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Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Monday, April 29, 1996

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

[*English*]

ENERGY PRICE COMMISSION ACT

Mr. John Solomon (Regina—Lumsden, NDP) moved that Bill C-220, an act respecting the energy price commission, be read the second time and referred to a committee.

He said: Madam Speaker, I am very pleased and proud as a member of Parliament representing part of Canada to stand in the House this morning and move at second reading Bill C-220, which I have put together in consultation with thousands of Canadians.

The purpose of the bill is to establish an energy price commission to regulate the wholesale and retail price of gasoline. The purpose of price regulation is to avoid unreasonable increases that affect the cost of living and depress business activity.

The bill will facilitate reasonable consistency in prices from province to province, allowing for production and distribution costs. The regulation further minimizes the risk of collusion in pricing and prevents dominant suppliers from setting unreasonable prices.

The bill also links the issue of price control to competition. Any investigation of an alleged offence under the Competition Act related to gasoline pricing is remitted by the competition tribunal to the commission for investigation, which reports to the tribunal before it makes a determination or order on the matter.

The bill is extremely timely and important. I am asking all members to consider supporting the bill in any way they can because it relates to the pricing of gasoline. It relates to, in essence, the consumption of energy by Canadians. Whether you are a farmer, a business person or a consumer, energy and gasoline are the key components of our economic well-being.

We have a very cold climate. We require more energy in terms of industry, more energy in terms of transportation, more energy in

terms of moving goods and services around the country. Moving goods takes energy; gasoline and oil.

It is a key element of our economy. We have not seen any government initiatives or a wish of parliamentarians to ensure consumers, farmers and business people are treated fairly in relation to this commodity by the oil companies.

Instead we see the opposite. Parliamentarians and the government look at this issue and say there are only five oil companies in the country that basically set the price of gasoline and we should let these five oil companies do whatever they please. It is more important for us to regulate everything else under the sun, in many cases things which affect not the entire country or the entire economy but one-tenth of one per cent of one organization or one-tenth of one per cent of this and that.

I am asking parliamentarians and the Government of Canada to consider the impact of gasoline pricing in Canada, particularly the developments over the last 30 to 35 days. Gasoline prices in most regions of Canada have increased by 10 cents per litre, a 30 per cent increase in net revenues to the oil companies when taxes are factored out.

There has been a 30 per cent increase in 30 days, and what response has the government taken? It has turned the other way. It has ignored Canadians. It has ignored this blatant effort by the oil companies to gouge Canadians on an absolutely necessary commodity and element of our economy, the engine of our economy. It has turned a blind eye to the fact that this is a non-renewable resources.

One cent of the ten cent increase takes about \$375 million out of the pockets of Canadians. If this 10 cent per litre increase is upheld over the next year it will result in almost \$4 billion being taken out of consumers' pockets.

Why is this happening? The oil companies say the price of crude oil has increased in the last 30 days from \$18 per barrel to \$23 per barrel U.S. There is some validity to that. The price has increased. However, let us put it in context and look at the average daily price of oil in Canada.

Since 1990 the average daily price of crude oil in Canada has declined year after year. In 1992 the average daily price of crude was about \$20.58 per barrel U.S. For the first part of 1996 up to mid-April the average daily price is not \$20.58, but 50 cents per barrel less. However, we have seen a 30 per cent increase in the

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price of gasoline. My information is from energy and mines concerning the average daily price of gasoline.

This year the price per barrel is 50 cents less than it was four years ago, and the price has been lower in between. Yet the oil companies say the price of crude has gone up, that they have to jack up the prices and gouge Canadians because the government will not respond in any fashion at all.

They give the excuse that they are not doing very well in terms of profits. Let us have a look at that. In 1994 Imperial Oil had a 29 per cent increase in profits over 1993. Shell had a 43 per cent increase. In 1995 Imperial Oil had a 43 per cent increase in profits over the previous year, one of its record years. Shell, which had a record year in 1994, in 1995 had a 63 per cent increase in profits. Imperial Oil, in spite of the profits, employed 452 fewer employees, and Shell employed 471 fewer employees.

• (1110)

In the first quarter of this year before the price kicked in and went up in terms of the price per barrel, Imperial Oil had a 300 per cent increase in its first quarter profits over last year, which was its record year.

Factoring out some of the differentials, it says because of that we had a tax rebate. Factor out the tax rebate and it still had a 15 per cent increase after excluding the windfall rebate from the taxpayers of Canada. That does not wash.

Imperial Oil employees tell me that in spite of record profits they were called into their offices across the country and were told 10 per cent of the employees of Imperial Oil are history in the next 18 months, not on the basis of attrition, retirement or vacancies but on the basis that the 10 per cent lowest productive workers in the company are gone.

What kind of corporation is this? What kind of response does the government have to oil companies gouging at the gas pumps, making record profits and laying off people at record levels and not responding to the corporations and saying we are all in the same boat together? This is our country. We have an economy in trouble. How about chipping in and investing some of their money in employee wages or keeping their employees? How about reinvesting some of this money in capital or exploration projects in the communities in which they earn the profits, and then share the rest of the profits with whomever they want? We do not care.

Take some corporate responsibility. Where is the leadership in this country? The other reason they talk about the gas prices going up is that every day the price goes up. They have to adjust the price of gasoline. In the gulf war of 1990 they said they had a 90-day supply. There was a 90-day inventory before the prices went up.

This recent increase was 90 hours, not 90 days, an obvious attempt to gouge.

As well, what about the thousands of products produced from a barrel of oil? A barrel of oil does not produce only gasoline. It produces 10,000 different products. Half the things in the House of Commons are produced from crude oil derivatives: clothing, plastic glasses, TV cameras, VCRs, fridges and stoves; all derivatives of oil.

They do not fluctuate from minute to minute and region to region. The oil companies have to be accountable and called before a commission to justify their price increases. I am a business person. I have no problem with businesses making profits as long as they do not gouge people, as long as they justify the price they are charging for their products and services. That is not a key problem here. These companies are not justifying the increases they are making.

They give us comparisons. They say the price of gas in other countries is much higher than in Canada. They give me a list of industrialized nations. In all the industrialized nations gas prices are higher than ours, except in the U.S.

I asked the Petroleum Producers Institute and the oil companies how many of these countries produce oil. The only net producer on that piece of paper is Canada. Yet we are the second lowest gas sellers.

I asked about a comparison of countries that actually produce oil. "Duh, we do not have a list. We will track it down for you". They do not have to because we have the list. Of all the producing countries in the world, Mexico, Venezuela and the Middle Eastern countries, along with other parts of the world that produce oil, their gasoline prices when taxes are factored out are much lower than in Canada. We are the highest of the net producers in the world. Why? We allow the oil companies to get away with not justifying their price increases.

The most ludicrous response I heard from the oil companies was the reason the prices are going up is that Iraq may be bringing production out of the markets. Economics 101 says very plainly that argument is a laughable falsity. If more production is coming on the market, more supply, less demand, the price goes down. They think people are airheads in this country. I do not think people appreciate that sort of ridiculous response from the oil companies.

What we have to look at is what is important for Canadians, what is important for Canada. A question in a recent poll in the *Regina Leader-Post*, April 22, was should the federal government move to regulate the retail price of gasoline. Of 3,786 respondents, 3,519 said yes, 93 per cent; 267 or 7 per cent said no.

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• (1115)

Saskatchewan produces 15 per cent of the oil in Canada. Looking at the regional price of gasoline in Regina, it is higher where there is a refinery than in places the oil is transported to. When the tax differential is factored out the price is actually the highest in the whole country.

Why? Spring seeding is starting and farmers make bulk fuel purchases so the oil companies say: "Let us rip off the farmers. The New Democrat member of Parliament for Regina—Lumsden keeps raising the issue across the country. Let us pull his chain a bit and gouge the consumers in his home province. There is an NDP government in Saskatchewan. It is one of only three provincial governments that have balanced budgets, fair tax rates and which are protecting social programs. Let us jerk their chains and give them a little shot".

All I am asking is that parliamentarians consider setting up an energy price review commission so that oil companies can justify their price increases before it. By the same token governments should appear before the commission to justify tax increases and make sure they are fair to taxpayers.

Governments and parliamentarians have obligations. We are obligated in many ways to be the balance to the economic powers that run our economy. We are obligated to protect consumers when they are unfairly gouged by an oligopoly, a monopoly or a company. That is our obligation. We are paid to hold those people who influence and control the economy accountable in a fair manner for Canadians. That is all we are asking people to consider this morning.

The response has been: Why would we want to regulate the oil industry? I have mentioned in some of my arguments that it is a non-renewable natural resource. It is a key engine to our economy. We must also consider that we regulate all sorts of other things.

We regulate communications. The CRTC regulates radio and television broadcasting. There are 1,000 companies out there which could give us our communications services. There are satellite dishes, cable companies and a number of television and radio stations in every region. It is good that they are regulated because consumers are provided with an even, balanced view of the world. Communications does not influence and control our entire economy, although it is important to the economy. There is no doubt about that. Energy is the key component for everything but we disregard it and let the five major oil companies do what they like.

We could mention to the competition bureau that we think the oil companies are fixing prices. In one hour all the gasoline prices in this region went up to the same level. The bureau's response was: "We do not have anything in writing from the president of one oil company to another saying they should fix prices. We cannot pursue this because we need some evidence". People have told me that the bureau of competition policy is laughable. We do regulate other business and industries to the advantage of Canadians.

I could go on. I have information members would be willing to listen to, but I know my time has almost expired. I know the Minister of Health is very anxious to hear more. I am very anxious also to meet with him after to give him more information if he wishes, particularly about health care. I could offer him some advice on that too.

At this moment, I would like to ask for unanimous consent for a vote to refer Bill C-220 to the Standing Committee on Industry.

• (1120)

The Acting Speaker (Mrs. Ringuette-Maltais): Do we have unanimous consent to change the reference to a committee on this bill?

Some hon. members: No.

Mr. Solomon: Madam Speaker, I am sorry to hear that some MPs will not give unanimous consent. I would therefore ask for unanimous consent to refer the subject matter of the bill to the Standing Committee on Industry.

The Acting Speaker (Mrs. Ringuette-Maltais): Is there unanimous consent to send the subject matter to the Standing Committee on Industry?

Some hon. members: No.

Mr. Solomon: Madam Speaker, I notice that the Liberal member for Dauphin—Swan River did not provide unanimous consent. That is unfortunate. I was born in Dauphin and I am getting all kinds of calls from her constituents saying that we should be undertaking a review.

Finally, I would ask members for their unanimous consent to make this bill votable.

The Acting Speaker (Mrs. Ringuette-Maltais): Is there unanimous consent to make the bill votable?

Some hon. members: No.

Mrs. Marlene Cowling (Parliamentary Secretary to Minister of Natural Resources, Lib.): Madam Speaker, I appreciate the opportunity to participate in the debate about a proposed energy price commission.

The hon. member for Regina—Lumsden has provided an opportunity to discuss the cost of a commodity which is vital to the daily lives of us all: gasoline. He is quite right. The cost of petroleum affects the cost of everything in this country. Transportation is part of the cost of everything we do. It affects virtually every product and service we buy or sell.

Coming from a rural community in Manitoba I know that nowhere is this more true than on the farm. Fuel costs are a large part of farm inputs. Even the smallest change in the price of fuel can make a big difference to the farmer's bottom line. As a

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government we know this and that is why we did not increase fuel taxes in the recent budget. Food, clothing, shelter and even the cost of finding and holding a job is affected by the price of the fuel which literally drives our economy.

The hon. member for Regina—Lumsden is quite right. The cost of fuel should be reasonable and affordable. However, there are several major areas on which we do not agree.

Clause 8 of the bill states that every person who sells gasoline must obtain approval of the price from the government. That is not at all what Canadians want. The taxpayers of Canada do not want another bureaucracy as a solution to a perceived problem. The people of Canada do not want a new petroleum price police investigating who is paying what price for what product.

If this bill were passed, the federal government would be, according to Canadian law, infringing on provincial jurisdiction, intruding unnecessarily into competitive markets and spending large amounts of taxpayers' money.

I can assure hon. members that the idea of a new energy price commission cannot be supported by the Minister of Natural Resources nor the Minister of Industry. The reason is that study after study has concluded that government regulation on petroleum prices simply does not work.

Over the last 20 years, in every province except one, provincial governments have abandoned, rejected or never even considered the regulation of gasoline prices. The sole exception is Prince Edward Island and where are the highest gasoline prices in Canada, excluding taxes? Prince Edward Island.

In Prince Edward Island, Nova Scotia, New Brunswick, Quebec, Ontario and Manitoba, petroleum prices and proposals to regulate them have been studied by government boards, task forces, commissions and legislative committees. The federal government has also studied the matter extensively. Here is a small sampling of the reports.

In 1987 a commission of inquiry into gasoline pricing in Manitoba declared:

Regulation of gasoline—markets by means of hearings and the usual process of regulatory bodies is—not advisable—.Crude oil and gasoline markets—continuously change, making regulation impractical, and introducing distortions, since it would not be possible to adjust prices quickly enough.

This form of regulation would—force the price upon all market participants through legal coercion.

Canadians consider that coercion, legal or otherwise, is not a norm in this country.

• (1125)

In 1986 in a report on the petroleum industry, the federal Restrictive Trade Practices Commission discussed the maze of restrictions which inevitably follows the introduction of price regulation:

Such restrictions (in facilities, hours, types of operation) cripple the ability of the industry to meet consumer demand, and to charge lower prices made possible by lower cost of distribution—induced by competitive measures or pressures.

The variety of offerings across the country by independent marketers and by integrated firms illustrates the value of allowing each business the freedom to meet consumer needs as it sees fit—to strive at all times to maximize its appeal to—the public by giving them what they want.

Giving the public what they want, not what a government, a board, a committee or a new national energy price commission thinks they want.

What is remarkable about these many reports is how relevant they are today. The same analyses, assessments and judgments apply today as they did 10 or 20 years ago. The principal difference is that today Canadians are more conscious than ever of the advantages of business versus government in delivering goods and services, what they want, when they want it, at a price they want to pay. The fact is gasoline markets today exhibit all the characteristics of a competitive market.

One of the roles of Natural Resources Canada is to provide Canadians with current data. The department constantly monitors prices across Canada to determine relevant facts about gasoline marketing.

The federal government already has an agency with a mandate to monitor competition and investigate complaints: the competition bureau. This is where dealers or consumers can bring any evidence they have of anti-competitive behaviour.

It is illegal for retailers to agree among themselves to set prices that may lessen or prevent competition, to try to influence another retailer's prices by agreement, threat or promise, or to persuade wholesalers to cut off gasoline supplies to discount retailers because of their lower prices. Any Canadian may report alleged offences to the competition bureau by mail, by fax, or by calling a toll free telephone number.

With regard to this bill, I offer three principal facts. Petroleum prices come under provincial jurisdiction. Agencies which regulate prices have in the past consistently led to prices which are not lower but higher. Most important, there is overwhelming evidence that we do indeed have vigorous competition in the marketing of petroleum products. These are compelling reasons why in 1996 informed Canadian consumers and taxpayers do not consider, do not need and do not want an energy price commission.

Few people are ever completely satisfied with the price and quality of goods and services they buy. No doubt all of us would like to buy gasoline at prices lower than they are today.

From the report of the groups commissioned over the last 20 years to study petroleum prices the conclusion is clear, unequivocal and straightforward: In 1996 the last thing people want in this country is a new petroleum price police. The last thing we need in this country is an energy price commission.

This Liberal government is committed to the future, not the past. What we want is not more but less bureaucracy, not closed but open markets and not less but more choice.

[*Translation*]

Mr. Benoît Sauvageau (Terrebonne, BQ): Madam Speaker, first of all, I will admit that after listening closely to the two previous speeches by our colleagues from the other two parties and despite our friendship for our colleague from Regina—Lumsden who introduced this bill, we unfortunately cannot support Bill C-220 for the various reasons I will explain during my presentation.

• (1130)

Again, the purpose of this bill is to establish an energy price commission to regulate the wholesale and retail price of gasoline. In our opinion and that of the government party—and according to my own observations—this bill would give the government the authority to meddle in a flagrant and unjustified manner in the normal process of free market pricing, which goes against the global trend of market pricing of gasoline in this case.

On the one hand, history shows that setting a ceiling price on gasoline can be dangerous and even create some serious shortages since oil companies tend to sell less when prices are low—and this is normal—while demand increases. They thus stockpile their products. These shortages can lead to quota problems, waiting lines and corruption, as we saw in some countries in South America and Asia.

On the other hand, the setting of a ceiling price by the commission could also result in an economic slowdown for oil producers in western Canada.

An example of an unsuccessful attempt to control gas prices is the national energy policy—as many members on the other side will recall—initiated by former Prime Minister Trudeau during the oil crisis, which, as you may recall, caused widespread discontent at the time.

In fact, every time the federal government interferes in the oil or energy sector, as in the case of the Varennes tokamak, Quebec loses out. If an energy price commission is established, as my colleague proposes by introducing Bill C-220, it should review not only gas

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prices but also the injustices done to Quebec through past federal interventions. This commission could perhaps recommend that the House give Quebec a generous compensation like that given to the maritimes for harmonizing the GST.

We would then try to set the amount of this compensation. An example of the injustices that could be reviewed by this commission is the impact of the famous Borden line imposed by the federal government in the 1960s. Members will remember that the Borden line energy policy systematically blocked the development of Montreal's oil production from Venezuelan and Middle Eastern imports by completely closing the market of those provinces located west of the line, to protect western oil development.

However, the policy was abolished when world prices started to rise quickly between 1973 and 1977. This resulted in the oil production from Sarnia and the prairies flooding the eastern Canadian market, in the closure of most Montreal refineries and in the loss of thousands of jobs. In addition to refineries disappearing because of this totally unjust policy towards Quebec, our whole petrochemical industry was also severely affected.

To this day, Quebec, and particularly the Montreal region, still suffers from the consequences of this policy implemented by the federal government of the day. Unlike the maritimes now, for the GST, Quebec was never compensated for its heavy losses. If the commission that the hon. member hopes to establish with Bill C-220 does become reality some day, perhaps it ought to take a look at the issue of compensation for Quebec.

The commission could also look at the development of the Athabasca tar sands. It should definitely not limit its role to regulating gasoline prices, but should look at the current investments being made to produce gasoline in Canada. Perhaps it should also examine the famous Hibernia project, that cock-and-bull story which has cost taxpayers in Quebec and Canada astronomical amounts of money. This is another example of failed federal involvement in the energy sector, which has had serious consequences on the economy as a whole. This project was launched before the 1989 federal election. Now, the current government is trying to get out of it.

• (1135)

At election time, the government had decided to withdraw from that project. However, it has since absorbed 25 per cent of the production costs. The government allocated over \$1 billion to that project, but that was not enough. In addition, the present government promised loan guarantees corresponding to 40 per cent of construction loans, up to \$1.66 billion.

A promise was made to stop using the taxpayers' money for this scheme. But a promise was made to scrap the GST and that was not kept, a promise was made to cancel the helicopters and that was not kept, a promise was made to cancel the Pearson Airport contract

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and that was not kept, a promise was made by the Clark government to put a limit on the price of gasoline—which led to their defeat—and that was not kept. However, the federal government was probably quoted out of context or forgot about that promise too, and continued to pour more money down that drain.

The energy price commission, which my hon. colleague would like to see established, would have a field day if we gave it a mandate to investigate this matter.

But getting back to Hibernia, Ottawa then spent \$350 million buying back 25 per cent of Gulf's shares in the Hibernia project. In addition, Ottawa financed the shares acquired by Murphy. And to top it off, it gave deductions and tax credits to Murphy, Mobil and Chevron, oil companies raking in billions of dollars, to reduce their income taxes, poor things, and the government gave them interest free loans, guaranteeing them benefits in the event that they were unable to take advantage of these deductions and these credits.

Chevron and Mobil each took advantage of \$40 million in interest free loans from the federal government. Thus, while the federal government was increasing the tax on the price of gasoline, it was squandering public funds at a terrible rate. The increase in the gasoline tax is being used, among other things, to offset the accumulated losses in the Hibernia project.

I very much doubt that federal intervention with respect to the price of gasoline can solve any problems and provide even the remotest additional guarantee of fairness. I also very much doubt whether the creation of this commission can give taxpayers in Quebec and Canada a degree of stability in gasoline prices. I do, however, recognize the good will of my colleague. But they say the past is an indication of the future, and I would far prefer that the federal government stay right out of areas that, in any event, do not concern it.

When the Hibernia project was first launched, the federal government's top advisers predicted that the price of a barrel of oil would reach \$70. We, as taxpayers, have paid billions of dollars for their mistaken forecasts.

We Quebecers fervently hope that this government will not get involved or, if it does, that it will do so only with the consent of the provinces so that they can have a say in the appointment of commissioners as well as in the operation and mandate of the commission. All the money invested in Hibernia, the billions of dollars wasted, could have been spent on reducing the gasoline tax, thus giving taxpayers a much needed break.

While presenting his plan to harmonize—or rather to hide—the GST last Tuesday, the Minister of Finance said that the federal government had an obligation to help the poorest regions and provinces, that there should be a more equitable distribution of wealth. He should now put his money where his mouth is.

Instead of wasting vast sums of money on foolish projects like Hibernia, it would be better to reduce the gasoline tax. If they

simply want to offer a fair compensation to the regions or the Atlantic provinces, it would be better to reduce the gasoline tax rate.

If this government wants a more equitable Canada, it should put its money where its mouth is by finding more legitimate uses for this money. It should see to it that these oil companies, which too often benefit from unjustified tax exemptions, pay their fair share of taxes.

Finally, this government should let the provinces take responsibility for their own areas of jurisdiction and let the market set the prices. In short, the federal government should mind its own business.

• (1140)

[English]

Mr. Leon E. Benoit (Vegreville, Ref.): Mr. Speaker, I am pleased to speak on private member's Bill C-220, an act respecting the energy price commission.

This bill would establish an energy price commission to regulate the wholesale and retail prices of gasoline. The purpose of price regulation is to avoid unreasonable increases which affect the cost of living and depress business. This is the reason for the bill and the justification for setting up an energy price commission as given by the hon. member for Regina-Lumsden.

I too am extremely concerned about the price of gasoline. Every time I pull up to the pumps or get a load of bulk fuel delivered to my farm I am concerned about the price of gasoline. I often wonder why it is as high as it is.

This legislation does not provide an answer to the problem. This is a typical NDP solution to the problem, a socialist solution to the problem. It is not a practical solution. It has been tried before for other commodities and in other countries. This type of action has completely failed. In fact, as the hon. member who spoke from the Liberal Party said, regulation often leads to higher prices. Clearly this is not the solution.

Setting up an energy price commission would provide another opportunity for patronage appointments. Such a body would employ high priced, taxpayer funded civil servants. There is no other way to make a commission like that work.

Canadians do not need a higher cost of government. We need smaller government. We need less money spent by government. We do not need any more bodies to provide opportunities for the government of the day to make patronage appointments. It is clearly the wrong way to go.

I would like to mention a few figures presented by Michael Ervine, president of QIS Solution Inc., in his presentation to the House of Commons natural resources committee when speaking on the topic of gasoline. Mr. Ervine pointed out that the average price of regular gasoline in Canada today is 55 cents a litre.

Of this price about 15 cents a litre represents the cost of the crude oil. About 30 cents a litre is the tax on this fuel at the pump. Only 10 cents a litre is what is left for the oil companies to refine the fuel, to transport, to lease equipment and to sell the product. Therefore, 10 cents a litre out of 55 cents a litre is to provide all of these costs.

When looking at a breakdown of costs of gasoline the tax component is by far the highest single component. What is a practical way of dealing with the problem? There is one most effective way for the government or the New Democratic Party to deal with this issue of what they perceive to be high gasoline prices. Again I say I feel they are high too. I feel it every time I buy a litre of gasoline for my farm or for my car. The most effective thing to do is to lower the tax component.

• (1145)

Saskatchewan has a reputation for having high taxes on gasoline in that province. Again, the way to deal with the problem is to reduce the tax component which is over half of the total cost of gasoline.

How is the tax component reduced? There is only one way to do that. Reduce government spending so that it does not have to tax at these totally unreasonable levels.

The hon. member for Regina—Lumsden is correct in one respect. The price of gasoline is too high. It is higher than it should be because the tax component is too high. That is the area on which the hon. member should be working.

The hon. member referred to a survey which appeared in the Regina *Leader Post*. In that survey about 93 per cent of the people who responded said they favoured this type of a commission. When going to the people on an issue it is important to do the background work before the survey or the poll. The background work is to make sure that all the information gets out before the survey or poll is taken.

I wonder if on this issue the Regina *Leader Post* or the hon. member for Regina—Lumsden did their work and got the information that I just presented on the cost of gasoline, which stated that over half the cost is taxes. Did they do their job to get the message out to the people that the tax component is the problem here?

I do not know for a fact that gasoline is not higher than it should be even acknowledging the high portion of tax. I am not saying it is not too high. But the way to deal with the problem is not by setting up an energy price commission, but to make sure of fair, good, strong, competition legislation which is enforced.

I acknowledge that some progress has been made over the last 10 years. The body that deals with the Competitions Act has made some progress. I believe it is much better than the old legislation that was in place. This Competitions Act, and the people who

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administer it, have gone a long way in trying to make it easy for people to let the bureau know if they feel there is unfair competition. I am sure it has heard from a large number of people who feel that the price of gasoline is too high.

The competition bureau's services are readily available to people through a 1-800 toll free number. This allows people who feel there is not fair competition to complain that companies are not dealing with prices fairly.

Progress has been made. I cannot determine if there really is a problem of fuel prices being too high other than the tax component which is clearly much too high. Over half of the cost of gasoline is tax at the pump, plus royalties and other taxes built into the rest of the price.

The way to deal with this is to make sure that we do have good, fair competition legislation, that the Competitions Act is strengthened if it needs to be strengthened, and that it be used and enforced.

I cannot support the legislation. It is up to other members of the Reform Party to determine how they will vote on this issue. Some Reform MPs may support the issue, but I doubt it very much when we look at the facts behind this.

I will not support the bill. Other Reform MPs can make their own decision. I believe this is a socialist, bureaucratic solution which will not work. The matter must be dealt with it through the competitions bureau.

• (1150)

Mr. John Maloney (Erie, Lib.): Madam Speaker, I am pleased to address the House on private member's Bill C-220, an act respecting the energy price commission, which was introduced by my colleague, the hon. member for Regina—Lumsden. I would like to thank my colleague for the research and effort that was put into Bill C-220, leading to its introduction on March 4 of this year. He is a sincere, hard-working member.

The bill, as drafted, would establish an energy price commission which would confer on the Government of Canada the right and mandate to regulate the price of gasoline throughout the country. As I understand it, the commission would approve wholesale and retail gasoline prices across the country. Indeed, no person could offer gasoline for sale at a price not approved by the commission.

At the outset, I would like to explain that competition in an unfettered market rather than regulation leads to the lowest possible prices, both for the consumers and industrial purchasers of gasoline. Competition is seen as a means rather than an end unto itself. It is only through the process of competition that resources are allocated impartially, with the consequence that the efficiencies derived therefrom lead to lower prices.

This is the current view of the government and the majority of our trading partners. At a time when Canadians are attempting to

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improve their competitive position in international markets we must steer away from regulations which, by their very nature, lead to the kind of production and distribution inefficiencies that eventually cause an increase in the price of inputs and in distribution costs.

On the issue of regulation, it is worth noting that at the Toronto economic summit in June of 1988 the G-7 countries first explicitly enunciated the goal of intensifying both individual and collective efforts to remove unnecessary controls and barriers to the operation of competitive market forces and to rely on increased competition to achieve economic efficiency and adaptability.

Reform of the regulated sectors of our respective economies has been in the forefront of economic agendas over the past 10 years. It is widely understood that less rather than more regulation is desirable. Barriers are descending within industries, between markets and across national borders. Trade, directed both north and south and east and west, has thus been encouraged. The potential for increased wealth for Canadians has been augmented.

The purpose of Bill C-220 and the commission is said to avoid unreasonable gasoline price increases. In addition, it proposes to maintain consistent prices for gasoline from province to province, all the while allowing for production and distribution costs. My colleague in his bill would exempt purchasers who enter into supply contracts for the supply of gasoline to their vehicles or to a storage facility owned by these purchasers from the authority of the commission.

From my reading of the bill, the underlying suggestion is that we need to regulate the price of gasoline in Canada. There has been a great deal of attention in this House and in the media about the price of gas in some specific local markets in parts of Canada. Before we decide that federal regulation is the answer to these localized problems, should we not ask if the price of gas has risen significantly and whether or not increasing the regulatory burden on this industry would actually improve the current situation?

In fact, the price of gasoline, in real terms, excluding all taxes, has been on a downward trend since 1990. In addition, there exists no significant differences in the base price of gas, excluding taxes and exchange rates, between the United States and Canada. Given this situation, should we as legislators impose a structure on the industry which would deny to consumers and businesses alike the benefits derived from real competition and retail gasoline markets?

In addition, the introduction of such a bill appears somewhat premature. I am informed by officials of Industry Canada, Natural Resources Canada and the Canadian Petroleum Products Institute that they are nearing completion of a regional competitive analysis of petroleum products. This report will examine pricing issues in various urban and regional markets in the context of determining the key factors which derive competitiveness in specific Canadian markets.

I would now like to provide my colleagues with a number of examples of the benefits of competition. Consumers could no longer benefit from the price wars that presently occur in retail gasoline markets, nor could they enjoy the benefits of the entry of a new competitor who would lower their prices to gain a market share.

Prices set by markets rather than governments tend to be lower to the consumer. The decision in July of 1991 by the province of Nova Scotia to discontinue its gasoline pricing regime reflected in part a recognition that such decisions should be left to competitive market forces. When prices were no longer regulated and a new independent entered the market, gas prices fell in Nova Scotia from 58.9 cents to 52.9 cents a litre, a very significant decline.

• (1155)

As is well known, gasoline stations communicate what they charge by posting large signs on their properties. This informs motorists and competing gas stations. Because gasoline is essentially a homogeneous product, motorists see one brand as being more or less identical to another. Gas station operators fear that if they charge a higher price than a competing station they will lose business. For similar reasons, if they charge a lower price they know it will be matched. In the end they make less money selling the same volume of product.

Retailers that monitor their competitors and independently take action that best serves their interests are simply following rational economic logic.

On the larger stage, such a commission would remove the incentive for petroleum producers to be more efficient. Price controls weaken the stimulus for firms to either swiftly adapt themselves to changes in demand or to developing more efficient methods of distribution. It is easier for the firms that have experienced cost increases to ask the regulatory body to increase the controlled price than to attempt to lessen their operating costs.

When prices are controlled at the retail level, retailers in turn may avoid passing on any discounts that they have been successful in exacting from manufacturers to the ultimate consumers for fear of breaking the law. In this manner retailers are constrained in their attempt to aggressively compete.

Competitive markets incur no cost of administration to governments, nor do they impose on the firms involved the cost of compliance with more laws, both of which would be borne by consumers over time.

Turning now to another subject in relation to this bill, I have further concerns with respect to the wisdom of raising yet another issue which impacts on the Canadian Constitution at this stage in our country's history. The regulation of petroleum products falls within the jurisdiction of the provinces. The federal government

does not currently intervene on these matters. This could very well be a fatal flaw in this initiative of my colleague.

I would now like to discuss the Competition Act which is Canada's legislation governing trade and commerce affecting competition. The act is a framework law of general application. It applies, with some exceptions, to all sectors of the Canadian economy, namely manufacturing, resources and services. The law touches on the every day life of all Canadians by maintaining and encouraging competition in the marketplace with the objective of providing consumers with competitive prices and a variety of choices in the goods and services which they purchase.

As the hon. member is aware, in 1994 the Minister of Industry, in response to concerns raised about gasoline pricing, asked the director of investigation and research who heads the Competition Bureau to review the provisions of the Competition Act to determine their adequacy in dealing with anti-competitive behaviour in the petroleum industry.

In response, the director reported that he actively enforces the Competition Act by monitoring developments in the marketplace and reviewing complaints from consumers and those in the petroleum industry to determine whether there is evidence of anti-competitive activity.

While there will always be fluctuations in markets owing to competition and other factors, the director's view is that the provisions of the legislation are adequate to deal with anti-competitive behaviour in relation to gasoline prices.

