the member's comments about puppets. There is an unfortunate belief pervading Canada that the individual member of Parliament cannot do anything, cannot contribute, does not make a difference.

I will talk about the history of this bill and what happens when individual members of Parliament take an interest. What piqued my interest in this topic was what one of the Reform Party justice critics said last Wednesday, September 20, 1995, the hon. member for Crowfoot, with whom I have worked on the justice committee. On page 14658 of *Hansard*:

> Canadians can no longer tolerate the likes of Wray Budreo, who psychiatrists diagnosed as a sadistic pedophile having a 30–year history of molesting children, being released unsupervised from a maximum security prison because correctional services did not have the power to detain him even though the parole board ruled him likely to reoffend. They cannot tolerate it because the cost is far too high.

I have had an intimate relationship and knowledge of that particular section of the previous act and of the Wray Budreo case, which I am about to relate. I thought my friends in the Reform Party might be interested in the facts of that matter. They do not quite gibe with the quoted comments of the hon. member for Crowfoot.

While we were in opposition I was the official opposition critic for the solicitor general. As such, I was charged by my party with watching over Bill C–36, the Corrections and Conditional Release Act. I struggled with my party with the very points my friends in the Reform Party have brought up today. Ultimately, we voted against the bill.

I put in something like 20 or 30 amendments, which were accepted and which in my view strengthened the bill. In the end, in our view there were sufficient problems with it to vote against it. In a parliamentary democracy we lost the vote and the bill proceeded. It is now the law of the land. It has been implemented. Correctional services asked us to give the bill a chance to work and if we found any errors we would plug them, thus Bill C–45.

• (1150)

Before Bill C–45 we came up with the problem of Wray Budreo, and that is specifically section 130 of the act. My friend will know how things go in these deliberations. We go over it

with a fine tooth comb, line by line, word by word, comma by comma. Fifteen or nine or however many members of the justice committee who were there at that time missed something. We did not purposely overlook it; we simply missed it. That was the serious harm clause which states that by statute every prisoner must be released after serving two–thirds of his or her term.

I am not talking about a life sentence here. Generally, if there is a fixed term then after two–thirds of that term you must be released unless certain things happen. One of those is a reference to the board. If the board finds that an offender, if released, is likely to commit an offence causing the death of or serious harm to another person before the expiration of the offender's sentence, according to law the board can order that he or she be kept in for the balance of their sentence.

We read that, agreed with it and passed it. I did not offer any amendments. What happened was that the Wray Budreo case pointed out to us that we had missed something. What happened? Wray Budreo is not, I suppose, depending on how you use the words, a sadistic pedophile, which implies what we might call actual physical assault on children. Wray Budreo is a pedophile, there is no doubt about it; but as far as we knew from the profile he did not sodomize young boys. What he liked to do was in effect pet them on the abdomen. This caused him sexual pleasure.

The board took the interpretation that petting a child in that manner, not even touching the sexual area, just the abdomen, was not serious harm as defined in that section. Serious harm was deemed to be, for example, sodomizing a young child. Of course, a petting would not be an offence likely to cause death.

The board felt its hands were tied and it would have to let Wray Budreo out after he had served two–thirds of his sentence. It agreed he was likely to reoffend. It agreed he was likely to find other children and touch them on the abdomen and various other places. It also agreed he was not likely to cause death and he was not likely to cause serious harm as that section had been interpreted.

When that hit the papers, perhaps to use some of the rhetoric of my friend, I went ballistic. I brought this matter before the justice committee, which at that time was chaired by Mr. Bob Horner, a Conservative. The committee was controlled by Conservatives. I asked the committee to review this section and see if we could come up with a suggested approach for the government. All of the parties agreed, and the New Democrats were represented on that committee as well. We undertook a study of section 130 in specific reference to the Wray Budreo case and we came up with a unanimous report, which we tabled in the House of Commons.

Sadly or perhaps happily, depending on whether we are looking at it politically or in terms of solving this problem, we were approaching the end of the Conservative mandate. There was not enough time for the Conservative government to react to this unanimous report.

The current solicitor general reacted to it immediately. As soon as he was appointed solicitor general one of the first bills he brought in was Bill C–45, the government's response to what I have just laid out as what happened in the Budreo case.

I will now quote from the amendment to section 130, contained in section 43: ''The board may order that the offender not be released from imprisonment before the expiration of the offender's sentence according to law, where the board is satisfied'', among other things, ''that the offender is likely if released to commit a sexual offence involving a child before the expiration of the offender's sentence according to law''.

• (1155)

That is a direct response to a private member's initiative, which plugs the Wray Budreo loophole. That is a response brought forward by the government in direct response to the entreaties initially by me and ultimately the justice committee. It addresses a wrong and a loophole we did not notice in our initial examination of the bill.

That is the history behind that amendment. That is why the amendment has been brought forward. It still leaves in place the requirement of death or serious harm for other circumstances, but it protects children.

Often the very damaging serious psychological harm takes 20 or 30 years to manifest itself. While touching the abdomen of a young child might not be considered serious harm in a physical sense, it might be serious harm in a psychological sense 20 years later. That is the whole purpose behind this particular section.

This is an example of what individual members of Parliament on a committee can do in terms of strenghthening legislation.

Clearly this is an amendment that needs to be supported. If it is in a bill that has all kinds of other terrible things in it, obviously we cannot support it. If it is in a bill that for all intents and purposes is not criticized except for what is not in it, it can be supported and still go after what is not in the bill in amendments by members at committee and in private members' bills. Sometimes the germ of the idea of a private member's bill gets accepted by the government of the day.

The second aspect I wish to talk about in Bill C–45 pertains to section 743.6 of the Criminal Code. I relate it to private members and what I talked about in my question to my hon. friend about the courts, whether we tell the courts what we mean or whether they tell us what we mean.

According to law you must be released after serving two–thirds of a fixed sentence unless certain things occur, which I just talked about. In the same way, you are automatically by law eligible to be considered for parole after serving one–third of your sentence.

In some circumstances, and I am sure my friends in the Reform Party will agree, there are egregious cases in which

people say no, there should not be automatic eligibility for parole after one–third of your sentence.

A section was passed in the Criminal Code which in part says: ''Where an offender receives a sentence of imprisonment of two years or more for an offence set out in schedule I or II to that act'', that is very serious offences, prosecuted by way of indictment, ''the court may, if satisfied, having regard to the circumstances of the commission of the offence and the character and circumstances of the offender, that the expression of society's denunciation of the offence or the objective of specific or general deterrence so requires, order that the portion of the sentence that must be served before the offender may be released on full parole is one–half of the sentence or 10 years, whichever is less''.

What does all that mean? It means that if a judge sees a case that he thinks requires that the offender serve at least one half of his time before being eligible for parole then he can so order under this section. In my view, it is pretty clear what the House of Commons meant by ''the objective of specific or general deterrence so requires''. What do I know about what is clear?

• (1200)

On February 20 of this year there was an article in the Toronto *Star* about a drug trafficker. The trial judge, quite rightly I think, thought it was a pretty bad crime, that we did not want drug traffickers, particularly in heroin. The gentleman was sentenced to only three years, but the court ordered that he serve one–half of his sentence before he be considered eligible for parole.

Because I do not rely on what is in the newspapers I did some research by pulling the court of appeal decision in the case and finding the trial judge's reasons which stated:

> The most important factors of sentencing that ought to be brought to bear in my mind on this case are the factors of individual and general deterrence. General deterrence means that the sentence should send a message to other persons in like situations, or who are considering becoming involved in like situations, that this is likely what you will receive.

The trial judge got it right. That is exactly what the House meant when we passed the legislation. It was as clear as a bell to me and I thought it was clear in the words of the section.

Along comes the court of appeal of the province of Ontario to state the following:

> Unfortunately the wording of section 741.2 provides the judge with very little guidance to determine when this exceptional authority over parole eligibility should be exercised.

It also states:

> The presumption is that Parliament intended section 741.2 to have some additional purpose.

I thank the court of appeal. Of course it did. It then states:

> It then falls to the courts to give the section meaning and function.

When I read that I said that it was wrong. It is up to us to tell the courts what we mean when we pass a statute. Therefore I brought the matter to the attention of the justice committee. My friend from Wild Rose was on the justice committee at that time. I pointed out that was not the intention.

The court of appeal overruled the trial judge and stated that the section could only be used in the rarest of circumstances and that in all cases rehabilitation of the offender must be paramount. That was not the intention of Parliament. I was here and I know what the intention of Parliament was. We heard the debates, which were obviously not read by the court of appeal.

The court of appeal states:

> In my view section 741.2 should only be invoked as an exceptional measure where the crown has satisfied the court on clear evidence that an increase in the period of parole ineligibility is required.

There is no onus in this section for the crown to show anything. There is no requirement on the crown to prove anything.

Therefore I asked the justice committee if it would consider an amendment for the sole purpose of overturning the court of appeal's interpretation of what Parliament meant when it passed that section. The result of my request to the justice committee is subparagraph (2) of that section, an amendment in Bill C–45 which states:

> For greater certainty, the paramount principles which are to guide the court under this section, are denunciation and specific or general deterrence with rehabilitation of the offender, in all cases, being subordinate to these paramount principles in this section.

If that is not clear to the court of appeal, we had better send it back to school.

There was unanimous recommendation of the justice committee. The government accepted the recommendation and the amendment. It has already been passed in Bill C–41. It will pass if we vote for this bill. It is another example of how individual members of Parliament on their own initiative, working with others in committees, can make bills better.

I support the bill. We know from the other party there is nothing wrong with what is in it. We can understand there should be more things in it. They can work for those, but they should not throw the baby out with the bath water. I urge members to support the bill.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I had a great time in Scarborough. The hospitality was wonderful.

• (1205)

I would like to know about the consecutive sentencing in Bill C–45. I believe, and memory is getting about as old as the rest of my body, if people commit another crime when on parole that sentence is added to what they did not serve on the other crime. Then they get two–thirds knocked off and are eligible for parole again after one–third of the time, if I am not mistaken. That is wrong.

Consecutive sentencing is something the government avoids talking about. I know it does not happen in the court. It is deplorable to see people like Bernardo commit nine serious crimes and only serve the amount of time one of the crimes would call for.

Mr. Martin (Esquimalt—Juan de Fuca): Sixty–two rapes, plus, plus, plus.

Mr. Thompson: ''Sixty–two rapes, plus, plus, plus''. Clifford Olson committed 12 murders but is only serving time on one.

Could the member tell me if he has any knowledge about why we cannot change that and make it retroactive for those who were sentenced previous to Bill C–45?

Mr. Wappel: Mr. Speaker, I thank the hon. member for Wild Rose for his question. I believe the hon. member was not referring to consecutive sentences but rather to multiple sentences contained in section 139 of the Corrections and Conditional Release Act. If there is a section of the Corrections and Conditional Release Act which might qualify as the word my friend used in his previous speech, gobbledegook, it is that section.

We struggled with the section when we initially went through the Corrections and Conditional Release Act. We had flow charts. We had chiefs of police showing us what would happen if someone sentenced to 20 years for armed robbery committed another robbery while on parole. He would get out even before he ended up serving any time on the first offence.

The solicitor general at the time, Mr. Lewis, acknowledged there was a serious problem, that there was a lot of difficulty, and that he would set up a commission or a group of people to examine the matter and come back with some recommendations.

My understanding is that it has been dealt with to some extent in Bill C–45. However I think there is a lot of room for improvement with respect to the multiple sentence calculation. As I said, we missed the Wray Budreo situation but when that situation arose we dealt with it. Tragically it may very well be that the amendments to multiple sentencing, the changes to the calculations, have not dealt with all the problems. It is a very complicated section and a very complicated area of the law.

However if a case comes down that slips through the cracks or exposes an egregious error in the calculations that Canadians simply cannot abide, we will have to come up with an amendment. I am certain the government of the day will do so. No government is in the business of permitting loopholes to legislation. No government is in the business of wanting wild animals to walk the streets to threaten ordinary law–abiding citizens.

We have made an effort to change section 139. I do not know that it is perfect. If it is not perfect we will soon know about it. Whatever government is in power at whatever time will make whatever changes are necessary to tighten the multiple sentence calculations.

I cannot sit down without a word about the Bernardo case, which my friend has raised a number of times. Canadians may not like the reality of the law, but it is that Paul Bernardo has been sentenced to life in prison. I am not talking about when and if he will ever be paroled. He is under a sentence of life and as long as he lives he will be under a sentence of life imprisonment. As the law currently stands—and never mind the 15–year faint hope clause for the time being—he cannot even be considered eligible to apply for parole until he serves 25 years of his sentence. When he applies for parole, assuming he does, after that 25 years there is no guarantee he will get parole. The parole board can refuse him parole for the rest of his natural life and he can spend the rest of his natural life in prison.

• (1210)

Even if he gets parole 25 or 30 years from now, he is still under a sentence of life imprisonment. If he breaches any of the conditions of his parole at that time, 25 or 30 years from now, he can be brought back into the prison system to serve the rest of his sentence.

I want to make it clear that it is incorrect to say that persons who commit first degree murder is sentenced to 25 years. That is false. They are sentenced to life in prison and they have the opportunity to apply for parole after 25 years.

It is up to the parole board to decide on a case by case basis whether or not a particular murderer should be granted parole. For my part I certainly hope that neither Bernardo, Clifford Olson nor the people who murdered Emanuel Jacques, the shoe shine boy, ever get out of prison. I hope they rot in their cells, daily remembering the tragedies they have wrought.

Let us talk facts. These people are under sentences of imprisonment for life.

Mr. Grant Hill (Macleod, Ref.): Mr. Speaker, I noticed the member for Scarborough West passed very quickly over the faint hope clause. I would rather he did not do that.

How does the member feel about clause 745?

Mr. Wappel: Mr. Speaker, I only passed over it because there is really not much in it. It is merely a regurgitation.

There will be circumstances where persons change so dramatically in life—and they will be few and far between—that they should be given the opportunity to put their situation before a jury of their peers, not a judge but ordinary citizens like us.

My problem with the current section is that the persons only have to convince two–thirds of a jury. When they were convicted the jury had to be unanimous that they were guilty. However under the current provisions of section 745 they have to show two–thirds of the jurors that they should be allowed to apply for parole before they serve 25 years.

It should be a unanimous requirement. If they cannot convince a jury unanimously that they are entitled to early parole eligibility, they should not get it.

In the absence of an amendment saying that, I do not support section 745 as it is currently drawn. The hon. member for York South—Weston has moved a private member's bill in that regard which I supported at second reading and which I support now.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, nothing strikes a chord more deeply in the heart and soul of Canadians than the issues we are discussing today. Crime, punishment and safety are essential to their feelings of security.

Bill C–45, an act to amend the Corrections and Conditional Release Act, deals with many very important issues such as detaining sex offenders of children, a system to remove parole board members, a system to deal with reoffenders while on parole, and a system to deal with restitution to the state. All these are integrally important changes that must be made to our justice system.

However, tragically we see again a lost opportunity. Another opportunity we have had to deal with these very important issues and make a significant impact upon our justice system has now passed us by because the government has done what it usually does, that is nibble around the edges.

I will make some constructive suggestions which my colleagues in my party have been working very hard on, issues that we have tried to convince the government to enact for the betterment of all Canadians. Once again it has failed to do so.

The first deals with sex offenders and it only deals with sex offenders of children. Sex offences involving anyone is a crime. Whether it is done to adults or children, by men or women, it is a crime and it needs to be dealt with very severely.

• (1215)

We should be imposing sentences which have as their primary purpose the protection of society and innocent civilians. What we have seen in the criminal courts for decades is that the rights and protection of innocent civilians have not been held in as high a regard as they could have been. In many cases we have seen the rights of the criminals being held in higher regard than the rights of innocent civilians. The innocent civilians have paid the price, tragically at times with their lives, because the justice department has not done its job.

There is the case in my riding of Robert Owens. He is a pedophile. He used to be a principal in a school. He had committed over 1,000 sexual offences. The reason they know that is he used to make a record on a Garfield calendar every time he committed a sexual offence on a child. His sentence was for 13 years. He served eight and a half years and is now living among his victims in my riding near a school. When we brought this to the attention of the authorities they said: ''We are sorry. Our hands are tied. That is the law''. If that is the law, the law is not doing a good enough job of protecting those victims living in that community.

I ask any member of the House to put themselves in the shoes of those victims. They have to completely change their lifestyle. The system does not address it but my colleagues have been putting forward constructive suggestions to address it.

We also need a better system to deal with parole board members. There have been numerous tragic situations brought up by my colleagues. There are some constructive things which we can do.

First, do not make them appointments, make them public service jobs.

Second, I was appalled that the parole board members, who are in effect acting like judges, go into the job often having no knowledge of justice issues. I find that absolutely incredible. How can we have parole board members who are appointed to positions making decisions with respect to people who could pose a significant threat to Canadian society when they have very little or no knowledge of the justice system? Make those people public servants and ensure they get the job based on merit.

An hon. member: It's not the Liberal way.

Mr. Martin (Esquimalt—Juan de Fuca): Third, as my colleague from Wild Rose said, if a person is on parole and commits an offence they must serve the remainder of their sentence before they are sentenced again, and the sentencing must run consecutively, not concurrently.

Fourth, the bill supposedly deals with restitution. It proposes that up to 30 per cent of what an incarcerated individual makes should go to the state. What about the victims? Who gives money to them? There is no ample compensation for victims,

particularly for those who are victims of violent crime. It would be far more productive if the individual who has committed the offence knows full well that he will have to pay directly to the victim moneys to compensate for the harm he has done.

The bill deals with sentencing. We have spoken about criminals being eligible for parole after serving one–third of their sentence. Karla Homolka will be eligible for parole after serving three years of her sentence. The public may not be aware that individuals are eligible for day parole after serving one–sixth of their sentence.

Mr. Milliken: Presuming they get it.

Mr. Martin (Esquimalt—Juan de Fuca): Oftentimes they do get it.

They are eligible for full parole after serving two–thirds of their sentence. They only serve a maximum of two–thirds of their sentence because automatically they are awarded with good behaviour. A better idea is to ensure that every convicted criminal will automatically serve the full sentence and that sentence would be pulled down based on the behaviour of the individual in jail. Let us not assume that there has been good behaviour, let us make sure it is earned. There are many ways that can be done.

• (1220)

Furthermore all moneys an individual earns in prison should go to the state to help offset the $60,000 to $100,000 that it costs to have someone incarcerated and also moneys to the individuals themselves.

Work and training should be obligatory for individuals who are incarcerated. The training would go a long way to decrease the recidivism rate of those in our jails. It would enable people to get the skills necessary while they are incarcerated so they can become active and productive members of society. Not enough of that is done now. Furthermore it is not obligatory which it ought to be, if someone were to have the wherewithal to do that.

Number six is sentencing. We spoke about section 745 which should be repealed now. It shows the lame inability of the government to deal with significant issues of justice by not addressing section 745.

My colleague from Scarborough mentioned that when people are sentenced to life they serve life. That is absolute nonsense. I have a list that is pages long of individuals who were convicted of first degree murder and because of section 745 their sentence has been commuted to 15 to 17 years. That includes people who have killed police officers in cold blood. I am happy to share that list with anyone in the House.

Is that justice? I hardly think so. That is not the case at all. Section 745 should be repealed now. The government would be showing that it is truly committed to justice if it would take heed of what my colleagues have been saying for so long.

Number seven is young offenders. The government has promised to deal with the Young Offenders Act and has done virtually nothing. I implore members of the government to speak to police officers who are working on the street. Their hands are tied. They are frustrated with the inability of the justice system to back them up when dealing with young offenders.

Having worked with young offenders in jail I can say they receive very little penalty, very little deterrence to committing offences. That is why we see the terrible rate of recidivism among young offenders.

Here are a few concrete suggestions. Publish the names of young offenders. It would send a very clear message that they cannot engage in these activities with anonymity. Have the stiffer penalties that my party has been putting forward for a long time. Make work and school obligatory in their incarceration.

Part of the sentencing problems that we see are because the justice department and all departments are hamstrung because of a lack of funds. That is why we see people being released very early on, earlier than they should be. The trade–off is that the justice department due to a lack of funding is releasing people to save money at the expense of the safety of Canadians from coast to coast. That is not justice.

We have a couple of concrete solutions. We cannot take individuals who are young offenders, who often grow up in tragic and terrible home situations, put them into closed custody for a period of a few months, then put them back in the environment that they were in and expect things to change. It will not happen.

They are usually in an environment in which there are terrible cases of substance abuse, physical and sexual abuse and violence. If they are in this kind of milieu, it is impossible, no matter how much counselling is given to these kids to actually move forward—

An hon. member: Put them in the military.

An hon. member: Military training.

The Acting Speaker (Mr. Kilger): Colleagues, I am quite aware there are some strong views on both sides of this issue. However I remind you that when members are sitting close to the person who has the floor time the microphones are open. I am having a difficult time hearing the intervention of the hon. member. I ask you to keep that in mind.

• (1225)

Mr. Martin (Esquimalt—Juan de Fuca): Mr. Speaker, I appreciate that.

As I said before, we simply cannot deal with young offenders and make sure they do not reoffend if they go back to the

environment they were in before, regardless of how much money is poured into counselling and counselling services.

A better idea is to incarcerate them for a longer time in an area away from their former environment where they can focus on work and education in a disciplined environment. It is essential to remove them from their former environment if we are to ensure these kids do not become adult offenders in the future. A ounce of prevention is a pound of cure. It is a worthwhile investment in our time. It need not cost us more money but it is something we desperately need to look at now.

We have to look at a new approach for dealing with crime and punishment. Oftentimes we see the precursors to criminal behaviour very early on. They are often rooted in cases in which there is a terrible environment of violent sexual abuse and neglect. These children need to be identified and picked up very early on.

Furthermore, it would serve many departments well if they were to work in collaboration with the educational department, particularly grade school, in trying to identify families at risk, by bringing the parents into the educational system so that they can also learn the fundamental aspects of being a good parent and what is considered to be reasonable behaviour. They in turn can help when the kids go home and the children will have an environment that will be conducive to building the pillars of a normal psyche.

There has been some interesting work done on this in a number of areas. The early data show that this is a very worthwhile investment of our time. If we can focus more on children when they are three, four and five and early on to identify families that are in crisis when a lady is pregnant, if we can have early intervention into these areas it will pay off in spades later on.

Therefore I strongly implore the government to show a leadership role in working with its provincial counterparts to try to address these problems which will decrease the cost to our justice system, our social programs and make a healthier and safer society for all Canadians.

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the hon. member made a good speech in the sense that he set out, apparently very clearly, six or seven alternatives to the current bill.

I am surprised he is not supporting the bill because all his colleagues know the bill goes some way to meeting the complaints they have raised regarding Canada's justice system. Yet because it does not go far enough, they say they are going to vote against it, which has to be the silliest logic I have ever heard. I will set that aside for a moment.

I want to talk about the six or seven points that he raised. Frankly, they were sugar coated. I think he will admit that because although he said he wanted to look at sentencing again, he wanted to revise sentencing here and he wanted to change the rules there to make things a little different, the underlying message in almost every one of his points was that he wanted people locked up more often and for longer.

At the very end of his speech, having said nothing whatsoever about the cost of incarceration of inmates or persons in prison, he said: ''Of course if we did these other things we would reduce the cost of the system''. However, if he does all of the things he listed at the beginning he will increase the costs enormously. To incarcerate an inmate in maximum security costs something like $60,000 a year. It is an extremely expensive process.

What will he do to reduce the cost of the justice system? He says the government is spending too much money. The Reform Party has as its policy drastic cuts. Where will it cut in our justice system if it is to keep throwing people in jail or keeping them there for much longer?

I urge the hon. member to come to Kingston and tour the prisons. I will be glad to show him around. I think he would benefit from learning the way our justice system works and that part of the purpose of the justice system is to rehabilitate offenders so when they are released they do not reoffend. We have had remarkable success, quite frankly, in that. The hon. member should be pointing out those successes and giving figures.

If the member looked at the day parole statistics, for example, and he talked about the evils of letting people out early in their sentence on day parole, he would find that over 95 per cent of them—possibly 98 per cent but I do not have my little book here to recite the figures for him—or more are successful. It is a very successful program. It works and it helps reintegrate inmates into the community which is important for the long term development of our communities. We just cannot spring somebody at the end of a 20–year sentence and expect them to readjust to life outside. People lead a different life in there.

• (1230)

I am not saying that incarceration is not necessary. It is in certain cases. However it is not necessary to lock everybody up for life which is what the Reform Party seems to be urging.

Will the hon. member take a tour of prisons in Kingston and learn something about our prison system before his next speech on the subject? I know the hon. member for Wild Rose has done that. I congratulate him for it but obviously it did not work.

Finally, with respect to his own points, will he admit that what he was proposing would drastically increase costs for our prison system and greatly increase sentences for offenders in Canada?

Mr. Martin (Esquimalt—Juan de Fuca): Mr. Speaker, I would like to bring the hon. member back for a reality check.

I used to be a correctional officer and I also worked for seven years in both adult and young offender jails. I have a little experience on these issues.

If the hon. member wants to cut costs, I will give him a concrete way to cut hundreds of millions of dollars from the budget every year. One–third of all individuals incarcerated today are there for non–payment of fines. Those are the facts.

Mr. Milliken: Nonsense. Not in federal prisons.

Mr. Martin (Esquimalt—Juan de Fuca): Mr. Speaker, these individuals should not be in jail. The people who should be incarcerated are those who have proven to be a threat to society, who have victimized innocent civilians, usually in a violent fashion.

There is a trade–off here. Should we save money by discharging people into the community who would pose a threat to society, or should we tell the Canadian public that its rights and safety are the most important things? I believe everyone in the House would think the latter. The member's point with respect to saving money is perfectly valid and I have given him a very concrete reason for doing this.

He mentioned that I did not know anything about the costs. It is $60,000 a year for an inmate in a federal penitentiary and $90,000 for a youth in a young offender institution. That is too much money.

We have been presenting solutions on how to get inmates to work for their keep which in turn would cut costs. Again we must get those individuals who are violent offenders and who might be a threat to society and those who are incarcerated for non–payment of fines to work for their keep.

Another thing the hon. member mentioned was recidivism rates. The recidivism rate is 33 per cent for adults on parole. What is the recidivism rate for adults once they are off parole? No one can give me those figures. One thing is for sure, it has to be higher than 33 per cent.

With regard to young offenders, the recidivism rate is 40 per cent to 50 per cent. Those are the facts. That number is far too great. Obviously a 40 per cent or 50 per cent recidivism rate does not serve society and it certainly does not serve the kids who are young offenders very well.

We have to find a better way. I hope the hon. member will look at some of the concrete suggestions I have made which do not necessarily need to cost more if they are organized properly. I know members in this party would be happy to help anyone on the other side to make our justice system better for all Canadians.

