



CANADA

House of Commons Debates

VOLUME 134 • NUMBER 078 • 2nd SESSION • 35th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Tuesday, October 1, 1996

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Tuesday, October 1, 1996

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

[*English*]

INTERPARLIAMENTARY DELEGATIONS

Mr. John English (Kitchener, Lib.): Mr. Speaker, pursuant to Standing Order 34(1), I have the honour to present to the House in both official languages the report of the Canada-Europe Parliamentary Association on the fifth annual meeting of the parliamentary assembly of the OSCE, the Organization for Security and Co-operation in Europe, held in Stockholm, Sweden from July 5 to July 9, 1996.

Mr. John Maloney (Erie, Lib.): Mr. Speaker, I have the honour to present in both official languages the report of the Canadian delegation to the seventh annual meeting of the Canada-Japan Interparliamentary Group which was held in Toronto, Montreal and Ottawa from September 1 to September 5, 1996, as well as the report of the executive committee meeting of the Asia-Pacific Parliamentary Forum held in Ottawa from September 6 to September 8, 1996.

The Asia-Pacific region is becoming increasingly important in Canada. Japan is now our second largest trading partner. Asia has become Canada's second most important trading region.

The recently completed seventh annual Canada-Japan meeting focused on our growing and harmonious bilateral relationship. Discussions focused on bilateral and multilateral co-operation in a rapidly changing world. Relations with our other Asia-Pacific neighbours are also changing.

Canada will be hosting the fifth annual meeting of the Asia-Pacific Parliamentary Forum in January in Vancouver. The executive committee of the APPF just held a highly successful and productive meeting here in Ottawa and approved the arrangements for the Vancouver meeting. We look forward to hosting this meeting and to kicking off Canada's year of Asia-Pacific.

COMMITTEES OF THE HOUSE

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

Mr. Bill Graham (Rosedale, Lib.): Mr. Speaker, I have the honour to present in both official languages the second report of the Standing Committee on Foreign Affairs and International Trade on Bill C-54, an act to amend the Foreign Extraterritorial Measures Act. The committee has agreed to report this act without amendment.

PROCEDURE AND HOUSE AFFAIRS

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have the honour to present the 33rd report of the Standing Committee on Procedure and House Affairs regarding the membership and associate membership of some committees.

If the House gives its consent, I move that the 33rd report of the Standing Committee on Procedure and House Affairs be concurred in.

(Motion agreed to.)

* * *

• (1005)

PETITIONS

THE DEFICIT

Mr. Maurizio Bevilacqua (York North, Lib.): Mr. Speaker, pursuant to Standing Order 36, I am pleased to present to the House three petitions which focus on Canada's economy, signed by the residents of York North.

The first petition draws the attention of the House to the government's red book commitment to reduce the deficit to 3 per cent of the GDP. The petitioners call upon Parliament to continue to keep its commitment to Canadians and pursue its deficit action so that the government will reach its revised deficit target of 2 per cent of GDP by 1997-98.

THE ECONOMY

Mr. Maurizio Bevilacqua (York North, Lib.): Mr. Speaker, the second petition draws to the attention of the House that in the past year alone short term interest rates have declined three percentage points. For the last two and a half years inflation has averaged less than 2 per cent and by 1997-98 the federal deficit will have been

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reduced by \$25 billion. The petitioners further draw to the attention of the House that since the Liberal government took office, over 600,000 jobs have been created.

The petitioners therefore call upon Parliament to work diligently to continue to maintain a healthy environment for jobs and economic growth.

SMALL BUSINESSES

Mr. Maurizio Bevilacqua (York North, Lib.): Mr. Speaker, the final petition draws to the attention of the House the important role that small businesses play in our economy. They have created over 85 per cent of new jobs and account for almost 60 per cent of Canada's economic output.

The petitioners further draw to the attention of the House that the government is improving the climate for small businesses by addressing the need for financing, reducing overlap and duplication, increasing access to the information highway and assisting their ventures into exports.

The petitioners call upon Parliament to continue to create a healthy environment for small businesses, to ensure they have the financing they need and to help them explore and capitalize on new opportunities.

PROFITS FROM CRIME

Mr. John Maloney (Erie, Lib.): Mr. Speaker, I am pleased to present two petitions today pursuant to Standing Order 36.

These petitions implore Parliament to introduce legislation which would prohibit criminals from profiting in any way from the crimes which they have undertaken.

TAXATION

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I have two petitions today.

The first one concerning taxation of the family comes from Calgary, Alberta. The petitioners would like to draw to the attention of the House that managing the family home and caring for preschool children is an honourable profession which has not been recognized for its value to our society.

The petitioners therefore pray and call upon Parliament to pursue initiatives to eliminate tax discrimination against families who choose to provide care in the home to preschool children, the chronically ill, the aged or the disabled.

LABELLING OF ALCOHOLIC BEVERAGES

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the second petition comes from Midland, Ontario and concerns labelling of alcoholic beverages.

The petitioners would like to draw to the attention of the House that the consumption of alcoholic beverages may cause health problems or impair one's ability. Specifically, fetal alcohol syn-

drome or other alcohol related birth defects are 100 per cent preventable by avoiding alcohol consumption during pregnancy.

The petitioners therefore pray and call upon 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.

* * *

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 it agreed?

Some hon. members: Agreed.

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[English]

DIVORCE ACT

Hon. Alfonso Gagliano (for Minister of Justice) moved that Bill C-41, an act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment, Attachment and Pension Diversion Act and the Canada Shipping Act be read the second time and referred to a committee.

• (1010)

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am pleased today to speak in favour of the act to amend the Divorce Act and other acts. Before I get into the details of the amendments I would first like to provide a broader context for the changes.

There is a yearning in Canada today to focus on what we have in common and to return to basic values. Canadians do have values in common. We have not prevailed for 130 years and produced one of the world's most prosperous and successful nations without a foundation of shared principles and beliefs. When we set aside the quarrels about jurisdiction and the forms of the federation, and when we focus on the features that define us as a nation, we will find that what is common to every province and to every region of Canada is our shared values.

We are a society that is compassionate, tolerant and civil. We take pride in social programs that are intended to protect the most vulnerable. We care deeply about our commitment to sharing. These values are reflected in the way we treat our children.

Canadians understand the importance of early intervention of safe and secure childhoods if we are to enable all individuals to

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reach their full potential. Canadians also place a strong emphasis on the importance of individual responsibility while governments have a role in helping the most vulnerable. We also believe in people taking responsibility for themselves.

How do these values relate to our strategy for child support? They require laws and policies that produce adequate and consistent child support levels, that respect fathers and mothers who make their payments and ensure that those who are obligated to pay actually do so. Viewed from that perspective, I suggest that the measures we have proposed in our child support strategy very much reflect the fundamental values that unite us.

The starting point is that the nature of the Canadian family is changing. There are more single parent families today than ever. When families divide, there are two households to support and fewer resources to go around and too often the children suffer. Over the past 20 years families headed by an individual parent have doubled in number. There are almost one million such families in Canada. In 1990, 61 per cent of single parent families headed by women lived below the poverty line. This compares to just 10 per cent of two parent families with children.