The director regularly reviews the act and the minister will propose amendments whenever he deems it appropriate. The above mentioned report is public and I encourage concerned members to read it. I also encourage anyone who has information that anti-competitive activity is ongoing to bring it to the attention of the director.

The act is available to deal with any competition problems that develop in petroleum product markets. As a matter of fact, on January 26, Mr. Justice David Dempsey imposed a fine of \$50,000 against Mr. Gas Limited which was found guilty of having influenced upward, by threat, the prices charged by one of its competitors, Caltex Petroleum Incorporated in September 1992 in the Ottawa area.

It should be noted that contrary to the context suggested in Bill C-220, matters involving anti-competitive pricing are most often treated as criminal offences under the Competition Act and as such proceed through the criminal courts under the auspices of the Attorney General of Canada.

The competition tribunal has to date only adjudicated on matters of a civil nature. A select set of pricing matters which may be brought before the tribunal are usually the result of disciplinary or

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punitive action taken by dominant firms in a market rather than those arising from a criminal agreement among competitors.

In conclusion, it remains my view that gasoline prices should be set in the competitive marketplace. Anti-competitive behaviour will be appropriately addressed under the Competition Act.

• (1200)

[*Translation*]

The Acting Speaker (Mrs. Ringuette-Maltais): The hour provided for the consideration of private members' business has now expired and this item is dropped from the Order Paper.

GOVERNMENT ORDERS

[*English*]

SUPPLY

ALLOTTED DAY—VICTIMS' BILL OF RIGHTS

Mr. Randy White (Fraser Valley West, Ref.) moved:

That the House urge the government to direct the Standing Committee on Justice and Legal Affairs to proceed with the drafting of a Victims' Bill of Rights, and that, in such areas where the Committee determines a right to be more properly a provincial concern, the Minister of Justice initiate consultations with the provinces aimed at arriving at a national standard for a Victims' Bill of Rights.

He said: Madam Speaker, it is a privilege to bring to the House of Commons an issue of paramount importance.

Many people have helped us work on this bill since the summer of 1994. We have turned it into a motion to try to get some action in the House of Commons. The motion to establish a national bill of rights will be voted on this evening at 6.30. I encourage everybody watching and listening to see where the House of Commons stands on a national bill of rights for victims. This is when we will separate fact from fiction, right from wrong.

As I stand in the House I find it quite embarrassing today to find that the government is to table legislation on gay rights when victims across the country and the Reform Party are fighting to get victims' rights. It is a total embarrassment that the priorities are on one aspect and not on the other in this society.

I dedicate this speech to the hundreds of thousands if not the millions of victims in Canada today. In particular I dedicate my speech to Sheena who was taken from us by a drunk driver. We shall never forget the good times and her family will always remember.

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Many people think victims' rights in Canada today are things like changes to the Young Offenders Act, the repeal of section 745, the Corrections and Conditional Release Act, the gun law or the many other bills in the great jungle of criminal justice laws in Canada. That is not the case. Those are the laws we use to help judge right from wrong. Those are the laws which are supposed to protect people from becoming victims in the first place. Those are the laws which victims seek to change.

On the other hand, victims' rights reflect the protection victims require after a criminal act has been perpetrated. They are the rights victims must have to ensure justice and equity exist and to protect them from being revictimized by the system.

Keith Kempt, a gentleman I met in Mission, British Columbia, said it best to me. He lost his young fellow when another individual shot him and killed him. Keith said to me not too long ago that criminals need correction; victims need rehabilitation. How appropriate a comment by a victim.

I hope the debate today will be constructive. We know a large number of victims have been advised of this debate and are watching as I speak now. I ask the people watching and listening to listen closely, to see if they will come to the same conclusion we have that a national victims' bill of rights is necessary. If you listen to the content and the sincerity of the speeches, you will see why we need this bill of rights. I encourage people across the country to write to us. Write to your MP, write to me in the House of Commons with your comments. Victims need our help. They need a national bill of rights.

Some provincial jurisdictions are involved. There are some actions within this bill of rights that would require administration by the provincial system. Just as the provinces co-operated with the federal government to implement reforms to the plea bargaining process, the same co-operation would be required here. Let us not blame one another for currently not having a victim's bill of rights; let us build one now.

• (1205)

I quote Somerset Maugham: "It is a funny thing about life, if you refuse anything but the best you very often get it". Let us develop the best together for victims, with victims.

The provinces of Ontario and British Columbia have recently attempted to address this issue through legislation. I looked at the legislation and I can see these rights are conditional to some extent; conditional to the Privacy Act, to the Freedom of Information Act and to the rights of the criminal. I do not think today we should be in the position to say the rights of the criminal are more important than the rights of the victim. I think we have to say there are unconditional rights of victims. Victims need more reassurance

than having things conditional today. Victims need more consistency than that.

There are many victims' rights groups in the country that agree with our position and the criteria from which we set out what victims' rights are. Let us not leave them alone anymore. Let us support these groups, their membership, those victims.

There are groups like CAVEAT, CRY, Victims of Violence, Citizens United for Safety and Justice, Victims Resource Centre, Fair Justice, Move the Rock, and Peace and Justice for Canadians, to name some of the ones that have supported this initiative.

The standards we have established for a Canadian victims' bill of rights are here, and I wish to read them and table with them in the House. Afterwards I want to present an explanation for each article so that Liberal members can understand what is behind this incentive.

It is important to give an idea of some of the hurdles we have to cross in this country. To quote from the legal industry, Russ Chamberlain, a criminal defence lawyer, said in the Vancouver *Province*, that crime victims want an eye for an eye. He said they want someone else to fix their petty problems and that their pitch for personal vengeance can improperly affect a jury's verdict.

Victim impact statements are just venting the spleen and do not serve justice and should be allowed, banned completely.

The consequences of criminal conduct are obvious to any intelligent person. It does not assist—to have persons who are the victims of criminal conduct spend all their time weeping in front of the jury.

I ask any reasonable and logical individual in this country to think about what this criminal lawyer has said. I sincerely believe the justice industry, the legal industry, sees victims as excess baggage in the process, and that is unfortunate and that is what we are to change here.

Let me read into the record exactly the criteria we want and then I will explain why. A definition for a victim, if you can believe it, is not existent in this country nationally, nor is it in many provinces. A victim is anyone who suffers as a result of an offence, physical or mental injury, or economic loss, or any spouse, sibling, child or parent of the individual against whom the offence was perpetrated, or anyone who had an equivalent relationship, not necessarily a blood relative. That is what a victim is.

Let us see what victims require. Victims have the right to be informed of their rights at every stage of the process, including those rights involving compensation from the offender. They must also be made aware of any victims' services available; not too much to ask.

Second, victims have the right to be informed of the offender's status throughout the process, including, but not restricted to, notification of any arrests, upcoming court dates, sentencing dates, plans to release the offender from custody, including notification of

what community the parolee is being released into, conditions of release, parole dates, et cetera. All information is to be made available on request.

Third, victims have the right to choose between giving oral and/or written victim impact statements before sentencing at any parole hearings and at judicial reviews.

• (1210)

Fourth, victims have the right to be informed in a timely fashion of the details of the crown's intention to offer a plea bargain before it is presented to the defence; not too much to ask.

Fifth, victims have the right to know why charges were not laid, if that is the decision of the crown or police.

Sixth, victims have the right to protection from anyone who intimidates, harasses or interferes with the rights of the victim.

Seventh, victims have the right to have police follow through on domestic violence charges. Once a victim files a complaint, police should have the authority to follow it through to the end.

Eighth, victims have the right to know if a person convicted of a sexual offence has a sexually transmittable disease.

I do not consider any of those difficult issues. Having worked with many victims since I was elected, I have come to realize that what they are asking for is fairness, something reasonable, something that gives them the feeling that they, too, are equal citizens to the criminal.

Let me go back and indicate why some of these are in here. Why do we define a victim? Shortly after the death of Sian Simmonds, a young girl in my riding, I was sitting with her dad, Chris, in his living room. Sue, the mother, had a very difficult time after Sian was murdered. They were both enraged and saddened that they could not get any counselling assistance for Sue. Why? The officialdom out there said Sue was not the victim.

If the mother of a girl who has been murdered is not a victim, who is? It is not the dead person, it is the remaining parents. We have to define what a victim is today.

Victims have the right to be informed at every stage of the process. Two weeks ago on a Friday I went to a sentencing hearing in my riding. Tami McKenzie, the mother of the victim, was going to it. I asked her whether she would make an attempt at having her victim impact statement read into the record rather than have it go in through the back door where the judge reads it and puts it on file.

She did not even know what a victim impact statement was. I had to tell her. I should not be telling her. There are many people in this country who have no idea what victim impact statements are, or

Supply

any other part of the process. We need a process and a commitment to advise victims of their rights.

When I was watching "To Serve and Protect" one evening on television, I saw the RCMP reading rights to a criminal who bashed a lady who was laying on the street crying with blood on her hands. They were ignoring the other individual, who probably never did find out what her rights were. Where does she go? Who lays the charges? Will she go to court? If she goes to court, will she get assistance? Not done in this country, but it has to be.

Victims should have the right to be informed of the offender's status. In my riding a lady who was separated from her husband found that he came home one night, threw gasoline throughout the house and torched it. They escaped. He got a year or so in jail and she specifically asked: "Let me know if he is getting out, when he is getting out, the terms and conditions of getting out, where he will live when he does get out". What happened? No one told her. She got a call and there he was out and the nightmare started again.

This is not isolated. This is time and time again across the country. I am happy to see the justice minister intently listening. There are many victims today listening to what we have to stay in the House of Commons. I sincerely hope we get some answers.

The right to choose between giving oral and written victim impact statements should be a common right. However, as I read earlier, prosecutors and defence lawyers have a very difficult time with victim impact statements. This is mainly because the crime is against the crown and not the victim. When it is, a victim is seen as an extra, a difficult situation for the lawyers in the trial which is wrong.

• (1215)

Victims need to be informed in a timely fashion of the details of the crown's intention to offer plea bargaining. I wish I had more time to tell the House about Allen and Debbie Wayne in my riding. A young offender who was currently under prohibition from driving stole a 4 X 4. He smashed into young Allen Junior's car, broke Allen Junior's two legs, his arm, his pelvis, crushed his head and he still does not have much of a chance of living. In fact his mom, Debbie, told me several weeks ago they had to make the decision to cut his leg off. They explicitly asked that charges not be plea bargained and if they were, they asked that they be told if they were being bargained down.

The offender had eight charges against him. They found out from me and no one else that the eight charges were reduced to three minor charges. As a consequence this guy gets off but he is not a nice fellow. He was already under a prohibition from driving. What was he given? Fifteen months, I believe, open custody, he can go home; one day concurrent open custody for driving while prohibited; and something like three years prohibition from driving which

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he was already under in the first place. I cannot tell the House how sick and crushed that makes victims feel. Allen and Debbie Wayne today are angry and I do not blame them.

Victims should have a right to know why charges are not laid, if that is the decision of the crown or the police. Is that not such a common sense solution to some of this? My secretary in my riding office had her house broken into by the same group three times last year. Charges were not laid. When I pursued it, and pursued it and pursued it again, I found out that charges were not going to be laid. Why? Because they were looking at some drug charges against these guys. She never did get charges laid against those people.

Victims should have a right to protection from anyone who intimidates, harasses or interferes with their rights. Why not? The justice minister may say we have that in the charter of rights and freedoms and so on, but it is not the case. We have to put some emphasis on it.

Joan in my riding was sexually assaulted with a weapon. We got the guy. We found out who it was and he was charged and has gone in. He was writing her letters. Joan is 63 years old. This fellow was writing letters from Vancouver remand, telephoning her and so on. We have got to do more in that area.

Police must follow through on domestic violence charges. We only have to look at what happened in the Vernon situation. One of the victims went to the police and said: "He is stalking me. He is going to come after me, but do not do anything because if you do, I am going to be murdered". So the police did not do anything. All they had to do was to follow it up from there and they would have found out that the fellow had purchased and registered guns.

Finally, we should know whether a person convicted of a sexual offence has a sexually transmittable disease. I could talk a lot about Jose Mendoza, and I have in the past. Tasha who was raped, not sexually assaulted, could not find out whether this guy had a sexually transmittable disease. Why? Because he did not want anybody to know. He did not want Tasha or anybody else to know. They are to keep their hands off of him.

Well done is better than well said. We have to do the job we have been sent here to do. This is not a partisan issue. I sincerely hope the Liberals particularly the justice minister think about this. Give the motion an opportunity to get to the justice committee for consideration to work out with the attorneys general in this country how we can improve on a system which needs improving.

People like Darleen Boyd, Chris and Sue Simmonds, Corinne and Ron Shaeffer, Chuck and Dona Cadman, Dawn and Bill Bakeburg, who are all people I have worked with, Debbie and Dan Mahaffy—Debbie is here today—Gail and Terry Smith, Paul and Marilyn Cameron and millions of other Canadians are hoping a

national victims bill of rights can happen. It can start today. It can start at 6.30 this evening. Let us get away from looking at the gay rights issue today. Let us look at victims rights. Let us make a real attempt to do something positive in the country.

• (1220)

I will finish with a quote from Robert F. Kennedy who said it best: Some men see things as they are and say, why; I dream of things that never were and say, why not. To me that says just about everything on the issue. It is not impossible. There is no need for excuses. There is no need to say that the Reformers voted against Bill C-68 or any other bill. That is criminal justice legislation. There is a need for a commitment today.

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, the government, the minister and all members of the House are very interested in doing what we can to assist the lot of victims of crime. We are introducing various forms of legislation.

I wonder when so many victims rights groups across the country support the gun control legislation why did the Reform Party vote against it?

Mr. White (Fraser Valley West): Madam Speaker, I knew this was going to be the approach today.

Talk about thick. I just said that in this country we have criminal justice legislation which determines right from wrong. Victims rights legislation concerns rights people need subsequent to a crime being committed against them.

Bill C-68 in our opinion had serious problems. We were looking for how to fight crime. That bill had flaws in it. It is not the issue here. That is what I am trying to get at. It is going to take all day in debate to get that point across because I do not think the Liberal MPs understand what we are talking about. We are going to try to keep the debate on that rather articulate level if that is possible.

We voted against the Young Offenders Act. Why? Because it did not go far enough and this government knows it. And the young offenders are still a major problem in this country with regard to crime. That does not mean we disagree with victims rights. It does not mean that at all. In fact, we cannot develop a Young Offenders Act or a gun law and say that we have done it all for the victims. Unless the member has not heard what I just finished reading, it has nothing to do with it.

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, may I begin this afternoon by congratulating the hon. member for Fraser Valley West and his colleagues for using their opportunity today, an opposition day, to put this resolution before the House of Commons. It provides us

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with the occasion to discuss and consider the circumstances of people who are too often overlooked in the criminal justice system.

Victims have until relatively recent times been the orphans of the justice system. Although steps have been made toward progress in recent years, they have been imperfect. There remains a great deal to do.

In the two and one-half years it has been my privilege to serve the government and the public in my present capacity, I have made it my business whenever the opportunity arises to meet with those whose lives have been touched by crime. For the most part these have been surviving family members of Canadians who have been murdered.

● (1225)

I have found those meetings to be very difficult because of the emotions involved. Questions are often asked for which there are no simple responses. There is in the final analysis nothing that one can do, whether minister of the crown, member of Parliament, police officer, judge, friend or even loved one which will satisfactorily take the place of the person who has been lost to crime.

I have had those meetings because I believe it is an important part of my job. It is important for persons who have lived through such tragedy to have the opportunity to speak directly with someone who must take responsibility for Canada's criminal justice system and to express their experiences and their perspective. I have had those meetings because I have learned from them. My own insight, my own understanding and my own perspective of criminal justice matters has been broadened and enriched from what I have learned in those encounters with Canadians who have had a direct, personal and very tragic experience with the criminal justice system.

Let me make it clear at the outset that I do not think there is anyone who would contend today that the criminal justice system should be organized just for victims alone. Their perspective is important and essential. There is a great deal we can do to improve the system as it relates to them.

However, the victim is not the only participant or the only stakeholder in the criminal justice system. There is the public, which has a right to see a system that is fair and balanced and operated for their benefit. There are the police who must walk the streets and take risks with their own personal safety to enforce the law and to assist in its prosecution. There is the offender. It is one of the principles of sentencing in the criminal law that we should strive toward rehabilitation when it is possible. Indeed the safest and the surest form of public protection is to rehabilitate the offender so that the person can return to society and not offend again.

The victim's perspective is not the unique or only perspective when it comes to designing the criminal justice system, but it is a

very important one. As I have said, too often through insensitivity the interests and the personal stake of the victim are overlooked.

I am not comfortable to simply rhyme off shopping lists of legislative achievements as though they were a simple answer to a complex question. I do not pretend that we have done as much as we could have, or that we have done enough to improve the criminal justice system in the last two and one-half years. However, I do think that a discussion of this issue today would be incomplete unless I drew attention to the efforts we have made as a government to improve the system as it relates to victims.

[*Translation*]

For example, we amended the Young Offenders Act with Bill C-37, making the victim impact statement part of the process for the first time.

With Bill C-41, we amended section 745 to ensure that victims take part in the process of determining eligibility for parole, and we amended the Criminal Code concerning the victim's role in the process.

With Bill C-41 we also added sections concerning restitution, giving victims the opportunity to recover property or money in restitution from the offender.

[*English*]

With Bill C-42 we made it easier for those who are the victims of domestic abuse to seek peace bonds or restraining orders to keep the offender away and to make it more likely that it is the abuser and not the victim who is taken from the matrimonial home.

● (1230)

[*Translation*]

In Bill C-68, which stepped up the control of firearms, we amended the act by adding a mandatory minimum four year prison sentence for anyone using a firearm to commit any of ten crimes listed in the Criminal Code.

In C-72, we acted in response to the use in criminal cases of the defence of self-induced intoxication. We clearly stated that involuntary intoxication would not be allowed as a response for anyone accused of a violent crime against another person, and we changed the act after a Supreme Court of Canada decision on this matter.

With Bill C-104, we added sections allowing police forces to take forensic DNA samples with court permission.

[*English*]

The DNA sample provisions in the Criminal Code for the first time provide expressly that police can seek permission to take bodily samples even without the consent of the offender to be

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tested for DNA purposes, a measure which I may say was supported by my friends across the way. ● (1235)

We have now before Parliament pending legislation which, among other things, would toughen the penalties for stalking, particularly where lives are taken. It deals with the victimization of children through juvenile prostitution by providing for stern minimum penitentiary terms for pimps and measures which would also make it easier for children to testify against their pimps when charges are brought.

In addition, we will in the weeks to come bring forward, in collaboration with the solicitor general, measures which will further amend the criminal law to provide more effectively for those offenders who are sentenced to finite periods of imprisonment but who can be predicted to be at high risk to re-offend violently on their release. We will label for the House concrete proposals to change the Criminal Code so that such persons can be supervised for periods as long as 10 years after their release from prison.

I know that the hon. member for Fraser Valley West recognizes that the way the criminal justice system operates in general and more particularly the way it treats the interests of victims is a shared federal and provincial responsibility. I do not say that to avoid the responsibility that we have federally, I accept that. But the administration of the criminal law, the organization of the courts, the manner in which prosecutions are carried on and the standards that the crown attorneys follow are prescribed by the provincial and not the federal government. Therefore, it is very much a shared responsibility that we must discharge together.

The question then becomes: What is it that we can do as the federal participant in this system to encourage, facilitate and achieve the objectives that we share? I can report to the House this is not the first time that the issue of the treatment of victims in the system by both levels of government has been in issue.

As the House may know, every year there is a meeting among the federal attorney general and the provincial and territorial attorneys general to discuss matters of common interest. This year's meeting is to occur here in Ottawa in about two weeks. At my request, the issue of victims, their place and their treatment by the criminal justice system has been put on the agenda for that meeting.

It is my intention to put before my provincial and territorial colleagues a proposal that we reaffirm basic principles about how victims are treated in the system.

In 1988, at just such a meeting, the federal and provincial attorneys general endorsed a statement of basic principles to govern the treatment of victims. I would like to read from that, if I may. In many ways it reflects the same principles that are contained in the statement that was read by the hon. member for Fraser Valley West.

In 1988 the ministers adopted this statement:

In recognition of the United Nations' Declaration of Basic Principles of Justice for Victims of Crime, Federal and Provincial Ministers Responsible for Criminal Justice agree that the following principles should guide Canadian society in promoting access to justice, fair treatment and provision of assistance for victims of crime.

1. Victims should be treated with courtesy, compassion and with respect for their dignity and privacy and should suffer the minimum of necessary inconvenience from their involvement with the criminal justice system.

2. Victims should receive, through formal and informal procedures, prompt and fair redress for the harm that they had suffered.

[Translation]

3. All victims should be informed of what reparations are available to them, and what steps they have to take to obtain them.

4. Victims should be informed of what role they will play in the trial, the trial date, developments in the case, and the final court decision.

5. Victims' opinions and concerns should be sought out, and the necessary assistance provided to them throughout the entire trial.

6. When the victim's personal interests are involved, his or her opinions and concerns should be brought to the attention of the court, provided this is allowed by the rules of criminal procedure.

7. The necessary steps should be taken, as required, to ensure the safety of victims and their families, and to protect them against threats or reprisals.

[English]

8. Enhanced training should be made available to sensitize criminal justice personnel to the needs and concerns of victims and guidelines should be developed, where appropriate, for this purpose.

9. Victims should be informed of the availability of health and social services and other relevant assistance so that they might continue to receive the necessary medical, psychological and social assistance through existing programs and services.

10. Victims should report the crime and co-operate with law enforcement authorities.

That is the statement of basic principles that the ministers adopted eight years ago. I intend to put it before them again next month and to invite them to reaffirm those principles because to my eye and in my experience while those high sounding principles are easy to adopt, it is quite another thing to put them into practice every day in the courts.

Supply

Too often a victim is not consulted about the adjournment of a case. Too often the perspective of the victim is not sufficiently respected in dealing with matters of sentence, and too often after the case has left the court and the offender is taken away to serve the sentence, the victim is forgotten. There is no follow-up, no provision of services, no effort to bring to the attention of the victim recourses and remedies that are available.

I will use the occasion of the meeting next month to remind my colleagues of those commitments made eight years ago, to canvas with them concrete steps that can be taken to bring those principles to life and methods by which we can improve on and elaborate on those principles.

I undertake to the hon. member for Fraser Valley West that in preparation for my meeting with my colleagues, I will examine the statement of principles he read from this morning and determine how much of that statement I can add to what is in the document I have read from to improve it and to broaden it in its scope.

The resolution today is a welcome opportunity to discuss an important subject. It is a good use of the House's time. I share the concern that has been expressed by the hon. member. I may not agree with every element of the means he has described by which the objectives can be achieved, but the objectives we do share.

I also join with him in acknowledging that we have a distance to go before the criminal justice system serves the interests of victims as it should, while recognizing and emphasizing that is not the only perspective we must keep in mind.

• (1240)

I wish to tell the hon. member for Fraser Valley West that we will be happy to support his resolution and have the justice committee look at this issue. I will bring to the committee whatever might arise from my meetings with the provincial and territorial ministers so that together, in a fashion that is not partisan but is co-operative, we can act to improve the circumstances and improve the criminal justice system.

Mr. Randy White (Fraser Valley West, Ref.): Madam Speaker, what I heard was encouraging. I believe what I heard is that tonight we will see a positive vote from the Liberal government to move victims' rights into committee with the intent of developing a national bill of rights. That is good. That is what we are asking for.

I know that the minister meets with a lot of victims. I guess I come from the old school says that well done is better than well said; seeing is believing and that sort of thing.

The minister read a statement of principles from 1988. While those principles may be a statement they are not practised today in Canada. That is the point that we are trying to make. That is why

we are going down this road, to ensure that they are practised. I could give a litany of cases to cover what I have just said.

The minister talks about Bills C-68 and C-69 and section 745. That is another issue and we will get to it. Today we are talking about specifics on items like the mere and simple fact of advising victims of what their rights are. Surely it is not a 1988 statement of principles in the United Nations or anywhere else in this world which dictates that. Common sense dictates that. That is not a difficult process to do today.

Since the Liberals have indicated they are going to vote for this tonight, we will doggedly follow through on those issues. It is not good enough anymore to say we will. It must be done.

I would like to ask the minister again to confirm that he will be voting for this, in fact, that the Liberal government will be voting for this motion tonight. If that is the case, then we can proceed now with the debate on how to implement this and the effects of the eight items plus the definition of a victim. The minister talks a lot about the legislation, victims and so on but a victim is not even defined, so who are we talking about? What is a victim? I would like to get confirmation from the minister that the Liberal government will be voting for the motion tonight.

Mr. Rock: Madam Speaker, may I make my position clear. I am going to support this resolution tonight. I think it will be a free vote on our side of the House.

Mr. Benoit: You think it will be? Good, good.

Mr. Rock: The practice or the habit on this side of the House has been to invite members to vote as they see fit. I have no difficulty supporting this resolution in matters of this kind whether it is a resolution or a private member's bill.

I do not regard reference to other legislation that we have introduced as beside the point. I do not pretend it is enough but I also do not think that the discussion is complete unless we refer to it.

The Young Offenders Act, Bill C-37, allowed for the first time, and it was quite remarkable, victim impact statements to be introduced. I am sure the hon. members would agree with that proposition.

In Bill C-41, section 745 was amended to permit the victims to participate in the hearing. That arose directly out of a meeting I had with Marie King Forrest whose husband was a Royal Canadian Mounted Police officer in Saskatchewan who was murdered. The offender was bringing a 745 application and she was not able to take part. As a result of that, I amended Bill C-41 to include a specific provision that would add to section 745 of the code a statement that victims' perspectives must be taken into account when those applications are brought.

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• (1245)

In the case of Daviault and the Supreme Court of Canada, where there was self-induced excessive intoxication, there was an allegation of sexual assault. There was a victim in that case. In the name of that case and the name of the principle for which we felt we should stand, we introduced Bill C-72 to say self-induced intoxication should not and cannot be an answer in that circumstance. That involved a victim.

In the DNA bill, Bill C-104, I remember Mr. Manning being on the Hill a year ago and bringing his circumstances as a victim very forcefully to our attention. He and other victims were the beneficiary of that legislation.

I do not agree with the hon. member that the legislative steps that have been taken are separate, because they are very much a part of serving the cause of justice, including the perspective of victims, and I say they very much reflect the commitment of the government to that cause.

Many references the hon. member makes quite correctly to the ways the system falls short in being fair to victims have to do with administration and therefore provincial responsibility. Provinces across the country are having to reduce expenditures because of fiscal restraints. Crown attorneys are being laid off, court staff is being diminished and services are being reduced.

One challenge we will face in living up to the statement of principles adopted eight years ago is to achieve the principles with diminished resources. I emphasize for my friends opposite and for the House that it is a very important part of all this. Whether we have the resources federally and provincially to provide the kind of services that are required will be a challenge. It will mean giving priority to these efforts and reallocating money from other purposes. I believe it is the right thing to do.

Mr. Jim Silye (Calgary Centre, Ref.): Madam Speaker, I compliment the Minister of Justice on the flowing rhetoric and great words he used in terms of describing victims and supporting my colleague's motion today.

My concern is the historical difference with this Liberal government since it has been in power between the works it uses and the impression and perception it gives to the Canadian public that it is doing something good when the reality is it does not go far enough and does not tackle the problem head on.

I like his analogy to victims being the orphans of the justice system. Then he goes on to reaffirm his personal belief of the basic principles for victims and he read off a list that is eight years old. He talked about how he is to recommend this list once again at the provincial meeting.

My concern is that these principles are not legislation. What we need is legislation. My colleague's motion today is a step toward

bringing about change in the law, legislation that will protect victims. That is the endorsement we are seeking.

I would like to know if the minister at those meetings will be getting the provincial justice ministers on board to changing the laws in the country by introducing federal legislation which will then be endorsed by provincial legislatures to have a victims' bill of rights.

Mr. Rock: Madam Speaker, the problem with the principles of 1988 is not their age. The problem is the extent to which they may or may not have been acted on. What we are talking about today are principles. We are not talking about specific legislation.

There were concrete steps taken after 1988. After those principles were adopted the Criminal Code was amended to add provisions for the identification and prompt return of property to victims from whom it had been improperly taken; prohibitions on the publications of the identity of certain victims; the use of victim impact statements; the imposition of a victim fine surcharge and restitution provisions. There were steps taken after 1988.

Where we find common ground today is that those principles are fine. They may even be improved on by the form of words used by the hon. member for Fraser Valley West. We will look at that, but not enough has been done to respect and to act on those principles.

• (1250)

I made reference to some legislation that we have introduced. There is no doubt more can be done and we have a willingness to do it. The important thing is to bring those principles to life in the way we write the law and in the way we administer it. On that we have common ground.

[*Translation*]

Mrs. Pierrette Venne (Saint-Hubert, BQ): Madam Speaker, today the Reform Party is tabling a motion urging the government to direct the Standing Committee on Justice and Legal Affairs to proceed with the drafting of a victims' charter of rights. Indeed, Reformers are really asking for a charter of rights.

First, I submit that this is an issue that comes mainly under provincial jurisdiction. I want to make this very clear, and I will elaborate on that point.

On December 13, 1993, Quebec passed the Crime Victims Compensation Act, to replace the Act respecting assistance for victims of crime.

The act provides for the payment of various forms of compensation to victims of criminal acts, including income replacement benefits, academic retardation benefits, loss of physical or psychological integrity allowance, bereavement allowance, and also an

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allowance for supporting a child born following a criminal offence of a sexual nature. The act also provides for the refund of certain costs related to personal assistance and rehabilitation, as well as for the administrative support required for its implementation.

An office and an assistance fund were set up. Thanks to this assistance fund, help centres were established in various districts to comfort victims and to support them throughout the judicial process. The Commission de la santé et de la sécurité du travail was given a mandate to administer this act. This commission has regional offices.

The Reform Party is also proposing that consultations be initiated with the provinces to arrive at a national standard for its proposed victims' charter of rights. This is unacceptable, since this is essentially an area of provincial jurisdiction.

First, a national standard can only be arrived at in an area of exclusive federal jurisdiction, such as defence, bankruptcy and insolvency, divorce, postal services, unemployment insurance, aboriginal issues, the Criminal Code, criminal law, banks, weights and measures.

Beyond these explicitly listed areas in section 91 of the British North America Act, any action by this House is likely to be opposed by the provinces, unless it is in an open or vacant field, or unless the proposed legislation is ancillary to legislation in an area listed under section 91 of the 1867 BNA Act.

This House may enact any ancillary provision required to provide effective and complete legislation. However, it can only legislate on the rights of victims in an indirect fashion, that is through legislation concerning an area expressly mentioned in section 91.

• (1255)

Is this a question of national interest? Certainly not. However, the federal government may intervene and does so within these areas of jurisdiction. Thus, the Criminal Code and the Corrections and Conditional Release Act contain provisions aimed specifically at victims of crime.

One of the provisions of the Criminal Code is that trials and preliminary hearings may be heard in camera, that a court may make an order restricting publicity in order to protect the identity of witnesses in proceedings involving sexual offences or in which violence is alleged to have been used, threatened or attempted.

Other provisions allow videotapes to be used in place of the testimony of a witness, or certain testimony to be given outside the courtroom so that a witness will not have to appear before an accused.

These provisions, furthermore, are the subject of two bills recently introduced in the House, Bill C-27 and Bill C-217, which I myself tabled. If passed, these bills will further ease the testimony of victims of crime.

The Criminal Code also provides that a court may, on the application of a person aggrieved, at the time sentence is imposed,

order the accused to pay that person an amount by way of satisfaction or compensation for loss of or damage to property suffered by that person as a result of the commission of the offence.

The Corrections and Conditional Release Act provides that a victim may provide information for use by the Parole Board in determining whether an offender will be granted parole and under what conditions. In addition, the Board or the Correctional Service shall, at the request of a victim, disclose to him certain information, such as the date of commencement and length of the sentence, and the dates on which an inmate becomes eligible to be released on unescorted temporary absence or parole.

Other information may be disclosed when, in the opinion of the chairperson or the commissioner of corrections, the interest of the victim outweighs any invasion of the offender's privacy that could result from the disclosure. Such information includes the following: If the person is being detained, the penitentiary where he is incarcerated, the date of any anticipated hearing, the type and date of release, the destination of the inmate, and the conditions of his release.