Mr. Andrew Telegdi (Waterloo, Lib.): Mr. Speaker, I would like to follow up on the question raised and the answer given by the hon. member.

First, people are not in federal penitentiaries for non–payment of fines. It is important for people to fundamentally understand that and not to allow the red herring being thrown out by the Reform Party to confuse the issue.

Second, the member mentioned that he worked in the justice system with young offenders and adults for seven years. I have worked in that system and I also worked with young offenders, adults, victims and victims' groups for 20 years. The hon. member's example of not incarcerating people for their inability to pay fines was addressed in Bill C–41.

• (1235)

That is something the hon. member with his colleagues voted against. We on this side and the government supported it. It is important for people to understand that there is the option now where somebody does not get incarcerated because they are unable to pay a fine. If they refuse to do the alternative, then they get incarcerated. That is a correction which was made to the sentencing process and which was long overdue.

The member for Wild Rose, a member of the party who promised to do things differently, calls that socialism. I am amazed at the shallowness of the member's understanding on this very complicated issue.

There is a very important point to be made. I wish my colleague from the islands would put his mind to it that prisons are very expensive, federal penitentiaries being even more expensive.

Surely the people in prison should be relegated there because they are a danger to the community and are not able to follow the conditions of their probation or parole for other crimes. Surely the member would agree that prisons should be reserved first and foremost for the small numbers who are a threat to public safety and second for those people who are given alternative options, say, for a property offence and not making restitution, not following the probation order then of course one cannot do much else but enforce the law that way.

Mr. Martin (Esquimalt—Juan de Fuca): Mr. Speaker, I am very happy the hon. member agrees with us. I hope he crosses the floor on this bill.

We believe individuals in a federal penitentiary should be those who pose a threat to society. There are many ways one can argue a threat. There are threats in terms of violence and also threats in terms of those individuals who wilfully cause damage in other fashions to individuals. It is not only individuals who have been incarcerated for violent offences.

I hope the hon. member will work with us in devising new and innovative ways in which we can actually decrease the costs by not necessarily having individuals incarcerated in expensive, closed custody, federal penitentiaries. We want new ways in which we can send a clear message of deterrence to criminals, make sure that there is a penalty for individuals who are committing an offence, to deal with the issue we have been trying to deal with in trying to garner some restitution for the victims and the state, and ensure that individuals will not continue to reoffend.

We can identify the reasons why they reoffend, address those reasons and provide individuals with the ability and wherewithal to become a productive employed member of society. If we work together on these issues, we will make Canada a safer place.

Ms. Roseanne Skoke (Central Nova, Lib.): Mr. Speaker, I rise in the House today at third reading of Bill C–45 to address the principles, objectives and effects of the legislative changes proposed by Bill C–45.

From the outset, let the record show that the people of my riding of Central Nova support the principles and objectives of Bill C–45. My constituents appreciate the government's response to the legitimate concerns of all Canadians who are demanding a higher standard of public protection from high risk, violent offenders.

The proposed government reforms as set forth in Bill C–45 will restore public confidence, close gaps in the corrections system and respond directly to identified shortcomings in our present system to give further protection to our children.

• (1240)

The legislative changes introduced in Bill C–45 require amendments to the Corrections and Conditional Release Act, the Criminal Code of Canada, the Criminal Records Act, the Prisons and Reformatories Act and the Transfer of Offenders Act. The legislative changes in Bill C–45 are clearly in the best interests of all Canadians.

In my riding of Central Nova, many constituents, the police, parents, the public at large and organizations, including the newly formed organization of Child Safe of Pictou County, have raised time and time again legitimate concerns regarding sex offences against children. The purpose of Child Safe of Pictou County is to educate the public, to promote a sexual abuse free environment for children and to enhance the services for sexually abused children. These services are provided by an organization that certainly has the best interests of our children at heart. Therefore they applaud this legislation.

For the information of my constituents, Bill C–45 introduces legislative provisions that will make it easier to detain sex offenders who victimize children in penitentiary until the end of their sentences by removing the requirement that serious harm must be established as a criterion for detention in these cases.

Let me emphasize the government recognizes that all sexual offences are serious. The current Corrections and Conditional Release Act already authorizes the National Parole Board to detain offenders beyond the normal statutory release point if they are considered likely to commit an offence causing death or serious harm before the end of their sentence.

The vulnerability of individual victims is an important consideration in any release or detention decision. However the effectiveness of current legislation is limited because the serious harm criterion is difficult to establish in cases involving children.

Experience has shown that unlike cases involving adult victims, it is often difficult to establish serious harm where the child victim must provide the evidence because often the child cannot articulate the personal impact of the experience. Further, research has shown that the impact of such a crime on a child may not always become evident until many years later.

The legislative changes in Bill C–45 are in keeping with the government's desire to improve the protection of our children from high risk violent offenders and sex offenders. Bill C–45, in its treatment of the definition of serious harm for sex offences against children, will require the National Parole Board only to establish that a sex offence was committed which victimized a child and that a further sexual offence against a child is likely to be committed after release. This legislative change is long overdue and is welcomed by our Canadian families which hold sacred the security and protection of the person of all children in our country of Canada.

In addition to the prolonged detention of sex offenders and high risk violent offenders the government has introduced a legislative change to enhance and expand treatment programs for child sex offenders while in penitentiary. Correctional Service Canada presently carries out institutional treatment for sex offenders but resources are limited. The introduction of additional resources would strengthen treatment programs and are intended to improve public safety.

Speaking of public safety, in my capacity as member of Parliament I had the opportunity in May to visit the maximum security penitentiary in Renous, New Brunswick. For those who are familiar with this institution, it was here in May 1989 that Allan Legere escaped custody, committed four murders in the community and was then recaptured in November 1989. This was certainly a tragedy for that community.

Since 1989 considerable improvements have been made to this maximum security facility. The present warden, Mr. Jon Klaus, provided me with an opportunity to meet the correctional services staff, to visit with inmates and to see firsthand the maximum security institution. I was impressed with the high level of security and the latest surveillance technology being utilized at that facility.

• (1245)

The penitentiary concentrated on rehabilitation, upgrading, training, counselling, and there was segregation of high risk violent offenders from the other inmates. There is no question about it, Renous is a maximum security penitentiary that is state of the art. It provides the inmates with comfort, security, and every opportunity to rehabilitate their criminal behaviour. At the same time, it exists to protect the public from high risk offenders.

The criminal justice system and the penal correction system are interrelated. The general public must come to understand that it is the judiciary that has judicial discretion to impose sentences upon high risk and dangerous offenders, while Correctional Service Canada and its officials and staff are charged with the custody and rehabilitation of the high risk violent offenders while incarcerated. Then it is the National Parole Board that has the authority to release these offenders from detention.

The success of our criminal justice system and our penal correction system does not primarily rely on legislation. The fundamental success of our criminal justice system relies on the ability of man to administer justice without abuse of authority and power and the ability of man to administer justice coupled with equity and mercy.

Justice, law and morality are inseparable. If a moral society existed there would be no need for criminal sanction. It is a requirement of this criminal sanction in our society that necessitates this government to deter, to punish, to rehabilitate its members of society.

It is the human element that determines the success or failure of our criminal justice system and our penal correction system. The human element includes ourselves as individuals who are expected to be law–abiding citizens; the community at large, which develops public opinion; the role of our law enforcers, which is to enforce law; the role of our prosecutors administering justice within the system; the role of defence counsel defending and protecting the rights of the accused; the role of the judiciary rendering a decision; the role of our probation officers, psychologists, social workers, health care professionals, penal institution employees, our clergymen regarding the rehabilitation of the accused; and the role of us here today, the legislators enacting the law.

In my 18 years of practice as a litigation lawyer I have experienced firsthand the oppression, manipulation, and abuse of many people arising from the abuse of power, abuse of authority, and abuse of the process within the systems of government. These abuses I am referring to not only are in relation to the victims of crimes, but also in many cases the accused defendant as well.

It can be legitimately argued that the system of government is not working as it should. The legislative, the executive, and the judicial branches of government require reform from time to time to ensure justice and equity are meted out to all Canadians.

With respect to the legislative branch of government, it is time we as legislators put responsibility and morality back into the law. Justice, law and morality go hand in hand. They are inseparable.

With respect to the executive branch of government, which administers the law, it is time to diminish the authority, power, and discretion of the bureaucracy and make it more accountable for decisions and attitudes that affect individual Canadians.

With respect to the judicial branch of government, which interprets and enforces the law, it is time that consideration be given to electing our judiciary. The people must live with the decisions of courts. Therefore, it is time we give consideration to electing those who make these decisions.

• (1250)

Constituents of Central Nova have also raised the issue concerning the jurisdiction, power, and authority of the National Parole Board, an administrative tribunal with immense power and authority in relation to our high risk offenders. It is submitted that the government should seriously give consideration to ensuring maximum public input in the selection process of the National Parole Board members and that this selection process should be opened to public scrutiny. This legislation is not intended to address this issue.

Bill C–45 does establish a mechanism for the discipline of the National Parole Board members. The Corrections and Conditional Release Act is to be amended to allow the chairperson of the National Parole Board to report situations to the solicitor general that cause concern about the appropriateness of a board member's conduct or performance. Then if the minister agrees, a judge will conduct an inquiry focusing on whether the board member had met the responsibilities of the position. Grounds for the inquiry include incapacitation, misconduct, failure to execute duties, and being placed in a position incompatible with the execution of the member's duties. A judge could recommend that a member be suspended without pay, be removed from office, or he could recommend other remedial measures. This recommendation would be put before the governor in council.

The proposed mechanism will be modelled on a process found in the Immigration Act for the Immigration and Refugee Board. This enhanced accountability will be supported by increased training for the National Parole Board members in risk assessment and management of high risk sex and violent offenders.

Presently it should be noted that there is no formal mechanism for the discipline or removal from office of any National Parole Board member in specified circumstances. Therefore, Bill C–45 is implementing legislation that is necessary in Canada today.

It is respectfully submitted that this discipline mechanism is imperative. However, it is further submitted that until a procedure for appointments to the National Parole Board is subject to maximum input from the general public at large in the selection process of appointees, there will be continued problems and a continual public outcry for the decisions that are being made by the National Parole Board. Likewise, it is submitted that it is time we give consideration that our judiciary—the decision makers, the interpreters of law, the imposers of sentences after conviction—should be elected to their positions by the public at large.

I further support the additional legislative proposals in Bill C–45 and in particular the legislative change that will modify the system of sentence calculation to ensure that all offenders on conditional release who receive new custodial sentences are returned to custody and that all offenders serve at least one–third of a new consecutive sentence before being eligible to be considered for release.

In addition, I support Bill C–45's expansion of the list of offences for which an offender could be referred for detention until the end of sentence. These offences would include serious drinking and driving and criminal negligence offences that result in bodily harm or death, criminal harassment, also known as stalking, and conspiracy to commit serious drug offences.

A further legislative proposal in Bill C–45 I support is to broaden the authority of Correctional Service Canada to make deductions from an offender's income to help offset a portion of an offender's room and board costs.

It is without question that the positive changes proposed to be implemented in Bill C–45 have my support and the support of my constituents. I am urging all hon. colleagues to lend their support at third reading to Bill C–45.

• (1255)

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I was pleased to hear that speech. I was pleased especially because the hon. member kept referring to the fact that her constituents were in support of the bill. We do not hear that very often from that side of the House, so I appreciate hearing it. That is what it is all about.

The hon. member suggested that we ought to consider electing judges. I wonder if she might expound on that a bit more. Should it possibly go further and apply to other positions in the government that are traditionally appointed positions?

Ms. Skoke: Mr. Speaker, it is certainly not the first time I have raised the issue in the House of giving serious consideration to the election of our judiciary.

I realize that appointment of our judiciary from our barrister societies and from our law profession across the country has been the tradition. However, I am calling on the government to give serious consideration to the fact that the responsibility the judiciary has is very important. Over the last two years that I have been in the House of Commons we have seen the effect judicial decisions have on what we enact in law and how we respond to the precedents they set.

Also, we understand that the role of the judiciary is not only to enforce the law as it comes before them, but to interpret the law. Those judges are in positions of trust and their decisions affect the daily lives of individuals. In my mind, I feel it is imperative that we move forward and take the necessary steps to ensure that our judiciary is elected by the public at large.

With respect to administrative tribunals and appointments to boards, I have some reservations with respect to board appointments and the selection process and also the functions of those boards. That is due to the fact that administrative tribunals do have a judicial function and a role to play in the country, and an appeal of the decisions administrative tribunals make is very difficult. Appeals can only be made in the event there is an error in law on the face of the record. Therefore, they are primarily predicated on ensuring that natural justice takes place at the board level. It goes without saying that the appointments to the boards are of crucial importance to our country.

Mr. Grant Hill (Macleod, Ref.): Mr. Speaker, when I came to the House I had strong hopes that I could support legislation that was moving in the right direction. Bill C–45, I admit, does just that.

I would like to be able to vote for the bill. I would like to be able to stand in the House and say the government is doing an excellent job with Bill C–45. However, like my colleague from Esquimalt—Juan de Fuca, I look at the bill from a slightly different perspective.

I do not want to talk about myself, so let me talk about the hon. member for Esquimalt—Juan de Fuca. As was mentioned in his answer, he is an individual who has had experience in the prison system. He served for some seven years as an officer and dealt directly with criminals. He also has had occasion in his life to be on the receiving end of the results of violence. He has dealt with raped kids. He has dealt with lacerations. He has dealt with gunshot wounds. He has dealt with body bags. He has served in an emergency department of a very busy community hospital. He has consequently dealt more with victims than I think most individuals have. I am afraid he approaches this bill with that perspective: Does it go far enough for victims?

• (1300)

I do not think it does and I am going to reflect on a couple of very specific parts of the bill. The first part is how sexual offenders are treated under the bill. It attempts to improve the

sentencing for sexual offenders. It takes a child who has been sexually assaulted and gives the offender, because when it is a child harm does not have to be proven but presumed, the full sentence. I say great. How could a physician argue with a full sentence for a sexual assault on a child? Great.

However, it goes on to state that an adult who is sexually assaulted and has serious harm must prove the harm. That is wrong. There is no serious sexual assault committed on a man or a woman that does not have serious harm.

In my own practice I had a 47–year old woman who originally came from South Africa. She had problems in her life: depression, anxieties, suicidal impulses, a host of serious problems. She had unhappiness in her marriage and had actually attempted suicide at one point in her life. Over a fairly long period of counselling with this lovely, sweet woman, her story was told. It came out in a way that is difficult to describe publicly, but she told how how she had been sexually assaulted in her youth by a member of her family. She had been unable throughout her life to ever divulge that to anyone. With tears streaming down her cheeks, with anguish in her heart, shaking and miserable, she divulged that to me.

What had that done to her, that one single episode of sexual assault in her life? She had frigidity in her marriage. She was unable to respond properly to affection. She was distant to her male children. She could not get close to her boys. She was fine with her little girl who she gave love and affection, but she could never ever respond properly to her boys, the children she bore.

I mentioned the depression and the anxiety. The end result was a broken marriage. She never got over that assault. That proves to me that a sexual assault on a child is devastating.

I have also had the opportunity, over and over again, to deal with sexual assault on young women and young men. It is not commonly known that sexual assault takes place against young men as well. There is not one single instance in any of those assaults that the assaults were harmless.

To have to prove harm when sexually assaulted is wrong. There is no excuse and no reason to have to prove physical harm, none.

The second issue in this bill is the way drunken driving is handled. I am a teetotaller. I do not drink. I am a fellow who believes alcohol can have harmful effects. Many of my chums have a beer or two and do not have a problem. However, drunken driving is considered to be a very serious problem in our society. Damage to someone when drunk is treated with vigour.

• (1305)

This bill says that serious injury due to drunken driving demands the full sentence. It will come down hard on those individuals that drive when they are drunk and hurt someone. However, an adult woman hurt seriously by a pervert once again has to prove harm with no necessity of a full sentence. There is an inconsistency in this law in this regard.

On one hand we have a premeditated perverted act. On the other hand we have a disease. Surely we understand that alcohol and the problems with alcohol are treatable and can be righted. On the other hand, we have perversion that generally cannot be treated.

There is a medical treatment for sexual perverts which is very specific. However, in our society we do not contemplate castration for a sexual pervert. I also want to bring to the attention of members and those who are watching that even if an individual who has a sexual perversion decides he wants to be surgically or medically castrated, he cannot.

There was a recent case of a sexual criminal in Quebec. He said: ''I know that I am going to reoffend''. He requested of his physician to have those impulses taken away. He said: ''I want to have my hormones changed so this will no longer be the case''. Not a chance; it cannot be done. Human rights activists come along and say he cannot even make such a decision on his own.

I believe in our society. We have constantly talked about not having solutions for problems. I raise this specifically as a solution for certain sexual crimes for certain sexual criminals. It is quite possible to make a little incision and inject a tiny amount of medication repetitively in the arm of an individual who has these sexual problems and stop the perversion. Give protection to our children. Give protection to our mothers and yes, protection to our sons.

I have another specific solution. I have heard from a number of members opposite that Reformers would like to throw everybody in the clink and toss away the key. There are a number of young offenders that do not need incarceration of any kind.

In my own community I asked practical, solid citizens: ''What would you do to prevent a youngster from recreating their criminal behaviour''. I am going to propose an idea that has come to me from these sensible common folk. They do not want to give these young people a job that will take work out of the workforce. They want to give them a job that is hard physically but does not take work and money from somebody that has done nothing wrong. What sort of a job is there like that? The job they came up with is rock picking.

I live in an area where there has been a little glacial activity. Every time the farmers in my community plough up their fields they turn up a new bed of rocks. Young men and women that have done wrong should be rock pickers. They should go through the fields, pick the rocks, pile them on the side. Nice rocks might be usable by a mason for fireplaces. The next year the farmer ploughs the fields up again and guess what? More rocks appear. There are not too many people who want to pick rock. There are not too many people who need to pick rock. This

is a project for youngsters to teach them—a bit of the boot camp idea—hard work, discipline and a useful job.

• (1310)

In my part of the community we freeze in the winter and rock picking does not work well then. I have other ideas about what they could do in the winter but I will stop there.

There is one more solution for victims. Remember that I come down harsh on the criminal and really easy on the victim. This bill does not do that. Thirty per cent of a prisoner's income going to treatment of victims would do a lot for a women such as I described. She could not afford a psychologist. She could not afford to do anything but go to her family physician for counselling. Time and space are very limited for that. She could well have been helped by restitution from the person who harmed her. These solutions would improve the bill.

I have listened to members opposite say: ''You do not like everything in the bill. It is going on the right direction. Support it''. I ask members opposite, how did they vote when this exact same bill came before the last Parliament? The record shows they voted against the law and order bill that was presented by the Tories. Reformers are saying this is a bill moving in the right direction, some parts of it flawed, some parts fair.

We are saying to the Canadian public as plainly as we can, until the rights of the victims are placed well above the rights of the perverts and the criminals there will never be satisfaction with our justice system.

The Acting Speaker (Mr. Kilger): Is the House ready for the question?

An hon. member: Question.

The Acting Speaker (Mr. Kilger): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Kilger): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Kilger): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Kilger): In my opinion the yeas have it.

An hon. member: On division.

The Acting Speaker (Mr. Kilger): Motion carried on division.

(Bill read the third time and passed.)

* * *

• (1315)

MANGANESE BASED FUEL ADDITIVES ACT

The House resumed from September 26 consideration of the motion that Bill C–94, an act to regulate interprovincial trade in and the importation for commercial purposes of certain manganese based substances, be read the second time and referred to a committee.

The Acting Speaker (Mr. Kilger): I remind the House as we resume debate on Bill C–94 that we are at the stage of debate during which members have a maximum of 10 minutes without questions and comments.

Mr. John Murphy (Annapolis Valley—Hants, Lib.): Mr. Speaker, I am proud today to speak on Bill C–94, the manganese based fuel additives act. This bill is intended to prohibit the importation and interprovincial trade of MMT, a manganese based additive to unleaded gasoline. The law will take effect 60 days after royal assent.

Canada is the only country in the world using MMT. The United States banned MMT in 1978. Only Bulgaria and Argentina are considering using MMT.

Environment Canada has received and reviewed study after study of the effects of MMT on this equipment. I agree with our Deputy Prime Minister and with Ford, Chrysler, General Motors, Toyota, Honda, Nissan, BMW, Volkswagen, Volvo, the list goes on, that MMT adversely affects the sophisticated onboard diagnostic systems where the pollution control equipment is found.

These systems are extremely important for the environment. They are responsible for monitoring the vehicle's emission controls and for alerting the driver to malfunctions. They ensure the cleaner burning engines of today and tomorrow operate as designed. They ensure automobiles are properly maintained resulting in decreased tailpipe emissions and improved fuel economy. Therefore this is a very important technology. It is even more important that it works and that it does its job. We will make sure it does.

To ensure this technology works it must be free from MMT. OBD systems are designed to monitor the performance of pollution control systems, in particular the catalysts, and alert the driver to malfunctions. If the OBD system is not functioning because of MMT and if the catalyst is not working at all, tailpipe emissions could be increased up to 40 times.

The third party has suggested that MMT reduces NOx emissions by 20 per cent. However this reduction is based on data

collected by Ethyl from test cars. When examined in the context of the current Canadian fleet, Environment Canada analysis indicates that NOx reduction would only be 5 per cent.

The third party has asked why the minister did not try to negotiate an agreement between the two parties. I can assure the House the government has been working since 1985 to broker a solution. Senior departmental officials from environment, transport, industry and natural resources have worked with senior representatives from the petroleum and automotive industries for several years in an effort to resolve this issue.

More recently the Deputy Prime Minister attempted to negotiate an agreement between these industries. She met with representatives of the petroleum industry on two separate occasions. The Deputy Prime Minister was prepared to support the introduction of a green pump containing MMT free fuel in an effort to resolve this issue. The petroleum industry rejected this approach.

It is now time to act. If we do not act now then the federal government's vehicle emission reduction programs will be in jeopardy. We risk missing out on major reductions in smog, carbon monoxide and hydrocarbons. If we do not act now, Canadian consumers will be prevented from taking advantage of state of the art emissions reduction technologies simply because they do not have access to MMT free gasoline.

If we do not act now, we could face a situation where automakers will be forced to turn off the diagnostic systems scheduled for 1996 models because of the damage MMT causes. General Motors is already bringing models off the assembly line with some of the onboard diagnostic functions disconnected. GM, like others, is no longer prepared to assume the increased warranty risks for damage caused to pollution control equipment.

• (1320)

In the end Canadian motorists will have to pay more to have their cars maintained because of this kind of industry action. We as a government will not let this happen. We will not allow the buck to be passed to the Canadian consumers. We will not allow anti–pollution equipment in Canada to be less effective than anti–pollution equipment in the United States. We will not allow the competitiveness of our auto industry to be threatened. We will not allow investment and the thousands of Canadian jobs which depend on this investment to be put in jeopardy.

Let us be clear. The job of reducing motor vehicle pollution can no longer be addressed just by the auto industry, the petroleum industry or the government. Progress at reducing vehicle pollution demands action by all.

The petroleum industry needs to keep making improvements in the composition and properties of the fuels the engines burn. The auto industry needs to keep making improvements in vehicle emissions control technologies such as those offered through onboard diagnostic systems.

Preventive action means producing goods more cleanly. It means using less energy and conserving our natural resources. It means developing and using the latest green technologies, like the emissions reduction technologies in today's cars and trucks.

This bill before the House is one measure of prevention. This bill is pro environment, pro consumer, pro business. Eighteen of Canada's automaking companies think we are doing the right thing. Canadians think we are doing the right thing.

MMT can no longer stand in the way of the progress we continue to make on vehicle emissions reduction and environmental protection. Let us protect jobs, protect investment, protect consumers and protect the environment. Let us make Canada the last country in the world to use MMT.

[*Translation*]

The Acting Speaker (Mr. Kilger): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Kilger): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Kilger): All those in favour will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Kilger): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Kilger): In my opinion the yeas have it.

And more that five members having risen:

The Acting Speaker (Mr. Kilger): Call in the members.

• (1325)

[*English*]

And the bells having rung:

The Acting Speaker (Mr. Kilger): Pursuant to Standing Order 45, the division on the question now before the House stands deferred until Monday at 6 p.m. at which time the bells to call in the members will be sounded for not more than 15 minutes.

CULTURAL PROPERTY EXPORT AND IMPORT ACT

The House resumed from September 25 consideration of the motion that Bill C–93, an act to amend the Cultural Property Export and Import Act, the Income Tax Act and the Tax Court of Canada Act, be read the second time and referred to a committee; and of the amendment.

Mr. Mac Harb (Parliamentary Secretary to Minister for International Trade, Lib.): Mr. Speaker, it gives me great pleasure to speak on Bill C–93. As a background to this legislation, the purpose of the bill is to amend the Cultural Property Export and Import Act with consequential amendments to the Income Tax Act and the Tax Court of Canada Act, to establish an appeal of determination by the Canadian Cultural Property Export Review Board of the fair market value of certified cultural properties.

Going back a little, in December 1991 the responsibility for determining the fair market value of cultural property donated to designated Canadian museums, art galleries and libraries was transferred from Revenue Canada Taxation to the review board. The review board assumed this new responsibility at a meeting which was held sometime in January 1992.

There was no provision for appeal of review board decisions included in the legislative amendment despite the fact that the right of appeal existed when this responsibility was with Revenue Canada.

• (1330)

Donors and custodial institutions expressed serious concern about the lack of an appeal mechanism. As a result the Department of Canadian Heritage, in co–operation with the review board, undertook a series of consultations with the community about the need for an appeal process. As a result of these consultations it was agreed that a legislative amendment should be prepared to establish the right of appeal to the Tax Court of Canada.

The bill gives a donor or a custodial institution the right to request that the review board reconsider its initial determination of fair market value. If after receiving a redetermination from the board the donor is still not satisfied, he or she may take the second step of appealing the board decision to the Tax Court of Canada.

There are a number of items in the legislation I would like to share with my colleagues. The Cultural Property Export and Import Act provides tax benefits to encourage donations to public institutions of objects and collections of outstanding significance and national importance.

It is the only program of the Government of Canada that provides financial support through tax credits for donations to museums, art galleries, archives and libraries. Museums, art galleries, archives and libraries in every province and territory of Canada will benefit through the receipt of donations of cultural property as a result of the tax credits.

Cultural property valued at approximately $60 million is donated to Canadian institutions each year. The fair market value of cultural property certified by the review board as a result of the legislation will become eligible for a tax credit of 17 per cent on the first $200 and 29 per cent on the balance if it is over $200.