The steps we are taking to strengthen and improve Canada's child support system will not end child poverty, but we believe these steps will help. These measures derive their value from the shared principles on which they are based.

The principle that children should be first in line. These reforms will put them there and keep them there. Child support is the first and most important obligation for parents.

The principle that a child's standard of living, both before and after divorce, should reflect the means of both parents. These reforms make sure that it does. Children are a shared responsibility and a divorce does not change that.

The principle that people in like circumstances should be treated in a like fashion. These reforms will ensure that they are. Both parents have an obligation to support their children based on their ability to pay.

The strategy we have adopted has four interdependent elements. One, we are introducing child support guidelines to establish appropriate and consistent support levels, and to reduce the degree of conflict between separating parents. Two, we are changing the way child support payments are taxed to make things fairer and simpler. Three, we are enhancing federal and provincial enforcement measures targeting the wilful defaulters to ensure that payments are made in time and in full. Four, we are helping working poor families by doubling the level of the working income

supplement of the federal child tax benefit over the next two years. I would like to describe each of these initiatives in more detail.

• (1015)

At the heart of this approach are the guidelines that will be used across Canada by the courts, by lawyers and by parents to establish appropriate levels of support payments for children. At present, courts determine child support levels on a case by case basis. The issue prolongs litigation and adds to the anguish of the parents. Some suggest that the system is based on the principle that every person deserves his or her decade in court. Not all judges take the same approach or have the same philosophy. As a result, levels vary greatly not just across Canada but even within provincial jurisdictions and even from family to family.

The amount that is available to pay for a child's needs should not depend on which province one lives in, to which courtroom the case is assigned or which party has the more persuasive lawyer. The guidelines will establish without the need for trial the levels of child support to be paid according to the income of the person paying. The amounts are calculated by a formula that takes into account average expenditures on children at various income levels. As income levels increase or decrease so will the parents' contributions to the needs of the children, just as they would if the family had remained together.

The guidelines are standard but they are also flexible. No two families are exactly alike. Exceptional expenses for children can be added, such as uninsured medical expenses and child care costs for preschoolers. A court can also change the amounts if undue hardship can be established.

This approach has tremendous strengths. It is simple and it is standard. It ensures that support paying parents with the same level of income pay the same level of child support as other parents. It is also easy to use and in the end it is easy to understand. There will be less reasons for parents to argue about what is and what is not an appropriate level of support. This means less conflict, lower legal bills, reduced legal aid and diminished court costs. The result is that a lot of money which would be spent on lawyers in courts can be kept in the hands of the parents for the benefit of the children.

The second pillar of our child support strategy is a change in the way child support payments are taxed. Currently child support payments are tax deductible for the payer and taxable to the recipient. That rule was put in place 54 years ago. After carefully considering all of the circumstances we have concluded that this approach is unfair and indeed outdated.

To begin with in the present age it is understood that parents do not need an incentive or a reward in the tax system to encourage them to pay support for their children or that a general subsidy by

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all taxpayers toward families that are separated and divorced is not appropriate.

In any event the subsidy works best where there is a large income spread between the mother and father which is less and less common. Shifting income patterns have brought their earnings closer together. Where a mother earns the same as or more than the support paying father, the present system actually penalizes her. That is the case in over one-third of all separated couples and that proportion is growing. Even when the incomes are different the subsidy only works if the court takes care in each case to make complex calculations to gross up the amount awarded to take tax into account. This does not always happen in every case. The result is the tax liability eats into the support award and the losers are the children.

Furthermore custodial parents do not want to have to administer the tax system. They are the ones who now have to calculate the amount due and pay it on April 30 of each year whether the support payments arrive late during the year.

More fundamentally, child support is not income for the parent but it is money intended for the children. It therefore should not be taxed in the hands of the recipient.

• (1020)

The reforms will change the system. We are adopting what is known as a no deduction, no inclusion system. That means support paying parents will not be able to deduct their payments from their total income and custodial parents will not be required to include it in theirs. This no deduction, no inclusion approach will not come into effect until May 1, 1997 and it will apply to all new awards made after that date. It will not apply after that date to existing awards unless the parties agree or unless the court directs that the change be made.

We are waiting 14 months before making this change effective for very practical reasons. We want the tax change and the guidelines to become effective at the same time. That way if parties to existing orders want to change their tax treatment the new child support levels can be taken directly from the tables without the need for individual assessment in each case.

We anticipate that the provinces will create complementary guidelines to cover child support levels in cases under provincial jurisdiction so that the systems are uniform. The 14 months will enable them to do that.

Finally, the time will be used in planning for the transition. Ottawa has budgeted \$50 million to help the provinces develop simple and effective systems for dealing with the many requests that may be made to varied existing orders once the changes become effective.

In the coming months governments, courts, professionals and other stakeholders will work together so that these cases are dealt with quickly and effectively. The current tax system has been in place for 50 years. I do not think it is unreasonable that we take 14 months to achieve a complete reversal.

Let me address the concerns that have been expressed by some fathers about these changes. First, parents who now have child support orders or agreements will not be forced into a new tax system. Both parents may decide for a number of reasons that their support agreement is working reasonably well and should be left alone.

Second, let me encourage parents to examine the guidelines that we have now published and consider how they may apply to their situations. They are the result of many years of consultations across Canada and they take into account tax levels and average expenses for raising children. The guidelines have been tested not only with family lawyers but with fathers and mothers, both custodial and non-custodial parents.

Third, there may be situations of undue hardship in which the payment in accordance with the guidelines would simply be unrealistic or unworkable. We recognize that cases of hardship do exist and the new process can accommodate those situations.

Finally, we are committed to monitoring these guidelines and if necessary they will be adjusted. Let me restate that in evaluating amounts our eye will remain fixed on the welfare and needs of the children. I think we can all agree on this objective. Of course a fair child support system is more than just setting levels evenly and taxing them fairly. It is also a matter of ensuring that payments are made in full and on time. Enforcement is crucial.

Let me make it clear that a great many parents who make their payments on time and in full deserve our continued respect. They take their responsibilities seriously and they follow through. There are some who cannot pay because of misfortune: they have lost their job, they have fallen ill. They must ask the court to relieve them of their responsibility that they cannot meet. However, there are also too many who are in wilful default.

As of last September almost half of the cases registered with the Ontario family support plan involved child support orders where absolutely no money had been paid. On the remaining half, only one in four was fully paid.

Wilful and chronic default by people who can pay but refuse to pay child support is simply unacceptable in this country. These are not just people who turn their backs on their sons and daughters, they are also walking away from their responsibility as citizens and because they cheat their children all other Canadians are obligated to take up the slack.

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• (1025)

The prime responsibility for enforcement of child support orders currently rests with the provinces. A lot has already been done by the provincial agencies but the Canadian government also has a role to play, a role of leadership in co-ordinating, encouraging and complementing the provincial efforts.