Many victims would rather turn the page and try to forget this tragic episode in their lives. Out of respect for them, the Parole Board and the Correctional Service do not automatically send information to the victims, who must make a written request if they wish to obtain such information.

In short, the current situation does not warrant the measure proposed by the Reform Party. The provinces are in a better position to protect the victims of criminal acts, and they can do so in a manner that better reflects their particular environment. This is not to say that the federal Minister of Justice should stop continuing to improve the law in areas that can affect victims of criminal acts.

Given that this is a matter that comes essentially under provincial jurisdiction, and that the provinces, including Quebec, have already legislated this area, we oppose the motion of the Reform Party.

• (1300)

[*English*]

Mrs. Jan Brown (Calgary Southeast, Ref.): Madam Speaker, I will be splitting my time with my colleague from Nanaimo—Cowichan. I would like to express my thanks for the opportunity to rise today and address the motion to introduce a victims' bill of rights.

Every act of violence touches each one of us. It crosses party lines, gender lines, cultural, sociolinguistic and economic lines. Our concern is the reality that brings us together as we all struggle with the infuriating, frustrating and heart wrenching results of violent crime.

While all aspects of this bill of rights are of great significance, as critic to the department of status of women I am particularly concerned with issues that address victims of domestic violence.

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Since my election to Parliament I have seen any number of times the consequences of a justice system that neglects the welfare of victims of crime. These consequences are particularly stark and devastating for the victims of violent crime and domestic violence. The following will bring to light how devastating, as I share with members a few of the numerous cases I have dealt with in my riding of Calgary Southeast.

These cases specifically involve domestic violence including pedophilia and stalking. The sensitivity and confidential nature of some of these cases means I will not make reference to the names of the constituents concerned except for the case of Helen Leadley. Helen has courageously brought her story to the public, and Parliament is already familiar with it.

In early 1994 Helen Leadley approached our office for assistance. Her concern was that a convicted violent offender by the name of Robert Paul Thompson was up for parole in 1995 and she feared for the safety of her family. She explained to me that Thompson had been convicted for the murder of her daughter, his common law wife, Brenda Fitzgerald. Mr. Thompson's record dated back to 1969. The crime of murder, for which he is currently serving time, he committed while on a day pass from the Bow Valley correctional institute where he had been incarcerated for two counts of hit and run. Thompson was caught, found guilty by a jury trial and put in jail for his crime.

Helen and her grandchildren have never had the opportunity to go on with normal lives. Helen would spend the next 10 years fearing for the life of her family. Thompson sent death threats to Helen and her family promising that once released, and he remains quite confident that he will be released, he would follow through on these threats.

While Thompson is being provided for by the state, Leadley family members live in fear for their lives, never able to put the tragedy of Brenda's death to rest, as they have spent countless hours agonizing over and working to prevent Thompson's release.

On June 13, 1995 I attended Thompson's parole hearing in Renou, New Brunswick. There I was able to present a written statement to the parole board on Helen's behalf requesting that Thompson serve his full life sentence. Helen was denied permission to make any verbal statement to the parole board. As unimaginable as that ruling is, it remains that victims are not permitted to speak during the parole hearing.

Fortunately the board ruled against Thompson's release but he will be allowed to apply again and again in the years to come until he is successful.

As Helen works valiantly to keep the shattered pieces of her family life together, she must also find the strength to go on fighting to secure her own protection because the state seems incapable of doing that. When will she be free from this burden?

As long as we continue to neglect the victims of crime, people like Helen will continue to live in fear and sorrow.

More recently, another constituent came to see me, this time for assistance in protecting her family against a sex offender who had sexually abused not only her daughter but six other little girls including his two daughters. The individual in question was convicted on seven counts of sexual assault three years ago, sentenced to nine years in prison but became eligible for early parole this past February, ludicrous as that may be.

The constituent asked that I attend the parole hearing at the Bowden Institution in Alberta. Once again neither the victims nor their parents were allowed a voice at the hearings. In this case the decision was made in favour of society and the victims, as the offender was denied earlier parole.

However, the positive outcome was outweighed by the uncertainty felt by the victims as they awaited the process as well as the emotional anguish of having to relive the violation as they revisited the horrible memories of the crime. The very intrusive representation by the pedophile as he used this hearing to absolve himself was truly offensive.

I will share with members the story of a family haunted by a former spouse who while in prison issued death threats to his ex-wife and her husband. The offender in question was scheduled for release sometime around April 4, 1996. Authorities informed me that in all likelihood his release would be granted. I was informed by those same authorities that this man is capable of following through on his threats. He has been diagnosed with degenerative personality disorder, a disease that causes him to become increasingly aggressive and increasingly dangerous.

• (1305)

This offender has made threats against me and my staff in the constituency office. When I contacted the RCMP to find out what could be done to protect not only my constituents from this dangerous man but also me and my staff, I was told that until he reoffends there is not much that can be done short of surveillance. While our justice system fulfilled its promise to release the criminal as scheduled, it continues to neglect the very real and overwhelming threats to the lives of its victims and the rest of our community.

In light of the above, I take this opportunity to express my support for the victims' bill of rights. For too long we have worked to protect the accused at the expense of the victims. While I understand the need to ensure the accused are treated with fairness under our laws, must it be done at the expense of those innocent individuals who have already experienced abuse and humiliation and who have to suffer the further insecurity of never knowing if they will ever be safe again?

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How much longer will we buy into the argument that what is needed above every possible consideration is rehabilitation? What of protection for our citizens? What of making individuals accountable for their actions? What of the rights of the victims and of potential victims in society? It is time to stop giving priority to criminals and violent offenders who prey on our families and children.

As we see cases of domestic violence increasing we must ask what are we doing to alter effectively that reality. While I am a strong advocate of prevention and the incorporation of preventive measures to curb the tide of the growing number of violent offences being perpetrated within families, I also believe it is well past the time that we put in place effective measures to respond to the needs of the growing numbers of victims in the nation.

As we can see from these real life examples, victims are not being accorded the protection they need or even a say in the process.

Domestic violence presents particular problems for the criminal justice system. Some of the most violent crime in our communities is committed in the home by close family friends and family members. Unfortunately children and women bear a disproportionate amount of this aggression.

In one of the most widely referred to studies on domestic violence, a 1993 government publication entitled "Changing the Landscape: Ending Violence-Achieving Equality" found that 34 per cent of Canadian women have experienced a physical assault from a partner in an intimate relationship. Five per cent of the women reported being threatened, 39 per cent were sexually assaulted, while 50 per cent of Canadian women say they have been abused in some way. A shocking 45 per cent of women have faced violence at the hands of husbands or boyfriends they live with.

Children have also been the target of abuse and violence. What is equally damaging for children is the relationship that exists between the witnessing of violent domestic abuse and the probability of becoming abusive later in life. Government of Canada research illustrates that children who witness violence, especially against a mother, are more likely to be abusive as adults. This is tremendously troubling, considering that 39 per cent of women have reported that their children were witnesses to violent acts committed against themselves.

This points to a growing crisis that has dangerous social implications for Canadian society. One of the problems in overcoming domestic violence is the inability to break the cycle of repeat abuse after a conviction has been made and a sentence has been served. Ex-convicts regularly attempt to re-establish contact with former spouses or family members with devastating effects.

Oftentimes victims are not aware their abusers are not back on the street. They show up unannounced, occasionally with violent intentions. Victims should be notified when a convicted abuser is freed from jail so they may take precautions to protect themselves and their children against repeat aggression.

Again, there is an imbalance here, which the Minister of Justice suggested a few moments ago. The criminal justice system in my view must become more focused on protecting victims from harassment and intimidation.

The victims' bill of rights challenges the criminal justice system to follow through, from beginning to end, charges related to domestic violence. The system has learned to effectively take into consideration the rights of the accused and the convicted, but it has no corresponding capacity to link the victims of crime to the process of justice. Without question a victims' bill of rights would have a positive effect in redressing the imbalance which presently exists.

● (1310)

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, I thank the hon. member for her comments. I join with her, as do all members, to discuss and debate what can be done to assist victims within the criminal justice system.

A statement of principles was adopted in 1988 by the federal and provincial attorneys general and ministers of justice. Since that time concrete legislative steps have been taken at the federal level and in some cases at the provincial level to assist victims of crimes.

At the federal level we have implemented such legislation as Bill C-68, gun control measures with the universal registration system in place. Those who have been victims of violence from a spouse through court process can initiate proceedings. The police when guns and firearms are registered will be able to seize the firearms of a person who has threatened or assaulted another.

I would like the hon. member to explain, when we are all doing our best and what we can within the federal purview to assist victims, why the Reform Party would vote against the registration of firearms, which would make the world a safer place for victims.

Mrs. Brown (Calgary Southeast): Madam Speaker, at issue today is the victims' bill of rights. The Minister of Justice expressed in his delivery the appreciation for the broader debate that does cross partisan lines.

I thank the hon. member for his comment but it seems he has a singular focus today on the very flawed legislation of Bill C-68. That is all I will say with respect to that question. Some elements of it are very good and there was certainly an indication of that on our side of the House, but some elements of it are very wrong

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minded, create great inequities, are totally unfair and have very little merit in terms of addressing the issue of crime in Canada today.

I am a copious note taker. I was at the parole board hearing in Bowden, Alberta on February 29 when the pedophile I mentioned in my speech presented his arguments and his remorse. It was a very self-centred presentation to the parole board hearing. All of us sat in silence, as we were requested to do by the parole board.

If concrete steps have been taken, as the hon. member has suggested, in addressing the issues of victims, which cover a host of areas, I would be most happy to photocopy for him the dozen or so pages I have that clearly point out that in spite of the concrete steps he believes may have been taken they really do little to address the issue.

When we have someone who has been incarcerated and has taken a homecoming program to address his inner child, a human sexuality course to address his sense of relationship, stress management courses, an alternative islands program, self-esteem programs, grief recovery programs, I would like to ask the hon. member, and I certainly will in private, exactly what has been done for the victims of the man who committed these horrendous crimes against seven little girls.

I would like him to explain the concrete steps that have been taken by the government to address the whole issue of victims and the pathetic attempt to address the issue of the resources they have no access to and the ridiculous matter he raises of gun control with respect to a victims' bill of rights.

Mr. Bob Ringma (Nanaimo—Cowichan, Ref.): Madam Speaker, I am pleased to rise today and speak on this motion before us advocating a victims' bill of rights. It might be appropriate for me to remind everyone of what the motion states:

That the House urge the government to direct the Standing Committee on Justice and Legal Affairs to proceed with the drafting of a victims' bill of rights, and that, in such areas where the committee determines a right to be more properly a provincial concern, the Minister of Justice initiate consultations with the provinces aimed at arriving at a national standard for a victims' bill of rights.

• (1315)

I am very pleased to note that this is a votable motion.

It is a timely and long overdue initiative which seeks to establish the rights of victims and their families as a cornerstone of our judicial system. That it has not been attempted in any substantive or meaningful way by the government is a sad commentary on its lack of commitment to safer streets and communities, although I am heartened by some of the words I heard the Minister of Justice speak in addressing this motion a short while ago.

Some colleagues across the way will no doubt disagree with some of what we say on this issue. I also expect some of them will

vote against these proposals. If they listen, I am confident that our discussion today will draw attention to the subject of victims rights. In doing so, it is my hope to provide a voice in the House to the thousands of people who are the real sufferers of crime each year, the victims.

Victims for the purpose of this initiative also include the families of the persons against whom the offence was perpetrated. For them there is sometimes no escape from their suffering. All victims will bear the psychological scars of their ordeals for years to come.

While a victims bill of rights may not address all their concerns, the measure contained in this initiative in part would allow them a say before every legal proceeding that deals with the disposition of an accused. It is on this aspect of the victims bill of rights that I would like to spend the remainder of my time.

Clause 3 of the proposed bill declares that every victim has the right to choose between giving an oral and/or a written victim impact statement before sentencing, before parole hearings and before any judicial review. Simply put, victims and their families are not presently guaranteed the right to make oral impact statements at the trial of an accused, yet the accused seems to have every right.

If accepted, this bill of rights would ensure that a victim could choose to make such a statement at each stage where the legal system deals with the accused or the convicted. It would also allow them to determine if they want to give that statement verbally, in writing, or both. I do not think that is an unreasonable proposal.

Being allowed to do both is significant. It would prevent the courts from altering or editing a written victim impact statement. That was done to the statement submitted by Mrs. Mahaffy in the trial of Paul Bernardo. In that case, Mrs. Mahaffy submitted a statement only to find that it had been edited to the point that it no longer reflected what she wanted said about her daughter's death and the impact it had on her family.

The bill does not stop there. The bill would also allow a victim and their family to make a verbal impact statement at the parole hearing of a convicted criminal. In this regard, I will share with members in this House the tragic experience of a constituent of mine.

Her name is Inge Claussen. Many in my riding of Nanaimo—Cowichan will know her as my very capable constituency assistant in Duncan. Seventeen years ago, Mrs. Claussen's teenage daughter was abducted and brutally murdered. An individual with a known criminal history was subsequently charged and convicted of the crime.

Now, 15 years after being sentenced, this person—no, not person—this animal is now scheduled for a section 745 parole hearing asking for early release. Meanwhile the family of the slain girl does not have the ability to give a verbal impact statement at a parole hearing, after which this animal could be put back on the

street where again it will have the opportunity to prey on more innocent children.

• (1320)

I sincerely hope no one should ever have to endure the horror this woman and her surviving family had to go through. Sadly though, given reality, I must expect there is still a possibility of that.

Rather than contribute to the pain and anguish of the victims and their families, rather than sully the memory of those victims killed, every effort should be made to give them a voice.

In the case of parole hearings, the right to make an oral victim impact statement should be guaranteed, if only to serve as a poignant reminder of the impact the offence had on a victim and the victim's family. Just as important, such measures should ensure victims of crime are treated as something more than observers of the judicial process. In point of fact, it would allow them to be active participants with something relevant to say, something beyond what happened during the commission of the offence.

Victim impact statements allow an individual to share with the court and for that matter share with the accused what the crime has done to them. It makes all involved acutely aware of the suffering endured by the victim and the victim's family. The catharsis of being able to do so helps in the healing process of the victim and allows them to form some semblance of closure on the incident.

However if the past actions of this government are any indication, we are not likely to see the reforms we want as they are outlined today any time soon. I hope from the words of the minister today I am wrong in saying that.

As I reflect upon this government's effort in the area of criminal reform addressing the rights of the victim, I am not encouraged. The approach used seemingly and invariably puts the rights of the accused ahead of the victim.

In recent years this country's criminal justice system has fallen into disrepute among Canadians. Increasingly, there exists a cynical opinion among many people that justice in this country is spelled and hence viewed in two different ways. There is "justice" which is viewed and spelled in the traditional way and incorporates the sacrosanct ideals of equality and fairness. Then there is "just us", the albeit harsh reality exploited by defence attorneys and their clients that the only people entitled to the principles of justice are the accused.

Sadly, recent tinkering with the Criminal Code has done nothing except enhance this unfortunate perception among Canadians. Real reform and leadership is needed on the issue. Only courage by legislators in this House will set things right.

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I want to end my remarks by urging members opposite to put aside any partisan beliefs they might have and consider very seriously what is being proposed here. At the heart of this effort is a sincere attempt to assist victims of crime and to put more justice into the justice system.

When we vote on this motion, it does not have to necessarily be about winning or losing. As long as we work from the premise that these measures would benefit all Canadians who might one day find themselves victimized by crime, we will have accomplished something.

I ask members from all parties to join with me and support the initiative before the House today.

Mr. Morris Bodnar (Parliamentary Secretary to Minister of Industry, Minister for the Atlantic Canada Opportunities Agency and Minister of Western Economic Diversification, Lib.): Madam Speaker, the statements made by the hon. member refer to justice as being fairness, equality and the protection of victims rights. I take it then the hon. member feels that is the appropriate way to deal with it, since we want to treat people equally.

• (1325)

In dealing with amendments such as sexual orientation, human rights legislation or amendments to the Criminal Code and the treatment of people in the criminal justice system, justice is the equal treatment of people, not preference for one group or another, but equal treatment. Does the hon. member feel that the justice he quotes, and not "just us", refers to members of gay communities as well as heterosexual communities and their equal treatment in all aspects of law, sentencing and in human rights legislation?

Mr. Ringma: Madam Speaker, I certainly believe in justice for everyone.

The member in his intervention really is trying to take our focus off the motion before us to say now that the rights of the gay community are coming up, can we get a commitment from the member. Justice is justice. I do not think we should single out any particular group and say they should be given special rights. We are saying justice for all.

The issue before us today is justice for the victims of crime as opposed to the continued over justice for the perpetrators of crime. That is what I would like us to zero in on.

Mr. Glen McKinnon (Brandon—Souris, Lib.): Madam Speaker, before I commence the formal part of my address, let me simply add that all members in the House know of some event or some circumstance which has impacted either on them or on close friends whereby the victim has had some long term scarring and

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would appear to have had very little public recourse in terms of addressing that level of hurt.

My colleague for Erie who will be sharing my time with me, will be adding to my comments today. I personally support the thrust of the proposal members opposite are making today.

Throughout the country over many years there have been attempts to put something in place. Manitoba has had some pilot projects on victims services. I am sure that is true of other parts of the nation as well. Various municipalities have engaged personnel to attempt to assist a family or the victim of a crime, whether it be vandalism, theft, or some other sort of violation. A system has been put in place because of the difficulty in handling life after the fact.

The hon. member's concern for victims of crime is very admirable. We have often heard the public criticize the judicial system for placing the rights of the offender ahead of the rights of victims. That was addressed to some degree by the previous member with regard to justice for all. One cannot defend one side or the other on that one.

I agree that more needs to be done to protect the rights of a victim. I would also emphasize that we must be cautious. It is not to imply that one way to achieve protection of a victim is to diminish the rights of an offender. Therein lies the tricky part; not to allow the legislation currently in place in human rights legislation or in the charter.

• (1330)

We would ask ourselves whether there is a necessary trade off between competing rights. Is justice better served by somehow reducing the rights of an accused person? The emergence of the victims' rights movement in Canada is one of the most important criminal justice trends we have seen in the last 20 years. Yet I doubt any victim organization in Canada would advocate eliminating the right of an accused to a fair trial, the right of due process, the protection of habeas corpus or the protection of an accused against self-incrimination. Do I need to remind the House there are rights guaranteed to all Canadians under sections 7, 10 and 11 of the charter of rights and freedoms?

I will not dwell on this matter of comparing the rights of the accused with the rights of the victim, but this may be necessary in considering the content of a bill of rights. I believe a more constructive approach is simply put to determine where and how the victim should be involved in the criminal justice process.

The concept we should embrace is access to justice for the victim. At what point in the criminal justice process does the victim deserve to have input? There were some suggestions in my colleague's speech and I would not attempt to diminish the thrust my colleague was putting forward.

However, are there various points along the process where we can examine with close scrutiny where access should be made? Should there be input to the police, to the investigation, to the trial of the accused, at the sentencing stage and later at the parole decision making stage and finally when the offender is released from custody assuming that guilt is determined in the issue?

If we can provide the victim or the victim's family with appropriate access to the criminal process in a timely fashion, maybe we can be a little less concerned about who has more or who has fewer rights.

Let us examine the progress made over the last two decades both in terms of general recognition of the needs of the victim and specific measures. Much of the policy and programs dealing with the victims is derived from a report by a federal-provincial task force on justice for victims of crime in the early 1980s, which offered 79 recommendations to both levels of government for improving social criminal justice and health responses to victims of crime.

In 1985 Canada co-sponsored the United Nations declaration of basic principles of justice for victims of crime. It was widely and universally accepted that Canada was a leader in this movement. This document soon became the basis for a unique Canadian statement of principles. This statement was endorsed by the federal government, the provinces and the territories in 1988. It has provided a reference point for provinces to develop their own policy and legislation on victims' rights, and most jurisdictions now have victims oriented legislation.

It is important to note provinces' perspectives since provinces' responsibility for the administration of justice means that not all access to justice issues are under federal control.

The law now provides for victim impact statements. Section 735 permits provinces to determine the forum for the victim impact statement in their jurisdiction. In effect this provision creates flexibility, for example, by allowing police based victim witness service programs to generate victim impact statements or alternatively crown or court based services as appropriate.

Victim fine surcharge provisions were also added to the Criminal Code by Bill C-89. The victim fine surcharge is an additional monetary penalty imposed on an offender at the time of sentencing. A victim fine surcharge is required to be imposed in addition to any other punishment imposed on an offender convicted or discharged of a Criminal Code offence or an offence under part III or part IV of the Food and Drug Act.

• (1335)

In addition to these surcharges, several provinces have passed legislation to impose a victim's surcharge on provincial offences and this revenue may also be used for victims' services in those provinces.

Supply

I will do my personal best to bring forward concerns and information which will support this thrust by members opposite.

Mr. Myron Thompson (Wild Rose, Ref.): Madam Speaker, I would like to ask the member exactly what he meant when he said do not let what we do for victims interfere with what we need to do for criminals. A statement like that bothers me when we are addressing victims' rights. Is he fearful that criminals will lose rights because of our efforts?

Numerous victims' groups have been formed across the land. There is FACT, Families Against Crime Today, which is led by Stu Garrioch in Calgary. There is CAVEAT, which I am sure everyone is familiar with. There is CRY in British Columbia. There is the Move the Rock group. There is the kid brother campaign in southern Ontario. There are thousands of people who belong to victims' groups. The one thing they tell me is they would really like to return to having some sort of a life; if only the government would listen.

This government has been here two and a half years. These groups are increasing. Would the hon. member comment on why he thinks these groups are continually growing and why these people cannot return to their previous lifestyles.

Mr. McKinnon: Madam Speaker, the member opposite raised two very legitimate concerns.

It was not my intent to create the impression that we need not worry about the victim, that we need worry only about the perpetrator. The point I was making is we have to be cautious in carrying through with our fundamental legal positions in legislation and in the charter of rights and freedoms so that victims' rights are not seen as removing the rights of offenders.

The second comment concerned the growing number of victims' organizations. The member was adding to the number of persons involved in those organizations. Those organizations are symptomatic of the communications industry and how it has been growing throughout the country. Nothing happens in Vernon, as an example, that we do not hear about instantaneously throughout the nation or throughout the world.

I have a daughter in Australia. We have already had communications from that area because of the massacre that happened there yesterday.

Let us not refocus the impact. We are simply attempting to ensure victims and their families have some involvement in the total criminal justice system. It is for that reason that I support the member opposite in his opinions.

• (1340)

Mr. John Maloney (Eric, Lib.): Madam Speaker, at the outset I wish to advise that I will support this initiative by my Reform colleagues and will vote in favour of it.

I will endeavour to take a different approach in my remarks in support of this position. I am pleased to address the House on this motion for a bill of rights for victims because it is crime that creates victims. I take this opportunity to look at the collective measures all sections of society can take to give further importance to the prevention of crime and victimization.

Crime prevention, particularly through social development and multi-disciplinary approaches, addresses the underlying causes of criminality and victimization and can provide long term safety and security.

In Canada the need to prevent crime meaningfully is mobilizing every sector of society, starting with citizens and the grassroots organizations, service providers, the private sector and all levels of government.

No country or community is immune from crime and its devastating effects. However, a growing body of knowledge is emerging with respect to comprehensive strategies, and this information can assist communities that want to take action. There is knowledge on how to mobilize our institutions and our citizens and develop a partnership effort on assessing social, situational and other factors associated with crime, planning and co-ordinating a multi-disciplinary approach.

For a crime prevention plan to be truly representative and responsive to local crime problems, the community should be involved at all stages and in all aspects. It has been established that the greater the degree of community participation and solidarity in addressing social and crime related problems, the higher the level of urban security.

The need for close co-operation between governments and communities and for the establishment of broad coalitions of all those concerned with crime problems cannot be stressed strongly enough.

A meaningful strategy for the prevention of crime and victimization encompasses four key elements. First, crime prevention through social development consists of a comprehensive approach to systemic crime prevention through social development which targets the combination of social, personal, educational and economic factors which place individuals at risk and contribute to crime.

Our research suggests the various aspects and causes of criminal behaviour share common characteristics such as personal, familial and social breakdown. A social intervention approach, which seeks actions through policies, programs and services already present in the social development field such as social housing, health, education, income security and social services, may lessen the factors which may lead a person to crime.

The second is crime prevention through community mobilization. The involvement of all sectors of the community in the

Supply

planning and implementation process of crime prevention strategies must be an integral part of crime prevent. Community safety and crime prevention strategies should address factors associated with the prevention of crime and the needs and priorities identified by their communities.

Third, situational crime prevention strategies or opportunity reduction approaches such as neighbourhood watch, block parents and crime prevention through environmental design have considerable potential for reducing crime in Canada. Most police agencies have established crime prevention units which promote various community based programs aimed at reducing opportunities for a specific crime such as vandalism, theft and break and enter. However, such programs have limits, especially over the long term, as offenders become displaced to other areas or choose to commit other types of crime.

The fourth is effective justice approaches. The maintenance and improvement of a fair and equitable criminal justice system is the foundation to effective crime prevention. Actions such as the control of firearms, the recognition that spousal abuse and child abuse are crimes and that timely responses to young offenders through appropriate and effective legislation and enforcement will help to ensure that crime prevention is a reality.

Crime prevention targeted to the social causes of crime requires a longer term and less visible effort than does catching perpetrators or installing mechanical devices. Their concept requires a new approach, where the belief that it can be done accompanies the commitment to make it happen. More can be done to prevent crime by interceding in practical ways and through social development situations.

Key research on the benefits of crime prevention through social development must be brought to the attention of all concerned citizens, communities and the media. Canada has taken an important step in putting greater emphasis on crime prevention by developing a national strategy on community safety and crime prevention. This took place following a major consultation with stakeholder groups, through an in depth examination by a parliamentary standing committee and through a national symposium.

• (1345)

The national strategy is a broad framework of action which brings together a number of partners and a special focus on the development of information and tools to help communities develop and implement specific measures to meet its needs.

The strategy was developed in close co-operation with stakeholders, including provinces and territories, which are primarily responsible for many aspects of crime prevention and which

contribute to individual and community safety, such as education, health, social services and the administration of justice.

Measures implemented on the national strategy by governments and by non-governmental organizations include greater co-ordination and communications, public education and awareness, enhancing knowledge, support to communities, incorporating crime prevention legislation and official mandates and developing innovative funding strategies.

The establishment of a National Crime Prevention Council in July 1994 was a key element of the national strategy. This body is made up of 25 members from a variety of disciplines, including education, social work, police, victims, private sector, criminologists, public health, and so on. It serves as an adviser to governments and a central co-ordination and information sharing structure to unify crime prevention efforts and develop practical solutions for communities.

The mandate of the council is very broad and reflects the fact that Canada is only beginning to understand what can be done to define the prevention of crime and victimization and help communities become safer places.

The National Crime Prevention Council has adopted social development as the most effective approach to crime prevention. Children and youth are their key priorities, as a focus on early prevention is the means to prevent victimization and criminal behaviour later on.

It is developing prevention strategies that address the underlying factors associated with crime, such as poverty, unemployment, inadequate parenting, family violence, lack of opportunities, systemic discrimination. Its members believe that the long term solution lies in targeting services and resources that diminish the effects of hardship and disadvantage and that provide children with the best possible opportunity to fulfil their potential. The positive results from these actions will benefit society in many ways and will assist in reducing the rates of crime and victimization.

The council's work also includes looking at measures aimed at strengthening families to safeguard children at risk. Earlier work has pointed to the need for such measures to be comprehensive and implemented at the national and international levels.

These measures should focus on mitigating the situation of dysfunctional families or families characterized by erratic, absent or excessive discipline, a high probability of mistreatment and a lack of positive role models. Early intervention can help put an end to the cycle whereby child abuse and the delinquency associated with such abuse is passed on from generation to generation.

While the national strategy for community safety and crime prevention and the national council are at early stages, I believe that this work is very promising and that we have taken a decisive

step toward safer communities. This is the type of work that in the long term will prevent victimization.

As I indicated to our Reform colleagues, a positive and constructive initiative such as this can and will be supported by this member and can and will be supported by this Liberal government.

Mr. Paul Forseth (New Westminster—Burnaby, Ref.): Mr. Speaker, I would like to address a comment and a question to the member.

To bridge the gap from the volunteer status for victim services and the position of victims in the whole process, does the member not see that specific legislation is needed to change the situation from statements of principle and words of good intentions? This would bring the status of victims into the mainstream of operations where the victims have in law rights that can be enforced and they have legal benchmarks to which the justice system can be held to account when it fails to deliver on behalf of victims?

Mr. Maloney: Madam Speaker, I agree with my colleague. We have already commenced some of these initiatives. Perhaps I can refer to a few of them. Bill C-37 acknowledged victims' declarations; Bill C-41 amended section 745 to ensure that the victim could take part in deliberations; the Criminal Code which allows for the victim's role in the entire process, victim's statements and so on. There is a whole list of initiatives here which certainly satisfy the suggestions my friend has made. Yes, I agree with him, and yes, we are doing something about that.

• (1350)

Mr. Grant Hill (Macleod, Ref.): Madam Speaker, as a physician in my life before Parliament I would like to address the final victims bill of rights statement that the victim should know if a person convicted of a sexual offence has a sexually transmitted disease. I would like to relay the specific case of Margot Blackburn. In September, 1992 Margot was working in a church rectory. A convict was in the church doing community service on a day pass. The convict had a bad past record and he raped her.

He was caught of course, convicted and sentenced to 12 years in prison. Margot, being up to date on medical issues, knew there was a possibility of an infectious disease being transmitted to her. This man was convicted. He admitted he had raped her. He said he was sorry and all the other things.

Margot asked if he could have given her AIDS. She applied to the court and asked for the perpetrator, Louis B., to have an AIDS test. When I tell this story to high school students across the country they look at me with horror when I say that the result was no chance, no AIDS test, zero. The convict and his rights take precedence over Margot Blackburn.

Supply

She wanted an AIDS test, and an eminently reasonable request it was in my view, since there would have been a significant gap between the time of infection and when a test would show positive in her. If the convict was positive, she would know full well she had reason to worry.

In Canada, the rights of the criminal in this case collide directly with the rights of Margot, and take precedence. I say to the kids: "You young ladies in this class, what do you think of the Canadian justice system when I tell you that? Whose rights should take precedence?" I have not had a single, solitary student in grade 12 say to me that Louis B.'s rights should take precedence over Margot's. They say absolutely not.

This issue, without question, puts the justice system into dispute. Reformers want to change that. If a conflict exists between the rights of the victim and the rights of the criminal, the rights of the victim must take precedence.

I found a very interesting recent editorial in a newspaper written by someone who sits in this House, although not on this side, who very eloquently said that. The Canadian Resource Centre for Victims of Crime proposed in 1993 that the Criminal Code should be amended so that a blood test can be ordered when the court is satisfied that (a) reasonable grounds exist that the victim has been exposed to risk of infection, and (b) the taking of blood can be done without jeopardizing the life or safety from whom it is taken. In my view, no one can argue with that.

I will discuss a second case of a victim in Canada who I consider to be abused by our system. His name is Miles Fritz. He is a young man who lives in Cayley, Alberta. He is a master electrician and was working in the Yukon.

One evening while doing his dishes he heard a cry from outside. His 64-year old neighbour had been set upon by three thugs. Miles is a scrawny buzzard, something like me. Nevertheless he rushed out to save his neighbour. He found the three thugs literally kicking his neighbour unconscious. He leaped on them and beat them off. However, one thug drew a knife and stabbed Miles in his right forearm. Miles almost bled to death but they saved him with transfusions. As a result of this, he has a permanent disability.

• (1355)

A master electrician uses his right hand a lot. Miles has lost some nerve function, he has lost some power and activity. He will never again work as a master electrician.

The guy who stabbed him had been released on probation that very morning from prison. He received a sentence of nine months with two years' probation. What does Miles receive? Miles, who is a hero in my eyes, who saved his neighbour's life, receives nothing. Too bad, Miles, there is nothing for you.

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The perpetrator gets counselling in prison for his drug addiction, for his past, for the way his mom and dad treated him, for the poverty that he underwent. Miles, the hero, gets a kick in the shins.

Miles puts our criminal justice system into disrepute. Reformers, every one of us, stand here today saying that if the rights of the victim collide with the rights of the perpetrator, the rights of the victim shall take precedence. We need a victims' bill of rights in Canada. I call on my colleagues in a non-partisan way to bring this to fruition quickly.