The donor can claim the fair market value of the gift up to the total amount of his or her net income, and there is no tax payable on any capital gain resulting from the gift. There is a cap and the cap is the total income of the individual on an annual basis.

Because a donor receives a tax credit the amount of money realized as a result of the donation is approximately 50 per cent of the fair market value. The donor does not therefore receive a tax refund equivalent to the fair market value of the gift.

Donors, museums, art galleries and professional associations have been lobbying for the right to appeal review board decisions as it was perceived that the lack of an appeal was a denial of natural justice. To that end the government has taken action.

The establishment of an appeal should be viewed as a reinstatement of the right of appeal that was lost when the responsibility for determining fair market value was transferred to the review board back in 1991. The amendments will ensure that donors who disagree with determinations of the review board will have the right of appeal to the court and will not be denied natural justice.

The announcement of the establishment of an appeal process was received positively by donors, museums, art dealers and the media. These amendments therefore enjoy a high level of public support.

• (1335)

The amendments are technical in nature and respond to strong concerns expressed by the heritage community. Their passage into law should be seen as part of the ongoing commitment of the Government of Canada to ensure the preservation of Canadian heritage.

Bill C–93 has dealt with all the concerns in communities and all wishes of different art galleries, museums, libraries and similar institutions. All those concerns have been studied and legislation that responds to them in a positive way has been brought forward.

It is a perfect example that the government is willing to listen to the concerns of the people, that the government is willing to take action, and that the government has taken action on an issue of national importance and of great concern to the art community of Canada.

I congratulate all those who have made representations to the Department of Canadian Heritage, my colleagues in the House of Commons, the committees and the administration through direct communication. I also thank all those who worked tirelessly to ensure the legislation would come before the House in a timely fashion.

I am sure my colleagues on both sides of the House will stand to speak in support of the great initiative taken by the department of heritage. We truly believe that if somebody is willing to do good and give to a national institution such as a gallery, a library or a museum, the individual deserves the right to be recognized and to be given an incentive.

This is why we made provision in the legislation to give a tax credit for any Canadian citizen, or for that matter a landed immigrant in Canada, who might have something of national significance to give as a gift to the crown. The individual will be given a tax credit of up to 17 per cent if the gift is worth less than $200 and up to 29 per cent of his or her annual income. I think that is fair. I call on people from coast to coast to coast who might have valuable items to consider giving them to museums and so forth.

Some of my colleagues might have some points to make. This would be a most opportune time to put their points on the table so that we can deal with the legislation in a timely manner.

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I am pleased to rise to support the bill, an act to amend the Cultural Property Export and Import Act.

Some hon. members: Oh, oh.

Mr. Milliken: Hon. members opposite find this act a bit of a joke. I am sorry they think so. It is sad that they have moved amendments to delay adoption of the bill in the House. This surprises me because it shows they really do not care about Canada's cultural community with which the bill deals. If hon. members opposite gave two hoots about Canada's cultural community, they would not have moved all the amendments.

I will read the amendment moved by the hon. member for Medicine Hat. I believe it is the second or third one; I have lost count. The amendment reads:

> That this House declines to give second reading to Bill C–93, an act to amend the Cultural Property Export and Import Act, the Income Tax Act and the Tax Court of Canada Act, since it fails to address the issue of the burden the tax credit system places on middle class taxpayers who are asked to pay for a potentially endless stream of donations of questionable cultural and artistic value claimed by wealthy Canadians.

• (1340)

The amendments shows a complete disregard for Canada's cultural community because it says that the work of Canadian artists is worthless, that the acquisitions of art by Canadians are worthless, and that these are ''donations of questionable cultural and artistic value''. That is what Reform Party members are saying. Those are the very words of their motion. That is what they are saying to Canadian artists and philanthropists involved in supporting Canada's artistic community. It is a disgrace.

My hon. friend for Ottawa Centre will appreciate that I had occasion to go to Alberta in July of this year. One place I visited was the Tyrrell museum in Drumheller. There are a lot of dinosaurs in that museum and I can say that the resemblance between some of the dinosaurs there and members of the Reform Party was absolutely striking. I could tell where their ancestors came from.

I was very impressed with the Tyrrell museum. It is one of Canada's cultural centres. It has an excellent collection. I enjoyed my visit immensely. I took a tour of the entire museum and I saw the workings of the very specialized people involved in the digs.

Some hon. members: Oh, oh.

Mr. Milliken: Hon. members opposite seem to be regarding this as bit of a joke. I do not find anything particularly funny about a tour of Canada's cultural industries. Hon. members opposite talk about deficit reduction and they forget that Canada's culture contributes mightily to our economy. They do not pay any attention to the fact that people spend billions of dollars a year attending artistic events, concerts of all kinds.

These are the artists the bill is designed to assist. The bill promotes artistry and culture in Canada, and hon. members opposite are opposed to it. They keep moving amendments to delay its passage. Why are they opposed to it?

Surely the member who represents Drumheller and sits on that side of the House is aware of the museum and its value in his community. It is a big drawing card for Drumheller. I have no doubt the bill will assist the museum in some of its work. Yet hon. members opposite attack the bill.

What about the famous museums in Calgary? The city of Calgary is burdened with Reform representation in the House. These people cannot represent. Unfortunately, with no adequate representation in the House, members from Calgary are failing their very famous museum in Calgary, the Glenbow museum. I have been to it.

Hon. members opposite laugh and treat it as a cavalier matter when that museum is a major drawing card for the city of Calgary. The museum attracts tourists to Calgary to see the art and the other exhibits. Hon. members opposite should be ashamed of their mocking of Canada's cultural industries.

What are the objectives of this very important piece of legislation? The bill amends the Cultural Property Export and Import Act and related legislation to establish a process to

appeal decisions by the Canadian Cultural Property Export Review Board on the fair market value of certified cultural property. That is a significant change and it is not all for the benefit of the wealthy.

Deals work both ways. The minister can also appeal if he thinks the valuation is wrong. Hon. members opposite fail to mention that in their amendments and in their speeches. Their only reason for doing so is that they are out to kill Canada's cultural industries.

In the 1990 federal budget responsibility for determining the fair market value of cultural property donated to designated Canadian museums, art galleries and libraries was transferred from Revenue Canada to the review board. No provision for appeal of review board decisions was included in those amendments, despite the fact the right of appeal existed when the responsibility was with Revenue Canada. In other words, we are trying to get some fairness back in the system, fairness not just for the donor but also for the Government of Canada, which has a right of appeal in these cases.

• (1345)

Donors and custodial institutions have expressed serious concern about this lack of appeal process. It led the Department of Canadian Heritage, ably led by the hon. Minister of Canadian Heritage, in co–operation with the review board, to undertake a series of consultations with the community, which has resulted in this bill.

Hon. members opposite think this bill was an idea conceived by the government acting on its own. Nothing can be further from the truth. As usual, the government consulted extensively with Canadians and came up with a process that is fair and reasonable. Accordingly, these amendments were prepared. There is a right of appeal established by this bill to the Tax Court of Canada. The creation of the appeal process is a reinstatement of a right of appeal lost in 1991 and a means of ensuring that there is no denial of natural justice.

I know the words ''natural justice'' must be something difficult for members opposite to understand. We have been listening to them this morning talk about Bill C–45 and sentencing. Their notion of justice is wildly different from the notion of most other people in this country. The hon. member for Vancouver Quadra may have missed that part of the speech. I expect he was in committee this morning. All they want to do is lock people up and throw away the key. We heard about that.

Unfortunately I missed the hon. member for Wild Rose's speech too. I understand it was a real blockbuster. As usual, it was the kind of speech that involves locking people up and throwing away the key. It is not a useful contribution, in my view, to the administration of justice or to the rehabilitation of offenders that we are all seeking.

I want to return, as return I must, to Bill C–93, which after all is the subject of my remarks this afternoon.

The government is committed to improving the collections of all Canadian cultural institutions through a combination of import controls to retain cultural property in Canada and tax incentives to encourage donations to designated institutions. This approach to cultural property preservation is acknowledged internationally as a model for other countries to follow. Canada is a world leader in that regard.

When I was at the Tyrrell museum in Drumheller—and hon. members opposite ought to be supporting these institutions instead of tearing them down—I discovered there was a rule in Alberta prohibiting the export of fossils from Alberta. They could not be removed from the province. Hon. members opposite should be aware that kind of cultural legislation exists, not just at the federal level but also at the provincial level.

In making it easier for individuals to appeal rulings and valuations to the tax court, the government is demonstrating its commitment to allow Canadians efficient access to the judicial system to challenge the decisions of government boards. This has been the policy of the government for many years. The policy of this party has been to favour fairness in treatment for all.

We have striven for fairness in many ways. That has been evident in most of the legislation that has been introduced in this House, including the legislation that was debated so vigorously this morning, which hon. members dumped on because they wanted to lock people up and throw away the key.

The Bloc Quebecois, on the other hand, has been relatively silent today. I congratulate the hon. member for Longueuil—

[*Translation*]

The hon. member has indicated he does not want me to refer to what was said by members of his party about this bill. But I must, because they always argue that the province of Quebec does not receive enough funding for culture in this country. They are wrong. The hon. member knows perfectly well that the province of Quebec receives more—

Mr. Gagnon: More than its share.

Mr. Milliken: —more than its share. Exactly. I thank the hon. member for Bonaventure—Îles–de–la–Madeleine for his assistance.

[*English*]

In any event, although Quebec makes up only 25 per cent of the Canadian population—it is a significant percentage and I should not say only—an average of 36 per cent of federal funds for cultural organizations were distributed in Quebec.

Mr. Gagnon: Could we hear that in French?

[*Translation*]

Mr. Milliken: Perhaps I could repeat it in French.

Mr. Gagnon: Yes, they would appreciate that.

• (1350)

[*English*]

Mr. Milliken: Thirty–six per cent of federal funds for cultural institutions were distributed in Quebec, including 37 per cent of the funds for Telefilm Canada, 40 per cent of the National Film Board funds, and 37 per cent of the funds for CBC. Let me perhaps repeat that.

[*Translation*]

My translation is not perfect. Although the province of Quebec represents only 25 per cent of the population, 36 per cent of federal funding for cultural organizations was distributed in this province, including 37 per cent for Telefilm Canada, 40 per cent for the National Film Board and 37 per cent for Radio–Canada. Imagine!

If these figures are accurate, the hon. member has no reason to argue in this House that there is a problem with what the federal government does about culture in the province of Quebec.

I realize that the hon. member for Témiscamingue, who chairs one of the organizing committees for the referendum in the province of Quebec and probably has quite a few problems on his plate right now, has his own views on the subject. If there are any museums in his riding, he should talk to his friends in the Reform Party who want to kill these museums. He probably wants to support them. If there is a museum, it will certainly get a lot of money from the federal government, because of the huge amounts the government is spending in his province.

[*English*]

I urge the hon. member to recant his heresy, abandon the idea of separation, and jump on the bandwagon so that he can keep receiving all these benefits the museums in his constituency receive from the Government of Canada.

The Leader of the Opposition, and I thank the member for Ottawa West for reminding me of this statement, declared before the Bélanger–Campeau commission:

[*Translation*]

''One of the splendid achievements of the Canadian dream was the Canadian Broadcasting Corporation. We all know that our cultural roots developed largely thanks to and under the aegis of those cultural titans who worked at the CBC''.

[*English*]

The Leader of the Oppostion and the premier of Quebec are henchmen in leading the parade for the yes vote in Quebec. If he acknowledges that Canada has contributed so greatly, surely he ought to acknowledge that a little more often during the referendum debate. I have not heard him speaking on that subject. I do not understand it.

Since the hon. member for Témiscamingue is here and hearing this, perhaps when he next speaks with his leader he could remind him of this statement and of the tremendous support Canada gives to cultural industries in Quebec and indeed elsewhere in the country.

We in this party are proud to support Canada's cultural industries.

Mr. Strahl: Let me wipe my tears.

Mr. Milliken: The hon. member says he is about to break into tears. I can understand that because his party seems hell bent on the destruction of Canada's cultural industries.

I am delighted that so many of my colleagues are here to show their support for Canada's cultural industries. I know the hon. member for Halifax attends cultural events in her community on a regular basis. She goes to concerts, to museums, to art galleries, and all these great things in Halifax. The hon. member for Ottawa West visits cultural events in this community. The hon. member for Windsor—St. Clair visits cultural events in her community. The hon. member for Saskatoon visits all kinds of cultural events and sites in his beautiful city of Saskatoon.

This country is covered with excellent cultural facilities and has a tremendous number of very gifted artists. Hon. members in the Reform Party should be ashamed that they are trying to destroy that cultural heritage.

Hon. members opposite may have received recently a diskette of the Juno award winners in Canada. Hon. members should realize that this kind of bill can assist organizations that are distributing this kind of material in our country and promoting Canadian artists here and abroad. These are all part of the policies of the government that are supported by this Bill C–93.

• (1355)

I urge hon. members opposite to abandon their position, support this bill, and let us get it passed.

The Speaker: We have time for a very brief question and comment. The hon. member for Windsor—St. Clair.

Ms. Shaughnessy Cohen (Windsor—St. Clair, Lib.): Mr. Speaker, if in two years or so some Liberals, perhaps under the leadership of the Prime Minister, were to travel to Wild Rose country, where there have been some sightings of dinosaurs, and

sneak up behind a couple of them and knock them off and then try to donate them to a museum, how would this act work to allow us to have a tax credit for knocking off dinosaurs in Wild Rose country?

Mr. Milliken: Mr. Speaker, I am pleased to attempt to answer the hon. member's question.

I do not claim to be an expert on the bill. Whether the bill would assist in knocking off dinosaurs, I do not know. One thing that will help will be the vote on this bill. If hon. members opposite vote against it, I am sure the electors in their constituencies will want to do their best to knock them off in the next election. We will look forward to that.

The Speaker: It being almost 2 p.m., we will proceed to Statements by Members and hope the topics will be more up to date than the dinosaurs.

STATEMENTS BY MEMBERS

[*English*]

AIDS

Mr. Gurbax Singh Malhi (Bramalea—Gore—Malton, Lib.): Mr. Speaker, AIDS is a problem we must all address. It has significant implications for public health, human rights, and impacts on our economy and our health and social service systems.

Our government recognizes the tragic nature of the disease and has allocated $203.5 million over the next five years for education and prevention initiatives, for research and monitoring, and to help people living with this disease. The people directly involved know that even this generous support will not be enough.

On October 1, for the first time the residents of the region of Peel will join others all across the country in walking to raise money for HIV and AIDS support, education, and awareness. I am sure all the members of Parliament will join me in wishing the participants the greatest possible success.

* * *

[*Translation*]

QUEBEC REFERENDUM

Mr. Claude Bachand (Saint–Jean, BQ): Mr. Speaker, former Senator Arthur Tremblay has made it very clear he will vote yes in the upcoming referendum. From the very start, this senior civil servant of the modern Quebec state helped develop and put in place the vital tools Quebecers gave themselves in the early 1960s under Jean Lesage's vision of ''Maîtres chez nous''.

Hardened by his many years of experience and his knowledge of the workings of federal political machinery, Mr. Tremblay said it was no longer possible, within federalism as it exists, to recover the powers that Ottawa had taken on over the years and that the time has now come for Quebec to take charge of its destiny.

In Mr. Tremblay's words, if Quebec is to escape from trusteeship federalism and domination by a central government continually reinforced by the dynamics of the general powers it has given itself, sovereignty is the only option.

* * *

[*English*]

NEW BRUNSWICK GOVERNMENT

Mr. Ted White (North Vancouver, Ref.): Mr. Speaker, last week we were subjected to the gloating of government members over the re–election of Frank McKenna's Liberal government.

Of course those members forgot to mention that the way Mr. McKenna is running his province proves that he is no longer pursuing a Liberal agenda. In Halifax two weeks ago the upper management of two major corporations told me that doing business with Frank McKenna's government is like doing business with a private enterprise corporation. They also confirmed that Mr. McKenna seems to have abandoned the old style tax and spend dependency programs of the Liberals.

• (1400)

Clearly Mr. McKenna has joined the Reform wave that is washing Liberalism right out of provincial politics in every part of the country. Mr. McKenna is now running a Reform style government.

Government members rarely credit their constituents with any intelligence, but our side of the House can see that the Reform message has been clearly received and understood by the voters of New Brunswick. If only Liberal members at the federal level had the same degree of understanding.

* * *

PAGES

Mr. Peter Thalheimer (Timmins—Chapleau, Lib.): Mr. Speaker, I rise today to welcome the pages to the House of Commons for this 1995–96 session. In particular, I extend a warm welcome to Nadine Nickner, a constituent of mine from the beautiful city of Timmins in the riding of Timmins—Chapleau.

These young men and women from all parts of our united and strong Canada will assist us while we debate the laws of Canada.

* * *

BOOK AND MAGAZINE FAIR

Mr. Tony Ianno (Trinity—Spadina, Lib.): Mr. Speaker, on Sunday, September 24, the sixth annual Word on the Street book and magazine fair was held on Queen Street West in my riding of Trinity—Spadina.

It is not only a celebration of the very best in Canadian writing, but it also draws our attention to the importance of literacy by promoting reading, writing and learning.

Last year a crowd in excess of 100,000 people jammed Queen Street West to view the many exhibits and to discover the large sampling of new Canadian writing. This year the crowds in Toronto grew and were joined by large parallel festivals at either end of the country.

Thanks to the grants from the Literacy Secretariat and the Department of Canadian Heritage, Word on the Street has grown to include festivals in Vancouver and in Halifax, making it a truly national event.

I take this opportunity to salute the organizers for their hard work and for their efforts to promote literacy.

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CANADA POST

Mr. Len Taylor (The Battlefords—Meadow Lake, NDP): Mr. Speaker, in late August the minister responsible for the Canada Post Corporation ordered a top to bottom review of the mandate of Canada Post.

It is my understanding that in the very near future the minister will announce the details of the review: who the chairperson will be, how long the review will take and whether it will be held in public or in private.

In the past I have called for the minister to establish an independent commission that would evaluate the performance and mandate of Canada Post on an ongoing basis. Rural and urban communities have been greatly affected by post office closures, privatization, community mailboxes, slow delivery and stamp and service price increases.

Therefore, I urge the minister to ensure that the review recognize that service is important to the public and not use the results of the review only to justify further privatization and service reductions. The review should be held in public with cross–country public hearings and adequate time given for groups and individuals to make presentations.

* * *

REGIONAL DEVELOPMENT

Mr. George Proud (Hillsborough, Lib.): Mr. Speaker, I rise today to reflect on the Reform Party's record in regional development.

When Reformers visit Atlantic Canada they say they will eliminate subsidies to stimulate business. However, what does the Liberal Party record say? The Atlantic Canada Opportunities Agency invests in business. The government has eliminated grants and every $1 we invest in the economy has a $4 effect.

When Reformers visit Atlantic Canada they say they want to get away from Ottawa–directed approaches. However, regional development in Atlantic Canada is just that, regional and local. ACOA's 94 per cent success rate proves it is working.

If the member for Fraser Valley West is an example, maybe Reformers do not really mean what they say when they visit Atlantic Canada, but Canadians cannot take that chance.

Reform has proven that it does not understand Atlantic Canada, but the government is proving that regional development works.

* * *

[*Translation*]

HYDRO–QUEBEC

Mr. Jean–Guy Chrétien (Frontenac, BQ): Mr. Speaker, Hydro–Quebec has decided to withdraw from the Conseil du patronat du Québec because of this organization's militancy for the No side. The chairman of the board of Hydro–Quebec, Yvon Martineau, severely condemns the statements made by several business leaders who have come out in favour of the No side.

He said that some business leaders, who claimed to speak for business people, made public comments that were unworthy of their responsibilities.

• (1405)

Responding to Laurent Beaudoin's remarks, Mr. Martineau said that speaking of Quebec as a shrunken state denotes a lack of respect for its people. He rightly ascribed our prosperity to the work done by successive generations and not to the country's size.

Despite the wishes of Mr. Garcia of Standard Life, Quebec will not be crushed.

* * *

[*English*]

TRANSPORT

Mr. John Duncan (North Island—Powell River, Ref.): Mr. Speaker, air travel is convenient but can be risky, particularly on the rugged, inaccessible and unpredictable west coast.

It is with deep regret, shock and sadness that I rise to extend my deepest sympathy to the families of the eight individuals who perished in the crash of the single engine turbine Otter aircraft in Campbell River last night.

I know my colleagues will join with me and that the prayers of this House are with the bereaved families.

We also want to let the survivors and their families know that our thoughts are with them.

* * *

QUEBEC REFERENDUM

Mr. Andrew Telegdi (Waterloo, Lib.): Mr. Speaker, the constituents of the federal riding of Waterloo, a part of English speaking Canada, overwhelmingly recognize that Quebec is a

vital, integral and essential part of our country. They recognize that Canada is greater than the sum of its parts.

They are concerned and apprehensive about the upcoming referendum in Quebec. They want a Canada that includes Quebec.

They know there are two sides to the referendum campaign: the separation side led by Jacques Parizeau and the unity side led by Daniel Johnson.

It is their expectation that political parties that say they favour a united Canada work together and not engage in self–serving political opportunism.

The questions raised by the Reform Party to the Prime Minister during question period on the upcoming referendum have aided and abetted the Parti Quebecois and the Bloc Quebecois. It is time members of the Reform Party matched their rhetoric with action and got onside with the group that is working together for a united Canada.

* * *

[*Translation*]

THE MEMBER FOR LAURENTIDES

Ms. Paddy Torsney (Burlington, Lib.): Mr. Speaker, the Bloc member for Laurentides, who is also the official opposition's critic on the environment, recently stated: ''Fortunately, on October 30, Quebecers will decide to give themselves a country. Our environment will then cease to be a federal issue, and we will be able to breathe easier''.

It would be in the Bloc member's interest to read again some statements made by her leader when he was Canada's minister of the environment. She would surely learn some very valuable lessons. At the 44th annual general assembly of the United Nations held on October 23, 1989, her leader said this: ''At a time when environmental problems transcend borders, our idea of sovereignty must continue to evolve and adapt''.

The separatist obsession must not shrink our horizons to the point where we are going against the tide of major global trends. The separatist vision is easy to see through, as the hon. member for Laurentides has just shown us once again.

* * *

CANADA–QUEBEC ECONOMIC UNION

Mr. Robert Bertrand (Pontiac—Gatineau—Labelle, Lib.): Mr. Speaker, I have just heard for the first time a separatist spokesperson speak in favour of tabling the partnership deal Quebec would offer Canada should it achieve independence.

Victor Lévy–Beaulieu, the author and co–chairman of the Yes campaign in the Lower St. Lawrence region, told Radiomédia Rimouski listeners: ''Of course, for the purpose of the referendum and perhaps also to make people feel secure, it might not be a bad idea after all to finally define this new society referred to in the proposed agreement''.

In his statement, Victor Lévy–Beaulieu concurs with 75 per cent of the people of Quebec who demand that the partnership offer be made public before the referendum. The people are entitled to know what is this partnership offer that an independent Quebec would extend to the rest of Canada, and it is the separatist leaders' duty to disclose its content. That is how democracy works.

* * *

UNEMPLOYMENT INSURANCE REFORM

Mr. René Canuel (Matapédia—Matane, BQ): Mr. Speaker, the Minister of Human Resources Development is once again trying to hide from seasonal workers the impact of his UI reform. Not only will many workers no longer qualify, but the minister intends to take nearly 20 percent off their UI cheques.

We must realize that Quebec regions will be hard hit by this reform. The federal government is setting out to treat seasonal workers like second–class workers, beer drinkers, as the Prime Minister once said.

• (1410)

Is this Ottawa's answer to forestry workers' cry for help? The minister cannot keep hiding his reform. If he thinks it is a good reform, he should table it before the referendum is held.

* * *

[*English*]

BILL C–351

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, Canadians want gun laws that are cost effective, reduce violent crime and save lives.

This morning as part of the Canadian agenda, the people's agenda, I introduced the firearms law sunset act. If passed, this bill would guarantee that only those gun laws that were successful and cost effective at improving public safety and reducing violent crime involving firearms would remain on the books.

The justice minister, following in the steps of his defeated predecessor, has been unable to produce a shred of evidence to show that a national firearms registry is necessary or will improve public safety. If the Liberals think it will they should support my bill. For anyone to argue against this type of sunset

provision, they would have to argue that they support gun controls even if they do not work and no matter how much the controls cost.

No one is saying that gun control is unnecessary, only that police time and resources should be spent on measures that get the best bang for the buck. This bill does exactly that.

* * *

[*Translation*]

DIVISION OF THE FEDERAL DEBT

Mr. Patrick Gagnon (Bonaventure—Îles–de–la–Madeleine, Lib.): Mr. Speaker, yesterday, the Leader of the Official Opposition displayed true political demagoguery in this House. The Bloc Quebecois leader clearly suggested that an independent Quebec might not fulfill its commitment to assume part of the national debt if the purported negotiations on an economic union are not to his liking.

That totally irresponsible statement made by the separatist leader can only generate more fear on financial markets, and it could have a devastating effect on the credit ratings and interest rates that we will be faced with, both in Quebec and in Canada. Are we to understand from the opposition leader's comments that an independent Quebec will not fulfill its financial commitments toward foreign countries and investors? Is that the foolish adventure that you are proposing to Quebecers, Mr. Bouchard?

The Speaker: My colleagues, you must always address the Chair and avoid using names. I ask the hon. member to be careful.

Mr. Gagnon: Mr. Speaker, I was referring to Mr. Parizeau.

* * *

OLD AGE PENSIONS

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, the Quebec separatist spokespersons no longer know what stories to make up to scare people. Since they are incapable of showing the benefits of their separation project, they now try to make a fuss over non–existent issues. The most recent such attempt was made by the PQ environment minister, who said yesterday that, following a no vote, old age pensions would take a beating.

Such blackmail and scaremongering tactics have no place, given the importance of the decision that Quebecers have to make. Separatists must demonstrate the advantages, if any, of their option and stop raising the spectre of cuts in old age pensions. Quebec seniors are not stupid; they can very well decide for themselves which structure will afford them better protection: an independent Quebec or a united Canada.

[*English*]

HOUSE OF COMMONS

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, in January 1993 the Liberals wrote a document while in opposition entitled ''Reviving Parliamentary Democracy: The Liberal plan for House of Commons reform''. Two of the authors were the minister of public works and the present whip.

Liberals should listen. Mr. Speaker, this is what they said about your position: ''In order to enhance the independence of the Chair and in an effort to reduce the level of partisanship, when the Speaker is from the government party, two of the junior chair officers should be from the opposition so that the four presiding officer positions are shared equally between the government and the opposition''.

The current deputy and assistant Speakers are Liberals. The partisan nature of their appointments is in contradiction to Liberal promises. It makes me wonder: Is the government really interested in the broad Canadian agenda of parliamentary reform? I do not think so. The proof is in the pudding. They are intent on mouthing promises they have no intention of keeping.