The measures we are proposing will support and enhance the strategies of provincial and territorial governments. We want to work with them in a common cause. There is a list of measures that we will now take. Let me mention just a few of them.

Federal legislation will authorize the suspension of federal licences and certificates such as passports in the cases of persistent default. It will allow access by the provinces to the database of Revenue Canada to help trace persistent defaulters. It will invest money and effort in upgrading computer systems to share information among provinces to co-ordinate their efforts.

The fourth pillar in the child support strategy involves a measure that is intended to help working poor families whether they are separated or still living together. The Canadian government contributes to basic income security for children through a child tax benefit.

One component of that benefit is the working income supplement which provides a non-taxable benefit to supplement the employment earnings of families with net incomes below \$25,900. At present, the maximum amount that is payable under the working income supplement is \$500 per family each year. Over the next two years the Canadian government will double that supplement to \$1,000 per family each year.

The revenue derived from ending the deduction on child support payments will be used to fund the increase in the working income supplement. The result will be that over the next five years over \$1 billion of additional revenue will be put into the hands of about 700,000 low income families in the labour force. About one-third of them will be lone parent families.

The advantages of this strategy are obvious. The increased working income supplement is tax free and will go right to the bottom line for families that need dollars for their children. This supplement is distributed fairly, benefiting children of separated families and families that remain intact. And the working income supplement is targeted to those most in need.

What will make these reforms work well is that they will work together. Guidelines will ensure consistent awards at appropriate levels with diminished conflict and expense.

A tax rule that reflects the social conditions and values of 1942 will be changed to conform to current needs and trends. Effective

tools will enhance enforcement so that good people who make their payments will know that those in wilful default will be pursued. Every dollar of increased revenue that Ottawa derives from the tax change will be ploughed directly back into a system for the benefit of children in low income working families.

I invite the support of members of the House and their involvement in making this strategy succeed. Working together, Canadians can put children first. The government will put children first. It will put responsibility fairly on the shoulders of parents and make our system of child support one of which we can all be proud.

[*Translation*]

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, I am pleased to speak on Bill C-41, a bill which addresses various aspects of child support payments. Its objective is a praiseworthy one: to improve the situation of the children of divorced parents.

• (1030)

On top of the emotional and psychological effects of divorce, the vast majority of these children have to deal with another kind of effect, which has an unfortunate impact on their daily lives. As you may have guessed, I am referring to the sometimes drastic drop in their standard of living.

A brief presented two years ago by the now defunct Canadian Advisory Council on the Status of Women described the situation of mothers with custody, and how despair, emotional exhaustion and other family problems, such as custody arrangements, spousal abuse and child abuse, impact on the negotiation of child support. Sometimes these women accept lower amounts just to see the end of it, just to avoid continual confrontations, and this of course results in lower financial resources for them and their children.

If there is one area in which governments can, and must, act directly, it is the area of children's and parents' living conditions. In introducing last March's budget, the government unveiled its action plan for child support.

This plan had four components: removing child support from the tax system, creating and approving federal guidelines, implementing measures to ensure that support is paid in full and on time, and increasing the Working Income Supplement under the Child Tax Benefit.

This announcement followed on the Minister of Justice's announcement in November 1994 that his guideline project would enable the government to save \$1.5 billion yearly in social assistance payments, if 80 per cent of parents in arrears with child support were to start paying. It can be seen, then, that the federal government had two things in mind: improving the children's situation and saving itself considerable amounts of money.

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This government intervention is one of a set of actions taken by all levels of government in order to try to solve one of the most endemic of the problems experienced in our society, whether in Canada or in Quebec: the impoverishment of women and children.

Last year, Quebec passed legislation to ensure that, as soon as child support is awarded, a mechanism is put in place by which court orders for child support are automatically recorded by the clerk of the superior court in which the case is heard. Under the system, those not earning a regular salary are required to deposit as security the equivalent of three months' support payments. In the case of wage earners, payments are deducted at source.

These measures are aimed at simplifying the payment of support for children and the custodial parent. Similar measures have been adopted in other Canadian provinces. For instance, a universal and compulsory system for the automatic deduction of support payments also exists in Manitoba, Ontario and New Brunswick. In other words, the provincial governments have already taken certain steps within their own jurisdictions to improve the financial situation of women and children.

The bill tabled by the federal government today is intended to complement action taken by other governments in the fight against poverty. Divorce is obviously a fact of life in Quebec and Canadian society. In Quebec, however, the phenomenon has become more widespread than anywhere else, with nearly 50 per cent of marriages ending in divorce.

In 1990, there were 78,152 divorce judgments in Canada, leading to 48,525 judgments on child custody, while about 44 per cent of judgments on family matters involved an order for support payments. In 1989 alone, 83 per cent of all these judgments were the result of an agreement between the spouses. We all know what the situation is like when such agreements are made, so it is clear how the existence of a grid would have a considerable impact on the negotiating process.

It is also true that in Quebec, the vast majority of those who receive child support payments—98 per cent in 1988 and 77 per cent in 1990—are women. This is to explain why, in my speech, I refer to the custodial parent in the feminine. I hope my colleagues understand I certainly have no intention of downplaying the fact that the remaining 20 per cent of custodial parents are men.

• (1035)

The statistics are very clear: two thirds of divorced women with three children live below the poverty line. When the mother is poor, her children are poor, since, as I just said, 80 per cent of the children live with the mother. This comes as no surprise. We are all familiar with this fact.

I would like to point out that the decision is made with the consent of both spouses. And I would also like to remind this House of the impact of single parenthood on women and children. A link has been established between poverty among women, especially those with children, and marital breakdown. As I mentioned earlier, single parent families headed by women are, as a group, most exposed to poverty in Canada.

According to research done by the staff of the Library of Parliament, authors of studies on child support payments in Canada have found that on average, such payments do not cover even half of the actual expenditures involved and usually the custodial parent has to absorb the difference. And people wonder why women are poor, especially when we know that, on average, their income is only two thirds of the man's income. The wage gap between the sexes is particularly significant here. My point is that women who have to raise their children alone are carrying an unfair share of the burden.

For further insight, here are more figures. As we know, after a separation, the standard of living of women and their children drops by 27 per cent to 37 per cent according to statistics, while the standard of living of men invariably increases between 4 per cent and 30 per cent. But the issue must also be analyzed in light of the fact that women see their standard of living drop by 27 per cent to 37 per cent.

This situation brought the former Canadian Advisory Council on the Status of Women to write, in March 1994, and to repeat until its untimely abolition, which I deplore, that: "Taking into account the greater responsibilities assumed by the mother receiving child support, the difference in men's and women's ability to pay because of the difference in their earning power and the limits that raising children imposes on the earning power of the mother who assumes custody, the tax policy should first of all take into consideration the situation of the mother".

The Canadian Advisory Council on the Status of Women was not the only one to come to that conclusion. If I may, I would like to quote from an article written in 1994 by the Honourable Claire L'Heureux-Dubé, Supreme Court justice, in the magazine *Femmes et Droit*. This article was about the myths society and the courts face when dealing with child support.