The Speaker: My dear colleague, when I showed you two fingers, I did not mean that you actually terminate your speech at the time. I was just indicating that time when I was going to go to statements. If you wish to take the floor at the end of question period, you still have time. Would you please indicate what you would like to do?

Mr. Hill (Macleod): Mr. Speaker, since I was splitting my time with the member for Surrey—White Rock—South Langley, my time was over.

The Speaker: It being approximately two o'clock, we will now proceed to Statements by Members.

STATEMENTS BY MEMBERS

[English]

PAKISTAN

Mr. John English (Kitchener, Lib.): Mr. Speaker, I rise today to express both sadness and outrage for yesterday's cowardly bomb attack on Lahore, Pakistan, where over 40 people, mostly women and children, were burned beyond recognition. A bomb was placed under the gas tank of a public bus, and as a result numerous lives were lost and countless injuries sustained.

This senseless attack is only one of many in Pakistan's recent history, where terrorist activity has become a part of everyday life for many of its citizens. Canada will always condemn those who choose the path of violence for political gain and support nations which seek to eliminate these terrorist groups whose courage is no more than the end of a gun barrel or the chemicals of a bomb.

I am confident that all Canadians support the determination to rid Pakistan and other countries of terrorist activity. I wish to offer my sincere condolences to the families suffering as a result of this terrible bombing. Certainly it is the strength and determination of the people of Pakistan to persevere that inspires many other nations of the world enduring similar tragedies.

[Translation]

DEATH OF A CUM POLICE OFFICER

Mr. Richard Bélisle (La Prairie, BQ): Mr. Speaker, at 10 o'clock this morning, we learned about the death in the line of duty of an investigator assigned to road safety for the police department of the Communauté urbaine de Montréal, District 11, in Senneville.

During a routine operation, three shots were fired, and the victim was mortally wounded. The unfortunate man was only two months away from a well-deserved retirement after years of work for the Montreal community.

We vigorously condemn this vicious murder of a law enforcement officer. I join with all my colleagues in expressing our heartfelt condolences to the victim's family and fellow officers at the CUM.

I invite my colleagues from all political parties in this House to observe one minute of silence in memory of this law enforcement officer killed in the line of duty.

[Editor's Note: Whereupon the House stood in silence.]

* * *

[English]

JUSTICE

Mrs. Diane Ablonczy (Calgary North, Ref.): Mr. Speaker, one of the founding principles of the Reform Party is that the punishment of crime and the protection of law-abiding citizens and their property should be placed above all other objectives of our justice system.

Instead, the Liberals emphasize apologizing to criminals and offering them personal compensation when they participate in riots and are injured.

Canadians want their government to send a strong message to criminals that if they violate the rights of law-abiding citizens they will be held accountable and society sanctions will have real teeth.

The Liberal government's refusal to listen to the people on such measures as the repeal of section 745, the early parole provisions of the Criminal Code, shows how out of touch it is with Canadians.

When Canadians go to the polls in the next election they will ask themselves who has shown real commitment to protect them. Who is willing to stand up and introduce common sense legislation that puts the safety of our families and communities as its first priority? On both accounts there is only one answer, the Reform Party of Canada.

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GASOLINE PRICES

Mr. John Solomon (Regina—Lumsden, NDP): Mr. Speaker, this morning my private member's Bill C-220 calling for an energy price commission was debated. The purpose of the legislation is to protect consumers from gas price gouging by having oil companies justify price increases.

The Reform Party opposed the bill and supported the oil companies in their initiative to charge whatever the market will bear. Liberals opposed the legislation because they believe the oil companies are charging fair prices and should be encouraged to charge higher gas prices.

In a referendum of nearly 4,000 people conducted in Regina after hearing the oil companies' reasons for price increases, 93 per cent voted in favour of regulating gas prices.

Why do Reformers and Liberals stand four square in support of high gas prices? Why when farmers, business people and consumers need and ask for protection from Parliament do the Liberals and the Reform Party side with big business, the big oil companies? Perhaps the answer lies in the fact that both these parties receive substantial political contributions from the oil industry.

* * *

GUN CONTROL

Ms. Paddy Torsney (Burlington, Lib.): Mr. Speaker, like many Canadians, I awoke this morning to the horrifying news that 32 people had been cruelly murdered and countless others injured in Tasmania last night.

Tasmanians have not had the benefit of gun control laws like those in Canada. Automatic and semi-automatic weapons are freely available. While people are licensed, their guns are not registered.

Canadians can take some measure of comfort knowing they have done their part to ensure that in Canada we have a gun control system second to none. Canadians elected a government that campaigned on tougher gun control, a government that delivered. Canadians supported a justice minister who remained courageous and MPs who voted for reasonable protections.

On behalf of my constituents and all Canadians, to those who lost a loved one and to those who are recovering from their injuries, our thoughts and prayers are with you.

* * *

STRATEGIS

Mr. Walt Lastewka (St. Catharines, Lib.): Mr. Speaker, Industry Canada recently announced an exciting new project called Strategis. Strategis is Canada's largest business web site.

The goal of the government is to create a climate of opportunity for businesses. Strategis supports this goal by putting the knowledge, experience and expertise of Industry Canada in the hands of small and medium size businesses.

Strategis is based on partnership with government, industry, universities and community colleges all working together to provide better access for businesses to the information they need to compete.

Smaller communities like my riding of St. Catharines may not be close to the hub of technology or government research, but with Strategis the latest information on industries and companies, market opportunities, advanced technologies and trade is available on the business Internet.

I congratulate Keith McDonald from McDonald Systems & Consulting for taking the initiative to spread the message of Strategis. Strategis is about giving businesses a leg up. It is about helping them succeed, grow and create jobs. It is up to the federal government to create that opportunity.

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WORKPLACE SAFETY

Mrs. Jean Payne (St. John's West, Lib.): Mr. Speaker, on April 28 Canadians recognized a national day of mourning for all Canadian men and women accidentally killed in the workplace.

• (1405)

While accidental deaths and serious injuries in the workplace can never be completely eliminated, the federal government is determined to continue to work closely with provincial governments, businesses, unions and workers in the area of occupational health and safety to help identify hazardous and potential high risk situations and to ultimately find solutions.

To the families, relatives, friends and communities that have suffered the loss of a loved one or a friend to a work related accident, my thoughts and prayers go out to you. One work related accident death is one tragedy too many. We must never let up on our commitment to improve safety in the workplace.

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[Translation]

RACE CAR DRIVER JACQUES VILLENEUVE

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, only a few days before the museum dedicated to race car driver Gilles Villeneuve is officially inaugurated in Berthierville, his son Jacques demonstrated yesterday at the European Grand Prix that the Villeneuves' achievements are not over yet.

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By winning the Formula I Grand Prix on the course in Norburgring, Germany, Jacques Villeneuve showed that he is a great driver just like his father.

Jacques, the people of Quebec admire you and the people of Berthier are very proud of your victory.

Given Jacques Villeneuve's tremendous self-discipline, great panache, determination and nerves of steel, this first checkered flag is certainly not his last. This stunning victory is only the first step on his way to the top.

Fasten your seat belts; Jacques Villeneuve is on the path to glory.

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[English]

JUSTICE

Mr. Paul Forseth (New Westminster—Burnaby, Ref.): Mr. Speaker, exactly one week ago a Vancouver woman was awarded a record \$473,000 in civil damages as a result of charges that her father sexually assaulted her from age three to well into her teens.

Some may laud the justice system for recognizing the plight of the victim. She sued and she won. However, there are loopholes which can prevent an innocent victim from ever being awarded compensation. In this case the perpetrator has no intention of paying. With the way Canada's bankruptcy laws operate the defendant is able to claim personal bankruptcy and be freed of having to pay these kinds of court orders. The offender gets off and the victim is victimized all over again.

Members of the House industry committee will have the opportunity to accept amendments as a result of my private member's bill. Having the victim suffer once is bad enough. Suffering twice for the same crime should be unthinkable.

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[Translation]

NATIONAL DAY OF MOURNING

Mr. Robert Bertrand (Pontiac—Gatineau—Labelle, Lib.): Mr. Speaker, through the concerted efforts of employers, employees and various levels of government, the number of work related injuries, accidents and deaths in Canada has dropped substantially over the past ten years.

Much still remains to be done, but we are convinced that the climate of co-operation that exists between our partners, and the various prevention initiatives will help eliminate this perennial problem, which has terrible human consequences for our country.

Beyond the annual cost of work related accidents with respect to health and social services, it is the human dimension that most concerns us and that we are commemorating today.

Mr. Speaker, certain ceremonies—

The Speaker: I am sorry to interrupt the hon. member, but his time is up. The hon. member for Mercier has the floor.

* * *

TIME ALLOCATION MOTIONS

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, last week the Liberal government decided to take the shameful action of gagging debate in order to ram through two controversial legislative measures: Bill C-31 on the GST and Bill C-12 on unemployment insurance, once again demonstrating the federal government's lack of sensitivity to the public.

Before the Liberals came to power, no government, not even the Conservatives, had dared make use of the House to gag the deliberations of a committee.

The Liberal government prefers to obey its mandarins and certain powerful lobbies, rather than lend an ear to the population.

The Speaker: My dear colleague, it is not generally permitted to discuss a vote that has taken place in this House. Moving on, the hon. member for Nepean has the floor.

* * *

[English]

DRUNK DRIVING

Mrs. Beryl Gaffney (Nepean, Lib.): Mr. Speaker, recently in my riding of Nepean three tragic deaths have been the result of drinking drivers. I refer to the loss of life of Dr. Michael Agapitos, Linda LeBreton Holmes and her son Brian.

Despite proclaimed amendments to the Criminal Code, cases before the courts are consistently being stayed, unnecessarily delayed or even dismissed. Grieving families, like the Agapitos and Holmes families, experience prolonged and unnecessary suffering due to court delays.

• (1410)

The Canadian justice system and the provincial court system must bring their full weight to bear on these criminals. The laws are there. They are in place. The courts and all Canadians must demonstrate zero tolerance for drinking and driving. Justice delayed is justice denied.

* * *

BREAST CANCER

Ms. Jean Augustine (Etobicoke—Lakeshore, Lib.): Mr. Speaker, "Survivors in Search of a Voice: The Art of Courage" is a

unique collection of art works inspired by the stories of pain, hope, fear and courage of breast cancer patients and survivors.

This internationally acclaimed art exhibit of 24 of Canada's top women artists appearing this week at the Government Conference Centre was inspired by 100 breast cancer survivors who told the artists of their life and death struggles with cancer. It is from these moving experiences that this show's powerful images emerge.

Breast cancer strikes one out of every nine women in Canada. "Survivors in Search of a Voice" has become a monument to the courage of women and their families in their fight against breast cancer.

We can numb to the realities of the daily battles for life that happen around us, but I encourage members of the House and of this community to support much needed breast cancer research, education, programs and services by taking the time to view this exhibit and to become a partner in this endeavour.

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[Translation]

TRAGEDY IN HOBART

Mrs. Madeleine Dalphond-Guiral (Laval Centre, BQ): Mr. Speaker, 34 people in Hobart, Australia, have been shot down in cold blood by a madman, and another 18 wounded. Among the wounded are two Canadians, Simon and Susan Williams of the Canadian High Commission to Australia.

Regrettably, this event calls to mind the recent tragedies in Vernon, B.C., and in Dunblane, Scotland, as well as the École polytechnique massacre in Montreal, in 1989.

On behalf of my colleagues, and on behalf of the Bloc Québécois, I wish to express our most sincere condolences to the families of the victims. We hope that they will be able to find in themselves all of the courage and energy required to get through this terrible ordeal.

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[English]

JUSTICE

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, today in the House of Commons my hon. colleague from Fraser Valley West introduced a motion calling for a victims' bill of rights. This proposal could make historic changes to our judicial system by finally enshrining victims' rights on an equal footing with those of criminals.

In the past two years the legislation presented by the Liberal government has proven that the very last thing it considers is the victim. This astounds me when Canadians from coast to coast tell

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me violent crime is on the increase and therefore we know the number of victims will increase as well.

This is evident in the number of victims' rights groups formed over the past 20 years across the nation. I have met with many of them and all are in support of a victims' bill of rights. In my opinion a victims' bill of rights is the least we can provide them so they are no longer victimized by our so-called justice system.

This is an opportunity to do the right thing and give the rights to the victims, as they so well deserve.

* * *

[Translation]

PREMIER OF QUEBEC

Mr. Mark Assad (Gatineau—La Lièvre, Lib.): Mr. Speaker, a few weeks ago the premier of Quebec gathered together business people and union leaders and, in response to pressure from these people, everyone agreed to talk not about the referendum but about economic and social matters in Quebec.

And now, this past weekend, the premier of Quebec threatened not only the Government of Canada, but the people of Quebec, with an early election and another referendum if the Government of Canada took it into its head to clarify the rules on referendums.

Quebecers are not pawns that are moved about on a board to satisfy the ambitions of political parties to the detriment of the economic recovery and prosperity of the people of Quebec.

* * *

YOUTH

Mr. Patrick Gagnon (Bonaventure—Îles-de-la-Madeleine, Lib.): Mr. Speaker, as a member of the ministerial task force on youth, I am pleased to announce the launch of youth week '96, which begins today and continues until May 5.

Youth week 1996 recognizes and highlights the many contributions young people have made to building Canada. Some 50 events will be held throughout the country to celebrate their many achievements. More than 60 youth organizations will co-ordinate activities to encourage young people to come up with new ideas for the betterment of their generation.

• (1415)

In the coming weeks, the task force will ask young Canadians and employers what can be done to do help young people make the transition between home, school and the working world. We are keen to hear what the young people have to say, because investing in youth, that is, in the future, is a priority for the Government of Canada.

*Oral Questions***ORAL QUESTION PERIOD***[Translation]***GOODS AND SERVICES TAX**

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, now that the Deputy Prime Minister is here, we can start.

Editorial writers in the weekend newspapers were appalled by the attitude of the Deputy Prime Minister, who now refuses to honour her formal promise to resign if her government did not scrap the GST. The *Globe and Mail* is now calling for the Deputy Prime Minister's resignation, while *La Presse* argues, with good reason, that her attitude seriously undermines the credibility of all politicians in Canada.

Since the Deputy Prime Minister had the time to reflect on all this on the weekend and since there is a wide consensus across Canada that she should resign, does she not feel that she should go back on her decision and honour her promise to resign?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, one thing is for certain: I did not make any decision on my political future because of the editorials in the Toronto and Montreal newspapers.

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, since the Deputy Prime Minister herself had insisted that killing the GST should be a formal election promise, she cannot claim today that she spoke a little too fast, without thinking, and that it was an honest mistake.

Will she admit that not only her credibility but that of the whole government is at stake in this matter and that she should therefore resign, at least as Deputy Prime Minister and as a cabinet member?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, we have always told voters—before, during and after the election—that a two-tax system causes many problems for small and medium size businesses, many problems in terms of trade, and that what we are doing with the new tax is introducing a harmonized system in keeping with our commitments on page 22 of the red book.

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, the Deputy Prime Minister should note that what causes problems for business, for all Canadians and for politicians is that a cabinet member is not keeping her promise. That is a source of problems.

By failing to resign, does the Deputy Prime Minister admit that she is undermining the integrity of the whole government and that she will then bear the heavy burden of creating a precedent in

Canada by refusing to respond and to honour her promise? Does she not realize that she is undermining the integrity of the whole government, since she must honour her promises as a member of the government?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, we are meeting our commitment. On page 22 of the red book, we promised to replace the GST with a new tax that would be easier for trade purposes as well as for small business and for consumers.

That is why the Consumers' Association of Canada, the Canadian Manufacturers' Association and the organizations representing Canada's small businesses support what we are doing. That is why I do not have to resign for fulfilling our promises on page 22 of the red book.

• (1420)

Mrs. Pierrette Venne (Saint-Hubert, BQ): Mr. Speaker, does the Deputy Prime Minister realize that, by not fulfilling a formal commitment made during the election campaign, she casts discredit on all politicians in this country, and that her only option is to resign? She has no choice, she must resign.

[English]

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, I certainly do not accept the claim of the hon. member that I am discrediting women in politics.

[Translation]

I do not want to brag about women in politics, but Canadian women are well aware that if there is someone who worked hard to include them in politics it is my leader and my party.

During the last election campaign, the leader of the hon. member's party did not believe in a policy to recruit women; he did not want one. We had such a policy and I am proud that 37 women are currently in this House, thanks to our policy.

Mrs. Pierrette Venne (Saint-Hubert, BQ): Mr. Speaker, given the seriousness of the situation, and given that the Deputy Prime Minister refuses to resign to fulfil her commitment and preserve the credibility of her government, will she agree to submit her case to the Prime Minister's ethics counsellor, so that he can submit his written conclusions to the House?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, what is really sad is that the Bloc uses one of its few female members to do this job. I find it deplorable and so should the other women in their caucus.

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[English]

LIBERAL PARTY

Mrs. Sharon Hayes (Port Moody—Coquitlam, Ref.): Mr. Speaker, broken promises are fast becoming the watchword for this Liberal government. It has broken its promise on the GST. The Deputy Prime Minister has broken her promise to resign. By booting the member for York South—Weston out of caucus, the government has broken its promise to give its MPs greater freedom.

The red book clearly states that more free votes would be allowed in the House of Commons. I ask the Deputy Prime Minister this. Will her government keep one crucial promise and allow MPs to represent the wishes of their constituents in a free vote on the proposed gay rights amendment?

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, since we formed the government we amended the rules of this House. We allowed free votes on every private member's bill and motion. We allowed committees to propose legislation which was never done before. For example, take the case of Bill C-69. This was a bill that came from the procedure and House affairs committee and was sent to the Senate, but was passed by this House. It was a bill that did not come from the government. It came from committee.

We are gradually implementing all our reforms on how this place is going to work and we will continue to do so. We have had free votes and free votes will continue to exist.

Mrs. Sharon Hayes (Port Moody—Coquitlam, Ref.): Mr. Speaker, on page 92 of the Liberal red book the Prime Minister promised that "more free votes will be allowed in the House of Commons".

To date we have yet to see one free vote on any piece of government legislation. Canadians have some very strong views on the gay rights issue and they deserve to be truly represented in this House.

I ask the Deputy Prime Minister again, will her government allow a free vote on its proposed amendments to the human rights act?

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I do not know where the member has been. For the last two and a half years practically every week when this House is in session we have free votes on private members' bills and private members' motions and we continue to do so.

• (1425)

In terms of her specific question, she has to wait. The Prime Minister will make a decision in due course.

Mrs. Sharon Hayes (Port Moody—Coquitlam, Ref.): Mr. Speaker, it appears the Prime Minister is not willing to hold a free vote on this amendment. I hope that does not mean that closure is next.

How times have changed. The Liberals used to howl with outrage every time the Mulroney Tories limited debate. Now, whenever they start taking political heat from Canadians, they automatically introduce closure. They did it with MP pensions, they did it with gun control, they did it with the budget and UI reforms to name just a few.

Will the government allow all Canadians to have their say on this important amendment? Will the Prime Minister promise not to use closure to ram it through the House of Commons?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the Prime Minister will decide whether this party will have a free vote on that amendment and he will do that when it is appropriate to do so.

In response to the question put by the hon. member, first, the reality is that for a party such as hers which is so interested in taking head counts in polls before deciding how its members will vote, the party opposite should know that as recently as this weekend the Liberal Party of Canada had no difficulty in deciding where it stands on the issue by overwhelmingly voting in favour of the amendment we proposed. Second, an Angus Reid poll which polled the views of Canadians across the country announced that the vast majority of Canadians are behind this amendment.

If that is not good enough for the Reform Party, there is something wrong with it.

* * *

[Translation]

SOMALIA INQUIRY

Mr. Pierre de Savoye (Portneuf, BQ): Mr. Speaker, my question is for the Deputy Prime Minister.

At the meeting of the Quebec branch of the Liberal Party, the Prime Minister waxed eloquent about the integrity of his government. And yet, in the Somalia affair, there are growing signs that information was falsified and concealed. Even the chief of defence staff, General Boyle, who was personally chosen by the minister of defence, appears to be very seriously implicated in this affair.

Does the Deputy Prime Minister realize that the credibility of her government is compromised by the systematic refusal of her defence minister to suspend General Jean Boyle until the inquiry is over?

[English]

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, this question

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has been asked a number of times in recent days and I am compelled to give the same answer.

We have a process in motion. A commission of inquiry is looking into all aspects of the Canadian force deployment to Somalia. Some other issues that are perhaps tangential but which may deal with the documentation issue with respect to Somalia have been raised. The commission has started hearings and those hearings are ongoing.

All people concerned will have the opportunity to give their side of events and their points of view over the next couple of weeks. I would ask the hon. member the basic courtesy to allow all those people to come forward and let the decision be made by the commission in due course.

[Translation]

Mr. Pierre de Savoye (Portneuf, BQ): Mr. Speaker, I am quite prepared to observe the basic courtesies, but normally, when someone is the subject of an inquiry, he is temporarily suspended, precisely in order to get to the bottom of the events at issue. It is a question of credibility.

Since General Boyle was directly implicated by certain witnesses, why is the minister of defence making an exception to this sacrosanct rule by refusing to suspend the general until the inquiry is over?

[English]

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I would submit that those lacking credibility are the members of the opposition who will not allow the normal Canadian judicial process to take its normal course and allow people every right to give their side of events in an impartial setting.

It is not we who are out of step, it is the opposition that is out of step with the ideas and values of Canadians.

* * *

• (1430)

JUSTICE

Mr. Randy White (Fraser Valley West, Ref.): Mr. Speaker, earlier today the justice minister said he was willing to support the Reform Party's efforts to develop a national victims' bill of rights.

He also he indicated there would be a free vote on that issue today at 6.30 p.m. Could he confirm it?

The Speaker: I did not know where the question was leading. That is anticipating an order of the day. That question is out of order, but if he has another question he would like to put, I will permit it.

Mr. Randy White (Fraser Valley West, Ref.): Mr. Speaker, I think I got my point across.

Some hon. members: Oh, oh.

Mr. White (Fraser Valley West): Mr. Speaker, I will go to a supplementary.

If there is a free vote for a victims' bill of rights, why is it that the government will not commit to a free vote on gay rights?

The Speaker: I think somehow they are intrinsically tied. I am going to give the member the benefit of the doubt. The second part of the question is in order. The minister may answer the question if he likes.

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, let me put the hon. member out of his misery.

Some hon. members: Oh, oh.

Mr. Rock: We will be here a long time if we wait until the hon. member finds the right way to ask the question.

The answer of course, is that when there are resolutions, as there are today involving victims' rights, members of this party vote as they see fit. I already told the House this morning that I am going to be voting in favour of the resolution because I share the objectives expressed by the hon. member. I expect that other members of the government side will vote as they see fit.

We are doing that because the resolution before the House today raises issues in which we share the objectives of all members of the House, that victims be treated properly and with dignity throughout the criminal justice system.

* * *

[Translation]

DRUG PATENTS

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the pharmaceutical industry is the main sector of biomedical research in Canada, accounting for more than \$561 million in R and D investments in 1994. It is, moreover, one of the few healthy sectors of the Montreal economy. According to a number of sources, however, the government appears to be preparing to modify the link regulations under Bill C-91.

Will the Minister of Industry confirm that his government is preparing to modify regulations relating to Bill C-91 on the pharmaceutical industry in such a way as to greatly reduce the protection of drug patents?

Hon. John Manley (Minister of Industry, Minister for the Atlantic Canada Opportunities Agency, Minister of Western Economic Diversification and Minister responsible for the Federal Office of Regional Development—Quebec, Lib.): Mr.

Speaker, I have indicated to both types of pharmaceutical industries, the generic and the multinationals, that it is important for them to consider the impact of these regulations. Despite their highly complicated nature, it is vital that they work to the benefit of all Canadians.

I would, therefore, ask the hon. member to explain his position on these regulations. I am open to his ideas, because it is important for us to determine the best way of implementing the regulations.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, we need to try to decode this. It is my impression that the hon. member is trying to tell us that he will be doing something to Bill C-91, as they tried to last year in response to Ontario lobbying. It was very clear at the time, but now they are trying to do the same thing in secret. We too have met with drug companies, and they do not share the minister's opinion in the least.

Will the minister repeat in this House the commitment made on April 28, 1994 not to touch the Drug Patents Act, either directly or indirectly, before the spring of 1997, or in other words not until the time set for its re-assessment?

• (1435)

[English]

Hon. John Manley (Minister of Industry, Minister for the Atlantic Canada Opportunities Agency, Minister of Western Economic Diversification and Minister responsible for the Federal Office of Regional Development—Quebec, Lib.): Mr. Speaker, I want to be perfectly clear on this issue. The member is quite right. A review period was established in Bill C-91 that will come into effect in the spring of 1997.

At the same time, he understands that the NOC link regulations which were enacted pursuant to section 55(2) of that legislation are very complex. In order to determine whether they have the desired effect of appropriately balancing the interests that lie in this area between the rights of patent holders to protect their patents—which I believe is what he is endeavouring in suggesting that these should not be changed—against the interests that consumers have in the legitimate acquisition of generic products when patent rights have expired—to which I am sure he also does not object—I think he understands that the essence of patent protection is that it extends for a period of time after which it ends. That is the law.

The NOC link regulations are intended to establish a mechanism whereby both interests are adequately protected. In order to determine whether that has been achieved we are looking at the litigation that has ensued from those regulations and we will determine what the best result is to follow from that.

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DOMESTIC VIOLENCE

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, Canadian women are dying because of a fatal flaw in the way the police are forced to handle domestic violent cases.

The tragic shooting rampage in Vernon, B.C. where a man killed himself after shooting his estranged wife and eight members of her family illustrates what can happen when warning signs are ignored for whatever reason.

Does the the justice minister not agree that it could save lives if we gave police the power to follow through on domestic violence charges after a complaint is made, whether the complainant asks for the charges or not?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, such discretion is provided for already and is well within the administrative powers of police forces at present.

While I recognize the very genuine concern on the part of the hon. member in his question and the tragedy in Vernon, I must say, before concluding my response, that there is a healthy measure of irony in the hon. member's question.

It was the member and his colleagues who for months stood in the House to oppose the measures we introduced in Bill C-68 to more rationally control access to and use of firearms, to put in place systems and processes that would enable authorities to follow up in cases of domestic abuse and to make sure firearms are removed from persons who represent a danger to themselves or others.

To hear the hon. member today suggesting that further steps should be available in such cases is indeed a very distinct irony.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I probably should ask if the justice minister feels any better that these victims were shot with a registered gun. I wonder if that would make any difference.

In the mass murder in Vernon, the estranged wife did not ask for charges to be laid because she was afraid for her life, naturally. However, 10 people are dead because the police were handcuffed.

Contrary to what the minister has said, is he saying today that there is no way we can give the police the tools they are asking for, or the tools victims' rights groups are asking for, or the tools that Canadians are asking for to help prevent more needless deaths in these kinds of tragedies?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, all the tools or remedies or procedures that the hon. member is suggesting are either already available or well within the grasp of police forces in Canada. It is a

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question of the police forces themselves making use of those remedies and those procedures.

With respect to the nature of the gun being responsible for the tragedy in British Columbia, let me observe that the reason we are after the registration of all firearms and the reason the House has now approved that in Bill C-68 is that information available to the police to better enable them to predict such tragedies and take remedial steps to remove firearms will be available to all police across the country. That is what we achieved with Bill C-68.

* * *

• (1440)

*[Translation]***ALGERIAN NATIONALS**

Mr. Osvaldo Nunez (Bourassa, BQ): Mr. Speaker, my question is for the Minister of Citizenship and Immigration.

A report released on March 14 by the American secretary of state confirms that atrocities and human rights violations are on the rise in Algeria. However, the Government of Canada continues to refuse to suspend the deportation order hanging over the heads of Algerian nationals who have taken refuge in Canada.

Will the minister finally acknowledge that a climate of violence prevails at the moment in Algeria and that Algerian nationals should, like nationals of other countries selected by her department, benefit from a suspension of deportation measures?

Hon. Lucienne Robillard (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, the advisory committee looking at conditions in countries where people are deported meets regularly to assess situations in various countries, because, as you know, when we decide to send someone back to his country, the risks are always evaluated.

Obviously, we will not send someone back to his own country when there may be reprisals or his life is at risk. We are very careful on this. We study each case, each file, when individuals are to be deported. For the time being, we are continuing deportations to Algeria.

Mr. Osvaldo Nunez (Bourassa, BQ): Mr. Speaker, the minister seems to be totally unaware of the rise of fundamentalism in Algeria, and her advisory committee is meeting behind closed doors.

How does the minister explain that decisions on whether deportation orders are to be suspended for a given country are made in conditions of secrecy, according to criteria known only to her officials? Why is Algeria not among the countries presenting a risk?

Hon. Lucienne Robillard (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, each situation is considered on its merit. For a given country as a whole, various factors are taken

into consideration. We are well aware of what is going on in each country. We also know what has happened to people after we sent them back to certain countries. We have consulted various authorities internationally as well.

I will repeat what I said. Each time we make a decision regarding a particular individual, we evaluate the potential risks they run in returning to their country. For the time being, we will continue to send people back to Algeria and continue to study each case in detail.

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*[English]***BLOOD SYSTEM**

Mr. John Murphy (Annapolis Valley—Hants, Lib.): Mr. Speaker, the Minister of Health met with his provincial and territorial colleagues last week to discuss reforms to the blood system.

Justice Krever said in his interim report that our blood system was already one of the safest in the world. However, reports indicate a low level of confidence by Canadians in our system.

Can the minister tell the House what steps he plans to take to make our blood system better?

Hon. David Dingwall (Minister of Health, Lib.): Mr. Speaker, last week there was a meeting of federal-provincial ministers of health where the blood system and its management was the major topic of discussion.

All provinces agreed it was important that we move collectively to try to restore public confidence in the blood system. All ministers of health agreed that we do have a safe blood system but we want to make it safer. As a result over the next number of weeks we have directed our officials to come back with a plan whereby we can have a system of governance where the lines of accountability and responsibility are very clear, transparent and open. By way of a working relationship, officials are directed to do meaningful consultations with all stakeholders, not just government representatives, but consumers and various activist groups across the country.

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SOMALIA INQUIRY

Mr. Bob Ringma (Nanaimo—Cowichan, Ref.): Mr. Speaker, this afternoon I was stunned to learn that a government lawyer appearing in front of the Somalia commission opined that the commission had no mandate to look at the alleged cover-up of information from the Department of National Defence. The Minister of National Defence day after day and week after week has been telling us to relax and take it easy, that the Somalia commission will give us all the facts on this. What is his story today?

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• (1445)

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the issue to which the hon. member refers involves a request by counsel for some of the parties to look at hours and hours of videotape in respect of which as I understand it production has already been made with respect to summaries of the evidence that was recorded thereon. The position taken by counsel for the department on that request is that the commission's time is better spent looking at other issues than at looking at hours and hours of videotape which may not be germane or relevant and the substance of which has already been disclosed.

I can say that the position taken by counsel is based on the premise that this is a collateral matter. May I also say my understanding is that counsel has offered to the commission that it should look at the hours and hours of videotape and decide for itself whether there is any purpose to be served in taking time to display it.

Mr. Bob Ringma (Nanaimo—Cowichan, Ref.): Mr. Speaker, I am not sure the public is going to be very happy with the answer from the Minister of Justice.

I will ask the Minister of National Defence again, how are you going to guarantee that the public—

The Speaker: My colleagues, all of your questions are to be directed through the Chair. Would you please rephrase your question.

Mr. Ringma: Mr. Speaker, through you to the Minister of National Defence, how will the minister guarantee to the public of Canada that the Somalia commission will get to the bottom of all of the allegations concerning General Boyle and the whole alleged cover-up of information in the Somalia affair?

Hon. David M. Collette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, to answer the hon. member's question, the guarantee is contained in the terms of reference for the inquiry. I would hope that he reads the terms of reference.

It is not for us to debate on the floor of the House of Commons procedural matters that appear before the commission. That is something between the commissioners and the counsel for the various people appearing, including the government. It is not for here in the House of Commons.

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*[Translation]***RAILWAY SAFETY**

Mr. Laurent Lavigne (Beauharnois—Salaberry, BQ): Mr. Speaker, my question is for the Minister of Transport.

For 10 years now, the municipality of Salaberry-de-Valleyfield has been asking the federal government to take action to protect residents from the dangers of train derailments. Even though it privatises railway companies, the government is still responsible for safety in the railway sector.