ORAL QUESTION PERIOD

• (1415)

[*Translation*]

SOCIAL PROGRAM REFORM

Hon. Lucien Bouchard (Leader of the Opposition, BQ): Mr. Speaker, when pressed with questions yesterday about the dreaded federal reforms in unemployment insurance and old age pensions, the leader of the No side, Daniel Johnson, did not answer, saying this was up to the federal government. Since Mr. Johnson has refused to take any responsibility for the future of social programs, including those that apply to Quebec, I will direct my questions to the Prime Minister.

Will the Prime Minister admit that the best way to respond to the concerns of the unemployed and the elderly would be to table his social program reform now, so that Quebecers will know what to expect after a No to the referendum question?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I said early this week, and the Minister of Human Resources Development fielded questions on the subject several times, that we are working on the unemployment insurance reform. The process started some time ago. A green paper was tabled, and there were consultations with members. As soon as the bill is ready, we will table it in the House of Commons, there

will be a debate and amendments will be proposed by all parties, including the opposition's party.

There is a debate going on now, and I want to repeat that the reform will apply to all Canadians. It will apply not only to Quebecers but to all Canadians. We want to make sure that the unemployment insurance program and social reform will focus on job creation and on giving Canadian and Quebec workers the dignity of work, the dignity they desire.

As for old age pensions, this is our responsibility. As everyone knows, the federal government has an obligation to meet with the provincial governments every five years to review what is referred to in English as the CPP with the nine other provinces. Although the Government of Quebec is fully autonomous in this area because the Quebec pension plan is strictly under its jurisdiction, it is party to the discussions because it does not want to undo the harmonization that exists in Canada.

This meeting will take place in a few weeks, and the finance minister will be there. In any case, we have absolutely no intention of compromising the security of senior citizens who depend on government pensions. That is not our purpose. The point is that we must act responsibly and face up to our responsibilities. The point is not to have one policy before the referendum and another one afterwards, as seems to be the case with the Parti Quebecois in Quebec City.

Hon. Lucien Bouchard (Leader of the Opposition, BQ): Mr. Speaker, the federal social program reform is reminiscent of Penelope and her weaving. Every night Penelope, who was playing for time, would unravel what she had woven during the day. In the case of the federal government, every night it ushers its officials into the office of the Minister of Human Resources Development to undo what was written the day before, to make sure the reform is not ready before the referendum.

According to various leaks and to information reported just this morning in the *Globe and Mail*, the social program reform is ready but the government has decided to postpone its release.

My question to the Prime Minister is: When will he put an end to the uncertainty and apprehension of the unemployed and immediately release this reform which is locked away in the vaults of the Minister of Human Resources Development, so that Quebecers can make an informed decision on the kind of society they want on October 30?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we are acting very responsibly, and the legislation is not ready yet because the appropriate decisions have not been made. As soon as these decisions have been made by cabinet, the legislation will be drafted and tabled in this House. If the legislation is ready before the referendum, it will be tabled before the referendum.

We have discussed these matters and obtained the input of a great many people on this reform. We want to do a good job, and we will ensure that Quebecers are treated exactly the same as everybody else. This has no connection with the referendum. It is because we want to act responsibly.

• (1420)

I want to take this opportunity to ask the Leader of the Opposition if he would care to clear the air about what he said yesterday. He probably said more than he intended, because at this stage, the Leader of the Opposition cannot afford to give foreign markets the impression that some provinces or governments in Canada would not do what any country would have to do, which is pay its debts as agreed in contracts with investors.

Hon. Lucien Bouchard (Leader of the Opposition, BQ): Mr. Speaker, if the Prime Minister wants to reassure foreign markets, he should tell them he will behave reasonably, will respect Quebec's democratic Yes vote and will negotiate. Investors tend to shy away from lending money to undemocratic governments.

This does not fool anyone. The Prime Minister wants to postpone the tabling of this reform, because he has every reason to fear the devastating scope of the cuts he is about to make. Does he not realize that by taking his cue from the simplistic and heartless solutions proposed by Mike Harris, he is preparing the ground for a fractured and divided society in Canada and Quebec, of which we saw a sample last night at Queen's Park, unfortunately?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, first of all, speaking of a democratic society, when we have a leader of the opposition in a democracy, sitting in Parliament and proposing the division and break up of the country in which he lives, this has to be a record for democracy anywhere in the world.

In a democracy, people who propose separation should have the courage to say they are separatists, not just to the Americans but to the people in that province, so they will understand. In a democracy, they should have the honesty to say clearly what they want to achieve with their objective, which is separation, but the Leader of the Opposition is afraid to tell Quebecers the truth as he should, in a democracy: that he is a separatist and wants to leave Canada.

But Quebecers will understand, and on October 30 they will vote to stay in Canada. I am sure they will, because they know the opposition does not have the courage to do as it says.

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, is the Prime Minister announcing that he would not be prepared to respect Quebec's electoral democracy? The leader of the official

opposition has been duly elected, and a goodly number of the members here have been elected by more than half of their fellow citizens, unlike many other people.

It can be seen from this morning's *Globe and Mail* that the minister prefers to hand out scoops on his unemployment insurance reform to the major dailies rather than to table the reform so it can be judged in its entirety by the population of Quebec.

Will the Minister of Human Resources Development admit that the leak referred to by the *Globe and Mail* proves beyond a doubt that his plan is not only to come down hard on the unemployed but also to go over the heads of the provinces, thumbing his nose at the Quebec consensus?

[*English*]

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, I find it quite strange that the hon. member would comment on the fact that we are divulging things.

It was only a day or so ago that her leader and other members were waving leaked documents in brown envelopes. All of a sudden they are totally discounting those and asking: ''What is the real truth?'' Two days ago the Leader of the Opposition was saying: ''I have the truth here''. Now the hon. member for Mercier is saying: ''No, that was not the truth''.

The fact of the matter is Bloc Quebecois members do not know what the truth is any more because everything they do is geared to the agenda of separatism. If they want to have a serious debate about social reform they should be putting their positions and suggestions forward.

● (1425)

The problem is they are distracting Parliament from the real work of helping people to get jobs, of helping people to get security, and of helping people to see their future. As a result Parliament cannot do the work it should be doing because the hon. member is totally distracting and knocking people off their feet.

That is why I keep saying to the hon. member ''simply say you are going to vote no'' so we can get down to the business of the House.

[*Translation*]

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, it is precisely because there have been trial runs of Canadian federalism, over and over again, that Quebec premiers from Jean Lesage up to Bourassa have been trying over and over again to gain control over occupational training. Just that. And the reason we are sovereignists is that we have seen federalism's inability to reform. For the good of the common people.

Does the minister acknowledge that, in this plan which we have all read, he is not only cutting social transfers but also dumping onto the provinces the burden of the long term unemployed, without any financial compensation for that burden, while at the same time retaining control over the unemployment insurance fund and its surplus in order to finance new federal initiatives?

The Speaker: I would ask my colleagues to shorten the questions a bit. They are quite long.

[*English*]

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, let me first comment on the remarks of the hon. member about the need to work with the provinces.

On October 5, I wrote to the new employment minister in Quebec, Madam Harel, offering to sit down and negotiate a devolution or decentralization of labour market programs. The answer was no.

I was still interested so I tried again. I wrote on October 27, 1994 to the same minister and said: ''Let's get together and study the problem of duplication and overlap. We will sort of join to do the program''. The answer again was no. The question of co–operation was not a problem on our side. It was from that minister of employment.

In all good faith I kept trying and as a result last summer we had some success. We negotiated an agreement to help jointly fund a major income supplement program in Quebec. We were able to arrive at an agreement to do a joint program for apprenticeship training in auto mechanics for young people. We have also arrived at a preretirement program.

It shows that I will keep trying as long as they will too.

* * *

QUEBEC REFERENDUM

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, some dissatisfied Quebecers are saying that they are tempted to vote yes in the Quebec referendum, not just because they want to separate from Canada but because they want to separate from an overcentralized federal government. They fear and resent the centralizing tendencies of the federal government—

Some hon. members: Hear, hear.

Some hon. members: Oh, oh.

Mr. Manning: They fear and resent the centralizing tendencies of a federal administration and of key ministers in that administration, and one of the worst offenders is the Minister of the Environment.

Recently she walked away from a groundbreaking agreement with the provinces on environmental management because somehow it conflicted with her view of centralized environmental management.

Will the environment minister get back to the negotiating table, conclude the environmental management agreement with the provinces, and demonstrate that decentralized federalism works better than centralized federalism?

Hon. Sheila Copps (Deputy Prime Minister and Minister of the Environment, Lib.): Mr. Speaker, it is a very sad day in the House of Commons when the leader of the third party gets his best applause from the separatists with whom he is working.

Also I welcome the member's newfound interest in the environment. We have been sitting here now for almost two years and I got my first question from him on the issue this week.

When it comes to agreements, in the last 23 months we have signed 12 major agreements which I would like to read into the record. They are administrative agreements with the province of Alberta. These are equivalency agreements which the province of Alberta signed on June 1, 1994. There is the Canadian intergovernmental agreement on the NAFTA signed on August 15, 1995. There is the administrative agreement on pulp and paper with British Columbia—

• (1430)

The Speaker: The hon. member for Calgary Southwest.

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, the minister's contempt for this line of questioning is the same contempt she shows for the provinces.

The minister has unilaterally banned the use of lead shot. She is unilaterally banning the use of MMT and benzene as fuel additives. The minister is setting standards for greenhouse gas emissions without real consultation. The minister stopped all the harmonization talks and scuttled progress on transferring control of the inland fisheries to the provinces. The concerns of the provinces are met not with understanding but with the minister's reverse charm and recycled rat pack tactics.

Why does the minister stubbornly cling to the centralizing prejudices and policies of the seventies when decentralization is the watchword of the 1990s?

Hon. Sheila Copps (Deputy Prime Minister and Minister of the Environment, Lib.): Mr. Speaker, I would like to table for the record the 12 agreements we have signed. I would also like to inform the hon. member there are 12 other agreements we are working on presently.

I was elected to the House of Commons to speak for Canada. There are many environmental issues which touch all Canadians in the same way. If I drop something in Hamilton harbour it ends up in the water of la fleuve St–Laurent.

If there is any area where there are national needs for a national vision, it is in the area of the environment. Surely the leader of the third party should recognize that.

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, the government's unwillingness to recognize public and provincial demand for decentralization in social services, in health care financing and in natural resources management is bad for federal–provincial relations and bad for national unity.

Why does the Prime Minister not remove the centralizers from his cabinet and send a strong signal to Quebec and indeed to all Canadians that federalism can work better by accepting and practising the principle of decentralization?

Hon. Sheila Copps (Deputy Prime Minister and Minister of the Environment, Lib.): Mr. Speaker, I remind the hon. member who may have forgotten that in his own response to the prebudget speech in the House of Commons on February 1, 1994 he took the position that we should maintain and increase federal support for the environment.

I also underline that even the leader of the Bloc Quebecois has stated in the House that the federal government has very clear jurisdiction in the area of environmental impact assessment. That jurisdiction is not challenged.

Our job here is to develop environmental standards which can work for the whole country. That is what I was elected to do. I would hope that the member would stop being a mouthpiece for one province and would start working for all Canadians.

* * *

[*Translation*]

OLD AGE PENSIONS

Mr. Maurice Dumas (Argenteuil—Papineau, BQ): Mr. Speaker, my question is for the Prime Minister.

While the Minister of Foreign Affairs is visiting seniors' centres saying that his government will never touch old age pensions, the Minister of Labour said yesterday that the federal government was going to reform the Canada Pension Plan. What is more, the latest budget also announced a reform of the old age pension, a different program from the Canada Pension Plan.

Since his ministers are all mixed up, would the Prime Minister confirm once and for all that old age pensions will indeed be reformed, as the budget provided, and that this reform has nothing to do with the five–year review of the Canada Pension Plan?

• (1435)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, in the budget, the Minister of Finance said that a periodic review of the CPP, as I said earlier, was necessary at least every five years in cooperation with the Government of Quebec, which has its own pension plan, but which works with the federal government to harmonize both systems.

I have said it and I will repeat it, we will never compromise the security of seniors who depend on the government pension. However, there are problems with this system as with all the others, and we want to ensure the system is adjusted, but not simply for this year and next, because good management requires us to be able to predict what the situation will be for people reaching retirement age in 2005 and 2010. We are doing studies right now, because, if we are not careful, people reaching retirement at that point might perhaps not enjoy the same services as people today do.

Those who have reached that point today, those who are receiving pensions from the Canadian government and need them in order to survive, may rest assured that we do not intend to change them, because we know it is vital to allow them to keep their current standard of living.

Mr. Maurice Dumas (Argenteuil—Papineau, BQ): Mr. Speaker, in describing old age pension reform, the latest budget talked about affordability, controlling financially sustainable costs and staying within our means.

Does the Prime Minister have the courage to say to us seniors today that the aim of his reform is to cut costs in the old age pension program and thus reduce the size of seniors' cheques?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I have just said that we do not intend to cut the old age pensions of people who are currently retired. This is very clear; we have said this. We said so. The only thing is that some work has to be done to make sure that, in 2005 or 2010, we still have an old age pension system in Canada.

I can understand the hon. member and the Bloc members. They see no further than October 30. We are thinking about the future of all Canadians and about the pensions of Quebecers and Canadians not only for 1996, but for 2005 and for 2010 as well.

* * *

[*English*]

IRVING WHALE

Mr. Paul E. Forseth (New Westminster—Burnaby, Ref.): Mr. Speaker, my question is for the Minister of the Environment.

In 1992 a study of the *Irving Whale* said that PCBs were on board the barge at the time of sinking. The minister claims she had no knowledge of this until July 6 of this year. She has stated in this House that it was the transport ministry that overlooked this report and not her ministry, Environment Canada.

Will the minister put Canada first and tell the House in just a word who is responsible for the mistakes that led to a prohibitive court injunction, transport or environment?

Hon. Sheila Copps (Deputy Prime Minister and Minister of the Environment, Lib.): Mr. Speaker, I informed the House last week that the investigation into the PCB presence is continuing. In fact, the Irving company is being interviewed this week on the issue. As I said a couple of weeks ago, when we determine who is responsible for not formally informing the government about PCBs, there will be action taken.

Mr. Paul E. Forseth (New Westminster—Burnaby, Ref.): Mr. Speaker, the Minister of the Environment has been politically grandstanding on this from the very beginning. It was her call to raise the *Whale* and now Canada is further in debt by $12 million and everything is still at the bottom of the sea with no hope to rise again as the *Mary Ellen Carter.*

Will the minister get a grip on her ministerial accountability and will she admit that it was the fault of her department for ignoring the 1992 Marex study?

Hon. Sheila Copps (Deputy Prime Minister and Minister of the Environment, Lib.): Mr. Speaker, I am prepared to take responsibility for a lot of things but as Minister of the Environment even I cannot dictate the weather.

The member will know the reason the *Irving Whale* was not able to be lifted this year was specifically because of the small window of opportunity for raising the *Whale*. We needed two very calm days and those days were not forthcoming because of the delays occasioned by the court case.

Everything is in place for the *Irving Whale* to be lifted next year. It seems to me that the presence of PCBs which if laid out would cover a football field three feet deep makes it even that much more urgent to lift the *Irving Whale*. We intend to do that as soon as the weather and the courts permit.

* * *

• (1440)

[*Translation*]

OLD AGE PENSIONS

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, yesterday, the leader of the No side, Daniel Johnson, who was clearly uncomfortable and unable to answer seniors properly, invited people to direct their questions at the Prime Minister of Canada.

On behalf of these people, therefore, I will question him myself in order to reassure seniors. Mr. Johnson said: ''Since I am not the Prime Minister of Canada, a member of Parliament, a federal minister or Lloyd Axworthy, I cannot make promises as to what is going to happen''. But the Prime Minister can do so. We will therefore ask him to make some promises.

Instead of trying to confuse all seniors by talking sometimes about the Canada pension plan and sometimes about the old age security system, can the Prime Minister promise today, in order to reassure seniors, that he will reject out of hand, right away

and clearly, any reform of old age pensions for seniors, as they now fear?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, at the rate of one scare a day and with 32 days left, they still have to come up with 32 new scares. I think that the opposition is starting to feel scared that they will run out of scare stories. As I clearly stated earlier in response to his colleague who is already receiving his old age pension, we will never compromise the security of seniors who depend on government pensions.

That is clear. I cannot be any clearer than this. I am not saying that there will be no reforms because there will be reforms. I know that opposition members will not be here at that time, but we on this side hope to be here for a few more years. We must now ensure that there will still be an old age pension plan for those who will retire in the coming millennium.

These are our responsibilities, and we are not about to say that we are not looking at these problems when we are. But to those who are afraid today because PQ members are trying to scare them, I say: ''Do not be afraid''. There will be no statements on cutting their old age pensions either in November or in the February budget. I cannot be any clearer than this.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, we finally heard the admission that the Prime Minister will reform the old age security system. Given the direction in which the Minister of Finance is heading, this reform will certainly involve cuts. I would be surprised if old age pensions were increased, in the light of what they have done in the past two years. I imagine that he may well not think that representing seniors in this place is trying to scare people; we are simply trying to protect their security.

Given the extremely disturbing information for seniors that come from government back rooms, could the Prime Minister assure us beyond any doubt that his government is not planning to defer beyond 65 the age of eligibility to the old age pension? Can he deny today this piece of bad news for seniors?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, in our concept of society, people aged 65 and over already receive pensions. They therefore have no reason to worry. I am saying that we will have to look at the problems in the years to come. We will see; studies will be done.

Some hon. members: Ah, ah.

Mr. Chrétien (Saint–Maurice): Yes, we will see.

But if we really want to reassure retired people in Quebec, the best way to do so is to tell them that they will continue to receive their old age pensions from the government of Canada after October 30, while the Parti Quebecois is creating extreme uncertainty with its separation plans. The best way to reassure Quebec seniors is to tell them: ''The government of Canada will still be there after October 30 to pay your old age pensions''. There will be no doubt about that.

* * *

● (1445)

[*English*]

BOSNIA

Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.): Mr. Speaker, there is confusion in the government about when our troop commitment in Bosnia expires. Officials from foreign affairs told me that our mandate in Bosnia is up at the end of November. The Department of National Defence tells me that troops will be deployed November 9 through 17. The Minister of Foreign Affairs says that our commitment is up on October 30.

Will the Prime Minister end the confusion and tell us when our mandate in Bosnia is over?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we should all rejoice because the peace process taking place at this moment in Bosnia is making a lot of progress. I am very proud of our Canadian soldiers who have proudly represented Canada during very tough times in order to save thousands and thousands of lives.

While the Reform Party changed its mind during the process, the government kept faith in the process of peace. Progress is being made at this moment. We will decide if we are still needed there. Even if there is a peace agreement signed in the weeks to come, there will still be a need for Canadian soldiers.

This morning I discussed the situation with the President of France and the Prime Minister of England. We keep in touch with them because we want to participate. We have participated and contributed to a situation where everybody thinks there will soon be peace. It is not the time to quit when we can still make a contribution.

Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.): Mr. Speaker, the Prime Minister has been sidetracked from the Canadian agenda for so long he has forgotten his own words. On March 30, 1995 the Prime Minister said: ''Canada's presence in the former Yugoslavia will be maintained for the next six months''. That means midnight September 30, 1995.

I will ask my question again to the Prime Minister. When will our troops be pulled out of Bosnia?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, not before Sunday.

[*Translation*]

UNEMPLOYMENT INSURANCE REFORM

Mr. Antoine Dubé (Lévis, BQ): Mr. Speaker, my question is for the Minister of Human Resources Development.

The document on the human resources investment fund recently submitted by the minister to the program review committee mentions a federal strategy for selling the UI reform in Quebec. It states in part that a tenable position should be identified with regard to Quebec in the referendum context, however unacceptable this position may be to the current government.

Does the minister recognize that this excerpt confirms that he was prepared to table his UI reform during the referendum campaign or even earlier, but that the Prime Minister decided to postpone its tabling till after the referendum in order to hide his intentions from the people of Quebec?

[*English*]

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, I have never presented any such document to the program review committee of cabinet.

[*Translation*]

Mr. Antoine Dubé (Lévis, BQ): Yet, Mr. Speaker, that is what this document says, which was leaked to the press and brought up by the NDP this week.

Does the minister realize that his UI reform, which introduces five new federal manpower training programs, flies in the face of the repeatedly expressed Quebec consensus on the need to transfer to Quebec all responsibilities in that area?

[*English*]

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, as the hon. member rightly knows, we have been developing a series of projects in co–operation with the provinces over the past year to test out new methods and new measures by which we can help people get back to work most actively. One of the most interesting projects is in co–operation with the Government of Quebec in dealing with young people and helping them to get back in the job market.

• (1450)

If the hon. member is telling me he rejects any of those measures that are more effectively designed to get people in the job market, there is something substantially wrong with the hon. member. I have a letter he wrote to me asking for my support in a youth project sponsored by the federal government in his riding. I am very pleased to say I would certainly like to give him the assurance of supporting that project if he can give me the assurance of supporting the no vote on October 30.

* * *

AIDS

Mr. Bill Graham (Rosedale, Lib.): Mr. Speaker, my question is for the Minister of Health. On Sunday, October 1, over 40 communities across Canada will be walking to raise AIDS awareness and much needed dollars. Would the Minister of Health tell the members of the House what the government is doing to help the 45,000 Canadians living with HIV and AIDS and what measures it is taking to prevent others from becoming infected?

Hon. Diane Marleau (Minister of Health, Lib.): Mr. Speaker, HIV/AIDS is a serious concern for all Canadians and it is a priority for this government. This year we are spending $40.7 million against this deadly disease. Half of these funds go toward research; the balance goes toward education, prevention, care, treatment and support.

For example, recently I announced the government's support for a 1–800 information line. This information line will be accessible coast to coast in both official languages and will give information on care and treatment to people concerned with HIV and AIDS.

This Sunday I will be joining the AIDS community in Sudbury to march and raise funds for this worthy cause. I invite each and every one of you to participate in your communities as best you can in whatever way you can. It is a very worthwhile cause.

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GOVERNMENT POLICIES

Mr. Ed Harper (Simcoe Centre, Ref.): Mr. Speaker, I would like to speak about our province of Ontario, the forgotten province.

In June, Mike Harris and his common sense revolution were endorsed by the voters in Ontario. Mike Harris listened to the people of Ontario. He had the same message Reform did: Stop the madness of deficit financing, introduce a victims' rights bill and put an end to employment equity.

Can the Prime Minister tell the House when his government is going to start listening to the people of Ontario and stop this deficit financing, introduce a victims' rights bill and end employment equity?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, perhaps it is timely for us to observe that yesterday when the kissing cousins of the third party, the Conservative Party of Ontario, opened the session of Parliament there was a riot involving 5,000 people outside the legislature.

I very much hope the hon. member is not advocating that approach to public relations in government.

Mr. Ed Harper (Simcoe Centre, Ref.): Mr. Speaker, it is interesting we should talk about the riot at Queen's Park. It was evident that many of those protesters were members of the Canadian Union of Postal Workers. Can the government explain why federal employees were rampaging at Queen's Park when they should have been earning their federally subsidized pay-cheques?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, apparently we have touched a nerve.

The reason the government continues to enjoy the widespread support of Canadians is that we are performing as we said we would. We are fulfilling our red book commitments and we have every intention of continuing to do exactly that.

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[*Translation*]

SOCIAL PROGRAM REFORM

Mr. Paul Crête (Kamouraska—Rivière–du–Loup, BQ): Mr. Speaker, my question is for the Minister of Human Resources Development, to whom I say that we will never trade our votes for training programs.

• (1455)

Thanks to his UI reform, the minister will get, from the cheques to the unemployed, the money to finance his human resources investment fund, thus creating more duplication in manpower training due to the development of new federal training programs.

Given the consensus in Quebec on the need to transfer the whole manpower training sector to the province, and considering the significant savings which could result from such a transfer, does the minister agree that it is improper to reduce payments to the unemployed in order to finance new federal manpower training programs?

[*English*]

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, first let me point out to the hon. member that the unemployment insurance system is very clearly a federal national responsibility. It goes back to 1940 when all the provinces agreed it would be the responsibility of the federal government to give people a sense of security against unemployment, and like any good insurance policy, to make sure that we reduce the risk.

The best way of reducing the risk in unemployment insurance is to get people back to work. That is one reason that over the years we have very carefully invested in a variety of programs to enable people to develop their employment prospects.

We are saying in the modernization of it that we have to get better. We have to use the money more effectively. We have to get better value for the money. Therefore, we have to begin to look at how we can streamline and consolidate many of the 40 some programs into several programs and do those where we can work in close co–operation with the provinces. That is very clearly part of what we want to do. We want to develop a series of co–operative relationships with the provinces to help people get back to work.

[*Translation*]

Mr. Paul Crête (Kamouraska—Rivière–du–Loup, BQ): Mr. Speaker, the only way to have an effective employment policy in Quebec is to have a sovereign Quebec that will control the UI system.

Will the minister recognize that his flat refusal to transfer the whole manpower training sector to Quebec, as the province is asking, is a blatant example of the hard–nosed attitude of the federal government and its lack of understanding of Quebec?

[*English*]

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, with the indulgence of the member I remind him of my comment to his colleague earlier. I wrote to the Quebec employment minister offering to sit down and talk about issues of decentralization and devolution and the hon. minister of employment for Quebec said no.

I have had similar very productive, very constructive discussions in the province of the leader of the third party. We now have a series of locations dealing with youth services. The federal and provincial governments are now working together in five different centres developing joint projects in that area.

We are even working in the province of Quebec in a co–operative way. In the southwest corner of Montreal we have the RESO program in the area the hon. Minister of Finance represents thanks to his leadership.

My point is there are many ways in which we can help people. The most important thing is to get rid of the disputes between jurisdictions and get down to budget—

The Speaker: The hon. member for Wetaskiwin.

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MANITOBA ENTERTAINMENT COMPLEX INC.

Mr. Dale Johnston (Wetaskiwin, Ref.): Mr. Speaker, yesterday in the House the Minister of Human Resources Development gave a very ambiguous response to a question asked by my colleague in regard to the $533,000 grant that was given to a group in Winnipeg known as Manitoba Entertainment Complex Inc.

Would he clarify today what process the group followed to obtain these funds and what was the criteria for qualification?

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, I thank the hon. member for his question. I think it is properly put and one which deserves clarification in comparison to what I heard yesterday.

The answer is very clear. The industrial adjustment service is a program that works nationally throughout Canada to help a broad range of communities which are facing adjustment problems, either the loss of major industries or the prospect of developing new industries. In each of these cases the IAS program is set up through an independent committee.