It showed that, according to a study done by the Department of Justice in 1990, the standard of living of 59 per cent of the women and children in the study dropped, after divorce, below the poverty line, while the percentage was 46 per cent if child support was included in the calculation of their income.

Therefore, when child support is paid, 50 per cent of women still live below the poverty line. It is absolutely terrible. Yet, this is

supposedly an improvement, since the data for 1988 showed that the income of two-thirds of divorced women was under the poverty level. If we exclude the support payments, this proportion came to 74 percent.

Further on, the judge wrote: “The popular belief that men are generally overburdened by unreasonable support payments orders to women who use them to buy themselves luxuries and small incidentals is false, for two reasons. It stems from the false premise that women, in particular those who stayed at home when they lived with their husband, always, or at least easily, become economically independent after divorce. [—]This belief ignores a number of facts, both real and inescapable. Following a divorce, child custody is almost always given to the mother, and this by mutual agreement in 80 per cent of cases.”

• (1040)

Furthermore, according to the judge, the belief that the ex-spouses find themselves in similar situations after the divorce does not take into account the every day realities to which the custodial parent is confronted. Yet, the economic difficulties are worsened by the responsibilities inherent to child custody.

I read on: “For the great majority of custodial parents, this responsibility leads to a proportional reduction in economic choices after divorce. Thus, the ex-wife will have more difficulty in overcoming her limited ability to make a living when entering the job market after years of not working at all, or very little. Unlike her husband, she will be restricted in her economic choices because she will have to choose a home close to schools, she will not be able to work late at night because of her family responsibilities and she will have to stay home if a child is sick. She also must choose a safe neighbourhood for children, not too close to a busy street and having green spaces where children have at least a place to play safely. The other parent, on the other hand, does not have these restraints. He is free to live wherever he wishes and to work the hours he wants. He has more disposable income. For these reasons, the real cost of child care is rarely if ever accurately reflected in the amount of money allocated as support payments.”

Madam Justice Dubé also says, in her article on the myths society and the courts must face: “Despite the facts surrounding the custody of a child, there is a popular and persistent myth that raising a child is not expensive. In consequence, some think that the amounts sought as support payments are extravagant, if not totally beyond reason. This is not true, of course, since the parent having the custody of the child is most of the time neglecting personal needs in favour of the child. These beliefs also influence those who make support payments. It will be easier for him to make excuses for not paying if he does not believe this money is really needed. Such assumptions and beliefs have really tragic consequences, considering that the number of Canadian children living under the poverty line is ever increasing”.

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Therefore we will be analyzing Bill C-41, or at least its most important features, in terms of its impact on women and children.

The bill deals with two of the four elements in the federal government’s planned child support initiative: the establishment of a framework to develop and apply child support guidelines, and the strengthening of ways to collect child support payments.

To start with, I will mention the aspects of the bill I find positive. First, the establishment of a framework for the use of child support guidelines: the Bloc Québécois agrees with this concept. However such a framework raises a few questions I will deal with later.

Then, the bill differentiates between child support and spousal support. In my view, this is beneficial as it will help dispel the kind of myths Madam Justice L’Heureux-Dubé mentioned. Moreover, this differentiation will put the child—who should be the main focus of any protection or help measure—at the centre of court decisions.

With regard to proposed provisions to enhance enforcement measures, adding Revenue Canada to the list of federal departments whose data banks can be searched to locate defaulters is a step in the right direction, as is the creation of a scheme for the denial of certain documents, such as passports, driver licences, and the like. Access to federal civil servants’ pension benefits and seafarers’ wages will be made easier to ensure payment of child support arrears.

• (1045)

Naturally, any measure giving back to children the money required for their support deserves our endorsement. I would also like to mention the broadening of the definition of the word “child” to include young persons 16 to 18 years old and students. I think this measure better depicts the reality of modern families and that it will help many children and young adults to start their life on the right foot.

Finally, again in the best interest of children, I agree that priority should be given to the needs of children when both child support and spousal support are requested. I think children’s needs must have preeminence at all times and in all legislation. That is necessary for our collective future.

Those are the elements of the bill that we should support. However, other elements raise questions or prompt less positive reactions. I will mention only one that seems the most important to me. Afterwards, I will propose other amendments as the bill evolves and I am sure my colleagues will refer this morning to other aspects of the bill I will not have time to address.

As far as negative aspects are concerned, the discretionary power is the most unacceptable one in my opinion; it could even turn the

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enforcement of guidelines into a nightmare. I will quote clause 4 of the bill, which deals with the discretionary power accorded cabinet. It states clearly, and I quote:

(5) The Governor in Council may, by order, designate a province for the purposes of the definition "applicable guidelines"—

I think there is a problem here and not a minor one.

How can a government encourage provincial governments to develop and adopt their own guidelines and, at the same time, give itself the unfettered discretionary power to decide if the guidelines adopted by a province will replace its own federal guidelines in that province? It is like saying: "I am telling you to pass your own legislation, but I warn you that it is I who will ultimately decide whether or not I will impose my own legislation because I do not like yours". There is a rather ambiguous message there.

This behaviour leads us to wonder about the real intentions of this government. Will it really let the provinces decide for themselves what is good for their people or will it, once again, interfere insidiously and impose its standards and its policies? I wonder.

I invite the government to reflect on the words of its Minister of Intergovernmental Affairs, who was speaking highly, only yesterday, of the virtues of decentralization and who was comparing centralization to something to be fought at all cost. For once I can tell you I agree with the minister.

To those who could think the issue is trivial, I would say it is nothing of the sort. This issue is crucial because, in practice, parents and children could find themselves very much with two systems of rules that would be applied in the same court of justice, by the same judges, to the same people, according to whether they choose to divorce or to separate. That is crazy.

Thus, if the government decided not to recognize the guidelines adopted by the provinces for cases of separation or for common law spouses no longer living together, federal guidelines would apply in the case of a divorce, because divorce comes under federal jurisdiction. Let us imagine the scenario. There is a whole distinction to make there.

Mr. Justice X, in a divorce cause, awards Mrs. A support payments of \$1,000 a month for her children. The same judge, 30 minutes later, in the same hearing room, awards Mrs. B, in a separation cause, a \$1,500 support payment for her children. The two women and their children could be neighbours, could be in the same financial situation and would find themselves with totally different judgments because the same grid was not used.

This is totally wrong, and I would invite the government to reflect on this and to take some concrete action. If it says to the provinces: "We give you the choice", it should not come along with its own standards.

• (1050)

I should point out that this scenario is quite plausible precisely because of clause 4 in the bill.

It would give the federal government a fine opportunity to once and for all show off its highly touted flexibility, which exists only in the minds of some of our Liberal colleagues.

We ask that the discretionary power provided for in clause 4 be eliminated and that, as soon as a province meets the criteria set out in the new clause 26.1, its own divorce guidelines apply within its territory, as dictated by common sense and respect.