Following the fifth derailment in six years in Salaberry-de-Valleyfield, what does the minister intend to do to protect residents against these freight trains in urban areas?

[English]

Hon. David Anderson (Minister of Transport, Lib.): Mr. Speaker, the issue of hazardous cargoes on trains, ships or aircraft is closely examined by the department. In the specific area the member has mentioned where there has been concern expressed by local authorities, it is being looked at by the Department of Transport at the present time.

As the member indicated in the preamble to his question, it is a subject that goes back a fair length of time involving rerouting of lines. As soon as I have information on this subject, I will be happy to share it with him.

[Translation]

Mr. Laurent Lavigne (Beauharnois—Salaberry, BQ): Mr. Speaker, I am sorry, but the situation has been going on for 10 years and it is dangerous in Valleyfield. When the most recent derailment occurred in Salaberry-de-Valleyfield, two railroad cars could have been carrying toxic chemicals.

Is the minister waiting for a chemical spill to occur in a residential area before taking action to protect residents? These trains go by polyvalente schools and travel close to a school and to the hospital. What does the minister intend to do?

[English]

Hon. David Anderson (Minister of Transport, Lib.): Mr. Speaker, as I indicated in my earlier response, the issue of hazardous substances carried in tank cars or in other rail cars is a matter of serious concern.

The difficulty the member has posed is that because of the nature of this country's development, rail lines quite frequently pass through inhabited and municipal areas. It is simply not possible to give the type of blanket guarantee he has requested. I can assure him however that the specific concern of this area and the possibility of any bypass or diversion will be looked at. In fact, it is currently being looked at.

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• (1450)

GOODS AND SERVICES TAX

Mr. Jim Silye (Calgary Centre, Ref.): Mr. Speaker, as the second most senior spokesperson in Canada, the Deputy Prime Minister has now managed to bring some dishonour to herself and to reaffirm the cynicism—

The Speaker: Colleagues, words such as “dishonour” or “dishonesty” are not acceptable in the House. I would ask the hon. member to withdraw the statement.

Mr. Silye: Mr. Speaker, I will withdraw the word “dishonour” and rephrase the question.

The Deputy Prime Minister has now managed to bring into question her actions and has reaffirmed the cynicism toward self-serving politicians, all because she will not hold herself accountable for the things she says and does and her current failure to stand on principle and integrity.

Will the Deputy Prime Minister explain why she insists on defending her bait and switch political say anything, do anything campaign to get elected?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, that certainly is not what I have done.

Mr. Jim Silye (Calgary Centre, Ref.): Mr. Speaker, the hon. member continues to swim in a sea of confusion.

The Liberals have not kept their promise on page 22. It is not revenue neutral. It is not better for consumers. It does not promote provincial harmony; it promotes disharmony.

Her actions strike at the core of why politicians are at the bottom of the barrel in terms of respect. Fifty-one Reformers promised to opt out of the gold plated pension plan and we did. That is integrity. That is honour and it is standing on principle. Why will the Deputy Prime Minister not do the same thing, deliver on her promise to resign, put her seat where her mouth is and seek re-election if she is so confident she has done nothing wrong?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, the hon. member’s claim that it would make more sense to resign and then have a \$100,000 byelection to make a political point runs counter to the view of the people. People have an opportunity in an election to make their point. If the people of Hamilton East want to fire me in the next election, certainly that will be their right.

* * *

TRADE

Mrs. Eleni Bakopanos (Saint-Denis, Lib.): Mr. Speaker, my riding of Saint-Denis has a significant concentration of industries

in the textile manufacturing sector. The recent threats by the United States to reduce imports are of grave concern to these manufacturers. My question on behalf of them is for the Minister for International Trade.

What is the use of NAFTA if the United States can change the rules by arbitrarily increasing restrictions on the import of wool suits from Canada?

Hon. Arthur C. Eggleton (Minister for International Trade, Lib.): Mr. Speaker, any measure by the United States to unilaterally change the rules of NAFTA will be met with resistance and the appropriate response.

We have successfully negotiated through NAFTA an agreement relevant to wool suits. It is one which we paid the price for at the time. We are acting completely within our rights and obligations under NAFTA and I would expect the United States would as well.

In addition to that, even though we have been quite successful in moving wool suits from \$5.6 million to \$112 million in just five years, there still is a billion dollar trade surplus the United States has with us in terms of textiles and apparel. Therefore in addition to that, there is no cause for complaint.

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[Translation]

CANADIAN NATIONAL

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): Mr. Speaker, my question is for the Minister of Transport.

The salary of CN president Paul Tellier was set by Ottawa at \$350,000 annually for the years 1993-1995. Mr. Tellier also benefited from a generous mortgage loan from CN. Now, according to documents released a few days ago by CN, it appears that Mr. Tellier also received the sizeable amount of \$200,000 in bonuses.

• (1455)

In these times of budget restrictions for CN, which eliminated over 11,000 jobs, how could the government agree, before privatization, to such generous bonuses to someone already earning a more than decent salary?

[English]

Hon. David Anderson (Minister of Transport, Lib.): Mr. Speaker, the compensation of senior public servants and people in the private sector is not normally a matter to be discussed in the House.

The important matter which I think must be borne in mind by members on all sides of the House is to make sure that for our major corporations we get the most competent people possible.

I would suggest to the hon. member that as CN is in the process of being totally privatized, it perhaps would be inappropriate at this point for us to comment upon his salary as president of a private corporation.

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FISHERIES

Mr. John Cummins (Delta, Ref.): Mr. Speaker, the fisheries minister's west coast plan will take 50 per cent of the fleet away from B.C. fishermen. At the same time the Nisga'a treaty and other commercial sales agreements could transfer as much as 50 per cent of the commercial catch to natives.

How can the minister possibly justify a 50 per cent reduction in the fleet, one that fishermen will pay dearly for, and at the very same time a 50 per cent reallocation of the commercial catch to native fisheries?

Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, first of all the hon. member has some of his facts wrong.

In the sense of the commercial fishery and the 50 per cent reduction, we may not be able to achieve that in the short term. The maximum we could achieve is around 40 per cent through a series of licensing restrictions, licence stacking and voluntary buy back.

From the round table discussion which stemmed from the report, my understanding is that the seiners wanted it around 30 per cent, the gill net representatives wanted it between 30 and 35 per cent and the trawlers wanted it between 25 and 50 per cent. What we are doing in this case is we are representing essentially what the industry has asked for.

With respect to the Nisga'a the hon. member is totally wrong. The maximum number involved is around 25 per cent. This is done with the agreement of most of the parties involved. The Nisga'a have been negotiating for over 100 years and we have finally come to an agreement. I do not think it is right for the hon. member to try to throw off this very honourable agreement in principle on the basis of information which is not based on fact.

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WORKPLACE HEALTH AND SAFETY

Mr. Svend J. Robinson (Burnaby—Kingsway, NDP): Mr. Speaker, my question is for the Minister of Labour.

Yesterday people across Canada marked the national day of mourning for persons killed or injured at the workplace.

Will the minister assure the House that he will reverse the recent cuts in resources for enforcement of part II of the Canada Labour Code and instead significantly strengthen enforcement, particularly in light of the study by his own official, Henry Nur, which

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documents a direct link between decreased enforcement and increased injury and death at the workplace?

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, yesterday was the national day of mourning on which I made a statement in the House on Friday. A number of union leaders and I were not far away from the House commemorating this important and historic day, which 10 years ago Parliament decreed would be the day every year we would remember those people who have lost their lives in the workplace.

The labour program is reviewing part II of the Canada Labour Code which concerns health and safety. A group is working together and has reached a consensus on 90 per cent of the issues. We hope that before the end of the year we can amend part II of the code so that health and safety will also be enforced.

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LAW OF THE SEA CONVENTION

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, my question is for the Minister of Foreign Affairs.

The law of the sea convention is designed to protect the world's fisheries and stop the pollution of oceans. Eighty-three states have already ratified the law of the sea. In the throne speech the government states its intent to follow suit.

Given the importance of this piece of international law, can the minister indicate when Canada will ratify it?

• (1500)

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, as the hon. member clearly points out, it is a priority for the government. We have established it as a major international commitment.

At the same time, it is very important that we work toward a ratification of the straddling stocks agreements by all countries included so that the two can work hand in hand to not only provide protection for the broader ocean itself but to ensure Canada receives the kind of protection of its conservation of fish resources that was established so effectively by the minister of fisheries last year and continued by his successor this year.

ROUTINE PROCEEDINGS

[English]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's responses to 12 petitions.

Supply

CANADIAN HUMAN RIGHTS ACT

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.) moved for leave to introduce Bill C-33, an act to amend the Canadian Human Rights Act.

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

* * *

PETITIONS

TAXATION

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, pursuant to Standing Order 36, I submit two petitions to the House today.

The first petition comes from Peterborough, Ontario. The petitioners 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.

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 or the aged.

ALCOHOL CONSUMPTION

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the second petition comes from Sarnia, Ontario.

The petitioners draw to the attention of the House that consumption of alcoholic beverages may cause health problems or impair one's ability and specifically that fetal alcohol syndrome and other alcohol related birth defects are 100 per cent preventable by avoiding alcohol consumption during pregnancy.

The petitioners therefore pray and call on Parliament to enact legislation to require health warning labels to be placed on the containers of all alcoholic beverages to caution expectant mothers and others of the risks associated with alcohol consumption.

HUMAN RIGHTS

Mr. Jim Jordan (Leeds—Grenville, Lib.): Mr. Speaker, I have a petition from my constituents in places like Brockville, Prescott and Spencerville. These people are asking the government not to amend the Canadian Human Rights Act or the charter of rights and freedoms by including in the prohibited grounds of discrimination the undefined phrase sexual orientation.

• (1505)

QUESTIONS ON THE ORDER PAPER

Mr. Paul Zed (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 Acting Speaker (Mr. Kilger): Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[English]

SUPPLY

ALLOTTED DAY—VICTIMS' BILL OF RIGHTS

The House resumed consideration of the motion.

Ms. Val Meredith (Surrey—White Rock—South Langley, Ref.): Mr. Speaker, I begin speaking on the supply motion by congratulating my colleague from Fraser Valley West for introducing the victim's bill of rights. It is certainly a pleasure to see something concrete happening in the House regarding victims' rights.

Not all victims are the result of murder. Many victims we find in Canadian society are people who have found themselves victimized through assault, attacks or other offences. Sometimes these victims go unnoticed and unheard.

What we are concerned about with this victims' bill of rights is that there is a process and a procedure to make sure people who find themselves victimized by offenders have some recourse, some vehicle for having their story heard and their concerns addressed.

Not that I have ever wanted to but simply because of the position I found myself in I have ended up speaking to over 20 parents of murdered children. Their stories vary from occasion and from location. For the most part what I hear from the parents of children who have been murdered is they feel when they enter the court system they are being revictimized. I also hear that from parents or from assault victims who find themselves getting entangled in a misunderstanding between the federal jurisdiction over creating the law and the provincial jurisdiction over administering the law.

Caught in this conflict, these victims really feel they are being victimized for a second or third time when they enter the court process.

Two aspects of this victim's bill of rights try to deal with a couple of problems that arise. One is section 4, which asks that victims be informed in a timely fashion of the details of the crown's intention to offer a plea bargain before it is presented to the defence.

Supply

That is a fair request. Anybody who has been victimized whether from a sexual assault, assault or in the worst cases a murder has a right to be part of the process. They have a right to know when there is an intention to downgrade a charge.

A good number of the people who find themselves victimized go to court anticipating or expecting a first degree murder conviction for the criminal if that is what the criminal is charged with. They come away feeling very distraught when that has been downgraded either to second degree or to manslaughter.

When people go to court, having been victimized from a sexual assault, and find out that charge can be downgraded through a plea bargain to make sure the offender does get convicted, they may downgrade the seriousness of the assault.

Oftentimes because the victims or the families of the victims do not understand the process they feel cheated. If they were brought into the process, if they were brought into the discussions on why plea bargaining was being considered, why the need to look at downgrading the charge to get a conviction, perhaps they would feel less victimized the second or third time.

Another concern of mine is that victims should be looked after, that there should be some vehicle in our system that when there are people who are victimized through no fault of their own, there is some compensation or some accounting that they, too, need to be cared for.

The case that comes to mind is the case of a young 14-year old girl who was kidnapped out of a schoolyard after school by an older man and taken in his truck. The intent was considered when she escaped partially dressed. The offender's truck got stuck in the mud. While he was trying to deal with getting his truck unstuck she was able to get out of the vehicle and escape partially dressed. His intentions, therefore, were quite clear.

• (1510)

The parents of that child realized that in order to heal completely this child needed to have counselling. They went to various agencies to see what kind of counselling she could receive. They were told they had to make an application to victim's aid and that perhaps the money for the counselling would be available in three to four months.

Those parents realized that the counselling and healing had to start immediately. This 14-year old girl could not wait three or four months before dealing with what had happened to her. However, they were not a family of wealth and it took everything they had to find the financial resources to make sure that their daughter did not suffer long term consequences from this event.

We then look at the offenders who have all of the counselling and treatment provided for them, and the victims are left trying to deal with their problems on their own. That concerns me.

Another part of this victims' bill of rights which has to be looked at is the issue of the crown and the police notifying the victims why charges were not laid if that is the decision of the crown or the police.

One case more than any other brings that to my mind. Clifford Olson on New Year's Day in 1981 picked up a 16-year old girl, Kim Werbecky, and raped her repeatedly over a 12-hour period. She eventually escaped and reported the crime to the police, who arrested and charged Clifford Olson. However, the crown did not proceed with charges because she was a prostitute. It felt she would be viewed as a liar and a tramp and was not to be believed. Thus Olson was released.

At the time of his release Olson had already murdered one child and he would go on to murder another 10 children. It was not until two years ago that Kim Werbecky finally found out why charges did not proceed. She never had a chance to state her position or give her side of the story.

It is extremely important that the crown and the police bring victims into the discussions. I know one individual living in my community who is very good about dealing with not only the victims but the victim's family, of talking to them of what the possibilities are, of where this case might go, of what would be expected of them and of the pain, suffering and stress they would feel.

He takes it upon himself to deal with the realities of victims having to go through the legal system. He helps to reduce the trauma for these victims by including them in discussions before the trial and before the court case is heard. He includes them in plea bargaining, what it is all about and where it will take them.

It is unfortunate that is left to the discretion of the crown. Not all crowns are as good as this individual at bringing the victims into the process. It should not be left to the individual. It should be the rule and not the exception. Unfortunately we find that it is the exception. Most crowns are busy, have large caseloads and literally cannot be bothered to look at the whole aspect of victims when they are going through the court system.

I do not think most Canadians realize the crown is there to assume the responsibility of the victim. Society does not believe it is only the victim who has been victimized but society as a whole. Therefore the crown, on behalf of the individual, appears before the courts to get some justice and restitution.

I do not think most Canadians realize the crown is really there on their behalf. They need to be brought more into the system with the crown so they appreciate and understand that they are working together on this, that the crown is actually working on their behalf.

Supply

• (1515)

Victims and their families must have a statutory right to be informed about what is happening. It should not be left to the discretion of the crown or to the discretion of the attorney general. Ministers of justice and attorneys general change often. They are not standard established positions. The individuals change with the will of the people and sometimes reflect how the Criminal Code is applied.

It is very important that victims rights be written into statute so changes in government do not affect how they are dealt with.

I congratulate my colleague for his efforts on behalf of the victims in society.

Mrs. Dianne Brushett (Cumberland—Colchester, Lib.): Mr. Speaker, I congratulate the hon. member and her party, as did the Minister of Justice today, for using their opposition day correctly and positively toward the service of all Canadians with this important topic of victims rights. In the red book we promised Canada safer streets, safer communities, a better and fairer society.

The hon. members of the Reform Party spoke of two aspects of victims rights. One aspect is to have tougher legislation. The other aspect refers to counselling, the benefits criminals have through legal aid, mental health services or what other institutions there might be available. Reformers would make these services available to the victim as well, including counselling, support services, financial assistance if required, the opportunity to prepare impact statements and so on.

How far would the hon. member take that suggestion in this legislation? Who would pay for such services?

I am pleased to support the efforts they are putting forward today.

Ms. Meredith: Mr. Speaker, there is an organization in our government, the correctional investigator, which listens to the complaints of convicted individuals in the penitentiaries. It hears complaints about the kind of food they get, the kind of cells they are in, whether they get to smoke.

I would suggest that is a very good start. Take the resources for that agency and redefine it to provide services for victims. I do not feel that people who have been charged, convicted and sentenced to incarceration have any right to criticize or complain about the kind of food or the kind of health care they get. They get 24-hour health services which no other Canadian in the country gets, yet some of them complain about it. They complain about the way they are shuttled from cell to cell or where they are moved.

The resources that go into that agency, I believe it is a couple of hundred thousand dollars a year, would provide a very good start to funding the cause of victims rights.

Mr. Andy Mitchell (Parry Sound—Muskoka, Lib.): Mr. Speaker, I am pleased to rise in the House today to debate the motion on the issue of victims rights.

Although as a society we have an obligation to protect the rights of the accused and the rights of the convicted, we also need to establish and safeguard the rights of all victims and their families.

If an occasion should arise where the rights of the victim and the rights of the perpetrator are in conflict, the resolution of that conflict should be very easy: it should be in favour of the victim. I sincerely believe this can be done without compromising our fine tradition of rights and freedoms.

The call for better victims rights is not a new one. In 1981 a federal-provincial task force was struck to examine the role of victims in the criminal justice system. The task force reported in 1983 with suggestions to provide information to victims, develop victims rights, develop victim services, introduce victim impact statements and compensate losses where appropriate. I agree with all of these proposals. However, I do not agree with its conclusion that many proposed victims rights "were not appropriate to be included in the criminal law". Since that time some progress has been made.

• (1520)

In 1988, Bill C-89 amended the Criminal Code to allow courts to consider victim impact statements during sentencing. Recent amendments which will soon come into force will require courts to consider any properly prepared impact statement. Similar changes have been made to the Young Offenders Act and to the Corrections and Conditional Release Act.

Provisions have been placed in the Criminal Code regarding restitution. In section 727.9 of the Criminal Code a victim fine surcharge has been introduced, not to exceed 15 per cent of any fine levied. Unfortunately, proceeds go to the crown and not directly to the victim. Under section 725 of the Criminal Code a court can order compensation to a victim. However, application must be made by the victim who would need to seek a civil judgment to enforce the order and the accused would not pay the amount ordered.

It is progress, but it is not enough. It is not sufficient for the federal government to point to the provinces and suggest that the administration of justice is a provincial matter. It is not good enough that changes on these matters are done haphazardly and at a snail's pace. It is certainly not good enough to suggest further patience by those whose lives have been shattered as victims of crime.

The federal government has a clear responsibility to set the protection of victims as a national priority. I believe this motion can achieve that objective.

We can accomplish our objectives by including the rights of victims in a preamble to the Criminal Code. On matters which

traditionally fall within the scope of the provinces, this preamble should state that the administration of the law, as established in the Criminal Code, specifies the rights of victims.

There are five principles which should be included in a statement of victims rights. First, victims should be kept informed of the criminal investigations, court proceedings and parole applications being undertaken in respect of criminal action perpetrated against them or their families. These people need to know the process. They need to be informed of what is going on. Victims of crime are not an impediment to court proceedings, the lawyers and others who administer the law. They are the reason for it and should benefit from it.

Second, victims should be financially compensated for personal injury or financial and all other forms of loss which result from criminal actions against them or their families. They should not have to make a separate application to the court, nor be required to obtain a civil enforcement order. The thought that a victim must in essence sue an individual convicted of a crime against them to obtain restitution is beyond comprehension.

Third, an individual convicted of committing a property crime should have a portion of their fine or labour in prison go to providing restitution to the victim. Innocent bystanders should not have to absorb the cost of another's deviant behaviour.

Fourth, victims should have the unconditional right to have their impact statements heard by the courts and parole boards. The rules and processes surrounding this procedure should be simple and should facilitate, not impede such action.

Fifth, the statement of principle should call for the administration of justice under the Criminal Code by the provinces in a manner which obliges them to inform victims of the services available to them, including possible legal recourse.

The intent of the motion before us is to further protect the rights of victims who are all too often forgotten by the justice system, which is why I will support the motion today. I will carefully watch the progress of the minister and the committee. I hope they find merit in my suggestion to include the bill of rights in a preamble to the Criminal Code.

I am not a lawyer, a judge or a learned legal scholar. I do not know the intricacies of the law. But I am a father, a husband and a concerned citizen. As parliamentarians we have an obligation to continue the progress of the last few years, to set a national standard and an example to protect and assist all victims of crime.

• (1525)

Mr. Randy White (Fraser Valley West, Ref.): Mr. Speaker, it is encouraging to hear members opposite support this kind of endeavour. I have always said that to get a national victims bill of rights

Supply

it must transcend party lines. Individual members of Parliament must support the initiative.

I have several questions. The first is related to the legal industry in Canada. I have quote upon quote of what the legal industry, in particular lawyers and judges, thinks of victims in this country. I will cite a couple of examples.

Recently in the Bedford provincial court in Nova Scotia Judge Patrick Curran stated: "I am not entirely happy with them". He was referring to victim impact statements. "For the most part I do not think they make an awful lot of difference". That is the indifference I find in the legal system.

This morning I quoted Russ Chamberlain which I will do again for my colleague opposite. Mr. Chamberlain is a criminal defence lawyer in Vancouver who said that crime victims want an eye for an eye, that they want someone else to fix their "petty problems", and that their pitch for personal vengeance can "improperly" affect a jury's verdict. He said: "Victim impact statements are just venting the spleen and do not serve justice and should be outlawed, banned completely".

We could go through a litany of quotes from lawyers and judges in this country on victims who seem to be secondary in the process. They seem to be a royal pain to most of these people.

Would the member comment on how the House could pass a national victims bill of rights when much of the problem lies with the legal industry whose members are intent on going their own way without the legislators, without the input from victims and certainly without the guidance from the national House of Commons.

Mr. Mitchell: Mr. Speaker, I would agree with the hon. member for Fraser Valley West which may be a first and perhaps a last. I do not agree with the opinions of the legal people he quoted.

Many of the lawyers and judges I have talked to who operate in my riding of Parry Sound—Muskoka share the feelings I have just expressed about the concern toward victims and their rights.

The member asked how we should go about this. The House of Commons has to set the national standard. My suggestion is that it be placed in the preamble of the Criminal Code. However, I suspect the justice committee will look at many options. The preamble should clearly state the national will. That is what this Parliament is all about, stating the national will through its elected representatives.

The preamble should state that we believe the rights of victims are important, that they are of primary concern to us as a country, that they are of primary concern to us as parliamentarians. We want to ensure that when people look to the Criminal Code for guidance, they will find the rights of victims in the code.

Supply

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I appreciate the opportunity to address this motion on victims rights.

We have heard the expression of support for the motion which has been put forward by the Minister of Justice. It is his personal intention to support the motion. Other members of the House will no doubt do likewise. It is the stated position of the minister to bring forward in a meeting of the federal and provincial ministers a proposal for the reaffirmation of the principles either as have been previously enunciated or as can be improved upon by the suggestions made by a number of the members of the House.

• (1530)

The original principles governing the principles of justice for victims of crime were originally set forward in 1988. They were as follows.

Victims should be treated with courtesy, compassion and with respect for their dignity and privacy and should suffer the minimum of necessary inconvenience from their involvement with the criminal justice system.

Victims should receive through formal and informal procedures prompt and fair redress for the harm which they have suffered. Information regarding the remedies and mechanisms to obtain them should be made available to the victims. Information should be made available to the victims about their participation in criminal proceedings and the scheduling, progress and ultimate disposition of the proceedings.

Where appropriate the views and concerns of victims should be ascertained and assistance provided throughout the criminal process. Where the personal interests of the victim are affected, the views or concerns of the victim should be brought to the attention of the court where appropriate and consistent with criminal law and procedure.

Measures should also be taken when necessary to ensure the safety of victims and their families and protect them from intimidation and retaliation. Enhanced training should be made available to sensitize criminal justice personnel to the needs and concerns of victims and guidelines developed where appropriate for this purpose.

Victims should be informed of the availability of health and social services and other relevant assistance so that they might continue to receive the necessary medical, psychological and social assistance through existing programs and services.

Victims should report the crime and co-operate with law enforcement authorities.

These are the principles that were agreed upon by the federal and provincial ministers responsible for criminal justice.

Since 1988 and in an effort to bring these principles into reality, the federal government has enacted a number of pieces of legislation to enhance the role of the victims within the criminal procedure of the land and throughout the process so that they will indeed not be victimized twice but rather will feel as much as possible a part of the process.

In addition to federal action, provincial governments across the land which have the constitutional authority for the administration of justice and the constitutional duty to administer justice have introduced in a number of cases provincial statutes dealing specifically with victims of crime and how they are dealt with throughout the process of the administration of justice. In addition to that, a number of programs have been put forward by provincial governments across this land in conjunction with communities to better enhance and protect victims throughout the criminal justice procedure.

In my own community of Prince Albert, funding from the provincial level is made available to the community. The community working in conjunction with the police and the justice system has developed a program to better assist victims of crime through the court procedure and subsequent to it.

All across the country steps like this are being taken. More public awareness is being focused on the needs of the victims by victims groups and communities. Certainly this field is evolving. We all want to do our part at the federal level, at the provincial level, at the municipal level, at the community level and at the individual level to assist this evolution. In these times of very tight resources for all levels of government while it is difficult to do immediately all we would like to do, the process which is in place to enhance the role of victims, to protect victims of crime and to ensure their healing as much as possible in a timely fashion will continue.

• (1535)

In addition to assisting victims of crime, perhaps some of the best ways to ensure a reduction in victimization is with the co-operation of all levels of government to look more seriously at the prevention of crime.

First would be looking at and eradicating the social conditions which lead to crime. More and more people and communities are turning to early intervention in the lives of young people to work with them before they end up in conflict with the law and start down the path to a life of crime. This is a very productive form of prevention which in the long run will reduce the number of victims within our society.

In addition, it is important to introduce and pass appropriate pieces of criminal justice legislation which will make it very clear to the population what types of behaviour are not to be tolerated. The types of behaviour which are not to be tolerated must be given appropriate negative sanctions so that crime can be deterred.

Supply

But sadly, crimes are committed. We need to deal with victims of crime to ensure their involvement with the justice system, while it can never be painless or easy, is made as easy as possible in some sense. The government has enacted a number of very specific provisions which deal with victims of crime and their involvement with the justice system.

For instance, amendments have been put forward to section 745 of the Criminal Code. When there is a section 745 application, victim impact statements will be considered. This is a positive step in the right direction. Both the Criminal Code and the Young Offenders Act now require that victim impact statements where available be heard by the courts. This is yet another positive development. In some cases it is appropriate to have the identity of victims of crime protected throughout a criminal proceeding. Those amendments have been brought forward.

Power has been given to police for instance in the gun control legislation, under appropriate circumstances to remove firearms from the house of an individual who has shown violent behaviour or who has threatened individuals. Thus, the likelihood of harm from firearms would be reduced. This also assists the victims of crime.

The department is also reviewing a number of other areas in which to assist victims of crime such as when the therapeutic records of victims of crime would be released to the courts.

All of these areas have been looked at, introduced or are under active review by the department. It is important that we cannot pick and choose remedies we want to bring forward to assist victims of crime. We need to support provisions such as gun control which victims groups across the country want and applaud.

Although it may be tough, we cannot back away from assisting the victims of crime. Whether it is introducing the appropriate criminal justice statutes, whether it is establishing the proper prevention programs or whether it is establishing a victims bill of rights which would more clearly delineate how victims are dealt with in the justice system, all these issues need to be dealt with.

• (1540)

Certainly the minister will be supporting this motion. It is imperative that all levels work together, the federal and provincial governments, and the communities through whatever means, volunteerism, et cetera to each do our part to assist victims of crime. I thank the hon. member for putting forward the motion.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, the reality in this country is very different from what the Liberal Party has been putting forth. The reality is that violent crime, particularly among youth, is increasing faster than any other aspect of crime.

The Liberals promised to deal with the Young Offenders Act in a substantive and effective fashion before it became the government. Have we seen anything? Absolutely not. We have seen pabulum come through the justice department when it comes to dealing with young offenders.

I ask my hon. friend from the Liberal government to name some substantive and effective legislation the government has put forth to decrease youth and violent crime. If this is being put forth, I would like him to explain to the House why it has not decreased violent crime one iota.

Mr. Kirkby: Mr. Speaker, contrary to the statements put forward by the hon. member that nothing has been done by the government with respect to the Young Offenders Act, I can assure the House and the people of Canada this government has taken steps to deal with the most serious of young offenders crimes.

First of all, for the most serious crimes, the penalties under the Young Offenders Act have been toughened. There is no doubt about that. It has happened.

With respect to whether or not 16 or 17 year olds will appear in adult court, the onus that used to be in place has been reversed. Now the situation is that young offenders 16 and 17 years of age will be in adult court unless they can prove they should be tried in youth court. The situation used to be the opposite. The presumption had been that 16 and 17 year olds would be tried in youth court.

In addition to that, a review of the Young Offenders Act by the justice and legal affairs committee continues. Hon. members of the Reform Party are involved in that. The committee will be visiting five regions of the country. Last week the committee completed the first leg of its journey when it visited the maritimes to hear what people thought about the Young Offenders Act with a view to making further changes.

This government is committed to hearing input from people across the country which is not the style of the members opposite. They like to do things and forget about what the people think. This government likes to listen to the people and the justice and legal affairs committee will be doing that over the next little while. It will be recommending further changes to the Young Offenders Act for consideration by the justice minister. In addition, the federal-provincial task force on young offenders, the officials and ministers, will also be making recommendations to the federal minister.

A number of very succinct and proper measures have been taken by this government. Every single time we bring forward something to assist the victims, whether it is Bill C-41, whether it is changes to section 745 or whether it is changes to the Young Offenders Act, the Reform Party votes against it.

Supply

• (1545)

Mr. Paul Forseth (New Westminster—Burnaby, Ref.): Mr. Speaker, it is a privilege to speak on the motion concerning victims' rights tendered by the member for Fraser Valley West. I urge the Minister of Justice to create a national standard for victims of crime.

We are calling for a fundamental change in the operation of the Criminal Code. It is a natural evolution of the movement for justice system accountability and a re-examination of the primary operational goals of the criminal justice system in Canada. Victims have a right to be informed of their rights at every stage of the justice process, including those rights involving compensation from the offender. They must also be made aware of any victim services available.

On February 29 of this year, my colleague organized a victims' rights rally in Abbotsford, British Columbia. As I surveyed the faces in the crowd, I felt a visceral response from them, an urgent dissatisfaction with Canada's institutional response to crime and how we as society handle offenders in comparison with those innocents who are left in the offender's wake. It is clear to me that the way the criminal justice operations work does not represent mainstream Canadian values.

Constituents of mine from New Westminster—Burnaby have written to the Minister of Justice. They have submitted petitions which I have dutifully presented to the government in the House. Sadly, the Prime Minister and the Minister of Justice do not seem to feel the same deep sense of wrong and urgency, to make the order of fundamental change that is required to assuage the community and respond to Canada's sense of what is right.

What is required is a basic rebuilding of the justice system from its fundamental pillars. Central to that change must be that the system must no longer be so offender focused. That is the old agenda of the system defenders, the Liberals and Conservatives who gave us the justice system we have today. The community is demanding that system changers come forward who have an openness to rethink and remake our response to crime.

This past while I have had the privilege of introducing several private member's bills in the House. They arise from my long-standing sensitivity to victims' issues. The message of victims has not been self-centred or full of retribution or revenge. Their concern is a search for meaning of their circumstance and a hope that changes will arise to prevent others from needlessly going through what they have experienced, that mostly came from the justice system itself, while they were in the midst of their pain and loss.

As a former officer of the court, I have heard many stories from victims. I have observed firsthand how the labyrinthine system operates and how the disconnected parts work in their compartments without a unifying mission or a mandate.

I made a promise to my constituents that I would try, among other things, to make a difference in the way victims of crime are treated, the way they are regarded and how they are positioned in law. It is time to move beyond community volunteer programs, as important as they may be, and write into the law the position of the victim from the beginning to the end.