In the case of the new arena in Winnipeg the MEC worked out with the regional director of human resources to establish an independent committee. It is made up of people who are not involved in the program designed to bring the stakeholders together. There is no involvement by the minister. There is no direct involvement.

• (1500)

They work with all those involved in the project to find a way of making an adjustment. In this case the primary objective was to develop alternate plans to save 1,400 jobs at risk as a result of the decisions being taken in relation to the arena.

That was the process which was taking place, an independent committee making decisions and working with major stakeholders to ensure we could find the best means of saving jobs in Winnipeg.

Mr. Dale Johnston (Wetaskiwin, Ref.): I have a supplementary question, Mr. Speaker, for the same minister.

Was the minister aware at a time prior to the awarding of the $533,000 grant that some of the people in Entertainment Inc. were contributors to his campaign?

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, after representing the city of Winnipeg for close to 24 years I must say with some modesty that a large number of people contributed to my campaign.

I say with some regret that of the fifty–five business partners in the MEC only five have made contributions to my campaign. All the rest went somewhere else, which is something I had better look into.

I did not have any connection whatsoever. I had no assessment of who was making applications to MEC or who was getting contracts. It was the responsibility of the independent committee to determine what kind of contracts were to be let and where the money should go. I had no involvement whatsoever, and I hope that clarifies the matter for the hon. member.

* * *

ENDANGERED SPECIES

Mr. Len Taylor (The Battlefords—Meadow Lake, NDP): Mr. Speaker, my question is for the Minister of the Environment and concerns the need to strengthen the current proposal for the endangered species protection act.

As presented, the minister proposes to apply the terms of the new act to only 4 per cent of Canada's total land base and eliminates the northern jurisdiction entirely.

Is it the minister's intention therefore to ensure effective protection of endangered species by broadening the premise of the proposed new act and at the same time by providing us with a guarantee that the new $2 coin in not the last place on earth where we will ever see a polar bear?

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

The hon. member has underlined one of the things that we have been trying to do in national government, and that is to respect jurisdictions.

We have come out with an endangered species framework, the first of its kind in Canada. We have also been very careful to respect the fact that provincial governments have jurisdiction in certain areas. That is why at first blush the legislation does not cover as many species as we would like.

In launching the process of the national endangered species act, not only have we seen the leadership that was already shown in the province of Quebec which had the first endangered species legislation but we have seen a number of other provinces come on board. We expect by the time the federal act is proclaimed that we will have at least seven other provinces contributing in a constructive way to a goal that I believe we should all share, and that is protecting endangered species.

Endangered species do not respect provincial boundaries. They travel nationally and that is why I think we need a national framework, which I know even the Reform Party would support.

* * *

PRESENCE IN GALLERY

The Speaker: I draw the attention of hon. members to the presence in the gallery of the hon. Harold Gilleshammer, Minister of Culture, Heritage and Citizenship for the province of Manitoba.

Some hon. members: Hear, hear.

[*Translation*]

BUSINESS OF THE HOUSE

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, could the government House leader give us an idea of what is in store for next week?

[*English*]

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.): Mr. Speaker, we will continue today, and if necessary tomorrow, with the debate on second reading of Bill C–93, the cultural property legislation, and seconding reading of Bill C–98 regarding oceans.

If these items are disposed of before the end of the day tomorrow, I propose to call second reading of Bill C–78, the witness protection bill, and Bill C–64, the employment equity bill. This will be for debate at report stage and second reading since the bill was referred to committee before second reading.

• (1505)

Next week we will commence with a motion for reference before second reading of Bill C–101, the transportation bill, followed by another motion for reference before second reading of Bill C–84, amendments to the Regulations Act.

We will then return, if necessary, to the legislation listed for today and tomorrow at the place where we left off. That concludes the weekly business statement.

Mr. Speaker (Lethbridge): Mr. Speaker, I rise on a point of order. My question is also with regard to procedure.

The Speaker: I take it that it has to do with the Thursday question on upcoming House business.

Mr. Ray Speaker (Lethbridge, Ref.): Mr. Speaker, last week I asked the hon. member, the House leader for the government, what kinds of bills were in the works and what would be proposed in less than 10 days now.

I have not had a response to that or on whether there will be any legislation that will perhaps be delayed until the end of November or December when we would go into a format of closure. I would appreciate a response from the House leader, if possible.

The other question I have is with regard to procedure, how the government is handling procedure in the committees and the direction that is being given by the House leader and the whip of government.

Yesterday in the public accounts committee, while debate was going on with regard to the chairmanship, the government whip commanded the Liberal members and the Bloc members to vacate the committee after 25 minutes so that there was not a quorum for a discussion to proceed with regard to the chairmanship.

It looks like a very unacceptable precedent has been set. I would like to ask the House leader whether that is the kind of procedure that will continue in the House on other occasions as well.

Mr. Gray: Mr. Speaker, I think our whip is ready to respond to the second point raised by the hon. House leader for the Reform Party.

With respect to his first point, I was not able to be present at the House leader's meeting this week. I will endeavour to see what further information I can provide him in response to his question.

We have a number of bills listed on the Order Paper. These will be the measures on which we will be drawing for the legislative program of next week and ensuing weeks.

As I said to him last week, there may well be other measures in preparation that the government will be putting on the Order Paper within the next 10 days. I am sorry I cannot give him a precise list of additional measures at this point, but we will endeavour to assist the House in presenting the government's program in an orderly and meaningful way.

The Speaker: It would seem that we are stretching out the points of order, one on top of the other. I will permit it today, if the government House whip is prepared to answer, but I would prefer we deal with one area at a time when dealing with this type of information.

Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, yesterday afternoon shortly after question period and pursuant to an all–party agreement duly signed by all whips of the House, a meeting was held to proceed with the election of officers of the Standing Committee on Public Accounts. As I said, there was an agreement signed by all whips to the effect that the committee along with other committees would meet at previously agreed to hours and days.

Contrary to the agreement, one group of individuals chose not to allow the votes to proceed on the election of the chair and decided to filibuster the committee for whatever reason.

That was confirmed in an informal conversation I had with members of that party, at which point we were forced to adjourn the meeting by causing it to lose its quorum.

At 3.30 this afternoon we will once again attempt to elect officers pursuant to the agreement made. If that fails, we will attempt to do it again until we succeed in having not only the order made by the House some time ago on the repartition of members by party but also the all–party agreement made by the whips.

● (1510)

We intend to do our part as a government to ensure the standing orders are adhered to. Hopefully members of the third party will co–operate today, unlike what happened yesterday.

Mr. Len Taylor (The Battlefords—Meadow Lake, NDP): Mr. Speaker, I rise on a point of order regarding House business. In support of your statement a few moments ago that it is not good to split up these matters, I noticed that in the course of the whip responding to the second question the government House leader vacated his seat.

I still have a question relating to House business for him. Perhaps the parliamentary secretary could answer my question. However in the future, Mr. Speaker, I want you to know that I support your contention that these points should be made separately and individually so that we can deal with matters in specific order.

With respect to House business for the coming week, the government House leader is aware that the recent supreme court ruling in respect of tobacco products marketing has been thrown back to the government for a response. The government has said that it is looking at options in response to this ruling but for the most part is relying on staff in the Department of Health for ideas.

In light of the fact that it would be better for members of Parliament to be examining the options, would the government House leader be willing to support a request from the House that the government offer this week the study of these options to the Standing Committee on Health so that a more public examination of the options and the issues could be undertaken?

Mr. Gray: Mr. Speaker, I will draw the hon. member's suggestion to the attention of the chair of the committee. If I am not mistaken, under our current rules the standing committees have wide powers to undertake studies at their own initiative rather than only at the request of the government. The committee may see fit to begin looking at this matter in a general sense.

I also assure the hon. member that this issue is being actively examined within the government. The judgment which I received just yesterday is very lengthy and very bulky. It is understandable that the government's response would not be forthcoming within days of the judgment.

The member's point about a vehicle for some public examination of the issue is one that, as I have said, the health committee might well want to take a look at under its ongoing and existing authorities.

GOVERNMENT ORDERS

[*English*]

CULTURAL PROPERTY EXPORT AND IMPORT ACT

The House resumed consideration of the motion that Bill C–93, an act to amend the Cultural Property Export and Import Act, the Income Tax Act and the Tax Court of Canada Act, be read the second time and referred to a committee; and of the amendment.

Mr. Milliken: Unless there are more questions following my speech, I am finished.

The Speaker: I thank the member. I was hoping he would regale us with more dinosaur tales.

Mrs. Jane Stewart (Brant, Lib.): Mr. Speaker, it is an honour to rise to debate Bill C–93, particularly because over the course of the last few days as we have been discussing the bill I have been interested in the misinformation and in some ways nonsense that have been lobbed at this side of the House, especially by members of the third party.

I should like to clarify certain aspects of the bill to ensure the people of Canada understand and fully appreciate its importance to them and to us as a country. As I was listening to the debate, particularly the day before yesterday, there were indications from members that the bill would cost the government $60 million. That is wrong.

As a result of the bill and the notion that Canadians can donate artefacts of importance to our cultural heritage to museums, libraries and art institutions, we have had 1,100 donors give to our country the value of $60 million. The cost to our country, from a tax incentive point of view, has been just about half of that, $25 million to $30 million. In fact, what we have are priceless donations of our country's history, culture and art from other nations which is remaining in Canada for all of us to enjoy, value and appreciate. We have received $60 million worth of priceless art and goods for the value of $25 million.

● (1515)

That makes good sense to me, yet the members of the third party are misconstruing the information and having it printed in *Hansard* that it is costing us $60 million because they have not taken the time to understand the bill. In fact, I understand that they refused briefings from the parliamentary secretary and bureaucrats from the ministry. As a result we get misinformation in the House and that is not acceptable. It is good to have this opportunity to clarify that particular point.

There were challenges from the third party saying: ''Did you know that this does not only apply to Canadian artefacts and art,

but to art from around the world? Is that not terrible?'' I do not think it is terrible at all. Are we to assume that Canadians are not interested in works of art done by people from other parts of the world? We are a melting pot. We are a multicultural society. We can all learn from and appreciate art from other cultures. Those are the kinds of donations which are accepted under the bill. They are of value to us. I want to clarify that for the House. It makes sense and I appreciate it as a Canadian.

The particular argument that the third party makes of the bill is that it only benefits rich people, in fact it is the Canadian government again servicing the rich, giving them an opportunity to receive a tax incentive for making a donation to a museum, an art gallery or a library.

Mr. Milliken: If that were true, then you would think they would support it.

Mrs. Stewart (Brant): The parliamentary secretary makes a good point. He says: ''If that were true, then you would think they would support it''. I tend to agree with him. What they are saying is that the government is not being fair, that it is all one sided and that it is only going to the rich. No, it is not. Donations are made to our art galleries, our libraries and our museums and we all benefit.

Members of the Reform Party are suggesting, I believe, that people who are not rich are not interested in art, do not value our history and our culture and do not like to go to museums. I can tell them that is not true. By virtue of this kind of legislation we have a very unique and important way of ensuring that our heritage remains in Canada, that it is here for us to enjoy and value, and that it is here for our children.

If we go to the National Art Gallery, just behind Parliament Hill, we can go for free. Anybody can go for free and see incredible works of art, whether they be from the Group of Seven or from the Renaissance period. That is of value to all Canadians. Perhaps Reformers want us to charge for that. I do not know.

The results of the bill do not just service the rich, they service us all. They enrich our culture, our society and our heritage. These are important points which have to be put on the record as we discuss Bill C–93.

I was interested in some of the comments from the third party, in particular those that suggest the members of that party are credible art critics. If we go back through *Hansard* we can read of those members talking about particular pieces of art in the National Art Gallery and chastising that gallery for the purchase of those works of art or for even presenting them. It makes me wonder if the members from that party can spell art, let alone understand what art is all about. Quite frankly, art is a very personal thing. Art speaks to people in different ways, given the experiences, the culture, the point of view or gender of an individual. It is something that is very important as we discuss this bill. We are clarifying, crystallizing the differences between the party in government and the party on the other side of the House by showing an appreciation and value for our history and culture. Quite frankly, the attacks that have fallen on us are all focused by the third party on the dollar figure. Nothing else is important.

• (1520)

I agree that when times are tough, and we are finding it that way now, it is very easy to say stop, do not spend. Stop everything and focus on one issue. That is not good for our history, not good for our future. We have to remember that culture is continuing. Do we want a void in our history, in our collections, in our programs just because at this time we have a tough fiscal circumstance? I do not think we do.

Fortunately the government in place is a balanced government which understands the importance of all aspects of culture and of the fiscal realities of society. As my colleague pointed out, we are a national government that knows the importance of differences. Art comes from the Atlantic provinces or from Vancouver, British Columbia or from the prairies. Those are things we should be thankful for and they should continue.

The most important and telling point in this debate for me comes from my understanding of my own riding where we have a wonderful museum, the Brant County Museum, which has recently benefited from the philanthropy of one individual, Mr. Scheak, who over the course of his lifetime has collected a fabulous and very eclectic grouping of art, artefacts and historical documents. As a philanthropist he donated that collection to us in the riding of Brant. We now have an opportunity to look at historical pieces from around the world, whether it be from the Middle East, Asia and Europe, right in our own hometown. We do not have to travel to see it. There was nothing like that in my community before. Through legislation such as this, that is allowed to happen.

No one in my community would chastise Mr. Scheak for getting a 50 per cent return on that collection. Let us be clear. That is what he gets; 50 per cent of the value of the collection. He does not get it all, just 50 per cent. We as a community benefit greatly not only because our children get a firsthand attachment to that history, but because others come to our community to see it as well. From a point of economic development and tourism the riding of Brant is going to win.

As we listen to the strategies of the third party and their attack on this bill, we realize that a one–track, myopic approach to legislation is just not good enough. There are so many other aspects. There are no simple questions and there are no simple answers. Governing is very difficult. It takes a broad perspective, a complete understanding of a country, its people, its

history and its values. Fortunately, I believe the government shows that.

In this bill we are tangibly indicating that commitment. It is a proactive approach. As I mentioned, it is a unique strategy. There is one other country, interestingly enough, that provides tax incentives for donations to cultural institutions. That country is our neighbour to the south, the United States.

I continue to find it interesting that the third party touts the United States as the be all and the end all. They want us to have a political system like the United States. They want us to be like Newt Gingrich. They want us to be far, far on the right and forget about those in our community who have not got the same resources, capabilities and skills as others.

• (1525)

Now they find their heroes to the south doing something not so different from what we are doing here in Canada and they do not like it. I wonder. It is very rare that it happens, but we in fact have with this legislation implemented a program where Canadians can make donations to our very important cultural institutions. By and large they are doing it philanthropically because as I mentioned they are not getting the full return for the value.

They could sell them. They could insist that their collections go out of the country where we do not have the value for them and sell them beyond our borders, lost to us forever. But no, many people are philanthropic. They give to our institutions. It is very appropriate for us to in return give them at least a 50 per cent return. As I say, the people of the country do not object to that.

I know each of us as members of Parliament find as we talk to our local cultural institutions that they do not have the money to go out and buy artefacts and pieces of art. It is through donations that they create their significance, their contents and their importance. We do not want to ever lose that.

This bill is a good bill, bringing together pieces of several acts that have been historically part of the mix, clarifying them, improving them and making our country, as a result, much better.

I thank the House for its indulgence. I appreciate the opportunity to clarify some of the points that have been floating around over the course of the last few days of debate and at this point recommend the bill to the good graces of our House.

Mr. John Richardson (Perth—Wellington—Waterloo, Lib.): Mr. Speaker, it is my pleasure to rise and speak in support of the act to amend the Cultural Property Export and Import Act, the Income Tax Act and the Tax Court of Canada Act.

The opposition to the bill and the thrust of the amendment to the bill would undermine cultural institutions from coast to coast. Culture is the one legacy that the past leaves to the present and the present prepares to leave to the future.

By establishing the incentives that are inherent in this bill it will encourage people in this country who have items of great significance nationally, of great significance regionally or great significance locally to donate those items to art galleries, museums and heritage buildings that may be in any town, city or county.

The purpose of this bill is to amend the Cultural Property Export and Import Act, with consequential amendments to the Income Tax Act and the Tax Court of Canada Act, to establish an appeal determinations by the Canadian Cultural Property Export Review Board of the fair market value of certified cultural property.

In December 1991 the responsibility for determining the fair market value of cultural property donated to the designated Canadian museums, art galleries and libraries and significant heritage buildings transferred from Revenue Canada Taxation to the review board and the review board assumed this responsibility at its meeting held in January 1992. No provision for appeal of the review board decisions was included in the legislative amendments despite the fact that the right of appeal had existed when this responsibility was withdrawn from Revenue Canada. Donors and custodial institutions expressed serious concerns about the lack of an appeal process that is inherent to have built into any program like this where value is to be judged.

• (1530)

The Department of Canadian Heritage in co–operation with the review board then undertook a series of consultations with the community about the need for an appeal process. As a result of these consultations, it was agreed that the legislative amendments should be prepared to establish the right of appeal to the Tax Court of Canada.

This bill establishes two processes. The first gives the donor or recipient institution the right to request that the review board consider its initial determination of fair market value. If after receiving a determination from the board the donor is not satisfied, he or she may take the second step of appealing the board's decision to the Tax Court of Canada.

There are key messages inherent in this bill. I will review some of them at this time. The cultural property export and import tax provides tax benefits to encourage donations to public institutions of objects and collections that are of outstanding significance and national importance. This support is the only program of the Government of Canada that provides financial support through tax credits for donations to museums, art galleries, archives and libraries.

Museums, art galleries, archives and libraries in every province and territory in Canada benefit through the receipt of donations of cultural property as a result of these tax credits. Cultural property valued at approximately $60 million is do-

nated to Canadian institutions each year. A significant amount of real property is donated to public institutions.

The fair market value of cultural property certified by the review board is eligible as a tax credit at 17 per cent for the first $200 and 29 per cent on the balance over $200. The donor can claim the fair market value of the gift up to the total amount of his or her net income. There is no tax payable on any capital gain resulting from this gift.

Because a donor receives a tax credit, the amount of money realized as a result of the donation is approximately 50 per cent of the fair market value. The donor does not therefore receive a tax refund equivalent to the fair market value of the gift.

Donors, museums, art galleries and professional associations have been lobbying for the right to appeal review board decisions as it was perceived that the lack of an appeal was a denial of natural justice. In most cases where there is arbitration the laws of natural justice in this country must be seen to be in action. Due process must be seen to be in action.

The establishment of appeal should be viewed as a reinstatement of the right of appeal that was lost when the responsibility for determining the fair market value was returned to the review board in 1991.

These amendments will ensure that donors who disagree with determinations of the review board will have the right of appeal to the courts and that they will not be denied natural justice. The announcement of the establishment of an appeal process was received positively by donors, museums, art dealers and the media. These legislative amendments therefore enjoy a high level of public support.

The amendments are technical in nature and respond to strong concerns expressed by the heritage community. Their passage into law should be seen as part of the ongoing commitment of the Government of Canada to ensure the preservation of Canada's cultural heritage.

• (1535)

As I said before and would like to stress again, the era of a country is known by the culture it passes on to another. We must bring those significant items that demonstrated the culture of that era into a place of safekeeping so that they can be studied, viewed and appreciated by people in future eras.

Throughout history works of art have been prized by civilizations as expressed by the cultures that created them. They are regularly protected, conserved and displayed as both symbols and concrete examples of the history of a particular society or cultural group. We see this now as our natives in this country seek to preserve items of their cultural heritage which have great meaning to them. Other groups in our society are seeking now to preserve items of cultural heritage that will have great meaning to future generations.

All nations define themselves in the present by events of the past. It is therefore vitally important to preserve our nation's history and heritage.

Canada passed the Cultural Property Export and Import Act to provide cultural patrimony and preserve in Canada significant examples of the nation's cultural, historic and scientific heritage in movable cultural property. As a means to protect its cultural property, Canada adopted unique combinations of export controls and tax incentives for making gifts to the designated public institutions and incorporated these in legislation by establishing the articles that flowed from that act.

Last Sunday I attended a cultural heritage event. I stood in for the minister of culture at a ceremony for a plaque commemorating a historic building of significant architectural importance. Its interior was significant; it was the most outstanding example of fresco painting in three dimension in Canada. I was pleased to be there as were all the people of that community. It is not a sophisticated metropolitan community but the town of Baden of approximately 2,000 people.

People gathered in great numbers to celebrate the historic recognition of Castle Kilbride. Significant artefacts that belonged to that castle from the early 19th century were donated. People brought them back and these items were of significant value because they were owned by a man of considerable wealth. They returned them to this heritage building and museum so that the people of that community would see the architecture and painting of significance to Canadian history and how life was lived in that building.

I live in a town where there are a number of buildings of architectural significance that will be declared heritage buildings. There is not just the culture of significant and exciting designs but there is also the finest English speaking repertoire theatre in North America, the Stratford Festival Theatre and its three stages. We go down the trail and recognize great writing, great playwriting and performances in Stratford, which by the way is playing to its best year in history.

• (1540)

Canadians will look back on those significant events which developed their culture, developed their appreciation for fine architecture, developed their appreciation for fine art, which were developed in Canada by Canadians, for Canadians today and for Canadians tomorrow.

Mr. Bill Graham (Rosedale, Lib.): Mr. Speaker, I am pleased to be able to speak in support of this bill today.

As the hon. member for Perth—Wellington—Waterloo so ably said, there is a technical reason for this bill, which is to enable an appeal procedure to be put into place so that the proper amount of taxation deductions will be calculated and applied in the course of allowing citizens to make donations to institutions in Canada. That in itself is an extremely important public policy consideration.

In some respects the bill seems very narrow in scope because it is reinstituting an appeal procedure which existed some time ago under previous legislation. In that sense it is rectifying a situation which needed to be dealt with.

Some of the objections which were raised by members of the third party when we were debating this bill the other day attacked not only the thrust of the bill and the whole purpose of what we are trying to do here, but also the need for an appeal procedure. If members of the third party are sincere about having genuine intellectual problems with this whole idea, they certainly should support the thrust of the bill, which is to ensure that there will not be an arbitrary decision by just one authority as to how these matters will be dealt with, but rather they will be subject to an appeal. They will go to the tax appeal court and from there they can go to the federal court. We will be able to ensure that these matters will be handled by strict, appropriate, legal methods.

This bill deals with an extremely important aspect of public policy concern in Canada, that is, that we should have proper procedures in place to ensure the good administration of all aspects of our justice system. In that sense the bill fits within the whole purpose of what the government is trying to do, which is to ensure that the people in Canada have a judicial system which is fair and open and which ensures proper judicial procedures for all. We should look at that aspect of the bill when we are considering it.

I sat in the House the other day and heard the attacks on the bill by members of the third party, who used, as one so often does in the course of debate, rather outrageous examples. One member stood up and said they had seen a painting that was scurrilous or unattractive. Imagine that. Someone had donated it and received a tax deduction for it. We could all probably go to an art gallery and find some paintings which are unacceptable to us.

In the course of my travels I have been to the Louvre. I was told that some of the finest paintings in the Louvre were, at the time they were painted, offensive, despicable and unacceptable. The whole thrust of the impressionist school when it first came out was quite unacceptable to the public. The paintings which today fetch $50 million were totally and utterly unacceptable to certain people at that time who said: ''This is a class of art with which we do not wish to be associated. It does not conform to our traditions. It does not conform to exactly the way we think. Nothing except the way we think is acceptable in this world. We will not accept artistic values or views that are different from what we represent''.

That is not the view of the government. It is not the view of average Canadians. Average Canadians know that art, literature and culture must represent a vast gamut of society. There must be tolerance. There must be a willingness to accept that we need an expression of culture in our country that is broad, embracing, and global in nature if we are going to take our children into the next century with a sense of what the world is about.

• (1545)

This bill fits into that. It enables small communities to take artifacts, libraries and things of real value to those communities and give them to local museums and allow them to stay in place so that people can be a part of their own culture. There is nothing lamentable about that. There is nothing to criticize in that. It seems to me to be an extraordinarily valuable contribution we are making.

When we turn to what the third party was complaining about in the House the other day, the fact that this bill enables wealthy people to make contributions to Canada, I think we have to take this into proportion. We have to look around our country and look at some of the contributions that have been made.

In my own riding of Rosedale there is a museum called the George R. Gardiner Museum, of which I was privileged to be a trustee some years ago when I was teaching at the University of Toronto. Mr. Gardiner donated a collection of extremely valuable porcelain to the city of Toronto. That collection is contained in a part of the museum that the University of Toronto helped to build. That is, to use that much overtaxed phrase, a world class collection. It receives world class attention. It receives visitors from around the world. It contributes to the economy of Toronto. People stay in the hotels nearby. They use taxis to get to it. They eat in the restaurants around it.

It is calculated that during the course of the Barnes collection exhibition in Toronto the spin–off effect for the economy of Toronto was some tens of millions of dollars. We cannot forget that not only are we enriching our cultural heritage when we allow, enable and encourage, as this government does, this type of activity, we also enable our economy to be strong. We enable a real contribution to be made to our economy in the form of tourism or in the form of people coming here.

I myself have had the privilege of going to Calgary. Many members of the third party must have visited the Glenbow Museum. The Glenbow Museum would not exist if it were not for measures like this. Where would we be if we did not have that wonderful repository of our First Nations' art and artifacts that are found in that fabulous institution that is the Glenbow Museum, which is a pride for all Canadians, not just Calgarians.

It is measures such as this that make the existence of the Glenbow Museum possible. The Glenbow Museum, the George R. Gardiner Museum, the Royal Ontario Museum and over 300 small and local institutions in this country all have requested this measure to enable them to survive and continue to do the job they are doing so well for Canadians. That is why I support it.

[*Translation*]

If I go to Montreal, I have the opportunity to see the Montreal Museum of Fine Arts. I can visit the architecture museum created through a gift from Mrs. Lambert, an extraordinary museum which has made Montreal famous. People come to Montreal from all over the world to visit these museums which enjoy a worldwide reputation, not merely a local one.

All of these contribute not only to Montreal and Quebec culture but to Canadian culture as well and I dare say contribute to the economy of Montreal and of Canada also.

If we acknowledge that donors, museums, art galleries and professional associations are all lobbying for the right to challenge the decisions of the review board, we must as a government acknowledge that they are justified in making such demands and put into place in the legislation a reliable and valid system for handling this situation.

[*English*]

I would like to conclude along the lines of my colleague from Perth—Wellington—Waterloo, who pointed out that we should keep this in proportion. This is 50 cents on the dollar these people are getting. This is not some huge tax give–away. It is 50 cents on the dollar.