This issue was considered by a federal-provincial-territorial committee whose report proposed three alternatives to the very concrete problem raised by the distribution of powers, whereby one formula could be used for divorces and another one for private cases. The government opted for a single formula within a single territory, and we totally agree. Now we just have to make sure it does not undo with one hand what it is proposing to do with the other.

I would now like to move on to the guidelines section in the bill. For some years now, lawyers and legal experts have agreed on the lack of uniformity and the arbitrary way support payments are determined.

We know that the decisions relating to child support orders are left to the judges' discretion and vulnerable to all kinds of manipulations by one or both spouses in assessing their ability to pay. There is now a total lack of uniformity in the amounts granted.

According to one study, child support payments are already inadequate when they are set, and the situation gets worse with inflation and as the children grow up and their financial needs increase. In fact, many people working in the judicial system are calling for the standardization of child support payments.

This bill proposes the adoption of a grid, which is a step in the right direction. The federal-provincial-territorial family law committee on child support came to the same conclusion in its report, saying:

"The committee believes that adopting a child support setting formula will help parents, lawyers and judges negotiate and set fair and consistent support payments and bring parents to take responsibility more readily for their children. By eliminating a major source of conflict when families break up, this formula may also foster a positive relationship between family members, and particularly between the child and the non-custodial parent. It may also reduce not only the legal costs to the parents but also the legal aid costs, court costs and costs to execute orders, which are borne by the government".

The Conseil du statut de la femme agrees. In a notification filed merely a month ago as part of the Quebec government consultation process, the council pointed out other benefits a support setting formula may have, including: the value to parents of an objective tool by which agreements better tailored to their needs can more

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easily be reached; the sense of security this tool will give women in their negotiations with their former spouses; the use by the court of an objective tool, making the decision making process easier to foresee; and, finally, the educational value of such a tool for non-custodial parents regarding the adequacy of support payments and their use by the custodial parent.

It seems that the majority of stakeholders agree with the recommendations made by the committee and so do we.

Some lawyers have concerns however about how these rules will be used by the courts. In Prince Edward Island, where the guidelines adopted by the government are more generous than those proposed by the federal government, there are complaints about judges regarding the guidelines as a ceiling. In American states where similar guidelines were adopted, judicial discretion has all but disappeared.

• (1055)

But this judicial discretion seems to cut both ways, and its pitfalls were revealed under the deduction-taxation system.

In its presentation to the task force on the tax treatment of child support, in July 1994, the Canadian Advisory Council on the Status of Women wrote about the impact of taxation of child support:

We have contradictory evidence concerning the increase in and the extent of child support payments, and there is very little information to indicate that what is not paid out in taxes is being used for child support. Some family law practitioners say they always allow for the taxes to be paid, but there is a basic difference between emphasizing tax consequences and ensuring that child support payments fully reflect the increase. Other family law practitioners point out that, even after considering all the tax consequences, the amount finally awarded does not reflect the increase because, suddenly, the sky is seen to be the limit. The judge acts instinctively and declares that "in fact, things do not cost that much—or amounts awarded are not usually so high", and he ends up reducing the child support payment.

However, a standard grid of payment levels would solve the problem to a great extent.

Another issue raised by lawyers is the concern that, if the amount of child support increases, more and more fathers will ask for custody of their children, which will mean legal expenses for the mothers. Finally, some judges fear that the number of deadbeat fathers will rise.

In short, even if the principle of a single grid of payment levels appears to be a possible solution, we will have to be watchful and closely monitor its use by the courts.

This view is shared by the chair of the family law division of the Canadian Bar Association, who believes that, in order to be effective, the guidelines must be flexible enough to take into account variations in the cost of living from province to province and from city to city, as well as the specific needs of certain children.

A lawyer who has his own private practice summarized this view quite well in an article published in the *Law Times*. The lawyer concluded that the benefits were greater than the drawbacks. The main benefit, according to the lawyer, was consistency. Consistency means that the outcome is predictable and, when we have that, there is no need to go before the court. The lawyer noted that, in the United States, lawyers practising in states where there are guidelines find that fewer couples ask for temporary measures, which saves them thousands of dollars while also reducing the workload of the courts.

Therefore, we support the principle of guidelines that would apply to the majority of cases. However, we have some concerns about the draft version of the grid of payment levels released in June.

Based on the information available to us, the federal grid is based on the notion of equality. This means that someone with an income of X dollars will pay Y dollars, regardless of the income of the custodial parent. Therefore, the parent liable for financial support will know what contribution will be sought by simply looking at the line corresponding to his income on the grid, regardless of the income of the parent who will get the payment, since it does not come into play. Moreover, the federal and provincial taxes are taken into account in this grid, but all government transfers specific to a province are excluded.

Quebec is about to introduce this fall a bill that includes guidelines of its own. Last August, a parliamentary committee met for three days to hear witnesses' comments on the grid the provincial government is suggesting to determine the support payments. More studies are being made to make the proposal under consideration even better.

The Quebec grid was drawn up by taking into account the rights and responsibilities of parents under Quebec civil law. First of all, both parents' revenues are added up in order to set the contribution level, and then, the percentage to be paid by each parent is figured out according to the needs of the child. The Quebec grid is also based on the whole Quebec system, including taxation and government transfers.

• (1100)

Obviously, the basis of payment determination is fundamentally different, and an in-depth study would improve it in order to maximise the positive impact on the financial situation of children.

Since the Quebec policy is based on a much more extensive set of data and takes into account all family and social policies in the province, this is all the more reason for the federal government to recognize the guidelines provinces have worked out for their population. Let us hope that, this time, the federal government will listen to and respect the will of the provinces.

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Before I conclude these remarks, I would like to raise a problem that is fairly common in border areas. The problem involves former spouses living in different provinces who might be tempted, in order to save money, to move into the province whose rules are most advantageous to them.

The proposed regulations provide, in section 3(4)a), that the grid to be applied would be that of the paying parent's usual place of residence.

I call on the justice minister to review this provision and amend it so that the criterion is the child's place of residence, as requested by Quebec. We feel that direction would be more beneficial to a vast majority of children.

I see that my time is almost up; I will therefore conclude by stressing that the official opposition supports the principles set out in Bill C-41, but that it has strong reservations about the appropriateness of the discretionary power the government is reserving for itself and about certain enforcement provisions.

Meanwhile, we reiterate our invitation to the government to show some flexibility for once and to leave to provinces an important role in an area, the family, that, in the final analysis, is within their jurisdiction, except for divorce.

We also call on the justice minister to introduce immediately legislation to implement the two other parts of the reform, so that the citizens know exactly in what direction the government is leading them and, most of all, at what cost to them and to the state.

[English]

Mrs. Daphne Jennings (Mission—Coquitlam, Ref.): Mr. Speaker, first I would like to thank you for recognizing me today in this debate. It is an honour for me to speak first. I have been asked by my party to lead off on this second reading debate.

We recognize with Bill C-41 that the government is addressing a much needed part of our society in that there are support payments which are in serious arrears. In British Columbia, my home province, there are serious arrears and persistent arrears in some cases. We must deal with the issue and this bill is welcome in that sense.