On March 27 of this year I introduced private member's Bill C-247. I had received complaints that some persons were causing public disturbances and destroying an important part of community living, the places enjoyed by families. The victims in this case are the local communities across the country, especially for the liveability for young children. What is frustrating is that those causing the public disturbance, causing mothers to hang on to their children tightly as they pass them by and having merchants experience the social life of commerce turned into a danger zone, that these perpetrators are not controlled.

We are well aware that our local shopping malls, community centres, sports arenas and libraries are popular hangouts for youths who want to be rather negative. In particular, the most popular spot to hang out in a mall is in the food court where the action is of people traffic.

If the problem ensues and the mall security guard is forced to remove a person, a little known fact is that the person being removed is permitted by law to re-enter immediately, provided there is no resistance in the removal and no charge develops. There is nothing that the security guard can do but to continue to ask the person to leave.

Why do we have such a loophole in the Criminal Code? It is because the community as victim in this situation is not regarded as highly as the nuisance-maker and show off, the destroyer of community peace and order.

The property owner is being victimized because the Criminal Code is full of holes, the same holes that the Minister of Justice says do not exist.

• (1550)

In my riding, the New Westminster police have a storefront office in the Westminster Mall as part of their community policing program. Members of the force have told me that their hands are tied in such a situation. They cannot do a thing unless the Criminal Code is changed.

Every town in this country daily struggles with public order and millions are spent for security guards and monitoring systems

Supply

because the local community, as a victim, is not important to the government. My small bill on this matter will solve the problem for communities in that situation.

When Reform members bring forward private members' bills they are serious attempts, not media stunts. We want to make Canada a safer place in which to live. We want people to have the ability to walk the streets in safety. We want Canadians to know that their rights are being respected. Most importantly, we want to ensure that victims of crime do not become pushed to the sidelines and receive little help while the perpetrator receives most of the resources of government help.

In the previous session of this Parliament, I introduced Bill C-323, an act to amend the Bankruptcy and Insolvency Act (order of discharge). The way the act currently stands, an offender can be released from having to pay any damages arising from assault, awarded in a civil lawsuit, if the offender claims bankruptcy.

When my Bill C-323 was before the House for second reading debate on December 8, 1996, government members were very supportive of my amendments to the Bankruptcy and Insolvency Act and indicated so in their speeches.

The member for Lambton—Middlesex stated: "This is an excellent amendment. I commend the hon. member for New Westminster—Burnaby for it. I would like to see the same principle applied to all categories listed in section 178, not just the assault cases".

The member for Nickel Belt stated: "This legislation is a clear example of a good idea whose time has come. We all know that the hon. member for New Westminster—Burnaby has hit upon an excellent idea and a worthy amendment and we all want to see it incorporated in the law as soon as possible".

Finally, the member for Durham stated: "The bill presented by the member is a good one and deserves the support of the House. I would be happy to support the member in that initiative".

The words of these members are encouraging and I hope I will be able to count on their votes when my amendment is raised in the industry committee.

Today's motion is to implement a victims' bill of rights. That is really no different in principle from moving an amendment to the bankruptcy act. Both would assist victims and both would make Canada a safer place to live.

If Liberal members chose to vote against today's motion or work to dilute it, they will be telling their constituents that victims' rights are not paramount. For I assert that the notion of equal balance between victim and offender is a mistaken one and is not supported by Canadians.

A victims' bill of rights is a good way to begin the process of the hundreds of adjustments to the system that need to be made at all

levels of government so there develops a unifying theme around which the justice system can operate. Peace and community order, protecting it and restoring it on behalf of victims can be a unifying theme.

Those who are in conflict with society and affected by sanctions of the Criminal Code can be offered paths to community restoration by fulfilling the obligations of punishment in all its complexity.

I recommend a thoughtful reflection of the deeper philosophical implications of what is being brought to the House by this motion. Let there be light. Let there be some insight. The light shines in the darkness and darkness comprehends it not. May light overcome the darkness and may we become more positive system changers instead of remaining mere system defenders.

Canadians deserve better than our current justice system and today's motion is the place to start.

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I thank the hon. member for putting his points forward.

As is currently the case, a number of provinces have put forward victims' rights legislation and have through the use of various mechanisms raised money for the provision of services to victims within provincial jurisdictions. They have utilized the victims of crime surcharge which can be placed on fines which are collected for Criminal Code offences and have raised money in that respect. They have put in place services for victims.

I believe there is room for the federal government to work with the provinces in this regard.

• (1555)

I am curious why Reform Party members, who are usually so "let the provinces do everything and the federal government do nothing" are suggesting that the federal government do everything. What would they do with the work that is already done by the provinces? Have they consulted with the provinces on what action the federal government would take? Have they agreement among the provinces on what action the federal government should take so that it is not imposing costs on them?

In addition, how would the Reform Party handle the costs to the system that could be imposed?

Mr. Forseth: Mr. Speaker, it is a matter of cost, it is a matter of priority and a social philosophy of what you see as particularly important.

We are looking beyond the volunteer status of victims' services. I have three victims' services programs running in my riding. One operates out of the RCMP detachment with a retired staff sergeant in charge. He has about 40 volunteers on his list.

Supply

In New Westminster a volunteer victim services program is attached to the police. One also operates out of the crown counsel's office. They get some grant money from time to time but basically they are run on a volunteer basis at the discretion of a justice system that goes from the top to the bottom.

We are talking about moving beyond that. It is something like the movement we had years ago when the Mothers of Drunk Drivers program became popular and reported in the news media. Those mothers began to sit in the back of courtrooms on a volunteer basis to provide pressure. Eventually the justice system ever so slowly responded and it is a different situation that we have now than 25 years ago.

What we are suggesting is that it is time to move beyond volunteer services, perhaps even look at the Constitution. Victims need status in the law and in the overall operation of the justice system. We say that as far as the responsibility of the federal government is concerned, build the law and the victims' services will come.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, it is a privilege to speak on the victims' bill of rights motion that my hon. colleague is putting forward. It is long overdue.

This all started back in 1983-84 when the Liberal justice minister of the day said that Canadian justice was going to move away from making the victim its primary responsibility and move toward the convicted as their primary responsibility.

This has had a fundamental effect on the mindset of the justice system over the last 13 years. As a result Reform members have had to put forward legislation along the lines of that which my colleague is putting forward, a victims' bill of right. Why? Because the victims of this country have had their rights abrogated by a judicial system whose interest should be to protect them first and foremost. That is no longer the case. Countless numbers of victims have had their rights subjugated to the rights of the convicted.

Here are some pathetic examples. Imagine if you will you are person who has been raped. You have no rights whatsoever under the current justice system to know the health status of the person who raped you. You have no rights to know if he is HIV positive. You have no rights to know if he is carrying sexually transmitted diseases like gonorrhoea, chlamydia and hepatitis. Those rights do not exist. This is one of the things that my colleague and we in the Reform Party wish to change.

Imagine if you will that your child has been violated by a pedophile or that a loved one of yours has been raped. Currently that rapist or pedophile can come an live right next door to you if he so chooses. That can happen. Do the victims have a right to know about this? No, they do not.

In my riding I have had a situation where a serial pedophile who raped and violated little children more than 1,000 times came to live in the neighbourhood of its victims. These victims were absolutely beside themselves with fear and abject terror.

● (1600)

Why do we not have a justice system which protects these individuals from having to endure a situation of terror and fear after they have already been violated by an individual? That is fundamentally wrong and bespeaks poorly of a justice system that is meant to protect these individuals.

It is fundamental that these victims have the right to know where and when the people who perpetrated these violations on them will be and where they will live and their whereabouts. As we all know, there is no treatment for violent sexual predators. There are many attempts but there is no effective treatment. Therefore victims have a right to know where these individuals are.

The third is victims' impact statements. It must be the right of the victim to give a victim impact statement orally or in writing if they so choose. It is not a choice but it should be their right to have this. The courts must understand what it was like for that person to endure the crime perpetrated on them.

Fifth, the victim must understand what is happening in the court proceedings. They must understand what is being plea bargained away, why it is being plea bargained away, and what deals are being made between the crown and the accused's defence. It is very important for the peace of mind of the victims that they understand the whole process taking place if they are to feel justice is being done.

Sixth, it is very important that we err on the side of the protection of the individual in society at large. We have to move away from what we have said before, that the convicted will have our primary focus. The victim must be the primary responsibility of the justice system. That is simply not the case now.

I will give a true life example. There was a young boy in my riding. He was a handicapped child who could not mobilize very well. He was 13 years old. He was sexually assaulted by an 18-year old boy. He was raped. The court case took place. The 18-year old was charged and convicted. The convicted 18-year old turn around and said "I'm a victim because of things that happened in my past". That may be so.

What happened was that the child who was raped did not have anywhere near the counselling, the care and the attention from our justice system and health professionals he needed. The convicted had many times the amount of money in support than the victim. The convicted had the primary focus of the justice system whereas the victim was forgotten. This bespeaks of a justice system that

does not fulfil its fundamental role, which is the protection of society and its members.

It is true that many people who commit offences, who are incarcerated in our prisons have had very serious and very sad lives. Their early childhood development has been riddled with with a great number of tragic and unbelievably terrible things. This is very common. However, one's history does not exonerate one from committing criminal acts today. We can understand what they have done but it does not exonerate them or excuse them from committing those acts.

Therefore we have to take a multilevel approach. We have to protect the victim, as my hon. colleague mentioned so eloquently in his speeches and in his victim's impact statement, which I encourage every member of the House to get a copy of before they vote on it. I also encourage every member to look at new ways we can address the precursors and ask ourselves why these individuals commit these offences.

• (1605)

Many of these individuals have grown up in terrible family situations. We must deal with these situations early on. Children in environments where they are being beaten up and sexually abused are not being given the necessities to build up the basic pillars of a normal psyche. Where those things are absent we must collectively deal with the families to help the children. If the children do not have the pillars of a normal psyche they will grow up to be adults without the pillars of a normal psyche. That will manifest itself in conduct disorders in adolescence and in criminal behaviour in adulthood.

These things can be done without spending money. In the United States some interesting experiments have been conducted. They have looked at inner city school boards where there is a high degree of violence, drop out rates, teen pregnancy and criminal behaviour. They brought the children into the schools very early on, at the age of five or six. Not only did they teach the children their A, B, Cs, they taught the children what appropriate conflict resolution was and what drugs were all about. They learned about self-respect and having respect for others. These are normal pillars of a normal psyche which we all require to function in a caring and functional society.

These are things which the justice system ought to take a look at in conjunction with provincial counterparts, as the Liberal member mentioned. We must work with provincial governments and education departments, which are an integral factor, in addressing these problems to put an end to conduct disorders and violent and criminal behaviour.

It is incumbent on all of us as legislators to put first and foremost the rights of innocent victims in our justice system. The convicted must be taken care of as well, but our primary responsibility is to the victims who through no fault of their own have been violated.

Supply

I encourage every member of the House to vote for the victims' bill of rights presented by the hon. member for Fraser Valley West. They will be doing it for themselves, their children and, most important, for Canadians from coast to coast.

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I point out to the hon. member that the government has taken a significant number of steps in the review of criminal legislation to improve the safety of our homes and streets.

Certainly it is within the discretion of local chiefs of police to indicate to the appropriate people, when considering all the circumstances at their disposal, to release in varying degrees into the community information about the presence of sexual offenders.

The government has made changes to the Corrections and Conditional Release Act to make it easier to keep individuals in custody to the end of their sentence.

The government has also introduced gun control legislation which allows police in appropriate circumstances to remove firearms from a house where there is a threat of use by the perpetrator of a crime or by someone who has made threats.

The minister has indicated that new legislation is on the way to deal with dangerous long term offenders. There is a possible review of the dangerous offender provisions to allow greater latitude or a greater length of time under which a dangerous offender application can be made.

There has been the institution of peace bonds to ensure greater protection for victims of crime.

• (1610)

There is the possible introduction of long term offender designation which would allow community supervision for up to 10 years after release. This is in addition to a number of other steps which have increased the tools of law enforcement agencies, provincial attorneys general to detect and prosecute crime.

We would like to see the hon. member acknowledging the progress by the government, while everyone in the House acknowledges there is still more work to do.

Mr. Martin (Esquimalt—Juan de Fuca): Mr. Speaker, I thank my hon. colleague for the question.

On gun control, regardless of whichever way we look at this, there will be up to \$500 million removed from the functional arm of justice to gun control. There is something called an economic cost. That means that if we are moving money from A to B, we had better make sure we are getting more bang for our buck in B than in A.

Supply

There has been nothing to prove that the new legislation put forth will make any difference in crime. There is an abundance of studies showing the exact opposite, that the new changes in gun control will not work.

We in the Reform Party are committed to having good solid gun control legislation which protects individuals and society but we are loathe to support legislation that will make our streets less safe. The gun control legislation put forth by the government had nothing to do with keeping the streets safer but everything to do with seducing an urban population.

On the concept of the police, the police would do a lot more if they were supported by the courts, but they are not. If my hon. colleague would talk to the men and women in our police forces who day in and day out put their lives on the line and ask them whether the courts support them, he will get a very different picture because they do not.

They do not because of the decisions made in the past and a legal morass our judicial system is now under. It is weighted down by a legal morass that prevents justice from taking place. We need to rethink and look at that.

We also have to look at the way police officers are hampered by the legal documentation and paperwork they have to endure in their jobs. It impedes their ability to get their work done.

On the concept of restitution, restitution is not mentioned anywhere. The government has not done anything to deal with restitution to the victims from the criminals.

An important point for many individuals who have had to put restraining orders on individuals who have been hunting them, harassing them, is that restraining orders do not work. They are not enforced properly and we need to take a long, hard look at ensuring our restraining order system will work to protect those individuals being harassed and victimized.

Mrs. Beryl Gaffney (Nepean, Lib.): Mr. Speaker, I am very pleased to speak to the opposition motion put forward by the member for Fraser Valley West, the victims' bill of rights.

Crime and victimization are complex and challenging social problems. The government believes dealing with these issues requires a thoughtful, informed and long term approach, one that deals with the early causes of crime.

A two-month old baby is left to cry when he needs comfort so that he will not be spoiled. A three-year old girl hears her dad abuse her mom one more time. A pregnant woman has another drink. What do these situations have to do with crime prevention and community safety? As isolated incidents maybe not a lot, but when

they represent patterns for these children, the outcome may have an impact on crime and victimization.

Under the safe homes, safe streets initiative, the government formed the Canadian National Crime Prevention Council, an independent council of 25 volunteers from across the country. Its main focus is on the needs of children and youth and its commitment is to crime prevention through social development.

● (1615)

Thanks to the council's work we are discovering some of the links, links between what happens to children from the prenatal stage to six years old and what becomes of them as adolescents and later as adults in our communities. The child victim often becomes the criminal offender. The reasons for this are varied and complex.

We know quite a bit about the childhood experiences of persistent offenders. We want to apply this knowledge to help children and families when they need it most. Poverty can bring with it a host of threats to children, including poor health, high family stress and difficulty forming warm, secure attachments to caregivers.

Risks to a fetus, including fetal alcohol syndrome and low birth weight, may affect a baby's brain development which can lead to hyperactivity, emotional problems and then to school failure, a risk factor in itself of delinquent behaviour. When parents do not get along and are unresponsive or overly authoritarian, children are also at risk. Socially competent children need emotionally available parents.

The community and the broader society in which our children grow can make a tremendous difference, not only in terms of financial support but also by encouraging resilience in high risk children. Resilient children who succeed despite having the odds stacked against them share certain traits. Many of these protective traits result from family and social influences.

Optimism for example has its roots in infancy, in a child being able to count on life feeling good. Competence, another such trait, depends on the support, encouragement and opportunities provided by interested adults. If a parent cannot provide the support, then another relative, a family friend or member of the community can step in and fill the gap.

Although much of this knowledge may seem like common sense, it must not be ignored when we develop policies and programs in response to crime and victimization. The lessons of early prevention are often pushed aside in the rush for harsher penalties for young offenders. There is even a demand by some for more of those charged with non-violent crimes to be imprisoned. This response may reflect our empathy for victims but it does not get at the underlying factors which lead to crime.

Supply

What do parents, families and communities need to nurture children in loving, supportive environments? If a child or teen breaks the law, what is the best way to intervene, to repair the harm done to the victim and to prevent a second crime? A victims bill of rights would not protect a child from abuse, provide him with a hot breakfast or a sympathetic ear. The way to prevent Canadians from becoming victims in the first place is to nurture, value and protect our children. For it is the neglected, abused and mistreated child who is most likely to find himself or herself involved in criminal activity later in life, a pattern that can be broken before it is too late.

The National Crime Prevention Council has been working in this vein on a prevention guide book for Canadians. The guide book will explain how crime and victimization can be traced back to childhood and how we can prevent crime from happening in the first place. I am sure that members of the House join me in looking forward to the launch of the guide book at the June Atlantic crime prevention conference in P.E.I. Early prevention is the key.

I am pleased to advise the House and the member for Fraser Valley West that I will support this motion. It is a step in the right direction. However, we must focus on the formative years of our children to ensure they do not reach a state where they are heavily involved in crime.

• (1620)

[*Translation*]

Mr. Pierre de Savoye (Portneuf, BQ): Mr. Speaker, we have before us an opposition motion from the third party, which reads as follows:

That the House urge the government to direct the Standing Committee on Justice and Legal Affairs to proceed with the drafting of a victims' bill of rights, and that, in such areas where the committee determines a right to be more properly a provincial concern—and I emphasize this part of the motion—the Minister of Justice initiate consultations with the provinces aimed at arriving at a national standard—and I also emphasize this expression—for a victims' bill of rights.

Victims have rights, victims have needs. If I may, I will use an illustration from testimony I heard before the standing committee on justice from a person who had lost a loved one when a crime was committed. This person did not tell us about loss of income, but rather about her emotional loss. She did not tell us about the criminal aspects involved, but rather about needing the government to offer her support during this difficult time.

This person was the indirect victim of a crime. I am telling this story to emphasize that the victims of crime are not the only direct victims. Sometimes people around the victim also suffer the consequences. The contribution the government can make to these direct or indirect victims is not just legal or financial, but also moral, supportive in nature.

How many times do we see victims or their relatives hounded by the media? What recourse, what protection do these people in their state of shock have to help them hang on to the privacy they need at a difficult time?

These are important questions. Victims and those close to them have rights because they have needs. Now, to meet these needs, to guard these rights, the question is: Who is best placed to do the job?

Naturally, the Bloc Québécois is in favour of protecting and compensating victims of crime; this is a given. And in Quebec, for a number of years now, we have had legislation that provides this protection and compensation for victims of crime. As I have just told you, in Quebec, the Government of Quebec has legislated this protection, this compensation. Why? Because it is a provincial responsibility.

Because this is a provincial area of responsibility, the federal government therefore has no business interfering. Let us be very clear, then: the Bloc Québécois is strongly in favour of the protection and compensation of victims, but by the appropriate level of government; and, in this case, it is the provinces. Quebec has been active for a number of years in this area of jurisdiction.

• (1625)

To put it more plainly, the jurisdiction proposed in the motion is not a matter for the federal government through the criminal law, that is section 91 (27), but, rather, concerns property and civil rights in the province, or section 92 (13). Therefore, national standards in this area would constitute flagrant interference in the provinces' exclusive areas of jurisdiction.

You will tell me that that would not be the first time. I am afraid not. In how many areas has the federal government, through its spending authority, interfered? If we look strictly at spending authority, the federal government could begin compensating victims left, right, and centre, first thing tomorrow. In one sense, these people would probably not be upset, but as I pointed out, what is important for victims or those close to them, is less the money than the comfort and moral support.

This person, who went through this unfortunate experience and described it to the justice committee added, and this is important, that a public servant had actually telephoned her the day after reading the newspapers to tell her that the pension cheque of her now dead loved one was already in the mail and that she should take steps to return it. The next day, twenty four hours later.

What victims or those close to them need is not necessarily financial compensation, but understanding, moral support, respect for human dignity, and these are things that the provinces are well equipped to provide. The provinces have all that is needed to do the social work required to ensure the respect of human dignity. I

Supply

repeat then, national standards in this area would constitute a flagrant infringement on areas of exclusive provincial jurisdiction.

This is not just my own opinion I am stating; on two occasions already the Privy Council—which, as you know, was the level of last recourse at the time, until its abolition in 1949—acknowledged provincial jurisdiction over victim compensation. This is the legal precedent, formed in the past, and formed solidly. It is something already in place, something that ought not to be opened to re-examination and challenge at this time.

In 1920, in its decision on *Canadian Pacific v. the British Columbia Workers Compensation Board*, the Privy Council acknowledged that, when victims are to be compensated, even if the company in question happens to be under federal jurisdiction, section 92(13) of the Constitution takes precedence and the provincial legislation applies. Now, in 1996, we cannot again question a practice that was entrenched in our Constitution, unless the Constitution itself is laid open to question.

In another decision, in 1937, following a reference on unemployment insurance, the Privy Council reaffirmed the provinces' exclusive jurisdiction over victim compensation. This is why—I shall make this my concluding statement—the Reform motion, despite its praiseworthy intentions, runs totally counter to the policy of the Reform Party, which has been calling since it arrived here for greater decentralization of the federal system and respect for the exclusive provincial areas of jurisdiction.

Praiseworthy intentions, but the wrong approach, surprisingly. I would have preferred the Reform Party to continue along its path of decentralization of powers and respect for the jurisdictions of each of the provinces, instead of giving in to what I am sure was a flood of good intentions, and questioning an area of jurisdiction which is clearly provincial.

• (1630)

[*English*]

Mr. Jim Silye (Calgary Centre, Ref.): Mr. Speaker, the comment from the hon. member from the Bloc flies in the face of reality; decentralization on a number of issues from education, to health care, to job retraining and all these other areas we have talked about and have been promoting the idea or suggesting governments look at the British North America Act again and start getting things back in proper perspective and let the provinces look after certain areas and get the federal government to ensure standardization across the county and let the provinces handle things.

However, when it comes to the justice system, to say that although our intentions are honourable in terms of victims' rights,

the federal government very much has to be involved in something like this.

It very much has to ensure that no matter where we live, whether it is in Quebec—a great province in this wonderful country where they belong and where this member should stop trying to pull them out of—British Columbia, Newfoundland or anywhere, we need a constitution, a set of laws which applies all across the country. Within the various provincial jurisdictions we then allow for the differences needed to be applied.

We have federal laws in the criminal system and we have provincial laws. Quebec has civil laws as well and we respect that difference based on history. For him to say that although our intentions are honourable we should butt out of the legal system is ridiculous.

This is an honest attempt by our member from Fraser Valley West to look after the interests of all Canadians whether anglo-phone, francophone or of ethnic origin from any country. It is to look after the victims. That is the point, victims who are, as the justice minister said, orphans of the justice system.

Somebody commits a crime. They are tried and found guilty. The victim is either beat up, dead or suffering physically. Once the trial is over they are forgotten. What we spend money and time and effort on is rehabilitation. Our system of justice is out of whack. The punishment does not match the crime over half the time. The judges have too much leeway. Instead of spending time in narrowing choices, and the House has the right to do that, we waste our time on other measures. We should be concentrating on items like this to ensure we are bringing a balance to the justice system.

This issue of decentralization and victims' rights is something the federal government should very much be involved in.

Mr. de Savoye: Mr. Speaker, I know this intervention from the Reform Party is very sincere. However, in Quebec for many years we have been doing exactly what the Reform Party is proposing right now. Many other provinces have not done so. The privy council recognizes those powers and has given them to the provinces as per the Constitution

Basically what I am saying is let every province copy the example of Quebec. Quebec is different. Quebec on this subject and on many other subjects has taken the lead in Canada. We were here first, so maybe that explains it. However, if anyone wants to come to Quebec and have a look at how we are doing it, they are welcome. Then they can copy whatever we are doing.

However, do not duplicate once again here in the House with measures that are already implemented and working successfully in Quebec. That would be duplication. That would be spending the public's money unwisely. The intent is fine, but let the provinces do it as Quebec has been doing it.

Supply

• (1635)

[*Translation*]

The Acting Speaker (Mr. Kilger): Could the member for Portneuf help me out? Was it his intention to share his time? He has had ten minutes, and he has another ten minute block for his speech.

Mr. de Savoye: Mr. Speaker, that was my intention, and I thought it had been understood. I see that perhaps it was not. In which case, I am sharing my time with the hon. member for Drummond.

The Acting Speaker (Mr. Kilger): Everything is in order. The member for Portneuf used only ten minutes, which is the time allowed.

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, I am delighted to take part in the debate on this motion. It asks the government to direct the Standing Committee on Justice and Legal Affairs to draft a victims' bill of rights. If the committee determines a right to be a provincial concern, the Minister of Justice would have to initiate consultations to establish a national standard.

The Bloc cannot join the Reform Party in supporting this motion, and I will explain why. However, I would first like to make it very clear that the Bloc Québécois supports the protection and compensation of victims of criminal acts. This is basic, as my colleague for Portneuf pointed out. However, victim compensation is clearly a matter for the provinces, and the federal government has no reason to get involved in this area of provincial jurisdiction.

This right is a matter for provincial administration of justice. In fact, this cannot be a matter of federal criminal law under section 91(27) of the Constitution Act. It in fact comes under provincial property and civil rights under section 92(13) of the Constitution. I think this is clear.

Therefore national standards in this area would be a flagrant encroachment on areas of exclusive provincial jurisdiction. Twice the Judicial Committee of the Privy Council, the court of final appeal before its abolition in 1949, recognized the jurisdiction of the provinces over matters of victim compensation.

First, in 1920, in the matter of the Canadian Pacific and the British Columbia Workmen's Compensation Board, the Privy Council recognized that, in the case of victim compensation, even if the company involved were under federal jurisdiction, section 92(13) of the Constitution Act applied. This too is clear. The court concluded that the laws of British Columbia applied in the case of victim compensation.

In another ruling in 1937, in the *Reference on Unemployment Insurance*, the Privy Council reaffirmed exclusive provincial jurisdiction over compensation of victims. Clearly, from these rulings,

compensation of victims is a provincial matter. Accordingly the motion by the Reform Party directly contravenes their party policy, which advocates greater decentralization of the federal system and full respect of exclusive provincial jurisdiction.

It is surprising as well to see the Reform Party defending victims' rights, when it voted against the bill on gun registration.

• (1640)

The Bloc believes that prevention is the best way to protect victims. In other words, an ounce of prevention is worth a pound of cure, as everybody knows.

With its contradictory positions, the Reform Party is revealing the inconsistency of its policy on crime.

You cannot properly defend the rights of victims when you refuse to prevent crime by voting against the mandatory registration of guns, a measure aimed at preventing an increase in violent crime.

Another reason this motion must be rejected has to do with the throne speech. Following the throne speech, the Liberal government made a commitment to stop spending and encroaching on areas under the jurisdiction of the provinces without their approval. Accordingly, before the Standing Committee on Justice and Legal Affairs is asked to consider the matter, the approval of the provinces would have to be sought. It would in all likelihood be denied by most of them.

Quebec is the leader with its Crime Victims Compensation Act. This legislation provides for a plan to compensate injured victims of crimes. Compensation is also provided for families of individuals killed. This legislation does not prevent civil law suits against an assailant for material damages or bodily harm.

This act fully meets the necessary objective of compensating the victims of criminal acts, especially since claims for compensation are examined by a commission which will ensure that the amount of compensation awarded is sufficient, fair and equitable.

The provinces have no need of the federal level to administer areas over which they have exclusive jurisdiction, particularly since Quebec's legislation on the treatment of offenders and victims is far more open and far less repressive than elsewhere in Canada. But when there is a desire to impose national standards, not only must the areas in which the standards are to be imposed come under federal jurisdiction, but also the government must have the necessary funds to invest in the undertaking.

At the present time, the federal government no longer has the financial capacity to invest in encroaching on areas of provincial jurisdiction. On the contrary, the financial hole the future generations will have to get themselves out of is due, in large part, to the massive federal invasion of areas that are the exclusive jurisdiction of the provinces.

Supply

The federal government has used its financial clout to impose national standards on the provinces by sharing program costs. This centralizing trend is running down at this time, simply because of the financial irresponsibility of the federal government, which has sought to add to its power by thumbing its nose at the division of powers imposed by the Canadian Constitution.

In conclusion, it is clear that the federal government has no place in the area of victim compensation. Federal invasion of this area would constitute an unacceptable encroachment into provincial jurisdictions and would run directly counter to the Liberal government's promises in the throne speech.

[English]

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I have a couple of quick questions. First, I heard from this speaker and the previous speaker about the encroachment of the federal government into provincial jurisdiction. Point 8 of our victims' bill of rights states that if a person convicted of a sexual offence has a sexually transmitted disease, the victim of that offender should be able to find out about that fact. There was a rape case tried in Montreal where the victim asked to have the perpetrator tested for AIDS and it was denied under the charter of rights. Yet both the previous speakers said they are doing very nicely and they do not need these kinds of rights.

• (1645)

That is one illustration. I am sure that if I searched I would find a lot more examples of how it is just not being done in Quebec even though it is claimed that it is.

The approach being taken by the member is not a focus on the victims, it is still a focus on sovereignty and separation from the country. Is the member not trying to indicate that legislation that may come from this House would not apply to them because they choose to be another country, rather than concentrating on victims' rights.

[Translation]

Mrs. Picard: Mr. Speaker, I think that our colleague from the Reform Party is mixing apples and oranges. Nobody is trying to drag sovereignty into this motion. As I said earlier, the Bloc Québécois is clearly in favour of protecting and compensating victims of crime.

What we are saying is that the administration of justice comes under the exclusive jurisdiction of the provinces. I will tell him again why that is so. This area of jurisdiction cannot come under the federal authority over criminal law set out in section 91 (27) of the Constitution Act. It comes instead under property and civil rights, which are under provincial jurisdiction, pursuant to section 92 (13) of the Constitution.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, my congratulations to the hon. member for Drummond for having grasped the problem. I do not think that Reform has. The Reform Party, and this we have seen in several matters, makes comments, talks about certain things without really understanding the ins and outs of the subject.

Anything concerning the victims of criminal acts, and all of the issue of victims' rights, is the responsibility of the government of each province. If the Reform Party understood this rather important little item, it would perhaps see fewer problems in certain matters, would perhaps accuse us less of talking sovereignty or Constitution, if they at least wanted to respect the present Constitution. That is where one of the problems of the federal government lies, and the Reform Party represents that problem very well, the desire to legislate in areas that do not belong to it.

As I saw for myself when a member of the justice and legal affairs committee where we assessed the Young Offenders Act among other things, we in Quebec are at least 25 years ahead of the Reform Party. I understand that they do not understand that this is an area that does not belong to them, that this is not a federal jurisdiction. If everyone respected the Constitution, the country might not be so deep in debt today, perhaps we would not be discussing the things we are today.

I would like to ask the hon. member for Drummond, perhaps for the benefit of the Reformers, to repeat the extremely important bit of her speech in which she said that Quebec has an act for compensating the victims of crime. I would like her to go over it a bit so that the Reform members might understand what they did not grasp. Now we are giving them the chance to turn to the French channel and listen to the answer they will get.

Mrs. Picard: Mr. Speaker, the Quebec Crime Victims Compensation Act provides for a plan to compensate injured victims of crimes. Compensation is also provided for families of individuals killed. This legislation does not prevent civil law suits against an assailant for material damages or bodily harm.

It meets the objectives for compensation of victims of crime, particularly because requests for compensation are examined by a commission for victims of crime, which ensures that victims receive sufficient, just and equitable compensation. This is the effect of this law.

• (1650)

[English]

Mr. Jim Silye (Calgary Centre, Ref.): Mr. Speaker, I would like to address one item in the speech of the hon. member for Drummond. She said the Reform Party is not consistent and is contradictory. It is not really protecting victims and victims' rights because we voted against the gun control bill.

Supply

That is a pretty general and blank statement. Perhaps the information she received was ill-informed, much like the hon. member for Kingston and the Islands is half the time, uninformed and ill-informed.

I want to put on the record that the primary reason this party voted against the gun control bill was because it was an omnibus bill. It confused the punishment for the criminal misuse of firearms which we support. We favoured that part of the bill and in fact we recommended in amendments that it go to five years instead of four years.

Mr. Milliken: Nonsense.

Mr. Silye: If the hon. member for Kingston and the Islands would listen he would also learn from this.

It is the firearms registration portion that we were against and that is why we voted against it. I do not see where we are contradictory at all. We are interested in victims' rights.

The Acting Speaker (Mr. Kilger): No doubt the hon. member for Kingston and the Islands would like to answer but he will have to wait for another time. I am sure he will seize that opportunity.