• (1550)

At some point a government, if it is to be faithful to its mandate, must provide cultural objects for its citizens. Do the members of the third party suggest that we should go out, collect the taxes and then buy objects with that tax money? That is a much more expensive way of doing it. This way we get the benefit of the generosity of Canadians who have collected wonderful things during their lives. At the same time, we enrich our communities and we do it in the most tax efficient way possible.

That is why I support what this bill is about and why I support what the government is doing when it tries to ensure that we have a better country that is enriched by the activities of our citizens. We enable them to put their life's work and their life's collections to the benefit of our society and that of our children.

Mr. Glen McKinnon (Brandon—Souris, Lib.): Mr. Speaker, I have a question for the hon. member.

I come from an area where there is an endeavour under way to establish a new resource of heritage. I am wondering whether or not he sees any mechanism through this bill that would enable in a general way a new facility, a new collection of artifacts to be set up to encourage the general community to bring forward its artifacts in a particular manner.

I will give a little background. We are the oil capital of Manitoba. We have a problem encouraging the oil industry to bring some of those artifacts back into a setting whereby they will be on display. I would ask if the hon. member sees any mechanism that would be available.

Mr. Graham: Mr. Speaker, I am certainly not in a position as someone in the ministry would be to answer a technical question of the nature the hon. member poses.

I think the question has some general value that I would like to address. First, this bill is not directed to the problem or the issue of just collections of art, porcelain or other items of that nature. Anything that is of value to society would be perfectly acceptable, as I understand it, to be the subject matter of a museum or another form of institution.

As a result, I would suggest to the member that what this bill does by putting in place this appeals procedure is it ensures that when the institution of which he spoke is set up and when donations are made to it, which they will be, those donations then will be properly accounted for. There is a procedure whereby if there is any debate about their true value it may be appealed to the courts and we can ensure that for the benefit of Canadians and Canadian society and other Canadian taxpayers that will be done in an orderly way. In that sense, the bill does contribute to enabling what the member would like to see done in his riding.

Ms. Marlene Catterall (Ottawa West, Lib.): Mr. Speaker, one would think we were debating today whether to establish or not establish a tax benefit for the donation of cultural property to the institutions of this country that have the mission of securing for future generations examples of art and literature in its many forms. We are not. What we are doing is debating a fairly minor amendment to the process by which that is done. That is in fact a situation that has been in place for some time.

The Reform Party has been critical of this. I guess I have to ask why. I have also heard the Reform Party say that there are things the government should get out of, that the government should be spending less money, that in any way possible government should be allowing the private sector to do what the private sector can do.

This policy, which has been in effect for many years now, of allowing the private sector to contribute to the preservation of Canadian heritage and culture and to receive a tax credit for their contribution is one way of ensuring that government does not have to do everything in this country—unless one believes of course that a nation should not seek to collect the best heritage examples of art, of literature, of sculpture. I do not

believe the Reform Party is of that opinion, but one would almost think so.

● (1555)

There is a bit of a contradiction here between saying allow the private sector to do more and let government do less and then speaking against a provision that encourages that very kind of private sector contribution to building the nation.

For many years I have had the privilege of living in the nation's capital. Part of that privilege is to share as part of my community the very fine national institutions our country has built over the decades: the National Gallery, the Museum of Nature, the Museum of Civilization, the Museum of Science and Technology. Over the years I have applauded the efforts of those institutions to take their collections and their knowledge to different parts of Canada and share with all Canadians the wealth of the collections and exhibits we have built in this country.

I do not think we can over–emphasize how important it is to the heart and soul of a nation to have a sense of its past. We cannot over–emphasize how important it is for young people to have an opportunity to be exposed to those things that express different points of view, through art of one kind or another, about the world, about ourselves and about our nation.

My colleague from Rosedale just spoke about the attitude toward the impressionists when they first began painting. Our own Group of Seven, who are virtually universally revered, suffered the same lack of acceptance among their fellow citizens when they tried to express in a new way what the country meant and how it appeared.

I said it was important for children to have the opportunity to experience many different expressions, visually and verbally, in music, views of their country and of the world. I go back to my own experience when our own National Gallery was housed in half of what is now the Museum of Nature. It was a very small collection. As a 10–year–old I had the wonderful opportunity of going there on a Saturday morning with dozens of other children, spreading a newspaper on the floor and using bottles of bright–coloured paint and being able to express myself. Then we would spend time looking at the masterpieces. We would have a world–renowned painter like Henri Masson spend his Saturday mornings with young children like me, commenting on our paintings and encouraging and discussing with us the other wonderful works that were in that very tiny gallery. These are the experiences that influence one's perception of the world and of oneself and that change one's future in many ways.

● (1600)

I hope nobody in this Parliament needs to be convinced of the value of a nation building up a reservoir for the generations to come of those things which have been an important expression of our culture and our history and our way of viewing the world.

We are not talking about whether we should or should not have provisions in the Income Tax Act to allow people to gain some credit, and it is only a partial credit, through the income tax system when they choose to donate something which is their own to their country and to their fellow citizens. That has been well established.

All we are talking about is making sure that the interests of the donor, the interests of the institution receiving the gift and the public interest are protected. We are here today to establish a process where the review board that determines the value of such a gift is subject to appeal, so that if a donor is not satisfied that the value that has been put on his or her gift by the review board is adequate, there is an opportunity to appeal.

Why is that important? It is important because a donor may choose to give or not give a gift to the nation, depending on whether it is valued as it should be. If I were to offer a gift to the National Gallery, which the gallery would first have to determine is of national and historical importance, and a review board were to say to me it is worth this much, when I know very well it is worth two or three times that much, I would choose not to give that gift under those circumstances.

If I have an impartial appeal process to go to, to say what is the real value of this and to have it established, then those gifts are far more likely to be made to the institutions of our country.

On the other hand, a donor may have an over–inflated view of the value of an artefact or a painting or a book which the donor wants to give to an institution, in which case the institution has an impartial process to go through to demonstrate to the donor that this is the value of that property and whether he or she still wishes to donate it or not, that is the value which the museum or art gallery is prepared to accept as its value.

I said it also protects the taxpayers and it does. While we want to give tax credits that encourage people to donate in that way, we also want to be sure that those tax credits are based on fair value. We want to make sure there is a process with an appeal built into it in case there is disagreement about those values.

We encourage charitable giving in many ways. We encourage charitable giving toward various causes: health research, programs for children, programs for young mothers, preservation of the environment. In all those cases we give exactly the kind of tax benefit that is being slightly modified in this bill. I cannot help but feel that giving something of great value to the mind and soul of a nation is equally important as contributing to research in a variety of ways. I am surprised that there are those in the House today who would question it.

In fact, I would take this opportunity to encourage the government to look further at how in times of tight financial situations we might achieve other national objectives through the same means.

• (1605)

For instance, there is no reason why someone should not be able to contribute an environmentally sensitive area to the nation for preservation and receive the same encouragement through the tax system to do that as they would do with the donation of an extremely valuable and historically important book.

Perhaps we should be considering a tax treatment that encourages people to preserve and to donate to the nation important historical buildings. Now the tax system seems more designed, according to the National Round Table on the Environment and the Economy, to encourage the demolition of heritage buildings and the construction of new buildings than to preserve existing ones.

I consider this legislation a safeguard of the public interest, the donor's interest and the receiving institution's interest. When a Canadian chooses generously to give something which he or she owns of great cultural value to all of us, I consider this act introduces a safeguard to ensure it is done based only on the proper value of that property.

The Acting Speaker (Mrs. Maheu): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mrs. Maheu): The question is on the amendment. Is it the pleasure of the House to adopt the amendment?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mrs. Maheu): All those in favour of the amendment will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mrs. Maheu): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mrs. Maheu): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mrs. Maheu): Pursuant to Standing Order 45(6), the division on the question now before the House stands deferred until Monday at 6 p.m., at which time the bells to call in the members will be sounded for not more than 15 minutes.

* * *

OCEANS ACT

The House resumed from September 26 consideration of the motion that Bill C–98, an act respecting the oceans of Canada, be read the second time and referred to a committee; and on the amendment.

The Acting Speaker (Mrs. Maheu): The House will recall the member for Calgary North had not finished her speech. She is not prepared to go ahead at this time so I will recognize the member for Vancouver Quadra.

Mr. Ted McWhinney (Vancouver Quadra, Lib.): Madam Speaker, it is my pleasure to resume the debate on Bill C–98, the oceans act.

I had the opportunity to hear the closing minutes of the debate the other day on this bill. It was late in the evening; one was scattering twilight ashes so perhaps there were some misconceptions that might not have been formed at an earlier time of day.

• (1610)

Allow me to correct them by saying what this bill is not. It is certainly not an attempt to rewrite the Constitution Act, to rewrite the Constitution or to change the balance of federal–provincial powers as established under the Constitution Act and under the extensive jurisprudence developed on that act over the last 128 years.

It is a bill with a more modest purpose, although one of great value to the Canadian public and great value certainly to those who have grown up since the last war. It is a compendium, a collection in convenient form of Canada's position on the law of the sea.

International law is made in various ways. The great bulk of it has been made much as the common law of Canada has been made: by custom, practice which by its reasonableness and its acceptance becomes concretized as a rule of custom.

Other parts of the international law of the sea have been made by jurisprudence, by the decisions of the courts of which the International Court of Justice has been a leader, although sometimes national courts spill over. Still further change has been made by legislation, by treaties.

What is not perhaps generally understood is that until 1945 virtually all of the projections of Canada's power in international law of the sea and of the world community's position on the international law of the sea did not exist.

Until 1945 the law of the sea was a law of movement as my good friend, the great French scholar, René–Jean Dupuy of the Collège de France has described it, a law of movement which was concerned essentially in establishing the rights of all parties

that passed freely to and fro on the seas, the concept of the high seas and the concept of a very limited national, territorial sea abridging those limits.

That was the regime which lasted for more than 300 years. It was developed originally as a debate between two great scholars, and the modern law of the sea, as the 300–year old law was then called. It was established by the brilliant Dutch jurist, Grotius, who in essence said the high seas belong to everybody. Everybody has the right of passage to and fro. The national, territorial sea is limited and it is a three–mile sea, no more.

This was itself an heretical doctrine because it overthrew an earlier doctrine established by Spanish and Portuguese jurists and ratified by a pope with a decree in 1494 that appropriated the oceans and divided them between Spain and Portugal. Grotius overthrew this. He was resisted by some sceptical people, including the great English jurist, Selden, but his views prevail largely because they made sense in the world community as it was developing, particularly in the aftermath of the Thirty Years War. But even before the signs were apparent. When he was writing, it was quite clear that the modern state founded on the rules of commerce must have freedom of access to and fro on the seas.

Those were the theories that he presented. Since they corresponded to the needs of the world community they were widely accepted and became the general rules, subject only to very minor exceptions for some special Scandinavian rules and the like and some exceptions that were made by special bilateral treaties very recently. In fact the changes are largely in response to illegal Canadian activities, treaties governing rum running and detention of vessels outside the three–mile territorial sea of the United States. These were directed against Canadian smugglers in the 1920s and were basically British–U.S. treaties.

● (1615)

What this act does, and I think it is its primary purpose, is to give a compendium, give a résumé of the elements in the modern Canadian position of the law of the sea. Our law reflects international law. It is a rule of international law that the general customary rules of international law are part of the common law of Canada. To be operative, treaties as such must be incorporated into our law by legislation. The conventions in the law of the sea to date, until the most recent one, are directly parts of Canadian law.

This particular act is not directed to the 1982 convention, the so–called third United Nations law of the sea convention, but it achieves essentially the same thing because it recites all those additions to the international law that have become part of Canadian law by various Canadian actions.

I should add here that a treaty, even though unratified by a country, may, according to the best jurisprudence of the International Court of Justice, become binding upon a non–signatory, non–ratifying country simply because it is evidence of a general rule of international law binding on all states. This flows from a celebrated dictum of the late president of the world court, Judge Lachs, and it is now generally accepted.

If we look at this legislation we do get for the first time a complete and comprehensive recitation of the segments of the Canadian law of the sea: the territorial sea of course, but the extension of the territorial sea from three marine miles to twelve; a ruling on the contiguous zone, which is itself an extension into general treaty law and then into general customary law of those special American treaties that were designed to cover the rum runners, the smugglers, and not much more. The contiguous zone goes well beyond that today.

Something that was a revolutionary doctrine when it was proclaimed by President Truman for the first time in 1945 is the international law of the continental shelf. President Truman asserted that claim on behalf of the United States defence policy. It was designed, as he said, and there was some evidence for that, to establish a legal basis for early warning systems and the like outside the three–mile territorial sea. But there was also very clearly an economic motive: the development of submarine oil deposits and other mineral resources outside the three–mile limit. So that is the continental shelf.

Then we join forces with another interesting segment to which Canada has very specifically contributed, the establishment of fishing zones. These were originally unilateral assertions by several Latin American states with a poor economy but rich seas in terms of marine fish resources: the unilateral extension to 200 miles of their jurisdiction and enforced against ships owned by Greek shipowners but registered under flags of convenience. It was a heretical doctrine when first asserted, but its reasonableness in a world of diminishing resources was fully recognized and other states adopted this. Canada was one of the leaders in that, first by unilateral act and then by a series of bilateral treaties with other countries.

A further and more interesting doctrine is this doctrine of the exclusive economic zone, which now goes 200 miles from our coast. It has been said by the international court that with a slightly different development the exclusive economic zone might have become unnecessary, that the doctrine of the continental shelf could have been capable of further generic extension. But we face the reality today that the international law has developed in separate steps, not necessarily overlapping.

What we have in this bill for the first time is a comprehensive presentation of the Canadian law, the Canadian recognition and application of the international law of the sea in the different ways in which we have done it. It is a bit more comprehensive than the 1982 international treaty. It covers more matters. These are matters that I would say Canada has pioneered.

• (1620)

I go back here to the great dean of the University of British Columbia law school, George Curtis, who was very active in the two great international conferences in 1958 and 1960 that gave rise to the first great international conventions post–war on this subject. I would also add the distinguished Vancouver and Victoria scholar and long–time legal adviser to the Canadian foreign ministry, Alan Beesley, Ambassador Tommy Koh of Singapore and Judge Aguilar Mawdsley of Venezuela who is now a judge of the world court. It can be said that they developed the modern law of the sea.

Here we discover something that is distinctively Canadian and of which we can be very proud, because it draws together certain imperatives of Canadian society that are widely recognized, perhaps more than ever in western Canada and on the west coast. That is to say that we view the resources of the sea as something to be protected, and it is not a rule of international law and it should not be the case that people can do anything they like as long it is not specifically prohibited in some act that someone can cite. What is being said here, which was the Canadian position in the extended meetings leading up to the 1982 convention, is that there is today an imperative of conservation, that in a world of diminishing natural resources the common heritage of humankind consists of these natural resources and every state has a duty to investigate, to monitor their utilization and to protect them.

In its basic conception this is a modest law, but it does comprehensively state what is the Canadian position on the international law of the sea as applied in Canada. It also goes beyond that and carries forward the thrust of the Canadian interest in conservation, which we have pioneered and successfully demonstrated to other countries.

I have a certain interest in this. In recent months I attended, at the invitation of the UN Secretary–General, his conference on the future of international law. It was at the height of the so–called turbot war which involved our country in a dispute with two other countries. It was a matter of great interest to be greeted by the ambassadors of a number of European countries and to be requested to pass on congratulations to our government for taking a position in terms of conservation of the world's diminishing resources. These people said very frankly: ''We cannot be quoted on this. Our government, for reasons of regional solidarity, may take a different position, but something had to be done.''

I suppose this really directs attention to the international law–making process. Most of the international law of the sea has been made by unilateral acts of countries. Somebody asserted the principle. Sir Francis Drake and others were the first to challenge, on behalf of Queen Elizabeth I, the Portuguese and Spanish claims to hegemony over the oceans and the appendant lands at the end of the 16th century. However, in terms of the contemporary law of the sea, it is worth reflecting that almost all the customary law results from unilateral acts, which by their reasonableness and the perception that they accord with the trends of history have been considered to be right and proper for the world community.

I think in that respect our actions in the turbot war were right and in conformity with international law. In the House I made that suggestion at the time.

• (1625)

This particular legislation does carry forward the imperative, which has always been part of Canadian post–war thinking and is to be found in the great diplomatic conferences in which we played such a leading part and which were carried on by governments of different political complexions at times but with the same general outlook. While it is true that the international law of the sea has moved from this law of movement, open to everybody, no rulings on property, to a narrower concept of national appropriation of economic resources, those new imperatives resulted from the clear fact that many countries were poor and had no resources and reached out to the fishery and mining resources and the like. Notwithstanding this change, a new drive or a new imperative has been received in international law thinking, and that is the obligation of conservation of scarce natural resources.

If we look at this legislation we will see that it is a modest law. It is perhaps too long. It is true that civil servants in Canada and elsewhere draft laws that are longer and more complex than they need be, but the great truths are there. It is a compendium of the law. We have caught up in our national law with the emerging international law of the sea. In our presentation of that law we are more comprehensive than the most recent 1982 treaty that is at the point of being ratified by Canada.

Also in our law we are providing this obligation of setting up the duty to monitor, supervise and essentially act like a good citizen. In that we fulfil what civil law countries know in their law as the ''droit du bon voisinage'', the law of good neighbourliness. The common law is less developed than the civil law, and international law has borrowed largely from the civil law principles. It is in that respect that the law is a very good law and is worth commending to the House.

Do not worry about questions of effects on federal–provincial constitutional powers. This law could not change them. They are sufficiently regulated by the Constitution and by the jurisprudence on it. On careful re–reading after hearing some members' questions on that, it is not my conclusion that the law in any way attempts to change that. Look to its larger purpose and accept the fact also that it carries forward the case we successfully made a year ago in the so–called turbot war.

Incidentally, there has never been any doubt in international law that a country's jurisdiction, including its criminal jurisdiction, extends beyond national territory, including national territorial waters. It is a clear principle that acts outside one's territory that impinge on or have effects within the territory are subject to national criminal jurisdiction. In fact, such jurisdiction has been asserted by English courts successfully since the 17th century and is part of the jurisprudence of most countries today.

Therefore, it is my pleasure to commend Bill C–98 to this House as a codification and a progressive development of international law in the best traditions of those Canadian civil servants, politically neutral as they were, who did so much to establish the great international acts I have referred to in my discourse.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Madam Speaker, it is a pleasure to speak today on Bill C–98 and in particular the amendment we have called for. The amendment is to put down this bill and refer the contents of it back to the committee. The reason is this bill once again shows that this government is just doing window dressing on a number of serious issues.

I am going to speak to Bill C–98, an act respecting the oceans. It would be a very welcome bill to help ratify the UN Convention on the Law of the Sea if it were something more than just window dressing.

• (1630)

I will explain what we agree and disagree with in the bill and provide some constructive solutions that we humbly submit the government should pay heed to.

We agree and commend the government in its effort to cost cut by streamlining the coast guard and by enacting the partnership programs which will save the taxpayer money, something we would all welcome. We agree with the intent of the oceans management strategy to co–ordinate the oceans strategy across provincial and federal governments.

However do we need to create another level of bureaucracy to fulfil the oceans management strategy? Should this not be the responsibility of DFO? Why not convene representatives from the provinces and the federal government to develop a concerted strategy that DFO would monitor? Why do we need to create another level of bureaucracy to do it? Why do we need to create another group of people to watch people who watch other people, who watch people watching people do some work? This is ''Yes, Minister'' at its worst.

An hon. member: It is a make work project.

Mr. Martin (Esquimalt—Juan de Fuca): That is right. The minister truly believes that he is as interested in sustainable development as we all are, but from what I have heard in the House on the issue the facts bear that this is nonsense.

I will tell the House what has been happening on both coasts, in particular the west coast where we are trying to avert the disaster that occurred on the east coast. I have repeatedly warned the minister of the devastating poaching that is taking place on the west coast. We have seen very little being done about it. The proof is in the pudding. All we need to do is look at the catchments that have come back this year in so many different fish species to see the devastation that has been wracked on our west coast fish species. There is a lot of poaching going on. I will give some examples.

In Mill Bay in my riding there was a three–day salmon derby which 300 fishermen attended and caught seven salmon. On Hornby Island just a couple of months ago there was another salmon derby. The third prize winning fish was a dogfish because nobody caught any salmon. That is what is happening in the west coast salmon fishery.

It is affecting groundfish and other species. One could not catch a ling cod if one's life depended on it. Shellfish are being decimated. The abalone fishery was closed in 1989 on the west coast. Yet there is widespread poaching of abalone all over the west coast. Just recently the ex–head of the Vancouver aquarium said that a large population of Asian individuals are pillaging the shellfish off Stanley Park.

I invite the minister and the parliamentary secretary to come to Vancouver Island to see the decimation of the shellfish stocks. A number of Vietnamese individuals on Vancouver Island have been pillaging shellfish all over the island. DFO has been unable to deal with the problem. It is a huge problem as our shellfish stocks are being significantly affected. Furthermore the poachers are taking shellfish out of polluted areas.

Seiners are vacuuming the ocean off Vancouver Island. Since 1957 when the seiners first started catching salmon there has been a reproduceable inverse relationship between the intensity of seine fishing, the numbers of spawners that are coming back and the catchment by sports fishermen.

Just a couple of years ago there was a revenge seine fishery to penalize the Americans, yet we decimated our own fish stocks. That is not sustainable management, but that was the decision made by the ministry.

All salmon species are being decimated. All one has to do is go up the Fraser River to see what is happening. There are nets strung from one end to the other. Aboriginal people are stringing nets across the river and are pillaging and raping the fish stocks. The ministry knows that. It should be coming down on individuals who are hiding behind the aboriginal fish strategy to poach fish. They have been unwilling to do that because it is politically incorrect. I strongly advise the ministry that for all people, aboriginal and non–aboriginal people, it should have one com-

mercial fishing strategy. It should enforce the laws for all people regardless of who they are.

• (1635)

Fish know no bounds. They do not care who is pillaging them, but there are individuals hiding behind their ethnic origins who are doing it, and because it is not politically expedient the DFO is unable and unwilling to deal with it.

I do not blame the officers because they are hamstrung by mid–level bureaucrats that are hamstringing the minister. Part of the problem is in the bureaucracy. When DFO was reorganized it transferred decision making from hardworking DFO officers in the field to mid–level bureaucrats in Ottawa and Vancouver. The number of DFO officers went down.

The result is that decisions are made a distance away from where the actual poaching is taking place. What we see are decisions that do not actually affect the problems in the fisheries. It has also contributed to the decimation of fish stocks on the west coast.

I actually commend the ministry for increasing the numbers of fisheries officers somewhat, but I bring to its attention that it has also increased the bureaucracy. I give the example of what happened in my riding in Sooke where they closed the only fisheries office and increased the bureaucracy in Victoria.

The result has been greatly increased pressure from poachers within Vancouver Island and poachers coming across the Strait of Juan de Fuca from America. They know full well they cannot fish in their own waters because of the decimation of the stocks. Therefore they come to good old Canada and decimate our stocks. They know they will not be penalized because fisheries officers are unprepared to deal with them.

I bring to the attention of the ministry that the morale of DFO officers is at an all time low because mid–level bureaucrats have hamstrung them. They have made it unable for them to do their job or to acquire the means to do their job. The ministry needs to investigate the loss of morale. It is losing a lot of good people who have historically done a great job in fisheries.

Another aspect is that groundfish are being decimated. We find that trollers are decimating the reefs all over the west coast in an effort to extract whatever fish are there. These delicate reefs are being smashed to pieces.

We need one commercial fishing strategy. We also need to decrease the number of nets in the water. There are simply too many nets right now to make the extraction of species sustainable. We also need to decrease seiner activity and have a release program for adult Chinook salmon, which is possible if the weather is co–operative.

We should try to preserve sports fishing capability, the reason being that sports fishing injects on a per fish basis much more than the commercial fishery, about $37 per fish.

We should enforce the law we have right now. I implore the ministry to enforce the laws we have. It has not been doing it. The poachers are aware of it and taking full advantage of the situation.

There should be commercial fishing strategy for all people. We should not allow poachers to hide behind the aboriginal fishing strategy for their own personal financial gain, at the expense of all honest fishermen from all walks of life.

We need to push for an extension of our jurisdiction beyond our 200–mile zone. There is a doughnut in the Pacific Ocean where immature salmon go to fatten up. International poachers are pillaging that doughnut of fish which normally come back to us. The issue was investigated years ago. For a number of reasons the investigation was quashed internally. We need to try to enforce through international agreement the preservation of that area so we can ensure that a reasonable number of fish will come back to us.

• (1640)

We also have to deal with the dumping of toxins that is occurring not only in our country but in others because they wind up in our ecosystem. I remind everyone of who is at the pinnacle of that ecosystem. The number one predator is man. This is what happens. Toxins are accumulated in an individual. The higher up one is in the predatory system, the more the toxins become concentrated and the greater chance they have of becoming carcinogenic and teratogenic.

I strongly advise the minister to work with science research and development in the Department of the Environment rather than have the department work in isolation. There are many very talented and skilled scientists in the Ministry of the Environment who are doing a lot of incredible work on the issue of sustainable development with respect to the oceans. I suggest they tap into that resource for the benefit of the fishery.

I also suggest co–operative effort between other ministries and a leadership role for DFO. I know it can play this role because it has many very talented people. We are looking for somebody to take a leadership role among the ministries and we have it within our capabilities.

The minister claims, as I have said before, that he is very much in favour of sustainable management of our resources. Yet in British Columbia he is closing down hatcheries left, right and centre. They closed the hatchery down in Sooke. If we did not have those hatcheries we would not have a fishery. That is the cold hard reality. If we do not have them the number of spawners coming back are negligible.

I propose the Minister of Fisheries and Oceans should start up a sustainable hatchery in my riding near Sooke. The start–up costs are $1 million with a quarter million dollars per year. It could be self–financing in four years. I ask him to look at the proposal. It could inject over $90 million into Vancouver Island. Furthermore it would be self–financing. We just need some co–operation from the ministry to do it.

I would also like to look at the area of aquaculture. We were a leader in aquaculture a few years ago. However, because of mismanagement and a lack of support from governments, Chile has now taken over from us in the aquaculture industry. We as a country can play a leadership role internationally in aquaculture.

Some very good work is being done in a vet college on Prince Edward Island and at the University of Prince Edward Island on research in aquaculture that could enable Canada to garner a niche in aquaculture and become a leader in the area. The economic spinoff benefits for the west coast would be huge.

I hope the Minister of Fisheries and Oceans will look into the matter and work in co–operation with the University of Prince Edward Island, and other universities that are similarly doing other exciting work, for the benefit of the people of the area and for the benefit of the resource.

The minister also claimed that he was interested in looking at protecting spawning sites. I completely agree. Yet we do not have adequate data on the spawning sites as they exist. We need to acquire them.