There are a lot of divorces in which the non-custodial parent is working very hard, is making the support payments and is trying to keep in touch with his previous family. I say "his" because nine times out of ten the non-custodial parent is usually male in our society.

I feel that the bill addresses a very important concern; however, I have several reservations regarding it.

In the 1996 budget the government addressed a strategy to change the Canadian child support system, including the introduction of guidelines to establish child support awards in divorce

cases. Legislation implementing key components of the strategy was tabled in the House of Commons on May 30, 1996. Both the guidelines and the new tax rules for child support are scheduled to come into effect on May 1, 1997.

Bill C-41 is a bill which will amend the Divorce Act and other acts in order to establish a federal system of aid for the payment of child support or spousal maintenance.

The bill will alter four statutes in order to do these four things. First, it will establish federal guidelines for child support. As I stated before, that is needed.

Second, Revenue Canada data bases will be open for searches in the case of payment default. This may cause all sorts of problems arising from the questions of privacy and confidentiality. These are some considerations we have to look at.

• (1105)

Third is the denial of passports and certain licences to individuals whose support payments are in arrears. In doing so, in denying those passports or licences, there will be a garnishee notice. The intent of this bill, as I understand it, is that the notice of intent to garnishee will no longer be there. That is a major concern. Why? We recognize that sometimes if a person receives a notice of intent, they then can be long gone if their intent is to never pay the support payments.

However, suppose the person is working out of the country, suppose they are off on the oil rigs somewhere in Iran and that notice of garnishee does not get to them within the 30 days. Suppose there is an affidavit that does not have correct information on it. We know that happens often in the legal system. Then they are at an extreme disadvantage. That is another problem.

The fourth is that it would provide for the garnishment and attachment of federal public service pensions and the wages of individuals working at sea.

The acts involved in Bill C-41 besides the Divorce Act are the Family Orders and Agreements Enforcement Assistance Act, the Garnishment, Attachment and Pension Diversion Act and the Canada Shipping Act.

Speakers for the government on this bill have already indicated that it does establish a grid of payment levels for child support as well as creating a number of enforcement mechanisms which can be brought into place should default occur. That is all it does.

It does not deal with the deductibility of support payments from income tax. It does not establish a system of required mediation. It does not improve access issues for non-custodial parents or dare I say for grandparents, and it does not address the issue of redress for the parent who pays child support but is denied access by the custodial parent without just cause.

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These are only some of the matters that are important issues in family law today that this bill neglects to address. If Bill C-41 does not deal with the most controversial aspects of child support announced in the 1996 federal budget, namely income tax payment and deductions, and it does not deal with access to children or any of the other issues relevant to family law reform, why has this government called this Bill C-41 a comprehensive strategy to improve the child support system?

Comprehensive means all encompassing. This bill is a piecemeal approach at best for amending the Divorce Act. When I say comprehensive, I am referring to a working draft of federal child support guidelines issued in June 1996 by the Department of Justice where it states in the 1996 budget that the government announced a comprehensive strategy to improve the Canadian child support system, including the introduction of guidelines, et cetera. I have a problem with that because I do not see this as being comprehensive.

Canadians need a comprehensive approach. The focus of such comprehensive reform would be changes that benefit the children of divorce. We are talking here about children. As I have spoken about before in this House, when I talk about grandparent rights or any rights in the family, it is the children I am always concerned about.

A comprehensive approach would include compulsory mediation as a first step in the divorce process rather than going straight to court. A comprehensive approach would include access provisions that are enforceable. It would also include the elements of easier access for grandchildren to their grandparents. As well, the bill should include the tax payments and deductions announced in the budget.

I find the Liberal government's rationale odd when a reason given to me by the minister for his failure to support my grandparents bill in committee was that he would be doing a comprehensive family law review of the Divorce Act. Hence at some later date the grandchild-grandparent relationship would be dealt with, unfortunately though, far too late for many of our grandparents.

Yet this minister is in favour of a piecemeal approach to child support. Is Bill C-41 a comprehensive reform? No, of course it is not. It is a typical Liberal knee-jerk reaction to part of the problem. As always, when someone deals only with part of the problem they deal with the easy part first, the part that will not get them into any trouble. This is the Liberal philosophy. Play it safe, do not stick your neck out. There must be an election around the corner.

Playing it safe and delivering only half a loaf will not work in the case of family reform. There are pressing issues and they should be addressed together in one bill.

Dealing specifically with Bill C-41, we have some major concerns. We do not believe the bill takes an even handed approach to the issue of child support.

We are here to represent all Canadians, both men and women. This bill is decidedly biased against the male parent. There is very definitely a lack of equality for both parents. We all know that the much larger group paying child support are men. This bill does nothing to assure them of access rights.

• (1110)

There is nothing to address the issues of mediation which are so necessary if couples are going to live apart but still maintain the best interests of their children uppermost in their minds. I understand there is provision on the books at the present time that asks divorce lawyers to attempt mediation prior to going into the divorce court. I am told it is a half hearted measure at best and few attempt it seriously.

That is why I was interested to read of the Edmonton pilot project which requires people to take a six hour course before they can start action over child access or custody. The free two night seminar gives general information on topics such as the impact of divorce on children, how to reduce a conflict and ways to negotiate settlements without going to court.

Alberta justice minister Brian Evans said the program is intended to help children and to save the courts time and money: "If you have an agreement right off the bat and the parties are amicable and the children are well taken care of, there is no intention of forcing this upon people. There is some flexibility. The focus of the program is on minimizing the impact of divorce on children and avoiding future problems with the law. If they are damaged psychologically and emotionally there is a very good chance they are going to get into our criminal justice system".

The article goes on to say Alberta is the second province after Saskatchewan to introduce such a program. Manitoba is considering a similar move.

There is no similar program in B.C. according to Diane Bell of the family law section of the Canadian Bar Association in B.C: "It would be nice if it was available. If this free was around I think lawyers would use it".

The Edmonton program is a year long pilot project that could be expanded to the rest of the province. The departments of justice and social services are implementing it. Mr. Gronow, a justice official, said that 1,200 couples in the Edmonton area will go through the course each year because they cannot settle disputes over child custody or access. The parent who wants to take this issue to court will have to prove he or she has taken the course.

I have to pat the people in Edmonton on the back because I think what they are addressing is the real issue. First, no child support payment system is going to work if people are not willing to go

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along with it. It is realistic because it deals with the actual facts. If we look at the fact that realistically we are going to address the needs of the child and the ability of the father to pay and that both parents who are getting divorced are involved in that mediation, then the reality is they are going to come up with something that is workable. I think that is what Edmonton has addressed and rightly so.

What the article is telling us is that there is a need for such programs. Divorce is a major happening in our country and we had better deal with it in a positive manner. I believe we cannot over-emphasize our commitment to children. To invest in a child is to invest in the country.

Bill C-41 gives authority to the governor in council, the cabinet, to set the payment grid for child support and for spousal support but does not clearly indicate that judges may vary the grid if warranted by the circumstances. I think it would be all too easy for a judge in this case to just go with the grid because it will probably result in fewer appeals.