[*Translation*]

Mrs. Picard: Mr. Speaker, I would say this to the Reform member: When you are out to protect victims, you make sure you have the best means of protecting them, and the best way of protecting them is prevention. To my way of thinking, protection outweighs cure.

Reform members opposed the bill on gun control, which, to my mind, is not the way to prevent violence.

[*English*]

Mr. Andrew Telegdi (Waterloo, Lib.): Mr. Speaker, if I remember correctly, the hon. member for Calgary Centre voted in favour of the gun control legislation that this government proposed. I am surprised he is talking from the opposing side about it right now.

There is no question that all members in the House support services to victims and better treatment for victims within the criminal justice system.

I have been involved in a judicial agency, Youth in Conflict with the Law in the Waterloo region. I was involved with a whole series of organizations that dealt with offenders, the community and victims. There is no question as we examine the various programs that are offered in the country that Quebec is very much a leader in the area of criminal justice reform as well as dealing with victims of crime.

When I first became involved in working with offenders in the early seventies it became very clear that for the rehabilitation of

young offenders, they would have to face up to their actions. They would have to make contact, where possible, with the people that they victimized and they would have to make restitution.

We have a number of programs in my community. We have pioneered many programs related to the judicial system in the Waterloo region. One of the programs that we pioneered was Youth in Conflict with the Law, working with young offenders.

Another program we pioneered was Kitchener House, a halfway house, so when people were being released from provincial institutions they would be eased into the community. The John Howard Society was active in our community and the Mennonite Central Committee started up the first victim offender reconciliation program back in the seventies. That is where the victim and the offender come together. When they are younger individuals it impresses on them the seriousness of their acts and the fact that there is a person involved who is hurt. From the victim's perspective, in many cases it helps them demystify who the offender is. We try to work out some compensation, fiscal and voluntary, that the offender can make to compensate the victim.

• (1655)

We also recognized that victim services needed to be present within the police department. When victims were going to the courts and facing the trauma that victims face, people would be assisting them and explaining to them how the judicial system, which can be a very complex system, works.

There was also a group which initially got involved because of a sentence handed down to a sexual offender. A grandfather had sexually abused his granddaughter and they felt the grandfather got an inappropriately low sentence. The group started out calling themselves citizens concerned with crimes against children. Initially it was a lobby group reacting against the sentence. The next thing it had become involved in victim services in the community working with children, doing a lot of prevention work. Its members are always ready to respond in case help is needed, be it from the police or from other family members, but they were always there to assist the victim.

One of the troublesome aspects of the present state of affairs in the criminal justice system is we do not do enough to re-examine the way we deal with crime. In many cases we are following a knee-jerk approach, an approach that is being driven by the rhetoric of members of the Reform Party.

We get into a mindset that says we should try to deal with crime in a "lock them up, throw away the key" approach. In my community the victim services program for the police which we pioneered and which was supported by the provincial government, under the Harris government has been cut, slashed. That is for victims' rights. They are the kissing cousins of the Reform Party.

Supply

The program for husbands who abuse their spouses, run by the John Howard Society, was slashed to the bone. This program was to stop people from reoffending and to stop further victimization.

The sexual assault program, where community justice initiatives deal with victims of sexual assault, children and otherwise, was slashed by the provincial government. That concerns victims.

The biggest problem is we tend to ape and the rhetoric of the Reform Party apes what is happening in the United States in terms of crime and crime prevention. There is no worse model that we can possibly follow. The Europeans have shown much more effective ways of dealing with offenders which in turn makes the cost of the justice system cheaper and in turn allows funding for victims' services.

The tragedy is that there is not enough funding for victims' services because we are misspending it in the criminal justice system. At the present rate of sentencing it is expected that the population of prisons will increase by 50 per cent over the next five years. What a waste of money when keeping a person in prison costs \$50,000 a year.

Let us be very clear when I am talking about people in prison and the justice system, I am talking about people who are property offenders, non-violent offenders, people who could be handled much cheaper in the community, be it through community service, or restitution or probation.

The climate that has been created is that away too much money is being thrown into the imprisonment area and we are doing precious little in the justice area.

• (1700)

I recommend to the members of the Reform Party that they look at the work of the crime community safety council. They might even go back to March 1993 when Mr. Horner, a former RCMP officer, a Progressive Conservative and the head of the justice committee, came up with a unanimous all-party recommendation in a report which would have dramatically shifted the way in which we dealt with the criminal justice system. It would have led to more community prevention and more work with victims.

If there is a problem in our system now, it is that we have not followed up on the recommendations of the Horner commission and the justice committee on this issue. There are many cases in that report of shifting resources to victims, to crime prevention and community safety. There is a rethinking of the way Canadians should deal with the whole issue of crime.

There is no question that in many cases victims have been ignored. I have worked in the system since the early 1970s and it breaks my heart to see victim programs in my community being

slashed by the Progressive Conservative government in the province of Ontario. It is the ideological kissing cousin of the Reform Party.

I accept that Reformers are being sincere in what they are trying to do. Please take a look at the justice committee report by Mr. Horner. Look at the cry from police across this country that there has to be a better, more effective way. Let us look to the European models and not to the United States. We know the American system does not work.

Mr. Leon E. Benoit (Vegreville, Ref.): Mr. Speaker, today the Reform Party brought forth legislation that would enshrine a victims bill of rights into law in Canada. Today the Liberals brought forth legislation that would enshrine sexual orientation as a protected category under the Canadian Human Rights Act. Which of these two issues are the hon. member's constituents and Canadians more interested in having this House deal with? Which of those two issues is more important to Canadians?

Mr. Telegdi: Mr. Speaker, we are not living in a world of either/or. Many things are important to Canadians. I know that 81 per cent of Canadians are concerned that people not be discriminated against on the basis of their sexual orientation. A poll has not yet been done in Canada which shows that Canadians condone discrimination on the basis of sexual orientation. However, that does not negate the whole issue of victims which we must address.

I will repeat to the member that I shed tears when I see funding slashed by the provincial government for programs that were painfully developed to nourish community support for victims, victims in my community.

There is no question that I will support the motion for a victims bill of rights, but we have to look at where the money will come from. We will get that money if we make the judicial system more effective. It will not be more effective if we continue with the rhetoric of the Reform Party. We will increase the rate of incarceration in this country by 50 per cent at a great expense and it will not be effective.

I hope the Reform Party members phone their ideological cousins in the province of Ontario, the Progressive Conservative government members, to protest the cutting of victims programs. I expect and hope that members of the Reform Party will do that. I look forward to their doing that.

• (1705)

Mr. Ted White (North Vancouver, Ref.): Mr. Speaker, the member mentioned the cost of keeping people incarcerated. Does the member know that in 1989 the bureau of justice statistics issued estimates of how many crimes are prevented when people are locked up rather than walking the streets? Analyst Patrick Langdon concluded that higher incarceration rates between 1973 and 1989

cut the number of rapes by 66,000, robberies by 323,000, assaults by 380,000 and burglaries by 3.3 million.

In addition, in 1995 a Princeton University criminologist wrote that the best available estimates of prison operating costs led him to calculate that imprisoning 100 convicted felons who offended at the median rate cost \$2.5 million, but leaving them on the streets cost \$4.6 million. It is actually cheaper to keep offenders in prison.

Has the member heard of those statistics?

Mr. Telegdi: Mr. Speaker, I am amazed at what comes forward from members of the Reform Party. If their advice were to be followed we would lock up everyone possible and throw away the key. It is because of that kind of attitude that we have picked up on the American model which is very expensive and destructive. It does not promote safer communities. It ends up being very costly and does nothing for the victims of crime.

The conference that was held at the Royal York Hotel in March 1993 brought people together from across the country. Police officers, judges, people in government and people from communities were there. The Federation of Municipalities was there, as well as groups representing victims rights, young offenders and correctional services. They concluded, after looking at all the models in the free world, that the one which worked the best was the European model and the least desirable model was the American model.

The hon. member did not take me up on my challenge when I asked him if he and his party were going to phone the premier of Ontario and say to him: "We do not want you to stop funding programs for the victims of crime in the province of Ontario". That is exactly what is happening in the province of Ontario right now.

We have to pay attention to victims. We have to ensure that the support services are there for them. I hope Reform members will contact the premier of Ontario and say: "We do not want you to stop funding programs for the victims of crime".

Mr. Roger Gallaway (Sarnia—Lambton, Lib.): Mr. Speaker, it is my pleasure to speak on the motion today which urges the government to direct the Standing Committee on Justice and Legal Affairs to draft a victims bill of rights.

The government has continued a trend to be more responsive to victims. The improvements to the justice system, initiated by the federal government, were made without any victims bill of rights. The government took action because it was the right thing to do.

Earlier today we heard numerous examples of specific initiatives to benefit victims of crime. These initiatives go well beyond the principles that would be set out in a victims bill of rights. Actions do speak louder than words.

Supply

I support the adoption of a federal declaration on the rights of victims, but I believe there are several factors to consider. I am in favour of a declaration of rights for victims, but I believe we should be speaking about concrete rights for victims. In lending support for a national bill, which I assume suggests federal legislation, we must be careful not to prescribe rights over which the federal government has no jurisdiction and no authority to enforce.

• (1710)

Actions speak louder than words. Setting out principles and calling them rights which could not be effectively enforced would be pointless. We should direct our energy at addressing specific issues which we have the power to address.

Recommendations for a victims bill of rights are not novel. This debate has been ongoing since the mid-1980s. Ever since the American Congress passed its federal victims bill of rights, many Canadians have advocated that we follow suit. It is difficult to disagree with a bill of rights for victims. However, we should ensure that victims of crime will benefit from a so-called bill of rights.

We have had this discussion at both levels of government, federal and provincial. Since the report to ministers of justice of the federal task force on justice for victims of crime in 1983, the federal government, the provinces and territories have been engaged in ongoing consultations regarding improvements to the criminal justice system which would benefit victims of crime within the respective areas of responsibility. These consultations have squarely addressed the enactment of a victims bill of rights.

In 1985 Canada co-sponsored the United Nations statement of basic principles of justice for victims of crime. Canada's justice system already reflected those principles in 1985. The UN declaration prompted the federal and provincial governments to re-examine the issue of a victims bill of rights. There was an overwhelming consensus that a national bill of rights would not advance the cause of victims.

While all the provinces and the federal government were sincerely committed to making changes to the justice system, it was recognized that certain concerns could only be addressed by provincial legislation and other concerns could be addressed by federal legislation. The majority of concerns could not be addressed by legislation at all, but by changing attitudes about the role of the victim in the process and about basic human values of dignity and respect.

It was also recognized that in order to be meaningful a bill of rights must have a mechanism of enforcement. Rights without remedies cannot truly be said to be rights. For example, if a bill of rights states that victims have the right to receive timely information about the status of the investigation or the prosecution of the offender, what is the remedy when they feel they have not received

Supply

timely information? Who is responsible? Likely it is the police and/or the crown.

How can a single piece of legislation assign obligations to different participants in a justice system that play distinct roles and are employed by separate ministries? Moreover what is the remedy? Should the prosecution be called off because the victim did not get information? I do not think so. The advocates of a bill of rights do not think so either.

The example makes the point that all we really can do is prescribe a set of principles to guide all players in the criminal justice system and continue to encourage them to adhere to these principles. The victim is essential to the proper functioning of our criminal justice system and is deserving of the utmost consideration at all stages in the process.

The federal government is responsible for enacting the criminal law while the provinces are generally responsible for the enforcement of the law, the prosecution of offences and the administration of justice. Given that a bill of rights would not be of rights at all but of principles, the provinces and the federal government would get together and do something else.

In 1988 at a meeting of justice ministers, the federal and provincial governments endorsed the Canadian statement of basic principles of justice for victims of crime. The notion of a statement rather than a bill of rights addressed both the jurisdictional and the practical concerns. All jurisdictions would ensure that whatever initiatives they pursued would reflect these principles, whether in policy or in legislation.

Since 1988 several provinces, including Manitoba, Nova Scotia, New Brunswick, Quebec, Ontario, Alberta and both the territories have enacted victim legislation which does refer to these principles.

The Canadian statement of basic principles of justice for victims of crime states that in recognition of the United Nations declaration of basic principles of justice for victims of crime, federal and provincial ministers responsible for criminal justice agree that the following principles should guide Canadian society in promoting access to justice, fair treatment and provision of assistance for victims of crime.

First, victims should be treated with courtesy, compassion and respect for their dignity and privacy. They should suffer the minimum of necessary inconvenience from their involvement with the criminal justice system.

• (1715)

Victims should receive through formal and informal procedures prompt and fair redress for the harm which they have suffered.

Information regarding remedies and the mechanisms to obtain them should be made available to victims.

Information should be made available to victims about their participation in criminal proceedings and the scheduling, progress and ultimate disposition of the proceedings.

Where appropriate the views and concerns of victims should be ascertained and assistance provided throughout the criminal process.

Where the personal interests of the victim are affected, the views or concerns of the victim should be brought to the attention of the court where appropriate and consistent with criminal law and procedure.

Measures should be taken when necessary to ensure the safety of victims and their families and to protect them from intimidation and retaliation.

Enhanced training should be made available to sensitize criminal justice personnel to the needs and concerns of victims and guidelines developed where appropriate for this purpose.

Victims should be informed of the availability of health and social services and other relevant assistance so they might continue to receive the necessary medical, psychological and social assistance through existing programs and services. Also, victims should report the crime and co-operate with law enforcement authorities.

As members can see, the majority of these principles relate to matters that can be addressed only by the police, prosecutors or court officials. In other words, the majority of victim issues fall to the provinces. It was therefore essential that the provinces had input into the statement and so overwhelmingly supported it.

The question is whether a national bill of rights for victims will do more than the existing statement of principles. A national bill of rights would likely be welcomed by victims, but they would be even more interested in concrete action on the government's commitment to issues like gun control, sentencing and the recently introduced initiatives of Bill C-17 and Bill C-27, which include provisions to strengthen or expand existing protections such as peace bonds and publication bans. Again, actions speak louder than words.

We must also look at the progress made in the last 15 years and talk to victims to find out what they really need in 1996.

In February of this year I read an article in the *Vancouver Sun* that highlighted the hon. member's proposal for victim rights, in many respects similar to the Canadian statement of basic principles: a right to information about services, a right to be informed of the offender's status, court dates, sentencing dates, a right to an oral or victim impact statement and a right to protection from intimidation.

Supply

It also went beyond the existing statement that proposed a right to participate in plea bargain discussions, a right to have police lay charges in domestic violence cases and a right to know if an offender has a sexually transmitted disease. These are certainly controversial issues but they are probably incapable of a remedy in the event of a breach. Moreover, they impact on areas that only the provinces can address.

I emphasize again that I strongly believe that victims of crime have a role to play in our criminal justice system and as such we must do whatever is feasible to ensure their participation does not result in revictimization. Ideally we would like to prevent crime and in consequence prevent victimization.

While we are making significant inroads in crime prevention, we know there will always be victims of crime. That is a sad but true fact. Therefore we must be responsive to their concerns. I believe the government has shown leadership and we know the work is not done. It still requires improvement in a variety of ways, all of which will in turn benefit the victims.

I am also aware the provinces continue to pursue initiatives to improve the administration of justice to benefit victims. I am aware the issue will be discussed at next week's meeting of federal, provincial and territorial ministers responsible for criminal justice. I am sure the provinces will be keenly interested in the hon. member's motion and in today's debate.

While I have no problem supporting a bill of rights for victims, I do not believe it is a cure-all remedy.

• (1720)

Mr. Randy White (Fraser Valley West, Ref.): Mr. Speaker, it is kind of sad to hear the things we hear. Sometimes when we are debating with the lawyers in the House, the legal industry, that is the very group which has provided a lot of the problems as far as victims' rights go.

To stand in the House, as the justice minister did this morning, and riddle off all these statements of principles the United Nations and others have dealt with is nice. However, the reason this is before the House today is virtually all of that is not done. It is nice to ascribe to a set of principles but when we do nothing about it, that is the problem.

There was the suggestion that it is only the Reform Party looking at some of these issues. Every victims' right group, virtually every one in the country, has had input into these legislative ideals we have tabled and agrees with them. I see a big difference in that we are not here to talk about only a statement of principles. We are here to have victims' rights somewhere in legislation.

I would like to hear the non-legalese version of my hon. colleague on whether it is better to have a statement of principles

which no one is buying into in the legal industry or to have some form of legislation for victims and victims' rights.

Mr. Galloway: Mr. Speaker, I find it amusing if not ironic that we talk about the justice industry in this country. I have to turn it back and ask if the Reform Party is interested in doing away with those who represent people before the courts, if it would do away with their right to counsel, if it would do away with their right to a proper defence, if it willingly and wilfully eliminate people's access to knowledge of the law, and if it would say a person is going to go into court, not be represented, be accused by the full force of the state and be left to fly by the seat of their pants.

The hon. member wants to know if it is better to have a statement of principles or to have a bill of rights. I will give as an example witnesses who appeared before the justice committee two weeks ago. The hon. member was not at that meeting. There appeared before the justice committee two weeks ago—

The Deputy Speaker: The policy in the House is not to refer to the fact that a member was not in the House or was not in the committee. I ask the member not to do that again.

Mr. Galloway: Mr. Speaker, a couple of weeks ago before the justice committee appeared victims' rights groups. The sole point raised in this testimony was that as victims they felt intimidated by certain gangs within a community. There is no question these people were the victims of a horrendous crime.

If the federal government had two years ago enacted victims' rights legislation there would be nothing the victims in this case could do to enforce those rights because, as we know, policing falls within the jurisdiction of the provinces. As a result, if the police do not respond to a call, if the police do or do not intervene, a federal bill giving them some sort of a right cannot be enforced provincially. It can be enforced only with respect to the jurisdiction of the federal government. We may not like this, but that is a fact of Canadian life.

• (1725)

Therefore I would suggest that in this case a statement of principles which becomes policy within the respective federal and provincial jurisdictions is just as effective as a bill of rights attempting to effect provincial jurisdiction but which will have no effect whatsoever on provincial authorities.

We can have a bill of rights but unless we are legislating within our purview the end result is that we are making a statement of principles. As we know, we cannot legislate, we cannot dictate to police forces how many officers they will have. Only the solicitor general of a province can do that.

The Acting Speaker (Mr. Kilger): The time has expired for questions and answers.

Supply

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I will be sharing my time with the hon. member for Comox—Alberni.

When you are in your constituency you hear from people who manage to listen to the parliamentary channel every once in a while and what goes on in the Chamber. They are sick and tired of hearing this legal jargon. Over and over we hear all of these lawyers talking and illustrating all the good things they know and all the wonderful things they are to do. Let us not confuse things. Let us talk about this or that. They have people's minds totally confused.

What is it they stand for? What are they trying to do? What do they mean by doing this and that? I think everybody out there is coming to the conclusion I came to a long time ago that the more you keep the people confused, the public, the better it is for the people in the House of Commons, particularly the Liberals.

We came out with a document, a victims' bill of rights. We get all this rhetoric that they can support it, but. Certainly they can support it. They had better support it. It does not make sense that they constantly come up with this whole idea of all these wonderful things they have been doing for two and half years are the answer to victims. They are not. They are not listening at all.

There are eight points on this list. The reason they are on this list, the reason they are on our agenda is that they are on the people's agenda throughout the land. If anybody in the House thinks the majority of Canadians are really happy with our justice system, for heaven's sake let us all go home and ask them one more time how happy they are.

These eight items are on this list because they are on the people's list. That is what they want to see happen. Look at point eight, that victims have a right to now if a person convicted of a sexual offence has a sexually transmitted disease. I cannot believe all the lawyer rhetoric in the House trying to tell us what is wrong with that statement when it is pure and simple.

It is based on several cases, one in particular in Quebec, which is supposed to be doing all the right things, of a woman working in a church office, a secretary, on a Saturday, when she was raped, not sexually assaulted, raped, beaten by an individual on a day pass from prison. After all the trauma of being beaten and raped and humiliated and scarred for life, she simply wanted to know if this perpetrator had a sexually transmitted disease or HIV. She wanted to eliminate that possibility.

For goodness sake, if that does not make just plain old ordinary horse sense, I do not know what does. We heard this kind of rhetoric a dozen times from a couple of speakers.

• (1730)

Once again this is on our agenda because it is on the agenda of Canadians. It is on the agenda of the people from FACT, CAVEAT, CRY, Move the Rock, Remove the Rock, the Kid Brother campaign. More and more a whole pile of individuals are signing up to the victims groups across the land.

Why is it that in two and one-half years membership in the victims organizations is growing probably 10 to 100 times faster than the membership in the Liberal Party? Why is it when victims of crime are invited to a convention in Hamilton that come thousands come? It is because we are not doing our job.

We are now asking that we provide something which represents what they would like to have. We are listening to the people. These are the things the police are calling for. These are the things the public is calling for. It is not just the Reform Party. It is on our agenda because it is on the people's agenda. I am really tired of hearing about these wonderful bills the Liberals have passed in two and one-half years, C-37, C-68, C-41, all the wonderful things they are doing for the victims.

It is really amazing that in January 1994 all these things were supposed to be submitted to the justice minister in order for him to come up with some new ideas on the Young Offenders Act. He came up with Bill C-37. If C-37 was such a hot and wonderful bill, will somebody please explain why the justice minister has the justice committee going all across the country asking people what they want to do about young offenders? It is because he knows it is not even close to being solved. Yet three, four or five times today in the House I heard the Liberals saying what a wonderful thing they have done for victims.

Nobody talks about the fact that in Bill C-41 the Liberals wanted to put dangerous offenders in alternative programs which we opposed. Nobody even mentioned the legislation where if a member of this place or some other elected place commits a crime, as long as their sentence was not longer than five years—until we had it amended—they could still draw their pay and be a member of the government they were elected into. Nobody even mentions that. We had it reduced to two years. Is it not wonderful to know that if you are a parliamentarian you can go out and break the law and as long as your sentence is not longer than two years you can still get your pay and be happy?

All we are saying is to address the victims. These are some of the things we can do. These are some of the things that will give hope to the people from those organizations in our constituencies.

With Bill C-68, the same old rhetoric flies on and on. Nobody mentions the 150 pages that address the law-abiding people and the very little that addresses the criminal. Nobody mentions all the flaws that were in that legislation. Thank goodness we have our

member for Calgary North who has a little bit of law experience. He sat with me for a day or two and explained all the flaws that were in that law and what made it such a bad piece of legislation. It was not the principle of making certain that people are not hurt with guns. This was wise. However, C-68 certainly did not take care of that.

What a tragedy that case was in Vernon, but the law was followed to the letter when it came to C-68. All the right paperwork was in place, registration and everything. The only thing they failed to say was that the person had victimized people in the past. With a little bit of time and effort they would have realized that we cannot issue a gun to a person like that. That is all it would have taken. Now C-68 certainly did not do a lot of good in that case. Stop all that nonsense. It is not doing that much good and it will not do any good.

• (1735)

Think of the people who got out on bail. People are arrested at breakfast and bailed out at noon. There are over a dozen cases now involving serious offences where the person was arrested and bailed out. They then went on to finish the act before the day was over. They committed murder and sexual assault.

We should do something about protecting victims in those situations, but we do not do anything. We come out with thick documents which are flawed to no end and then brag about them. We get a bunch of lawyer talk to make people out there in the land think we know what we are doing. And they wonder what we are doing because they do not understand.

I am beginning to understand more and more. There is one thing I believe with all my heart. I was told this by an individual some time ago. I am beginning to see what he meant. He said that when the government fears the people we have a democracy and when the people start fearing the government we have tyranny. He said we had better watch what is happening in Canada and I believe him now more than ever.

Mr. Telegdi: Mr. Speaker, in terms of government legislation, the hon. member for Calgary Centre made some of the same points. Interestingly enough, the hon. member for Calgary Centre who spoke against the government's gun legislation today, supported the government when the legislation was before the House. I guess that is rehabilitation Reform style. The two members who supported the government have been rehabilitated. They have been taken to the woodshed.

I have in my hand the victims services pamphlet which is put out by the Waterloo regional police. It says that victims of crime need not suffer physical injuries to experience severe effects for weeks or months after the crime. They may feel anger, fear, guilt and helplessness. To assist victims in dealing with the effects of crime

Supply

the Waterloo regional police established a victims services unit. Civilian counsellors in the unit provide assistance to victims of domestic violence, sexual assault and other crimes. Actually, a fair number of the services it offers fit in with the Reform Party's victims bill of rights.

Would the hon. member for Wild Rose and his party support the idea of letting the Progressive Conservative government in the province of Ontario know that the victims services as operated by the Waterloo regional police force are services which they support and that the provincial government should not be slashing funding to that organization as well as other victims organizations?

Mr. Thompson: Mr. Speaker, first I will defend my colleague for Calgary Centre. He votes with his nose once in a while; he votes one way and holds his nose.

People are attempting to do a number of things across the land. A lot of good volunteer organizations are trying their best to help the victims. That is why we have all of these victims groups.

Of course there are a lot of things we would like to support financially. However, we all know from the record of Liberal and Conservative governments in the last few years that we are broke. The provinces are struggling. It is a real battle. We continue to waste money.

I really do not know what the situation is in the Ontario government, but I have a better idea. I doubt if it costs a great deal of money to provide certain things. Maybe we should come up with it this way. Why does the hon. member and his colleagues not give up their pensions? We could steer that money into the cause. What about that for a change? Maybe we could get the front line people to give up their limousines. We could use that money. Maybe you could show some leadership in that area instead of give, give, give. In the meantime, you are trying to figure out how much money you can get, get, get. The attitude on that side of the House stinks.

• (1740)

The Deputy Speaker: The other member was corrected. I would ask the member and all members, to please put their remarks through the Chair and not across the floor.

Mr. Bill Gilmour (Comox—Alberni, Ref.): Mr. Speaker, I am pleased to participate in the debate on this Reform motion concerning victims rights put forward by the member for Fraser Valley West.

The point of the motion is very basic. We are asking the Liberal government to commit to draw up a victims bill of rights. The motion asks the government to direct the Standing Committee on Justice and Legal Affairs to draft a victims bill of rights. In areas of provincial jurisdiction the Minister of Justice should consult with the provinces to arrive at a national standard. It is long past time that victims rights be recognized.

Supply

As a Reform member of Parliament I am proud to say that the Reform Party is the only party fighting for victims rights in the House. At the same time I am pleased that the Minister of Justice has agreed to support the motion. However, it is not enough to support the motion in principle. Policies must be followed up with actions. The government has been notorious for its promises, but its ability to follow through on the promises has left a lot to be desired. The GST comes to mind.

This is the third debate on victims rights in the House since the last election and Canadians are still waiting for a bill to come forward. We have heard a lot of rhetoric, but victims need far more than rhetoric. Principles carry little weight unless they are put into action. We need a victims bill of rights and I hope that the government will not keep victims waiting for much longer.

Canadians want a system that is fair, just and compassionate. Canadians expect this from a justice system that currently recognizes the rights of the criminal but refuses to entrench the rights of the victim in legislation.

Our justice system is meant to serve all in society. At present it serves just the criminals. There are three parts to a justice system: the law, the criminals and the victims. Somewhere along the line the victims have been left out of the equation. Victims have been neglected by the system to the point where they are the last ones to be consulted or considered and now they are going to be the last to be recognized legally.

The focus of our justice system has been primarily on the criminal. The victim has been shoved to the side and it is time that we realigned our priorities so that victims rights are first and foremost. The victim simply must come first.

In my constituency in Courtenay, B.C., on October 24, 1992 six year old Dawn Shaw was raped and then stomped to death by her babysitter, 16 year old Jason Gamache. Unknown to Dawn's parents, Jason Gamache had two previous convictions of sexual molestation. He had been convicted of two sexual assaults on four year old children, one a girl, the other a boy.

In 1991 a year before the murder, Jason was convicted in Nanaimo. He moved to Courtenay with his mother to attend court ordered sex offender therapy through the John Howard Society. Jason Gamache's probation order clearly stated that he was to have no contact with children under the age of 12. Yet the only people who knew about his background were his mother, his probation officer and the John Howard Society. The RCMP were not notified when Jason moved to Courtenay. They were unaware of his record. Why? Because the criminal's rights were put ahead of those of everyone else.

Jason Gamache was restricted from children under the age of 12, yet he was living right next door to an elementary school. On the same night that he murdered Dawn Shaw, he babysat Dawn Shaw's brother and sister because Dawn Shaw's parents did not know he was a convicted sex offender.

Jason Gamache received the maximum penalty of life with no parole for 10 years. In 1999 when Jason Gamache is 23 he will be eligible for unescorted release from day prison and will be free to roam the streets. The greatest tragedy is that this and many other crimes could have been prevented. Yet our system puts the rights of the criminals, like Jason Gamache, ahead of the rights of society and the rights of Dawn Shaw. Criminals like Jason Gamache have all kinds of rights.

● (1745)

What rights do the victims have? Surely six-year-old Dawn Shaw and her parents had the right to know their babysitter was a dangerous sexual offender. Convicted murderers demand their rights be respected, but rights of victims go unheard.

What about the rights of those who suffer for a lifetime? What rights do the parents of murdered children have? The rights of families with small children like Dawn Shaw who are left vulnerable and oblivious to the dangers of their environment are secondary to the rights of her killer. We cannot put the rights of criminals ahead of our children.

Canadians have the right to know the dangers that exist when there are violent offenders roaming the streets or living next door. Parents have the right to know when there is a child molester in their backyard.

There is a need for a victims' bill of rights. There are a number of rights victims should have yet they do not. Either they are not on the books or there is no mechanism to enforce them. Too often victims are not informed when there is an investigation and this should not be happening in our justice system.

Victims should be fully informed about the progress and outcome of the investigation and the charges to be laid against the offender. If charges are not laid, the victims should be informed why not. The victim must have the right to be informed of the offender's status throughout the process, including, but not restricted to, notification of any arrests, upcoming court dates, sentencing dates, plans to release the offender from custody, including notification of what community the parolee is being released into, conditions of release and parole dates. Victims should also be aware of the criminal's whereabouts at all times.

Victims' rights should also be extended to protect victims of domestic violence. If a victim files a complaint of domestic violence the police must have the authority to follow through to the end.

The rights of the victim and compensation for the victim's losses should also be a priority consideration. The government must hold the criminal accountable for the crime. Restitution orders should be mandatory, not at the discretion of the courts. It is not enough to give victims their rights. Victims need to know what their rights are. Victims must be informed of their rights at every stage and all information should be made available on request.

Some provinces have taken the initiative to put forward legislation that protects the rights of victims of crime. In British Columbia the victim of crime act gives victims legal rights to information and rights to compensation. However, it only applies to those serving terms of less than two years who fall under provincial jurisdiction.

Ontario victims' right bill allows victims to be provided with information, yet the problem remains. Many of these measures apply only to provincial institutions and will not help victims of crimes under federal jurisdiction.

Provincial legislation is a move in the right direction but it is only a beginning. Provincial laws to protect victims will only apply to provincial violations.

Under the Constitution Act of 1867, Parliament has jurisdiction over the management of penitentiaries, so anything related to prisoners or parole are federal responsibilities. Yet victims have fallen through the cracks because neither the federal government nor the provincial governments have exclusive jurisdiction. Victims fall into both federal and provincial jurisdiction and it is the responsibility of both to work together to establish a national standard for victims' rights.

Why is it that we have a national standard for the environment, a national standard for health, a national standard for parks and a national standard for broadcasting? Is it asking too much to establish national standards for victims' rights? I think not.

It is time for the government to set things straight. It is time for us to show compassion and respect for the victim, that is at the very least equal to that which we give the criminal.

In conclusion, we are asking that the government look into a victims' bill of rights. It is not a huge commitment but it is a small but significant step in the right direction. I hope government members will support this motion, not only with their vote but also with their actions.

• (1750)

[Translation]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I listened to part of the member's speech and I wonder if I

Supply

understood and if the member has really analyzed the situation in certain provinces. I will not speak about British Columbia, the example used by the member, I will speak about Quebec.

In Quebec we have the Crime Victims Compensation Act. It is not true that this act compensates victims or covers their rights only when the offence is punishable by imprisonment of more than two years. It applies to all crimes, as its name indicates. Therefore whenever anyone suffers damages as the result of a murder, theft or bodily harm, regardless of whether the crime is punishable by imprisonment for two, five or ten years or six months or a fine, the Crime Victim's Compensation Act applies.