There is another aspect. There are other fisheries involving sea cucumbers, sea urchins and geoducks for which there is an open fishery. That would be absolutely fine except for the fact that we have absolutely no idea what stocks there are in these areas. We need to establish what the stocks are before we move ahead and cull a sustainable number of these species, to maintain a sustainable resource in these other shellfish species for the future.

Bill C–98 has a lot of good intentions. Unfortunately it falls far short of what it was meant to be. I hope the ministry can ask for the opinions of people in the areas that are being affected by the fishery. I hope and pray we will not have an east coast disaster on the west coast. As we stand here now, poaching is widespread through virtually every species we can imagine. The only people who are going to be hurt are future Canadians.

• (1645)

I implore the minister once again to enforce the law for all people regardless of who they happen to be. It is not politically incorrect to enforce the law because the people who are poaching are of an immigrant population or are aboriginal people. It does not serve those people within those groups or any other group who are honest individuals within the industry and are working within the legal framework of that industry to have any group of people within their population poaching the fish and other fish species.

We need a sustainable fishery in this country. We can have a sustainable fishery in this country but we can only have it if the Department of Fisheries and Oceans shows the leadership it is obligated to show. I and my colleagues in the Reform Party would be more than happy to help the government to work toward that end. It just takes the political will, strength and courage to do that.

Mr. Harbance Singh Dhaliwal (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.): Madam Speaker, I listened to the hon. member and I would like to commend him on some interesting ideas he has put forward. I took notes on many of his concerns.

He spent some time on ensuring that enforcement and law and order is very important. The Reform Party often puts forward that if there are people illegally fishing or poaching we should take action. He would know that the Reform member for Delta was charged with illegally fishing and that whenever anyone does not abide by the law they will be charged as the member was under the DFO act.

The member also talked about enforcement. He knows that one of the things we have accomplished this year is we were able to get an increase in the budget for enforcement. This is not an easy thing to do these days when there are tremendous budget cuts. As the Reform Party often brings forward we should be cutting the deficit and cutting our costs but this is one area where people such as the hon. member and others have told us that we need more enforcement. Therefore more enforcement has been added on the west coast. It is the one area where there has been a budget increase.

The hon. member talked about the sports fishery. He knows that the sports fishery is very important from a tourism point of view in developing that whole industry. Would he and his party designate the chinook and coho as an exclusive sports fishery? I am interested to know his view on that topic and what his position would be.

I also would like to hear his view on our new aquaculture strategy. I wonder whether he feels that is the right direction and whether he agrees with our new aquaculture strategy which was just brought in by the minister. We think aquaculture is very important. I would appreciate it if the hon. member could respond to those questions.

Mr. Martin (Esquimalt—Juan de Fuca): Madam Speaker, my colleague did indeed put his nets into the water. Quite bluntly, the reason he put his nets into the water was to show that the law was not being enforced equally between aboriginals and non–aboriginals. I cannot comment on a situation that is going to be before the courts but the motivation was frustration. The

facts are that the laws are not and were not being applied equally to both aboriginals and non–aboriginals.

I just draw from a safety point of view the poaching I mentioned earlier along the Fraser River where aboriginal people were extending their nets right across the river and taking as much as they could possibly take. This was done in front of DFO officers. The DFO officers would not go in there because they were afraid of being shot and killed. I do not blame them but that is the reality under which we live.

• (1650)

I would like to also ask if the taxes that are going to be applied to catchment also apply to aboriginal and non–aboriginal commercial fishermen. Do they also apply to commercial fishermen under the AFS? At some time in the future I would like to know the answer to that.

The hon. member asked me about the chinook and coho fisheries. We know the numbers of both are declining quite dramatically and I would put the ball back in his court. Our first concern is to ensure we have adequate chinook and coho coming back into our waters as spawners. That is not happening right now. If we enable the hatcheries to occur, such as the one I mentioned which can be sustainable, then in time when we get a sufficient number of chinook and coho back, yes we could have a commercial fishery in that.

The overriding concern we must have is to ensure that our chinook and coho and every other species are going to have sufficient sustainable numbers in our waters so that this resource can be increased over time. When it gets to a level that is considered to be sustainable, I am sure the ministry will have enough data to show how many fish can be taken off in a sustainable fashion in a commercial way.

The aquaculture suggestions I mentioned to the hon. member are suggestions I have not seen put forth in any area by the ministry. If it is there, I would certainly like to be made aware of it. To my knowledge and from what I have seen, there is no record of the other constructive ideas I have put forth to the hon. member with respect to maximizing our aquaculture capabilities within Canada.

As I said before, I have no doubt that Canada can be a world leader in aquaculture because we have superb research taking place now. There is no reason that not only can we do this domestically but there are also enormous international trade possibilities in aquaculture existing around the world. In the future with our resources being decimated, we are going to need new sources of protein to feed the burgeoning populations in this world. Aquaculture could provide a large part of that protein. There are great opportunities for Canada. I am sure the hon. member will pass that information back to the minister so he can act on it forthwith.

Ms. Roseanne Skoke (Central Nova, Lib.): Madam Speaker, I rise today to speak to Bill C–98, an act respecting the oceans of Canada, at second reading and to address the amendment before this honourable House.

It is a privilege to support Bill C–98 in principle and to support its objectives and its implementation. The people of Central Nova applaud the due diligence and leadership role the Minister of Fisheries and Oceans has played in our country since assuming his responsibilities as Minister of Fisheries and Oceans.

Thanks to the Minister of Fisheries and Oceans, our Canadian people have a renewed hope, a new vision for our coastal communities: protection for our fisheries and oceans. Finally, we have a human face of compassion amidst our fisheries crisis in Canada.

On Tuesday the Minister of Fisheries and Oceans addressed this House on the oceans act and its importance to the maritime nation which is Canada. The vision of the Minister of Fisheries and Oceans is to make Canada a world leader in oceans and marine resource management through this legislation. He enunciated for us the mission which this government has set for itself, to manage Canada's oceans in close co–operation with others so that our oceans are clean, safe, productive and accessible.

In my riding of Central Nova there exists the north shore and the eastern shore of the Atlantic Ocean. My constituents applaud the vision of the Minister of Fisheries and Oceans which he boldly pronounced on November 15, 1994 in the document ''A Vision for Oceans Management''. This document is based on the recommendations of the National Advisory Board on Science and Technology Report on Oceans and Coasts. At that time the Minister of Fisheries and Oceans said: ''It has been long recognized for a long time that there is a need for one act to clearly assert Canada's sovereign rights and responsibilities over its oceans and territories''.

• (1655)

Our minister of fisheries pointed to the proprietary pride which Canadians have in their oceans: the Atlantic, the Pacific and the Arctic. These are fundamental to much of our existence, individually and as a nation. They have provided the means of transportation, trading, communications and subsistence from time immemorial. Generations have depended on our oceans for food, clothing and even medicine.

Canada with its three coasts has the longest coastline in the world and the second largest continental shelf spanning more than six and a half million kilometres. As the Minister of

Fisheries and Oceans pointed out in his vision document, Canada's oceans are equal to half of our territorial land mass and have been a key to our evolution culturally and economically. Fisheries, transportation and shipping, tourism and recreation, offshore oil and gas have all been beacons of hope and economic stability for numerous coastal communities along all three oceans.

In his 1994 vision paper the Minister of Fisheries and Oceans related as well the need to diversify our reliance on the maritime resources in light of the collapse of groundfish stocks along the east coast and in light of ever increasing stress being placed on the maritime habitat by our society. Critical habitat destruction, foreign and domestic overfishing, as well as marine and atmospheric pollution were all cause for concern.

This government recognized that a new oceans management regime was needed, one based on an ecological approach and on the development of an integrated management system for all activities affecting oceans and coastal waters. The time had come. The wake–up alarm had sounded for all Canadians to turn away from the band–aid measures of short term need to a policy which would result in the sustainable use of resources and environmental protection.

Through the Minister of Fisheries and Oceans the Government of Canada identified several key objectives of any new legal instrument:

First, to preserve and protect the oceans' environment, the ecosystems and resources they contain. Second, to establish a framework and guidelines to manage the oceans' resources, both renewable and non–renewable, on an economically sustainable and environmentally acceptable basis. Third, to enhance, focus, co–ordinate and disseminate Canada's scientific, environmental and management information relating to oceans and their resources. Fourth, to assert and enforce Canada's sovereign rights and responsibilities over its ocean resources and areas. Fifth, to establish the legal framework to support the implementation of this oceans management strategy. Sixth, to establish a clearly identifiable lead federal agency accountable for oceans management.

As the minister suggested, this should best be initiated by the development and passage of Canada's oceans act. As the minister pointed out to the House, Canada's oceans policy at present is like a big jigsaw puzzle, the pieces all scattered in front of us waiting for us to fit them all together. It is not easy to visualize the entire picture without seeing the box which the puzzle came in and its cover illustration. However, a great deal of work has gone into visualizing what the whole picture must be and determining a logical pattern for the pieces to be placed together, pieces as diverse as deep ocean research and cold ocean rescues, inspection and protection, emergency responses and sustainability, conservation and commercialization, navigational safety and national security, national goals and regional initiatives, restoration of our marine resources, and job creation.

We all know that it will take many minds to finish the puzzle in time for all Canadians to enjoy the results of the effort. From the outset this has not been the vision of one person or one group of persons imposed upon the rest of us. The Minister of Fisheries and Oceans has signalled clearly his openness toward full participation in the process so that all sides of the House, all stakeholders, all organizations, disciplines and sectors of society having an interest in our oceans can contribute.

• (1700)

Consultation has been a hallmark of the government in the carrying out of its responsibilities but the minister has sought more; namely, a partnership for a successful conclusion to this challenge; this beckoning to us from the future generations of Canada.

Through this legislation, Canada will be bringing into its own domestic law provisions for 200 nautical miles from its low water line to which it is already entitled as part of the modern international community.

Canada is taking on its rights and responsibilities as a member of the global community, a community with a growing realization that our actions are all interdependent, whether at the most local community level or at the level of global interaction and co–operation for survival.

The oceans act makes it possible for the federal government to solicit and expand partnerships in the many enterprises involved in scientific research, maritime communications and safety, fisheries conservation, management enforcement, underwater exploration and seabed mining, the understanding and sustainable exploitation of marine plants, the maintenance of trading routes through block ice.

It makes us all working shareholders in the development of a flexible, workable and ecologically sound ocean strategy for today and for the future, one well in keeping with Canada's motto, from sea to sea to sea.

This is a vision of Canada as being much more than the Rockies, the Laurentian Shield and great plains between them, of great cities lining up at our southern borders; it is also a view of myriad port cities and coastal communities, of diverse marine activities extending economic and social benefit to future generations brought to us by the rolling swells and rippled waves of blue beginnings at the edges of our land maps.

The oceans act is a vision of the Minister of Fisheries and Oceans and of the Government of Canada. However, it is more than that: in its ink and paper, in the millions of electronic impulses and images which have gone into its preparation and discussion and communication from this very Chamber, it represents the aspirations of millions of Canadians.

It is a declaration by a maritime nation that it will continue to shoulder the challenges of the present but that it welcomes the support of all concerned as it navigates into the future.

A special thank you to the Minister of Fisheries and Oceans from all Canadians for Bill C–98 and for recognizing the importance of the maritime nation which is Canada.

Mr. Francis G. LeBlanc (Cape Breton Highlands—Canso, Lib.): Madam Speaker, I am pleased to rise in support of the oceans act and, in so doing, to pay tribute to its author, the Minister of Fisheries and Oceans. In the short time he has occupied that post he has shown exemplary leadership by leading our country through one of the worst crisis in the Atlantic fishery and turning that difficult situation on the Atlantic coast, and as well in other respects on the Pacific coast, into an opportunity for Canada to assert its pride as a nation internationally and its sense of leadership on behalf of the world's oceans.

The oceans act which was tabled on Tuesday and which the minister addressed on Tuesday is, as he has pointed out, legislation that constitutes one element, but a major element, in the overall strategy of the Department of Fisheries and Oceans to intensify its effort toward the oceans and will be complemented by a number of other policies and activities in the months ahead.

The objectives of the oceans act are to recognize in domestic law Canada's jurisdiction over its ocean areas and their resources, to provide the legislative framework for a new oceans management regime and to regroup key federal ocean related statutes under the oceans act.

The legislation consists of three parts, each of which contains the regulatory enforcement and operational authorities required for its implementation.

• (1705)

Part I is Canada's maritime zones. This part defines Canada's maritime zones by incorporating provisions of the Territorial Sea and Fishing Zones Act. It declares Canada's rights and jurisdiction over the contiguous zone and the exclusive economic zone and it defines the minimum limits of Canada's continental shelf as provided for by the United Nations Convention on the Law of the Sea.

Let me point out that the declaration of the contiguous zone and of an exclusive economic zone is in full agreement with international practice. The limitation of Canada's maritime zones also outlines the area over which Canada will now apply its new oceans management strategy.

In accordance with the government's efforts to consolidate key ocean legislation under the umbrella of the oceans act, provisions of the Territorial Sea and Fishing Zones Act and the Canadian Laws Offshore Applications Act are incorporated into the this bill. This legislation further emphasizes Canada's rights with respect to the continental shelf. Canada has rights to living organisms belonging to sedentary species on or in the shelf and jurisdiction over the exploration and the exploitation of minerals and non–living resources of the seabed and of the subsoil.

The declaration of Canadian jurisdiction over the territorial sea and the contiguous zone and the exclusive zone is crucial. Most Canadians may not know these technical terms, but many Canadians will have heard the phrases 12–mile zone and 200–mile zone. Canada's territorial sea extends from the coastline out 12 nautical miles. In the territorial sea Canada has full jurisdiction to ocean waters, to the seabed beneath these waters and the space above.

The contiguous zone will extend an additional 12 nautical miles from the outer edge of the territorial sea. In this zone Canada will have the power to enforce our criminal, fiscal, immigration, sanitary and customs laws.

The exclusive economic zones will encompass all of the ocean area out to 200 nautical miles from the coastal baseline. In this zone Canada will have jurisdiction for exploring and exploiting, conserving and managing the living and non–living resources of the waters, seabed and subsoil. Canada's jurisdiction in this zone will cover marine scientific research, protection and preservation of the marine environment and artificial islands, installations and structures.

Through this legislation Canada will establish major new rights over the ocean. In the councils of the world Canadians pushed hard to establish these rights. These new zones grant Canada powers that go well beyond the powers our country asserted in the past. The bill will put in place a clear definition of jurisdiction that is fully supported by global agreement.

The Minister of Fisheries and Oceans expressed this clearly on Tuesday in the House when he stated: ''The world backs Canada's jurisdiction over Canadian waters''.

This brings me to part II, oceans management strategy. This part commits us to the development of a new method by which we shall manage the oceans and their resources. It identifies the Minister of Fisheries and Oceans as the federal authority responsible for the co–ordination and facilitation of the development and implementation with stakeholders of an oceans management strategy. It provides the minister with the necessary statutory authority to do so. This part also authorizes the minister to create marine protected areas for the protection of the fishery resource.

Let me review the goals of the strategy outlined in the legislation. One goal is to integrate planning and management of activities within and among jurisdictions. Another is to reduce regulatory duplication and conflict. Still another is to increase the effectiveness of environmental protection measures and to

replace the existing sectoral approach to resource management in favour of a more comprehensive ecosystem–based approach.

The act thus provides the building blocks for integrated management and sustainable development of Canada's ocean resources. It outlines a new ecosystems approach to marine resource management. It provides a common focus for federal responsibilities and consolidates federal programs. It gives Canadians legislative tools with which to begin working on ocean management holistically, rather than sectorally.

• (1710)

We have long known the need for sustainable development of resources. This need was clearly put forward in the report of the 1987 World Commission on Environment and Development, better known as the Bruntland report after its chairman, Gro Harlem Bruntland, now Prime Minister of Norway.

Here is how the commission defined sustainable development: ''Activity in which the environment is fully incorporated into the economic decision–making process as a forethought, not an afterthought''. The report called for: ''Development that meets the needs of the present, without compromising the ability of the future generations to meet their own needs''. The government is acting on the commission's call.

Last year the National Advisory Board of Science and Technology called for an oceans act to address the needs of ocean frontier development for the present and the future. The advisory board called for Canada to develop a proactive oceans policy that plans for the future, rather than just responds to crisis.

In November 1994, the Minister of Fisheries and Oceans released a document setting out the potential elements of an ocean management vision for Canada. The government sought the advice of Canadians across the country. Certain themes recurred in that advice. The federal government has a leadership role to play in oceans policy. There should be one federal department taking the lead in developing a new strategy. People want to be involved locally in developing solutions to regional priorities. There is a need to sustain resources and to diversify.

Such was the advice we received. It came from provinces, municipalities, coastal residents, fishermen, business, labour, environmentalists and scientists. The bill before us sets out the elements of an oceans policy. But all Canadians must be involved in developing specific mechanisms, planning and management structures, as well as the guidelines and standards needed to bring about sustainable use of oceans and their resources.

The oceans management strategy envisaged by this legislation is broad in scope and flexible in implementation. It recognizes the consensus building that is needed for a cohesive and coherent oceans policy for our country.

Again, let me quote the Minister of Fisheries and Oceans from his address to the House on Tuesday: ''The bill identifies federal leadership and commitment to a comprehensive approach to oceans management. The bill seeks to address regulatory duplication, conflict and inadequacies that result in inefficiencies, failure to protect the environment and impediments to development and this bill is founded on the principle that long term solutions require long term co–operation''.

The oceans act will give the Minister of Fisheries and Oceans, on behalf of the Government of Canada, legal authority to draw together all of Canada's ocean stakeholders, to develop a strategy based on the sustainable development and integrated management of activities and resources in estuarine, coastal and marine waters.

The act provides the authority to develop the actual mechanisms to implement the new strategy. It gives the Minister of Fisheries and Oceans the ability to enter into new partnership agreements in order to ensure that the ocean management strategy meets regional needs and fulfils regional aspirations.

Part III deals with the powers, duties and functions of the minister. This part provides for consolidation and clarification of federal responsibilities for managing Canada's oceans. It reflects the enhanced mandate of the Department of Fisheries and Oceans and it provides statutory authority for Canadian Coast Guard functions transferred to the Minister of Fisheries and Oceans. Those functions include provision of services for the safe, economical and efficient movement of ships in Canadian waters; the marine component of the federal search and rescue program; pleasure craft safety and marine pollution prevention and response, as well as ships, aircraft and other marine services in support of other federal programs, boards and agencies.

• (1715)

Oceans related provisions previously contained in other legislation have been incorporated into this section of the act. Most notable is the authority of the Department of Fisheries and Oceans to conduct hydrographic, oceanographic and marine scientific surveys, to conduct research and to publish various products.

As the Minister of Fisheries and Oceans observed at the last debate on the oceans act, with this legislation we are coming to the successful conclusion of a long and dramatic chapter in Canada's maritime history. With this legislation we are coming to the beginning of a new and even more vital chapter in that history.

The Canada oceans act will give our country and exclusive economic zone covering almost 5 million square kilometres of the Atlantic, Pacific and Arctic Oceans. With the passage of this

act Canada will effectively increase by one–half as our jurisdiction will encompass both the land mass and the oceans.

As the Minister of Fisheries and Oceans said, the Canada oceans act does expand our notion of Canada as a country. The oceans management strategy increases the priority we place as a society on wise development of our waters. It signals that Canada and Canadians are prepared to act in making the most of our ocean assets, opportunities and obligations.

The fisheries and oceans minister has aptly described the Canada oceans act as the last step forward toward formal jurisdiction over Canada's ocean territory. However, the act is also the first step toward recognizing the extraordinary importance and potential of this vast territory.

In legislative terms the bill establishes jurisdiction over Canada's ocean area and ocean resources. It establishes the primary rules and provides the tools to help support Canada's new oceans management regime. It consolidates and clarifies federal responsibilities for managing Canada's oceans.

In real life terms the bill marks a transition in Canadians' relationship with our oceans. It marks an acceptance of reciprocal obligation; as the oceans benefit us, so we are agreeing to act to benefit the oceans.

The oceans act signals a renewal of Canada's leadership in oceans management. With this act we are asserting Canada's role as a world leader. Sustainable development is a goal to which all nations must be committed, not only of the fisheries resource but of all ocean resources.

There may be seven seas but there is only one ocean. The oceans make up one single global organism connected by great currents flowing from hemisphere to hemisphere. Oceans play a vital role in regulating our climate. Oceans also play a key role in the water cycle, the chemistry of the atmosphere and the making of climate and weather. Oceans also supply us not only with food but also energy, minerals and medicines.

With the oceans act Canada will be in an even stronger position to show the world the way of conserving ocean resources. As the member for the Cape Breton Highlands—Canso, a constituency which depends greatly on the oceans near its coasts, be it for fishing or as a vital link in eastern Canada for ocean protection, for conservation and for environmental response through the Strait of Canso, I am very pleased to greet this Canada oceans act and the co–ordination and consolidation that it represents in Canada's oceans policy.

I am pleased also to support the government in bringing this legislation forward as well as the initiatives which will flow from this initiative in expanding Canada's sense of responsibility over the oceans and also in continuing the leadership which our Minister of Fisheries and Oceans has demonstrated to the great pride of all Canadians in taking the lead in the world in managing our ocean environment.

• (1720)

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Madam Speaker, I listened with interest for the last several hours to the debate with regard to this bill.

I find something very disturbing as I look through it. I have been very involved in Bill C–68, the gun control bill. Now I look at Bill C–98 and at many other bills before the House and there is a trend that disturbs me very much, a trend toward centralizing power in Ottawa, the big bubble, the place that seems to lose touch with the concerns of grassroots Canadians, the concerns that people have out there trying to make a living, trying to find a livelihood they can depend on. This bill does not address that. In some instances it makes it even more difficult. Let me explain.

A bloated bureaucracy is being developed. There is the minister centralizing power within his office. It is a very top heavy administration, just like in agriculture, an area I am very familiar with. A study was done. In agriculture we have approximately 1 bureaucrat for every 5.8 farmers.

If we look at the fishing industry, how many bureaucrats does it take for the fishermen to fish, to do their work? We have through this bill even more of this type of bureaucracy developing.

I listened to what was said, things like we need to co–ordinate, we need to do all these wonderful things. Are they just euphemisms? Are those code words for more bloated bureaucracy?

I look at other things in the bill. The governments says it will need fees to cut back on the deficits in this area. This is just another word for taxes these fishermen will have to pay.

It was an eye opener for me to go to New Brunswick a couple of weeks ago, to the southwestern part of the province, and talk with the fishermen who are being squeezed out of the fishery by the regulations the government is putting in place, by the taxes in the form of fees which are driving these fishermen out of work. I find that unacceptable. The bill makes that even more possible. We have to start addressing the real concerns of real people out there.

Is it the intention of the government to give big corporations more power to fish? If we talk to the people out there they will tell us about the draggers, the big chains destroying the environment. I hear the member speaking about how the government will protect the environment and protect all of these things. That is not happening. That is not the reality of what is happening.

These people are allowed to fish and the handliners are being restricted. They are not being allowed to fish. It does not make sense that we allow these huge boats that carry these big chains or drag these big nets to fish every day of the week but the handliners are being restricted to one or two days and sometimes not even that.

We have a real problem and the bill does not address that problem. The government is out of touch with reality. It is becoming obvious to Atlantic Canadians that big central government, just like it has become obvious to the Bloc and the people of Quebec and the people of western Canada, is attempting to centralize power and this big central government grabbing this power is not the answer to the needs of people out there. That is a big problem.

What about allowing more fishermen a say in their industry? Is there anything built into the bill, any structure, whereby they can have elected boards or make their bureaucrats and politicians more accountable? I do not see it. It is not there.

It sounds so good to have Ottawa co–ordinate all this stuff. I think it is just another euphemism, another excuse for more big government.

The bill also makes it possible for special interest groups to influence the minister and the bureaucrats to get their way. That is probably happening already at this time.

• (1725)

The government could have done things like extend the 200–mile limit to solve some of these problems, but they are not in here. The teeth for this I do not find in the bill.

In Canada there are over 6,000 department of fisheries officials managing 65,000 licences. It sounds just like the department of agriculture, a huge number of bureaucrats. The fishermen do not warrant such numbers.

The department operates with a budget that exceeds $750 million to administer it. Clearly there is room for a little cost cutting at the very top, and not simply increasing the fees of the fishermen. Perhaps the minister could lead by example and save a little money on his office furniture. That was a concern; maybe one less oak table could have helped one more fisherman in Atlantic Canada. It would say the minister and the department are not treating the fishermen with absolute disdain if there were some cutbacks made by him and by the department.

It is adamantly clear the Minister of Fisheries and Oceans is not committed to downsizing his bloated department. He would rather try to slip a new level of bureaucracy into his department under the guise of broad consultation rather than deal with the harsh realities of downsizing.

Has the minister not got the message? Canadians want less government. Everywhere I go they repeat government members should be listening but they are not. Canadians want less government.

What the Atlantic fishermen tell us in no uncertain terms is their distress over the licensing fees for Atlantic Canadian fishermen is a very serious matter. The Department of Fisheries and Oceans wants to collect $50 million in access fees from the fishermen who ply their trade in the waters off the coast of Atlantic Canada.

These fees are just taxes, as I have already explained. No matter how the Liberals dress them up they are simply more taxes. Fees are nothing new to the industry but it is irresponsible for the government and the minister to subject the fishermen of a region already devastated by mismanagement to further hardship.

These people are having a rough time. They cannot afford this. Talk to them when they have to increase their fees from less than $100 to four times that amount. Some of them will have to pay up to $16,000 if they want to fish in certain parts of the industry.

It is ridiculous that a government would expect them to come up with that kind of money. That is more than their net income in an entire year. This tax will only make things worse for the fishermen. It will be an unbearable burden on all fishermen from coast to coast, not just the people of New Brunswick, Nova Scotia, Newfoundland or P.E.I.

The tax increase will be enormous. The Department of Fisheries and Oceans collects about $13 million in licence fees and its goal is to increase this to $50 million, three to four times the present amount. That is totally unacceptable.

Any Atlantic Canadian MP who speaks up for the fishermen in his or her own riding knows well they may end up in political oblivion. The bureaucracy that has developed within the Liberal Party, within this Ottawa bubble, has made it so that the common people cannot even have their voice heard.

Another problem is that in the future any decisions made on the new fees will be through governor in council decrees without parliamentary scrutiny. We saw the same thing on gun control, Bill C–68.

The minister gives himself absolute power to make these regulations, to do these things behind closed doors. That is not acceptable in this day and age. We need to open things up. We need to give the fishermen a voice in what is happening in their own affairs.

What message does this send to Canadians on the accountability of government? Governments need to be more accountable and I do not see it happening in the bill. I wish I could go on. I appreciate the time I have had to represent the people of New Brunswick. I hope the government will listen.