Therefore everything meaningful and important in this bill will be implemented by the order in council, and so parliamentarians will not have the opportunity to review or to comment on the child support payment grid.

Reform has difficulties with this mechanism. We always have difficulty when this government tries to bypass Parliament in an attempt to legislate through the use of regulation. This grid should be referred to a committee of this House for study before it has legal affect.

Given my recent experiences with the House of Commons justice committee I doubt whether that would be the appropriate forum. However, some committee of this House, hopefully one on which members are sympathetic to the problem of family break-up, should review these guidelines.

Clause 2 of the bill which amends section 15 of the Divorce Act recognizes that a judge in both child and spousal award situations may look at agreements made between the parties, ability to pay and matters which would be of benefit to the children. First the judge is to take into consideration the guidelines, which is the grid established under this bill.

I think the drafters here have it backwards. The judge should look first at agreements reached between the parties and only when the parties cannot agree look at the grid. As well the judge should look at the ability to pay. If we are looking seriously at mediation before divorce, as Alberta is, then the parents have already worked out an agreement which will work for them.

There will be no need to put extra stress on a couple who are already in a stressful situation. We have plenty of evidence of large awards of support and maintenance which bear no relation to the

spouses ability to pay. No matter the consequences, we run into problems of the payment.

● (1115)

The *Financial Post* took a realistic look at this problem. In the article "Getting tough with deadbeat dads won't solve the problem", the writer states:

Deadbeat dads stand only slightly below tobacco companies in the modern compendium of villainy. Governments across North America compete to devise the toughest schemes to extract child support money from these men. Give the prize for harshness to Tory Ontario. Beginning this January 1, Ontario fathers who fail to pay court imposed child support obligation will lose their drivers' licenses, will see their credit ratings stripped away, and will soon hear the pounding of the debt collector's fist on their front door.

So, can Ontario's single mothers soon look forward to a big bump in their incomes? Hardly.

Even those men lucky enough to have full time employment are averaging only about \$40,000 a year, according to Statistics Canada. But a father who moves away from his children must still pay taxes. He must still eat and put some sort of roof over his head. It's still against the law for him to appear in public naked and he must somehow get to work.

A single man earning \$40,000 faces income taxes of more than \$15,000 in Ontario, even after the first Harris tax cut. Grant him a frugal \$1,500 per year for food, and another \$6,000 a year for a cheap apartment. Budget \$1,500 to finance, insure and operate a car, and \$1,000 for shoes and clothes. Toss in \$2,000 more for laundry, electricity, toothpaste, a telephone to call the kids he is supporting, the occasional haircut and a few other meagre incidentals.

In other words, provided that this man is willing to devote every discretionary dollar to their lives, and provided too that he never remarries and never fathers any more children, we might be able to squeeze as much as \$10,000 a year of child support out of him. If we fail to make him live like a monk, if we permit him to form a new family, then the money available will rapidly tumble to a thousand or two a year. And that's not going to do very much good is it?

Here's the truth that the whole deadbeat dad discussion evades. The reason women and children usually suffer economically after the break of a family is not that some man is selfishly or punitively withholding money from them, although of course some men do. The reason women and children suffer is that the typical wage earner does not earn enough to support two households. Neither for that matter does the comparatively affluent wage earner, one of the ten per cent of Canadian workers who grosses above \$50,000 a year—".

An hon. member: Oh, oh.

The Acting Speaker (Mr. Kilger): I wish to ask for the co-operation of the House that we might all be able to hear each other's interventions. When the time comes for questions or comments, I will certainly facilitate those to the extent I am able to.

Mrs. Jennings: Mr. Speaker:

No matter how onerous the child support decrees against these men may be, no matter how diligently governments enforce these decrees, for reasons of basic economics and arithmetic, divorce and unwed motherhood will inevitably mean

economic catastrophe for the people involved. If anything, tougher child support rules are likely to exacerbate the catastrophe especially among the poor.

It is not that I did not hear the comments at the side, however rudely said. What it does say is that the members opposite are trying to point out, and perhaps rightly so, that usually the mothers have a very difficult time. Yes they do. But that does not mean that we should put our heads in the sand and pretend their is economic prosperity out there. There is not.

I do not want to see families falling apart even further than they do after divorce. A divorce does not mean a family has to fall apart. People who use common sense can encourage the father, which is usually the non-custodial parent, to continue visiting and to let his children know he still loves them and cares for them. But we cannot hammer them into the ground and then say come on, be a good family person. You have to use your head. For many years those paying the support and the parents who are receiving the support have had a lot of problems. I am personally well aware of it. But that does not mean that I stop thinking or stop facing reality.

• (1120)

In these economic times the Liberal government should certainly look at the 10 per cent unemployment level. We cannot punish people. We have to offer encouragement. That is what we must do when we are making laws.

If we have moved to no fault divorce, which I believe we have, at least let us be consistent in awarding child support maintenance and not use this to punish the non-custodial spouse. There is no big bad guy out there and no one on a white charger either.

We also have concerns with clauses of the bill which allow the government to suspend licences and passports in order to achieve payment of support arrears. I recognize that in these instances of persistent arrears we should be careful. By suspending a licence or a passport we may be putting someone's ability to earn a livelihood in jeopardy. It does not help to make it so difficult that someone may end up out of a job. Then they cannot make any payments or help anybody, least of all their children.

If the ability to earn a living is jeopardized then there will be no money at all to pay child support. It is a lose-lose situation. We must also keep in mind the revocation of a passport may place such a person in jeopardy if he or she travels or works outside of Canada. This international law aspect of the revocation of a passport should be explored.

I hope these clauses will be examined closely in committee. We will be considering amendments which lengthen the period of notice under clause 22 of the bill which amends section 67(4) of the Family Orders and Agreements Enforcement Assistance Act.

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What also distresses me about this bill is the fact that it does not address the issue of access, especially the access of grandparents to grandchildren.

Finally the media is starting to pick up on that major issue in our society, giving Canadian children access to their families, which also includes grandparents.

We are told to wait for a comprehensive review of the Divorce Act. I put it to the Minister of Justice today that a number of grandparents do not have much time left.

Let us agree on one thing. There are no good guys, no bad guys in divorce. The term no fault divorce recognizes that. How do we establish fairness and equal responsibility and access rights that recognize that parents divorce and children do not? I am talking in general terms here because we are all aware that there are parents who should never have been parents. Some are irresponsible and not supportive. But the average parent, divorced or not, cares about his or her children, loves them, wants them with them and wants to help them. This is a major reason why mediation before divorce and before child custody and access is decided is necessary.

What am I really saying? It is the children who are the real victims of divorce. They need a loving, caring family. As a teacher for over 30 years, I can tell the House that all children are affected by divorce. However, divorce does happen and will continue to happen. So what can we do as a country? We all must remember that the family is our most basic unit in society.

Unfortunately in today's world over 50 per cent of marriages end in divorce. Unfortunately in the case of divorce, which is what this bill deals with, it is most often the case that children are the last to be considered. This in spite of the fact that the courts and our laws use the phrase "in the best interests of the child". In fact, in most cases it really comes down to the best interests of the custodial parent.