Provinces without such legislation may be provinces where interest is lacking. It is not up to the federal government to establish it. This legislation is provincial. It is a provincial matter. In Quebec we created this legislation with the Crime Victims Compensation Act.

I would like to know from the member, with speeches being made, things proposed and people accused, whether the members of the Reform Party have at least done an analysis? Could the member who just spoke tell us whether, from his research in certain provinces, the legislation he has just quoted applied to all victims of crime or just some? I would like to know whether he really seriously analyzed the situation in British Columbia and Quebec.

I think he will conclude that it is not a matter of federal jurisdiction and he will follow our example of advocating each province's passing legislation to compensate victims of crime and to enshrine victims' rights. We in the Bloc say that victims' rights must be protected, but the right legislature must do the job, and I think the Reform Party is once again mistaken.

[English]

Mr. Gilmour: Mr. Speaker, in response to the question, the member for Fraser Valley East checked victims rights' bills across Canada. The problem is that they are all over the board.

That is why a national standard is necessary. The standard should apply right across the country. Otherwise, people will move from province to province to get into jurisdictions where they may not have to pay or may have a lesser penalty.

We need a national standard. It is not in place at the moment. It is definitely required.

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I would like to ask the hon. member a question. The gun control legislation gives police authority in cases where an individual has threatened violence against a spouse, another person or has committed an act of violence, under certain circumstances, to remove the firearms from that offender.

Supply

I wonder if the member is in support of leaving those firearms in the hands of the offender.

Mr. Gilmour: Mr. Speaker, the law may be on the books all right, but my understanding is that the police do not enforce it. That is a major problem.

Speaking of the gun bill, we are going back to registration and the government's folly that people who are going to register their guns will not commit crimes. A criminal does not take a long gun to rob a jewellery store. Criminals use illegal weapons.

That was the problem with the gun bill right from the beginning. There was never a gun lobby in Canada. There is now, and the Liberals are going to pay for it in the next election.

• (1755)

Mr. Ted White (North Vancouver, Ref.): Mr. Speaker, I am pleased to support of the motion of my colleague, a motion I will read one more time for the benefit of the members. The motion is to introduce a bill for victims' rights:

That the House urge the government to direct the Standing Committee on Justice and Legal Affairs to proceed with the drafting of a Victim's Bill of Rights, and that, in such areas where the Committee determines a right to be more properly a provincial concern, the Minister of Justice initiate consultations with the provinces aimed at arriving at a national standard for a Victims' Bill of Rights.

It is a very well constructed motion because it takes into account some of the points that were raised by a member a moment ago that the jurisdiction of the federal government does not extend to all areas. Some are under provincial control. It really requires provincial co-operation in order to make this work. I am pleased to note that a lot of Liberal members support this type of action. We certainly do need a victims' bill of right.

As I listened today to the speeches and I heard the reasons why we need this victims' bill of rights it really started to make me think about what has led us to this point where we have to talk about this victims' bill of rights.

What is the root cause of all this crime that has us so concerned about our safety and the type of environment that we are in that we have to go to this point of protecting so many victims? What is it that has led us to this point where we have the "Stop the Rock," "Get Rid of the Rock" and the CUSJ, CAVEAT and other groups? Why are they there? What has caused it?

Why is there graffiti all down the Sparks Street Mall that was not there just a year ago? I see graffiti on my office building in North Vancouver that was not there a year ago. Why is it that my parents felt safe walking the streets at night when they were my age? It was perfectly safe for them to let me out as child to play in the park or to go with my friends to the local forest to play games without having to be concerned?

Why was it safe for me to walk to school instead of the situation you see today where every morning hundreds of thousands of parents across Canada feel obliged to put their children in the car to drive them maybe half a kilometre or a kilometre to their school because they do not feel confident of the safety of their children?

How come there are drive-by shootings in Vancouver? There was at least one here in Ottawa in the last year. There were not drive-by shootings even five years ago. What is going on here?

Why does my wife have to be accompanied to her car in the car park in the evening when she leaves the office when she did not have to do that five years ago? There is something dreadfully wrong.

The more I thought about it today as I was listening to these speeches the more I could see that the root cause of the problem, the reason that we are standing here today working on this victims' bill of rights is that something terrible has happened over the last two decades that has brought us to this point.

I challenge every member in the House to ask themselves what has changed and they will soon come to same conclusion that I did. It has all happened because we do not treat criminals like criminals anymore. We have sent a message to the criminals, to the young offenders, to all of those people out there who are destroying our society that we owe them a living, that what they are doing is okay.

When the police come to my office building because young people are spray painting on the side of the building they stand back and they try to have some discussion with these young people, these young punks just tell the police to F-off. I cannot say the words here in the House but I think we are all familiar with the type of contempt with which the police are treated from these types of punks.

We have told these people by our actions is that it is okay to spray paint on buildings. It is okay to do all these petty crimes that increase our tolerance of crime.

Over the past 20 years or so the justice system has tended to concentrate on this theory of rehabilitation, claiming that we really need to get to the root cause of the crime. If we can just say to people we love you, please be good, that they will be good. Twenty years has shown us it does not work. With all of the examples that I have just given, I challenge members to think of their own examples. I hear a member on the other side saying nonsense, but of course he does not have a wife he has to worry about going to the car park to get to her car every day.

• (1800)

I invite members to think about that. I would also like them to think about the aggressive policing that has been taking place in

New York over the last little while and the effect that longer prison terms have had on the crime rate in that city.

It seems that perhaps a more punishment oriented system will actually get control of the type of crime that has led us to this point where we are asking for a victims' bill of rights.

I remind members about a police commissioner of New York, William Bratton, who said the root of crime is criminals. If we start to recognize that it is criminals who cause crimes and begin addressing that problem we will reduce the number of victims dramatically and we will not need all of the extra money, hundreds of millions, that we are pouring into victims' rights groups to help all the people who have become victims of these criminals.

In 1990 when Mr. Bratton was the security director for the New York subway system, he took a hardline approach in terms of the graffiti, loud radio playing and spitting on the sidewalk. He told his security people that he wanted to clamp down hard on all of these minor crimes and send a message of zero tolerance. There was an impressive drop in serious crimes. Robberies within one year were down 75 per cent and serious felonies were down 64 per cent in just five years.

Mr. Bratton so impressed the people of New York that he was subsequently elected police commissioner of New York where his methods have resulted in a 31 per cent drop in murders, a 25 per cent drop in car theft and a 22 per cent drop in robberies. These improvements appear to come directly from an increased concentration by police on minor crimes, the sorts of things that we have come to tolerate, the graffiti, the foul language in public, all of those minor crimes. If we would just send the message that we do not tolerate that, we could restore some sense to our system.

Like many other members in the House, I have visited high schools from time to time. Any time I ask high school students if they think the Young Offenders Act needs changing, at least 99 out of 100 students put their hands up and say the Young Offenders Act needs changing.

When I asked them if they think they are being influenced by the hype in the newspaper, the crimes that are reported, and really the problem is not that bad, that they are really being influenced emotionally and have not really thought about it, 99 out of 100 still thought it was wrong, that it badly needs changing.

I have an article which appeared in the north shore news. It is in the youth views section. It was written by a grade 12 student in my riding, Sarah Duro: "Get out of jail free is basically what the Young Offenders Act does for youth today. Children between the ages of 12 and 19 are protected for crimes that rank from shoplifting to murder. The consequences for the more major crimes are a mere slap on the wrist. It appears that young people have special needs since they are not fully mature and should not suffer

Supply

the same consequences as adults. But surely if a child is mature enough to take someone's life, they are mature enough to pay the price".

That is the sort of feeling I hear regularly in the schools. I again challenge members across the House to think about the times they have asked questions about justice issues in high schools. They will know I am telling the truth about the reactions.

Sarah wrote: "If you are committing an adult crime you should be treated the way an adult would be treated instead of being treated as a helpless child". She goes on to say how they had a discussion in her class all about the Young Offenders Act and how the penalties should be increase.

It is my experience that students in high schools would be a lot more harsh on their peers than we would ever be as parliamentarians in the sorts of punishments we would propose.

• (1805)

Sarah finishes by saying: "Here is a small suggestion. Maybe our government should start issuing a licence to kill for youths today. Wait a minute, they already have. It's called the Young Offenders Act".

That is the sort of attitude youth have. The adults in my riding are also extremely upset about the way the justice system is operating.

In the August 29, 1995 edition of *Investor's Business Daily* there was close to a full page of statistical information in an article by John Barnes on the effects of punishment on crime rates. He headed the piece: "Does crime pay? Not if criminals do hard time". I urge members to get a copy of this article.

Mr. Barnes wrote that in 1994 University of Arizona economist Michael Block and researcher Steven Twist compared some victimization rates with imprisonment rates from 1960 to 1992, a period of 32 years. They found that the ten states which had the highest imprisonment rates experienced an 8 per cent drop in violent crime during the period under study. In contrast, the ten states with the lowest imprisonment rates saw their violent crime rates jump by 51 per cent in the same period.

Very clearly incarceration does work to reduce crime. That does not mean, as members opposite keep claiming, we need to lock up everybody. Obviously we need to use common sense. If a person who commits a minor crime or a robbery could be put on electronic surveillance and be permitted to stay at work, supporting his or her family, that would be much better than locking up that person. However, if a person is a danger to society they really should spend a little time behind bars, away from society.

In 20 minutes or so we will know for certain whether victims' rights will become a reality in Canada. At that time the bells will

Supply

ring, we will have a vote and the members who support victims' rights will be on the record.

I hope the Minister of Justice takes the issue seriously. When he votes in favour of the motion, as he said he would, I hope he takes it seriously. When the issues goes to the Standing Committee on Justice and Legal Affairs to draft the victims' bill of rights I hope he will enthusiastically put his weight behind the bill. I hope he will enthusiastically contact the appropriate people in the provinces and work with them to put together a workable victims' bill of rights.

I congratulate my colleague for bringing this subject to the House today. I support the victims' bill of rights. I hope members of the House will consider what I have said about the cause of crime and how, if we would place a little concentration on that aspect, we could probably reduce the need for the victims' bill of rights.

Mr. Ovid L. Jackson (Parliamentary Secretary to President of the Treasury Board, Lib.): Mr. Speaker, one of the greatest things that occurs in our country are these debates. It is always good to have points of view from all sides and not simply a narrow point of view.

How does the member explain the demographics? I understand that a lot of the reduction in crime in New York state is because many of the young people who were committing crime are now much older and when there are population shifts crime decreases. I do not know if we can attribute that to putting a lot of people in jail.

Who does he think are the people who put graffiti on walls? As I understand it, they often come from upper and middle class families. It is a highly sophisticated operation. They get away from their parents and they play games with the police. The kinds of people my friend is talking about are not necessarily the kinds the general population thinks.

• (1810)

Mr. White (North Vancouver): Mr. Speaker, the member mentioned that maybe the reduction in crime in New York was due to the fact that the criminals got older. That is a very amusing way of looking at it.

Actually, if were just people getting older, it would be a bit difficult to explain because on the subway the drop in crime rate occurred in one year. In New York in five years robberies were down 75 per cent, serious felonies were down 64 per cent. Over a one year period in New York there was a 31 per cent drop in murders. I do not know whether these criminals are aging at 10 times the rate of everybody else, but I am surprised they were reformed so quickly in one year.

Another point the member raised was who puts graffiti on walls. I do not know why he said it is the children of wealthy families who

do this. What difference does it make who the criminals are? I could not care less and I am sure most people in Canada could not care less whether criminals come from wealthy or poor families. If they are criminals, they are criminals. Saying we will not touch them because they are from a wealthy home or because they are from a poor home is a ridiculous way to approach crime.

If someone is putting graffiti on a wall they should be appropriately treated. That means taking action which discourages them from ever putting graffiti on a wall again.

[Translation]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, under cover of a motion that is, after all, fairly ordinary, we immediately recognize the hon. members' pet themes: young offenders; licence to kill—it is rather odd to hear that in Canada; violent crime; shocking statistics; example setting sentences; jailing people is never enough; the length of sentences, lock them up for as long as possible, get rid of them.

I think the discourse of the Reformers is rather difficult to follow. These are the same Reformers who voted against firearms registration, when we know that the most violent crimes, the most odious crimes, the ones most often reported in the sort of sensational newspapers the Reformers read, are crimes committed with firearms. It is rather odd coming from members of Parliament, but it is par for the course from Reformers. They are hard to understand.

I would like to say to the Reformers that we, in Quebec, looked at these questions at least thirty years ago, and again last year during the hearings on the future of Quebec. People from throughout Quebec came to tell us that in a sovereign Quebec there should be a charter on the rights and responsibilities of taxpayers. It was good for criminals, victims, youth, seniors, taxpayers, the unemployed and workers. We needed a charter that would lay it all out.

It is true that, in addition to rights, citizens also have obligations. This must be recognized, and perhaps put down in writing, if necessary, but it must be done. The first step is to reflect on the question, give the problem some thought. What is not needed is inflammatory speeches and statistics out of context.

That being said, if the hon. member wishes to give it the time, and that is the question, should he not be thinking about prevention and rehabilitation, with due regard for jurisdiction?

[English]

Mr. White (North Vancouver): Mr. Speaker, the member is obviously completely satisfied that there are no crime problems in Canada today, no crime problems in his riding. His wife, his children, his friends and family are completely safe on the streets at night. There is no graffiti in his riding. It sounds like he should start advertising a big tourist trade there: come to the safest place in Canada, no graffiti, no crime, nothing to worry about, we are in

paradise. It is not like that at all. I can see that it is a complete waste of time trying to work on changing his opinion.

The Deputy Speaker: It being 6.15 p.m., it is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the business of supply.

[*Translation*]

Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Yes.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Deputy Speaker: Call in the members.

(The House divided on the motion, which was agreed to on the following division:)

(*Division No. 46*)

YEAS

Members

Ablonczy	Alcock
Anderson	Assad
Augustine	Axworthy (Saskatoon—Clark's Crossing)
Axworthy (Winnipeg South Centre/Sud-Centre)	Bakopanos
Barnes	Bélair
Bélangier	Benoit
Bertrand	Bevilacqua
Bhaduria	Blaikie
Bodnar	Bonin
Boudria	Brown (Calgary Southeast/Sud-Est)
Brown (Oakville—Milton)	Brushett
Bryden	Byrne
Calder	Campbell
Cannis	Catterall
Chamberlain	Chan
Clancy	Cohen
Collette	Comuzzi
Cowling	Crawford
Cullen	Cummins
Dingwall	Dion
Dromisky	Duncan
Easter	Eggleton
English	Epp
Fewchuk	Finestone
Finlay	Fontana
Forseth	Fry
Gaffney	Gagliano
Gagnon (Bonaventure—Îles-de-la-Madeleine)	Galloway
Gerrard	Gilmour
Goodale	Grey (Beaver River)
Grose	Grubel
Guarnieri	Harb
Harper (Calgary West/Ouest)	Harper (Churchill)
Harper (Simcoe Centre)	Hart

Harvard
Hermanson
Hill (Macleod)
Irwin
Jordan
Keyes
Knutson
LeBlanc (Cape/Cap-Breton Highlands—Canso)
Lincoln
MacLellan (Cape/Cap-Breton—The Sydneys)
Manley
Martin (Esquimalt—Juan de Fuca)
Mayfield
McCormick
McLaughlin
McWhinney
Miffin
Mills (Red Deer)
Mitchell
Murray
O'Brien (Labrador)
Patry
Peric
Peterson
Pillitteri
Reed
Richardson
Robichaud
Robinson
Schmidt
Serré
Sheridan
Simmons
Solomon
Speller
Stewart (Brant)
Strahl
Taylor
Thompson
Ur
Verran
White (Fraser Valley West/Ouest)
Wood

Supply

Hayes
Hickey
Hopkins
Jackson
Karygiannis
Kirkby
Lastewka
Lee
MacAulay
Maloney
Marleau
Massé
McClelland (Edmonton Southwest/Sud-Ouest)
McKinnon
McTeague
Meredith
Milliken
Minna
Murphy
Nault
O'Reilly
Payne
Peters
Pickard (Essex—Kent)
Proud
Regan
Ringma
Robillard
Rock
Scott (Fredericton—York—Sunbury)
Shepherd
Silye
Solberg
Speaker
Steckle
Stewart (Northumberland)
Szabo
Telegdi
Torsney
Vanclief
Whelan
White (North Vancouver)
Zed—154

NAYS

Members

Bachand	Bélisle
Bellehumeur	Bernier (Gaspé)
Chrétien (Frontenac)	Dalphond-Guiral
de Savoye	Duceppe
Fillion	Gauthier
Godin	Guimond
Jacob	Lalonde
Landry	Langlois
Lavigne (Beauharnois—Salaberry)	Lefebvre
Nunez	Picard (Drummond)
Rocheleau	Sauvageau
Tremblay (Rimouski—Témiscouata)	Venne—24

PAIRED MEMBERS

Allmand	Arseneault
Assadourian	Asselin
Bergeron	Bernier (Mégantic—Compton—Stanstead)
Brien	Canuel
Caron	Cauchon
Collins	Crête
Daviault	Debien
Deshaies	DeVillers
Discepola	Dubé
Duhamel	Dumas
Dupuy	Gagnon (Québec)
Godfrey	Graham

Supply

Guay	Kraft Sloan
Laurin	Leblanc (Longueuil)
Leroux (Richmond—Wolfe)	Leroux (Shefford)
Loney	Loubier
Martin (LaSalle—Émard)	McGuire
McLellan (Edmonton Northwest/Nord-Ouest)	Ménard
Mercier	O'Brien (London—Middlesex)
Pagtakhan	Paradis
Paré	Parrish
Pettigrew	Phinney
Pomerleau	Rideout
Skoke	St-Laurent
St. Denis	Tremblay (Lac-Saint-Jean)
Tremblay (Rosemont)	Valeri

• (1845)

The Deputy Speaker: I declare the motion carried.

* * *

BUDGET IMPLEMENTATION ACT, 1996

The House resumed from April 26, 1996, consideration of the motion that Bill C-31, an act to implement certain provisions of the budget tabled in Parliament on March 6, 1996, be read the second time and referred to a committee, as well as the amendment and the amendment to the amendment.

The Deputy Speaker: The House will now proceed to the taking of the deferred division on the amendment to the amendment standing in the name of Mr. LeBlanc (Longueuil) at second reading of Bill C-31.

[*English*]

Mr. Boudria: Mr. Speaker, if you were to seek it, perhaps the House would give its unanimous consent that all members who voted on the previous motion be recorded as having voted on the motion now before the House. Liberal members will vote nay on the amendment to the amendment.

[*Translation*]

Mrs. Dalphond-Guiral: Mr. Speaker, members of the official opposition will vote yea on the amendment to the amendment.

[*English*]

Mr. Ringma: Mr. Speaker, I believe you will find that most Reformers will vote yes to the amendment to the amendment, except those who might wish to vote otherwise.

Mr. Solomon: Mr. Speaker, members of the NDP in the House today vote yes on the amendment to the amendment.

Mr. Bhaduria: Mr. Speaker, I will be voting against.

[*Translation*]

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

(*Division No. 47*)

YEAS**Members**

Ablonczy	Axworthy (Saskatoon—Clark's Crossing)
Bachand	Bélisle
Bellehumeur	Benoit
Bernier (Gaspé)	Blaikie
Brown (Calgary Southeast/Sud-Est)	Chrétien (Frontenac)
Cummins	Dalphond-Guiral
de Savoye	Duceppe
Duncan	Epp
Fillion	Forseth
Gauthier	Gilmour
Godin	Grey (Beaver River)
Grubel	Guimond
Harper (Calgary West/Ouest)	Harper (Simcoe Centre)
Hart	Hayes
Hermanson	Hill (Macleod)
Jacob	Lalonde
Landry	Langlois
Lavigne (Beauharnois—Salaberry)	Lefebvre
Martin (Esquimalt—Juan de Fuca)	Mayfield
McClelland (Edmonton Southwest/Sud-Ouest)	McLaughlin
Meredith	Mills (Red Deer)
Nunez	Picard (Drummond)
Ringma	Robinson
Rocheleau	Sauvageau
Schmidt	Silye
Solberg	Solomon
Speaker	Strahl
Taylor	Thompson
Tremblay (Rimouski—Témiscouata)	Venne
White (Fraser Valley West/Ouest)	White (North Vancouver)—60

NAYS**Members**

Alcock	Anderson
Assad	Augustine
Axworthy (Winnipeg South Centre/Sud-Centre)	Bakopanos
Barnes	Bélaïr
Bélanger	Bertrand
Bevilacqua	Bhaduria
Bodnar	Bonin
Boudria	Brown (Oakville—Milton)
Brushett	Bryden
Byrne	Calder
Campbell	Canniss
Catterall	Chamberlain
Chan	Clancy
Cohen	Collenette
Comuzzi	Cowling
Crawford	Cullen
Dingwall	Dion
Dromisky	Easter
Eggleton	English
Fewchuk	Finestone
Finlay	Fontana
Fry	Gaffney
Gagliano	Gagnon (Bonaventure—Îles-de-la-Madeleine)
Galloway	Gerrard
Goodale	Grose
Guarnieri	Harb
Harper (Churchill)	Harvard
Hickey	Hopkins
Irwin	Jackson
Jordan	Karygiannis
Keyes	Kirkby
Knutson	Lastewka
LeBlanc (Cape/Cap-Breton Highlands—Canso)	Lee
Lincoln	MacAulay
MacLellan (Cape/Cap-Breton—The Sydneys)	Maloney
Manley	Marleau
Massé	McCormick
McKinnon	McTeague

Supply

McWhinney
Milliken
Mitchell
Murray
O'Brien (Labrador)
Patry
Peric
Peterson
Pillitteri
Reed
Richardson
Robillard
Scott (Fredericton—York—Sunbury)
Shepherd
Simmons
Steckle
Stewart (Northumberland)
Telegdi
Ur
Verran
Wood

Mifflin
Minna
Murphy
Nault
O'Reilly
Payne
Peterson
Pickard (Essex—Kent)
Proud
Regan
Robichaud
Rock
Serré
Sheridan
Speller
Stewart (Brant)
Szabo
Torsney
Vanclief
Whelan
Zed—118

The next question is on the main motion.

Mr. Boudria: Mr. Speaker, if you were to seek unanimous consent, I believe the House would be disposed to take the vote applied to the previous motion and reverse the result and apply it to the motion presently before the House.

• (1850)

The Deputy Speaker: Is there unanimous consent of the House?

Some hon. members: Agreed.

(The House divided on the motion, which was agreed to on the following division:)

PAIRED MEMBERS

(Division No. 48)

Allmand
Assadourian
Bergeron
Brien
Caron
Collins
Davialt
Deshaies
Discepola
Duhamel
Dupuy
Godfrey
Guay
Laurin
Leroux (Richmond—Wolfe)
Loney
Martin (LaSalle—Émard)
McLellan (Edmonton Northwest/Nord-Ouest)
Mercier
Pagtakhan
Paré
Pettigrew
Pomerleau
Skoke
St. Denis
Tremblay (Rosemont)

Arseneault
Asselin
Bernier (Mégantic—Compton—Stanstead)
Canuel
Cauchon
Crête
Debien
DeVillers
Dubé
Dumas
Gagnon (Québec)
Graham
Kraft Sloan
Leblanc (Longueuil)
Leroux (Shefford)
Loubier
McGuire
Ménard
O'Brien (London—Middlesex)
Paradis
Parrish
Phinney
Rideout
St-Laurent
Tremblay (Lac-Saint-Jean)
Valeri

YEAS

Members

Alcock
Assad
Axworthy (Winnipeg South Centre/Sud-Centre)
Barnes
Bélanger
Bevilacqua
Bodnar
Boudria
Brushett
Byrne
Campbell
Catterall
Chan
Cohen
Comuzzi
Crawford
Dingwall
Dromisky
Eggleton
Fewchuk
Finlay
Fry
Gagliano
Galloway
Goodale
Guarnieri
Harper (Churchill)
Hickey
Irwin
Jordan
Keyes
Knutson
LeBlanc (Cape/Cap-Breton Highlands—Canso)
Lincoln
MacLellan (Cape/Cap-Breton—The Sydneys)
Manley
Massé
McKinnon
McWhinney
Milliken
Mitchell
Murray
O'Brien (Labrador)
Patry
Peric
Peterson
Pillitteri
Reed
Richardson
Robillard
Scott (Fredericton—York—Sunbury)
Shepherd
Simmons
Steckle
Stewart (Northumberland)
Telegdi
Ur
Verran
Wood

Anderson
Augustine
Bakapanos
Bélair
Bertrand
Bhaduria
Bonin
Brown (Oakville—Milton)
Bryden
Calder
Cannis
Chamberlain
Clancy
Collenette
Cowling
Cullen
Dion
Easter
English
Finestone
Fontana
Gaffney
Gagnon (Bonaventure—Îles-de-la-Madeleine)
Gerrard
Grose
Harb
Harvard
Hopkins
Jackson
Karygiannis
Kirkby
Lastewka
Lee
MacAulay
Maloney
Marleau
McCormick
McTeague
Mifflin
Minna
Murphy
Nault
O'Reilly
Payne
Peterson
Pickard (Essex—Kent)
Proud
Regan
Robichaud
Rock
Serré
Sheridan
Speller
Stewart (Brant)
Szabo
Torsney
Vanclief
Whelan
Zed—118

The Deputy Speaker: I declare the amendment to the amendment negated.

The next question is on the amendment.

Mr. Boudria: Mr. Speaker, if you were to seek unanimous consent, I believe the House would be disposed to taking the vote on the previous motion and applying it, as is, to the motion presently before the House.

The Deputy Speaker: Is there unanimous consent of the House?

Some hon. members: Agreed.

[Editor's Note: See List under Division No. 47.]

[English]

The Deputy Speaker: I declare the amendment lost.

Private Members' Business

NAYS

Members

Ablonczy	Axworthy (Saskatoon—Clark's Crossing)
Bachand	Bélisle
Bellehumeur	Benoit
Bernier (Gaspé)	Blaikie
Brown (Calgary Southeast/Sud-Est)	Chrétien (Frontenac)
Cummins	Dalphond-Guiral
de Savoye	Duceppe
Duncan	Epp
Fillion	Forseth
Gauthier	Gilmour
Godin	Grey (Beaver River)
Grubel	Guimond
Harper (Calgary West/Ouest)	Harper (Simcoe Centre)
Hart	Hayes
Hermanson	Hill (Macleod)
Jacob	Lalonde
Landry	Langlois
Lavigne (Beauharnois—Salaberry)	Lefebvre
Martin (Esquimalt—Juan de Fuca)	Mayfield
McClelland (Edmonton Southwest/Sud-Ouest)	McLaughlin
Meredith	Mills (Red Deer)
Nunez	Picard (Drummond)
Ringma	Robinson
Rocheleau	Sauvageau
Schmidt	Silye
Solberg	Solomon
Speaker	Strahl
Taylor	Thompson
Tremblay (Rimouski—Témiscouata)	Venne
White (Fraser Valley West/Ouest)	White (North Vancouver)—60

PAIRED MEMBERS

Allmand	Arseneault
Assadourian	Asselin
Bergeron	Bernier (Mégantic—Compton—Stanstead)
Brien	Canuel
Caron	Cauchon
Collins	Crête
Daviault	Debien
Deshaies	DeVillers
Discepola	Dubé
Duhamel	Dumas
Dupuy	Gagnon (Québec)
Godfrey	Graham
Guay	Kraft Sloan
Laurin	Leblanc (Longueuil)
Leroux (Richmond—Wolfe)	Leroux (Shefford)
Loney	Loubier
Martin (LaSalle—Émard)	McGuire
McLellan (Edmonton Northwest/Nord-Ouest)	Ménard
Mercier	O'Brien (London—Middlesex)
Pagtakhan	Paradis
Paré	Parrish
Pettigrew	Phinney
Pomerleau	Rideout
Skoke	St-Laurent
St. Denis	Tremblay (Lac-Saint-Jean)
Tremblay (Rosemont)	Valeri

The Deputy Speaker: I declare the motion carried.

(Bill read the second time and referred to a committee.)

PRIVATE MEMBERS' BUSINESS

[English]

BROADCASTING ACT

The House resumed from Friday, April 26 consideration of the motion that Bill C-216, an act to amend the Broadcasting Act (broadcasting policy), be read the second time and referred to a committee.

The Deputy Speaker: The House will now proceed to the taking of the deferred recorded division on the motion at second reading stage of Bill C-216, an act to amend the Broadcasting Act (broadcasting policy).

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 49)

YEAS

Members

Ablonczy	Alcock
Anderson	Assad
Augustine	Axworthy (Saskatoon—Clark's Crossing)
Axworthy (Winnipeg South Centre/Sud-Centre)	Bakopanos
Barnes	Bélair
Bélangier	Benoit
Bertrand	Bevilacqua
Bhaduria	Blaikie
Bodnar	Bonin
Boudria	Brown (Calgary Southeast/Sud-Est)
Brown (Oakville—Milton)	Brushett
Bryden	Byrne
Calder	Campbell
Cannis	Catterall
Chamberlain	Chan
Clancy	Cohen
Collenette	Comuzzi
Cowling	Crawford
Cullen	Dingwall
Dion	Dromisky
Duncan	Easter
Eggleton	English
Epp	Fewchuk
Finestone	Finlay
Fontana	Forseth
Fry	Gaffney
Gagliano	Gagnon (Bonaventure—Îles-de-la-Madeleine)
Galloway	Gerrard
Gilmour	Goodale
Grey (Beaver River)	Grose
Guarnieri	Harb
Harper (Calgary West/Ouest)	Harper (Churchill)
Harper (Simcoe Centre)	Hart
Harvard	Hayes
Hermanson	Hickey
Hill (Macleod)	Hopkins
Irwin	Jackson
Jordan	Karygiannis
Keyes	Kirkby
Knutson	Lastewka
LeBlanc (Cape/Cap-Breton Highlands—Canso)	Lee
Lincoln	MacAulay
MacLellan (Cape/Cap-Breton—The Sydneys)	Maloney
Marleau	Martin (Esquimalt—Juan de Fuca)
Massé	McClelland (Edmonton Southwest/Sud-Ouest)
McCormick	McKinnon
McLaughlin	McTeague
McWhinney	Meredith
Mifflin	Milliken
Mills (Red Deer)	Minna
Mitchell	Murphy
Murray	Nault
O'Brien (Labrador)	O'Reilly
Patry	Payne
Peric	Peters

Private Members' Business

PAIRED MEMBERS

Peterson
Pillitteri
Reed
Richardson
Robichaud
Robinson
Schmidt
Serré
Sheridan
Solberg
Speaker
Steckle
Stewart (Northumberland)
Szabo
Telegdi
Ur
Verran
White (Fraser Valley West/Ouest)
Zed—147

Pickard (Essex—Kent)
Proud
Regan
Ringma
Robillard
Rock
Scott (Fredericton—York—Sunbury)
Shepherd
Simmons
Solomon
Speller
Stewart (Brant)
Strahl
Taylor
Torsney
Vanclief
Whelan
Wood

NAYS

Members

Bachand
Bellehumeur
Chrétien (Frontenac)
de Savoye
Fillion
Grubel
Jacob
Lavigne (Beauharnois—Salaberry)
Mayfield
Picard (Drummond)
Sauvageau
Thompson
White (North Vancouver)—25

Bélisle
Bernier (Gaspé)
Dalphond-Guiral
Duceppe
Gauthier
Guimond
Lalonde
Lefebvre
Nunez
Rocheleau
Silye
Venne

Allmand
Assadourian
Bergeron
Brien
Caron
Collins
Davialt
Deshaies
Discepolo
Duhamel
Dupuy
Godfrey
Guay
Laurin
Leroux (Richmond—Wolfe)
Loney
Martin (LaSalle—Émard)
McLellan (Edmonton Northwest/Nord-Ouest)
Mercier
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Tremblay (Rosemont)

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Dubé
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Kraft Sloan
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Leroux (Shefford)
Loubier
McGuire
Ménard
O'Brien (London—Middlesex)
Paradis
Parrish
Phinney
Rideout
St-Laurent
Tremblay (Lac-Saint-Jean)
Valeri

[Translation]

The Deputy Speaker: I declare the motion carried.

(Motion agreed to, bill read the second time and referred to a committee.)

[English]

The House stands adjourned until tomorrow at 10 a.m.

(The House adjourned at 6.58 p.m.)

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