[*Translation*]

The Acting Speaker (Mrs. Maheu): It being 5.30 p.m., the House will now proceed to the consideration of Private Members' Business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

IMMIGRATION ACT

The House resumed from May 29 consideration of the motion that Bill C–316, an act to amend the Immigration Act and the Transfer of Offenders Act, be read the second time and referred to a committee.

Ms. Val Meredith (Surrey—White Rock—South Langley, Ref.): Madam Speaker, it is a pleasure to speak on Bill C–316 today. I would like to take this opportunity to congratulate the hon. member for Cambridge for his efforts in this regard.

The intent of the bill is simple: non–citizens convicted of serious criminal offences in Canada should be deported. There is nothing earth–shattering in this idea. In fact, it is currently the law of the land.

Bill C–316 attempts to bring some certainty to the process by having the deportation incorporated into the offender's sentence. I can see why the hon. member for Cambridge found it necessary to try to bring some certainty to the process. It is not there now.

Many who have spoken in opposition to the bill, including the parliamentary secretary to the Minister of Citizenship and Immigration, have stated that what we have in place now is more than sufficient. The reality is that there are major deficiencies in our present legislation, even with Bill C–44. On occasion these deficiencies have outrageous and tragic consequences.

I would like to advise the House about a current case taking place in British Columbia. On September 23, 1993, Hector Lopez–Tello, a Guatemalan refugee claimant, was convicted of drug trafficking and ordered deported. He was allowed to remain in Canada while he appealed the deportation order. On April 28 of this year Francisco Castro, a refugee claimant from El Salvador, was also ordered deported after being convicted of drug trafficking. He was also allowed to remain in Canada while he appealed. On May 7 Lopez–Tello, Castro, and a third refugee claimant were arrested and charged with the second degree murder of 24–year–old Matthew McKay. The three murder suspects appear in court on October 16 of this year.

Meanwhile, McKay left behind a wife, a 16–month–old daughter, and a mother who wonders about Canada's justice system and immigration system. She should wonder. How does a man like Francisco Castro get to continue to walk the streets of Canada when, according to an IRB spokesperson, he had an extensive criminal record for trafficking in a narcotic?

We provide the man with refuge and instead of thanking us he involves himself in the drug trade. When he is ordered deported he takes advantage of the numerous appeals available to refugee claimants and walks the street a free man. Meanwhile, a young man is murdered and leaves behind a wife and child.

If ever the hon. member for Cambridge needed an example as to why his bill should succeed, this is it. If Lopez–Tello and Castro had been deported immediately after their drug trafficking convictions, maybe Matthew McKay would still be alive today.

Most Canadians think that we should be deporting these individuals. Less than a year ago I included the following question in one of my householders: Should immigrants or refugees convicted of serious offences be automatically deported? I received 2,829 responses to the survey, of which 2,744 people, or 97 per cent, said yes. Only 61 people, or 3 per cent, disagreed. That shows us the support that is out there for such legislation.

The Canadian people have traditionally been generous in welcoming new immigrants to this country. We welcome people from countries all over the world to come to Canada to start new lives. We welcome legitimate refugees fleeing war and oppression in their homelands. However, Canadians' hospitality does not extend to criminals. Those who enter Canada illegally, with criminal records, or those who commit serious criminal offences once they arrive in Canada should not expect an equally generous reception. Those with criminal records prior to their entry to Canada are inadmissible; thus, they should not even be in this country. However, those who commit serious criminal offences in Canada have violated the basic agreement of their welcome to Canada. In exchange for a safe haven or the opportunity to start a new life that Canada offers refugees or immigrants, we have every reason to expect these individuals to obey the laws of our land. If they do not, they have sent us a clear message that they are not prepared to live up to their end of the bargain. Why should we feel compelled to allow these individuals to remain in Canada when they are telling us that they are not going to play by our rules? The deportation of these individuals should be automatic—end of the argument.

• (1735)

This brings us back to Bill C–316. Many of those who have spoken before me have pointed out some of the technical flaws of the bill. Yes, there are problems, but nothing that cannot be corrected by amendments made at committee or report stage.

The intent of this bill is sound. It deserves the opportunity for further hearing.

It is important that this House send two important messages. The first message should be sent to immigrants or refugees intent on committing serious criminal offences: If you commit a serious crime, on top of the other penalty that you may receive, you will be deported. The second message needs to go to the Canadian people, and that is that this Parliament is intent on ridding Canada of foreign criminals. This is most important.

Although those immigrants and refugees who commit serious crimes are a very small minority, they receive all the headlines. Canadians become outraged when they see the difficulty we have in deporting these criminals. It ends up bringing the entire immigration and refugee program into disrepute. Thus, we have to show Canadians that we are prepared to get rid of these few individuals who adversely affect the reputations of all immigrants and refugees.

Passing Bill C–316 will demonstrate that we are prepared to deal with the issue and deal with it quickly. It deserves a full and comprehensive hearing. Those in favour of the bill and those opposed should have the opportunity to appear before the committee and present their views. From there the committee can make whatever amendments necessary to make this a workable piece of legislation. After all, if the government made over 80 amendments to Bill C–68 at report stage, and that was its own legislation, we should have no problem in amending this bill. Those who are convinced that the final product is not acceptable can still vote against it at third reading. However, it deserves the opportunity to pass second reading and go to the committee.

I urge all members of this House to consider the bill carefully and to give it their support at second reading.

Mr. Dennis J. Mills (Parliamentary Secretary to Minister of Industry, Lib.): Madam Speaker, before I get into the specifics of the bill I would like to take a minute to talk about my colleague, the member for Cambridge.

Many of you who sat in the previous Parliament or two Parliaments ago would remember that the member for Cambridge, Mr. Chris Speyer, Conservative member of Parliament, devoted most of his time to issues related to securing safety in the streets and law and order in this country. In fact he distinguished himself in this House working on such issues and later he was appointed to the Federal Court of Canada.

Our colleague, when he was elected in the last election, had a tremendous challenge in front of him, quite frankly, to fill those shoes. It is obvious that in less than two years he has already, on behalf of the community of Cambridge, filled those shoes and gone beyond. I think that today's bill is not only representative of the feelings and views a lot of his own community has, but it is also a representation of what I know most of the people in my community in downtown Toronto feel. It is a bill that my community would want supported.

I salute my colleague from Cambridge for a tremendous effort in bringing this private member's bill before the House.

It is great to see that the Reform Party members are getting behind this bill. It is very rare that a member can bring to the House of Commons a bill and achieve such all–party consensus. That is a great achievement for a member of Parliament in his first term.

• (1740)

Bill C–316 has a personal appeal to me because the parents and a lot of the relatives of Georgina Leimonis lived in my riding. In my downtown Toronto riding there are more members of the Greek community than any other community outside of Athens. Our community was deeply disturbed by the tragic death of Georgina. This is a very specific example of why this bill must be passed, must go to committee, must be properly amended and made the law of the land.

Bill C–316 enables the court, in addition to any other sentence, to order the removal of a non–citizen convicted of an offence punishable by 10 or more years. It accelerates the deportation process and would save Canadian taxpayers money, because two separate hearings, immigration and sentencing, would not be needed. This bill does not apply to anyone who arrived in Canada prior to 16 years of age.

Today in our correctional service system, our prisons, there are non–citizens who are using this defect in our current law, and it is costing the taxpayers of Canada close to $50 million a year. Conceivably, for the same group who are in our prisons today, that same group, without any increase, over the term of a government we would be talking $250 million.

When the fiscal framework of this country is in such tough condition and we are all trying to the best of our ability to be frugal and to cut and eliminate waste and duplication, it seems to me that alongside the basic justice in the bill there is also an economic factor that has to be looked at.

If we did not support this bill it is not inconceivable that within two or three years it could cost the taxpayers of Canada $150 million a year to look after non–Canadians who have criminal offences as part of their record and who are abusing our laws. I believe this is another factor in the equation.

Another thing I believe we must understand is that the member for Cambridge did not just listen to his own community and members here; he went to other organizations. I want to quote specifically from a letter he received from Victims of Violence, the Canadian Centre for Missing Children: ''Mr. Peric's bill focuses on those immigrants who have committed serious criminal offences, sometimes violent. His bill distin-

guishes the criminals from the overwhelming majority of law–abiding immigrants. Those convicted of offences punishable by 10 years or more should be deported from Canada as quickly as possible. Victims of Violence would like to congratulate Mr. Peric on his efforts. On behalf of the Canadian public and the many crime victims we serve throughout Canada, we would like to thank him.''

CAVEAT has written a similar endorsement. The Canadian Police Association has written to support the bill of the member for Cambridge.

• (1745)

I urge all members to look into the bill. We have a unique opportunity to get behind it in committee. As the member for Surrey—White Rock—South Langley, the immigration critic for the Reform Party, stated earlier, the bill has some flaws that can be amended in committee. However the overall thrust or the overall approach is right. I urge all members of the House to get behind the member's bill.

Mr. Jay Hill (Prince George—Peace River, Ref.): Madam Speaker, it is a pleasure to speak this evening on Bill C–316. As has been pointed out by many hon. colleagues who have already spoken to the bill, there are a number of problems with it. However the private member bringing it forward did not have access to a battery of lawyers or experts in the departments of justice or immigration to point them out.

The role of private members is to bring good ideas for legislation forward. It is the role of the House and the committee to which it is assigned to improve it and make it workable. In this case I believe the member for Cambridge has focused the attention of the House on a problem Canadians want to see solved. It is now our job to ensure the bill makes it to committee where we will have the benefit of the expertise of departmental officials who have been studying the issue. I am sure the hon. member would agree to changes that maintain the spirit and intent of the bill while making it legally defensible.

Canadians want non–citizens who commit abhorrent crimes deported. It is our duty as their elected representatives to ensure the bill does not get buried in committee. We must send a clear message to other criminals who believe they are living in a land where there are relatively light consequences for breaking the law.

If we have the political will we can overcome any road blocks. By failing to act in an expeditious manner to treat the deportation of non–citizen criminals as a high priority, the government is not acting in the best interest of the safety of Canadians.

Canadians want to see criminals dealt with decisively. They will be much more willing to accept the fact that the vast majority of immigrants respect our laws if they see a government commitment to immediate deportation of those who break them.

I have heard Liberal colleagues across the way say that sentencing foreign criminals to deportation would be cruel and unusual punishment under the charter. Frankly, if they do not respect any of our other laws, they can exercise their charter rights somewhere else in the world.

The charter of rights has an implied charter of responsibilities. We already treat non–citizens differently by denying them the right to vote. We already deny convicted criminals the freedom of mobility. I do not think it is beyond the spirit or intent of the charter to deny non–citizens convicted of violent crimes or drug trafficking the right to remain in Canada.

In the meantime too many criminals are tying up our legal system and slipping out the side door while we bend over backward to apply the charter to protect their rights. The charter seems to be the only piece of legislation some criminals are aware of. Our charter is supposed to be a shield to protect the rights and freedoms of Canadians, not a sword to be used against us by criminals who do not respect any of our other laws.

In the time remaining I should like to focus on a couple of matters I believe should be looked at when the bill goes to committee. One problem is the section that allows for the deportation of dependants. This clause must be looked at. For example, what if the non–citizen was convicted of first degree murder of his or her spouse. We would hardly want to deport the children with the convicted parent. We would want to consult with family and friends to determine the safest home for them, be that in Canada or in the country of origin.

It has also been argued that by having the sentencing judge issue the removal order it makes deportation a punishment rather than merely an administrative option available to the government.

• (1750)

The objection is then made that we are not treating non–citizens the same as citizens and therefore they are being doubly punished for the same crime. That objection can be dealt with. The sentencing judge could be responsible for delivering the crown's administrative decision that deportation proceed. Then we could eliminate the inquiry stage.

The bill also prevents appeals through the immigration appeals division. It is trying to make sure non–citizens do not disappear between the end of their prison sentence and the immigration appeal hearing.

For example, in August, Montreal papers reported the story of Patrick Baptiste who was under deportation orders for drug dealing but not surprisingly failed to show up at the hearing when his appeal was rejected. The police caught up with him a few months later. Only this time he was implicated in planning a murder. Now that his deportation appeal has been rejected, I

hope when he finishes his current jail term he will not be given a chance to escape again.

His is not an isolated case. According to a *Gazette* article a special task force made up of RCMP and immigration officers has identified 1,888 convicted criminals ordered deported who remained here. Twelve hundred were serious criminals, liable to more than 10 years imprisonment. Those are ones the bill is trying to deal with. As of August one–third had either left the country or had been deported. Another third, 671 of the 1,888, had appealed their deportation orders or claimed refugee status and a further 300 are still missing.

Despite eliminating a right to appeal through the immigration appeals division under clause 3 of section 32.1 unfortunately the bill adds an automatic appeals process under the Criminal Code. This would certainly have to be amended should the bill go further.

By allowing an automatic appeal hearing it would actually be a small step back from the Bill C–44 changes and I do not believe Bill C–44 went far enough. In addition to violent offenders, non–citizens who are habitual criminals should also be denied the right of appeal.

I view the three years before a landed immigrant takes out citizenship as a probationary period. Canadians have welcomed them into our house and have given them the opportunity to become part of our family. If they do not respect our laws they have broken their contract with us.

Why do we wait a minimum of three years before granting citizenship? Is it just so new immigrants have time to learn the name of our Prime Minister or how many provinces there are? Surely we place greater value on Canadian citizenship than that.

Habitual criminals, drug traffickers and violent criminals are not welcome. How many times should someone be allowed to break our law before we show them the door? When we show them door because they have committed a serious criminal offence in Canada, they should not be allowed to come back in.

Just today the paper reported on a criminal who has been deported from Canada five times at an average cost of $50,000. That is $250,000 taxpayers have had to pay for this one case. He was first granted landed immigrant status in 1975 and by 1976 had been convicted of theft. He was deported in 1984, 1985, 1986, 1987 and 1988. Then he came back in 1990 and claimed refugee status. Now he is an arsonist, setting fires in public malls.

I am encouraged to see that immigration officials have taken the unusual step of trying to appeal his refugee status. The problem is that other criminals we deport also come back claiming refugee status. This is a loophole Bill C–316 does not plug.

Even the UN High Commission for Refugees does not support asylum shopping. That is exactly what it is when people who have already been deported return to Canada claiming they are refugees.

During 1993–94 according to Correctional Service Canada there were over 1,000 foreign nationals serving time in our prisons. At an average cost of almost $46,000 this amounts to almost $50 million. The auditor general estimated the real cost of maintaining someone in prison was closer to $80,000. This means it costs taxpayers around $80 million to keep foreign nationals in prison every year.

• (1755)

To put this in another context, the entire immigration department including enforcement, settlement, language training for new immigrants and so on has been ordered to cut $54 million from its budget over the next couple of years.

Despite the problems the member has made a valiant attempt to address a serious issue. Let us take the bill to committee where we will have the advice and expertise of departmental officials and counsel to improve it so that we can bring it back to the House.

Immigration officials are studying ways of streamlining deportation of criminals, but it could be another year or two before the minister brings a comprehensive plan forward. Let us work on the problem now using the bill before us as the vehicle.

Mr. George S. Rideout (Parliamentary Secretary to Minister of Natural Resources, Lib.): Madam Speaker, I too want to congratulate the member for Cambridge for bringing forward Bill C–316 and to compliment him on his efforts to try to deal with what I consider to be a justice issue and a law and order issue.

I probably should not say it this way, but I approach support of the bill with some trepidation because I see Reformers are also supporting it, which means that if they are I must be wrong. At the same time the bill is a positive effort. I am hopeful once it gets to committee and has the chance to have the shared view of many that the improvements necessary to make the bill function properly will be put forward.

I believe all of us are in accord that the direction, the aim or intent of the bill is a proper one, one all of us in Canada would like to see happen.

If I may I would like to read the summary of the intent of the bill. It captures where the member for Cambridge wants us to go and reflects the intent of most Canadians.

It says:

> If a person is convicted of an offence punishable by 10 or more years imprisonment and is or is seeking permission to remain in Canada, but is not yet a citizen, a court may, on application by the prosecution, order in addition to any other sentence, that the person and anyone dependent on that person be removed

from Canada. Such an order discontinues any other process, procedure or appeal under the Immigration Act and any other right to parole or any other early or temporary release.

We are not talking about trying to take away anybody's rights. We are not trying to do anything different except streamline the process. Rather than dealing with the criminal justice aspect and then turning around and going through the procedures under the Immigration Act, the legislation empowers the judge to deal with the issues together, as he has heard the evidence of the case, and to decide whether or not deportation should be part of the decision.

That approach is a proper one. There are some constitutional or charter of rights issues that will have to be dealt with. I am sure some other fine tunings are necessary.

At the same time the object of the bill warrants that it goes to committee and that it has the necessary input from all concerned so that in the end result we will have a stronger situation that provides necessary protection for Canadian society.

We have heard recounted in the debate over the last number of hours some of the horror stories that have occurred. Those are horror stories for sure, but perhaps they also point to some of the flaws that presently exist in our law. The bill is aimed at trying to resolve some of them.

The bill has received support from a number of agencies and organizations in Canada. To name a few, the Canadian Police Association, CAVEAT and Victims of Violence are organizations that watch what is happening in the criminal justice system and for the flaws that may be present. When we achieve their support I believe we are moving in the proper direction. Therefore, a committee study of this legislation should go a long way to helping protect Canadians.

• (1800)

Others have talked about the actual cost associated with this process. In the years 1993–94 there were over 1,000 foreign national offenders serving time which cost the taxpayers of Canada roughly $46,000 per prisoner.

Obviously with this bill we are going to save a little money. I do not think that should be the motivation for the legislation. The protection of society and the proper administration of justice should be the foundations, but we also can look at the financial aspect of this particular bill and see the merits associated with it.

It is a proper bill for committee study. It is a bill aimed at solving a problem which is of concern to Canadians. I again congratulate the member for Cambridge. He has done a tremendous job in his efforts to correct a situation he saw in his riding and from what he heard from his constituents, but also to represent the views of many Canadians across the country.

Ms. Roseanne Skoke (Central Nova, Lib.): Madam Speaker, I rise today to debate at second reading Bill C–316, an act to amend the Immigration Act and the Transfer of Offenders Act.

Congratulations to my hon. colleague from Cambridge for bringing forth a bill to amend the Immigration Act that will take steps to ensure that those who came to this great country Canada and refuse to abide by the laws are not permitted to stay. This bill if adopted will make Canadian streets safer.

Canada has a proud tradition and reputation not as a country that merely tolerates immigrants, but rather as one that welcomes them with open arms. It is no secret that this great country was built by immigrants and that the vast majority of people that come to this country today continue to make an honest and meaningful contribution to our ever evolving Canadian society.

The law has always recognized that serious criminality is grounds for deportation and the Immigration Act provides the mechanism to facilitate this. Bill C–316 in no way attempts to undermine or contradict the current Immigration Act but rather to improve, streamline and broaden some of the regulations that exist in the current act.

It is important to recognize that this government is concerned about addressing serious crime by non–citizens and has taken steps to ensure removal of these types of offenders. This past spring the House passed Bill C–44 which limited the rights of serious criminals to appeals under the immigration system. These offenders will also no longer be eligible for any form of early release or parole.

Bill C–316 if adopted will complement the accomplishments of Bill C–44. The bill will fill in many of the cracks and loopholes that still exist between sentencing and the deportation hearing. Bill C–316 will permit a court at the time of sentencing of an offender convicted of a serious offence with a penalty of 10 years or more to make a deportation order at the same time. Offenders may appeal within the criminal process but will no longer have access to the appeals process under the Immigration Act.

There have been concerns that this process may be an infringement on the rights of the offenders, but this bill does not create any new or special offence or any new distinction between citizens and non–citizens. The distinctions already exist under the Immigration Act. The offender is already subject to criminal sanctions and deportation. Bill C–316 merely puts both matters in the hands of the courts. There are also two important additional measures contained in this bill worth noting.

First, the bill addresses how to proceed with offenders who came to Canada at an early age. It is recognized that many people immigrate at an early age and for one reason or another have not become a citizen. For this reason there is a provision in

the bill that would exempt a person who has immigrated to Canada prior to their sixteenth birthday and who has had no criminal convictions in five years previous to the offence in question.

Second, the bill provides for the transfer of offender by court order to their country of origin to serve their sentence if the reciprocal conditional release provisions exist. Under the Transfer of Offenders Act, a transfer can currently happen only upon the request of the offender. This bill removes the decision from the offender and places it in the hands of the judge.

• (1805)

In this bill, as in many private members' bills intended to amend existing legislation, there are procedural and substantive issues which arise. Several of my colleagues raised some of these concerns today during debate. Issues to be addressed relate to the procedure of deporting dependents of convicted offenders, the training that will be necessary for judges in these cases and the possible constitutional challenges.

We must keep in mind that what we are debating here is the principle of this bill. No one can argue that the intent and principle of the bill is not valid and that we as legislators have a responsibility to develop and enact legislation that will make Canadians safer. Bill C–316 will achieve this principle.

The hon. member for Cambridge has expressed his willingness to work in co–operation with the Minister of Citizenship and Immigration and the standing committee to address any procedural or substantive concerns that may arise.

I restate my support for Bill C–316 in principle and call upon my fellow parliamentarians to do the same. The member for Cambridge is attempting to make the streets safer. The people of Canada deserve no less.

Mr. Julian Reed (Halton—Peel, Lib.): Madam Speaker, I rise with pride to endorse Bill C–316 and to offer congratulations to my colleague the member for Cambridge who recognized a problem that exists in the system as we have it today. He has dealt with it in such a way that it looks as though with the endorsement of the House it will go on to become law.

We would be remiss if we did not reflect a little on why a debate on a private members' bill can become as important as it has in this session. Those who are new here will not see any difference, but those who have been involved in political life and parliamentary procedure in the past years realize that historically private members' bills hardly ever, if ever, have seen the light of day. They have been a medium for debate and probably have established some tone of opinion among parliamentarians, but they had no chance of becoming law.

To the credit of this government, now private members' bills do have a chance to become law and they are subjected to a free vote so that everyone in the House can deliver their opinion. We now have private members' bills, some applying to law and order issues, which have been introduced by thoughtful members of the House and are moving on to become part of our justice system.

It is interesting to note an article which appeared in the Toronto *Sun* on September 17, written by Sean Durkan of the Ottawa bureau. He talks about the quiet war on crime that is being waged by the present government. It is not big headline grabbing stuff, but little by little the Minister of Justice is clawing away at the loopholes and flaws that are present in the judicial system. He said: ''The Liberal government has actually done more to toughen up the system in two years than the previous Tory government did in nine''. That should go on record to show that the government has taken the issue of law and order very, very seriously.

Laws of this nature do not get introduced and are not made without some reaction to an incident or occurrence. Of course that is the evolution of virtually all law over, above and beyond our Constitution. When bills are passed in the House they are passed because some situation has arisen. This is an evolutionary process. It goes on. We who serve here for our brief time have an opportunity to contribute.

• (1810)

It is only in this 35th Parliament of Canada that we have had the opportunity as private members, or backbenchers as we are called, to be able to make a solid contribution to the way these laws unfold and the way the legislative system progresses. It makes these bills very important to the life of Canada. I know that members as a result assume far more personal responsibility when they introduce bills of this nature.

I congratulate all of the people who participated in the debate. I believe everything that could have been said on this subject has been said. Now is the time for us to take it to the next stage, shepherd it through and ensure that our efforts are not wasted, so we will see in due course in the slowness of the democratic process, this becoming part of our legal system and making a great contribution to it.

Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.): Madam Speaker, I wanted to take a few minutes to speak on this bill and perhaps in a peripheral way to raise an issue which should be of import to members of the House. I want to bring the following to the attention of members.

I see in the bill a provision whereby the effect of the proposed legislation would not apply to people who were less than 16 years of age when they came to Canada. That is an important issue and I want to talk about it a bit, particularly because I have a constituency case where such an incident occurred. It is roughly the following. I will change the ages ever so slightly to ensure that I respect the privacy of the constituent in question.

I was approached by the family of a constituent who came to Canada when he was two years old. He lived in this country and when he was an adult he committed a crime. The incident was something like a brawl in a bar and he was charged with assault causing bodily harm. It was very serious. The victim nearly died.

My constituent was incarcerated, served his time and was eventually released from jail. He was reintegrated into society and led a normal life. He found a job and so on. Three or four years later when everything was behind him, the authorities came knocking on his door to inform him that they were commencing procedures to deport him.

The difficulty is the individual had never seen another country in his life. I am dealing with this case right now and I have brought it to the attention of the minister.

When we come across the easy cases, particularly in the popular press when some person has come to Canada, has abused the laws of this country and therefore, we should kick him or her out, it is of course generally a proposition I agree with. But it is not always that easy. The case I am bringing to the House today is to illustrate that sometimes it is a lot more complicated.

[*Translation*]

To take the example of someone who came to this country when very young, aged two, then that person is actually a product of Canada, if we can use that term. If that person has developed criminal tendencies, he or she certainly did not have them on arrival in Canada when less than two years old. That is the first proposition.

• (1815)

The second is, if that person is deported, deported to where? Any country is like any other, because the person has never been anywhere except Canada.

Third, if we as a society do not want other countries shipping their criminals here, why should we take ours and ship them elsewhere? I say ours because I consider someone who was only two when he came here to indeed be one of us.

I am taking up the House's time to explain this because the problem lies not in this bill but in the present statute.

I trust that when the parliamentary committee studies this initiative—and I congratulate my colleague from Cambridge for having presented it to the House—it will look at the entire problem at the same time.

I have just been speaking with a colleague who tells me that someone he knows very well has in fact defended cases similar to the one I have just described here in the House.

[*English*]

As a Canadian, as a parent and as a member of the House, my gut feeling is always that when someone commits a crime and is not a Canadian we should do our best to send them back. That is still generally true in what I believe.

I caution the House and invite colleagues, particularly those who sit on the committee, to think of the peripheral issues I have just raised because they are very real and they do affect many people.

I thank hon. members in advance for their study of the bill. I congratulate the member for having brought this issue to the attention of Parliament.

Mr. Janko Peric (Cambridge, Lib.): Madam Speaker, I take this opportunity to briefly thank all the members who have spoken on my private member's Bill C–316.

I understand certain members have some concerns with particular elements of the bill. I assure them their concerns can be addressed through amendments at the committee stage.

I urge my colleagues to support Bill C–316 at this stage in the process. I look forward to working with them in making this an even better piece of legislation.

The Acting Speaker (Mrs. Maheu): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mrs. Maheu): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

An hon. member: On division.

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

The Acting Speaker (Mrs. Maheu): It being 6.20 p.m., the House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 6.20 p.m.)

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