We know from heavy documentation in the United States, which keeps records of trends in divorce, that generally the practice was in the best interests of the custodial parent. The child and the rest of the immediate family are seldom considered.

The House knows that I have been concerned about our Canadian grandchildren and I have spoken of the crisis after divorce when many grandchildren no longer see or visit with their grandparents. Perhaps I see families in a different light than other members of the House. It seems to me that just because a divorce takes place does not mean that a child or children of that marriage no longer have a father or a mother. A divorce should not make those children any less deserving of maintaining family ties. It would be more difficult, perhaps, but also more necessary.

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• (1125)

If we want a strong, healthy society then we must be concerned with all families, divorced or not. We must ensure that children are encouraged to maintain access to their whole family. Children need to know they are loved by both parents, regardless of the divorce and by both sets of grandparents. Child support or a lack of it is a major problem but I feel the government by treating it as a one sided issue is not going to help the issue but rather exasperate it.

I want to say at this time that I will be making some amendments because obviously there are some current concerns which I have already raised pertaining to this and I hope those amendments will be taken seriously by the government.

In closing I would like to point out an American book, *Ladies' Home Journal*. A business woman, Rebecca Morricks, was a parent who suffered from lack of support payments. They did not come to her on time and so she started her own collection agency. She said: "I understand the anger and frustration of the women who come to me. I know what it is like when a support cheque doesn't come or a child's birthday is ignored. I know how it feels to hunt for pocket change just to buy a gallon of milk. Believe me, I've been there".

Then she talks about her work and how successful she has been in finding, as she calls them, deadbeat fathers. That is not a very nice term but it does probably describe the situation. She said: "It takes me about six months to start collecting money from deadbeat dads and I do most of my leg work by computer. In the end a client can make out quite well. Even if the support award is relatively small, the ex can be made to pay his or her spouse the compound interest that would be accrued over the years of non-payment. Not surprisingly, finding fathers on the run is my speciality. In a case I am closing now, my largest one ever, I tracked down a deadbeat dad who owed more than \$200,000. He had been ordered to pay my client \$300 a month to support their daughter back in 1979 but he skipped town without paying a cent.

"His wife Moranda hadn't tried very hard to find him, thinking that he would never earn enough to make the payments anyway. Years later, however, Moranda learned that her ex had become a successful songwriter for a country music star. We found him in Nashville, had him served by the court and we are in the process of seizing his royalty cheques, some of which amount to more than \$30,000".

She is talking about those that she has had that are successful. What she is saying is there are very serious issues of non-support. She sees them all the time and tries to rectify the situation with a certain amount of success. She mentions too that the bureaucracy often gets in the way and that happens in Canada too. It gets in the way too often and sometimes our workers in the social field are overworked and cannot address all the concerns.

What I want to point out is that here is a woman who has gone through the situation, who works with it every day, who sees the worst scenarios, but is she biased like the member opposite? Does she only push one side of the question, like the member opposite? Or does she deal, and this is what—

Ms. Clancy: On a point of order, Mr. Speaker, I just wonder if the hon. member could clarify when she says "biased like the member opposite" to which of the members opposite she is referring. The member for Scarborough—Rouge River—

The Acting Speaker (Mr. Kilger): I would submit to the House that respectfully the member is engaging in debate and does not have a point of order. I will resume debate with the hon. member for Mission—Coquitlam.

Mrs. Jennings: Mr. Speaker, the Liberals do like to be heard.

This is very pertinent to the last part. I want to point out, after the interruption, that this again is a woman who deals with this every day of her life, the worst scenarios in lack of child support.

This is what she said: "When I first went into the business I tried to be cool and objective, a real hard-boiled detective, but it just wasn't my style. As a result I often find myself getting emotionally involved in my cases and giving my clients personal advice. My favourite cases are those in which my work helps to reunite a family. Some fathers are actually relieved when I find them. They miss their children and are eager for a fresh start.

"Take the case of Joe and Sally. Joe, tired of being turned away every time he wanted to visit their children, stopped paying child support and Sally refused to let him visit until he started sending the cheques again. To end this bitter standoff I drew up a modification to the child support decree stipulating that the payments and visits were to resume immediately. Sally, still distrustful of Joe, was reluctant to sign the agreement but I warned her I would drop her case if she didn't. Finally she gave in. Both the cheques and the visits have been helping ever since.

• (1130)

"Helping women get the support they deserve is immensely satisfying. However, helping fathers like Joe make amends to their families makes me feel that my profession is really worthwhile. Fatherhood can and should be more than just a monthly cheque not just a wallet. My work has taught me that a child whose daddy disappears is never quite the same". As a teacher for over 30 years, I can second that.

Now that I am coming to the end of my speech, I must again say that no one understands any more than I do, having personal

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experience, the very serious issue with which we are dealing. If we do not start caring about everybody, if we do not start putting children first and trying to help families, then we are going to see more and more separation, divorce and lack of support payments.

The Acting Speaker (Mr. Kilger): The House is presently operating under Standing Order 74 which entitles the first three speakers to a maximum of 40 minutes and are not subject to questions or comments. The next five hours of debate will include 20-minute interventions subject to 10 minutes of questions or comments.

Ms. Mary Clancy (Halifax, Lib.): Mr. Speaker, as I commence my remarks I want to pay tribute to the member for Mission—Coquitlam and her advocacy for grandparents. I may not agree with the legislation she has put forward, but I certainly agree with the spirit and intent of her advocacy.

I also want to take a line from her comments just now when she said, in conclusion, that if we do not care about everybody and particularly children we are going to be in trouble. That is refreshing and, I know from that member, a true statement of her feelings. It is also refreshing to hear it from the Reform benches.

However, the best way to put this is that there is place for everything legislatively and everything in its place. While I understand the member's frustration, given her advocacy on the question of access to grandparents in a post-divorce world, this bill does not deal with access. Access is something separate which may have to be dealt with at another time. This bill deals specifically with corollary relief and the situation faced by, for the most part, mothers attempting to deal with their financial lives in a post-divorce situation.

Sometimes to explain why amendments are taken in the manner in which they are taken and why the government decides to act in the way in which it decides to act, particularly in these circumstances, it becomes necessary to talk about the real world.

While I applaud the hon. member, I think there is a touch of naivety in the comments. This is not, particularly when we talk about post-divorce families, the best of all possible worlds. Indeed, for those of us who have long experience in the realm of family law, the post-divorce world is survivable for those people who have gone through it only if the legislation is strong enough to ensure behaviour that allows survival.

This is not a world to be looked at with rose coloured glasses. Post-divorce for a number of years and sometimes many years can be described best as a page out of hell for the people who are involved in it.

I would like to correct a mistake in statistics that I am sure the hon. member did not mean to make. The divorce rate in Canada is not 50 per cent, thank God. The divorce rate fluctuates somewhere

between 3 and 3.9 in 10. This is not terrific but it is not as bad as 50 per cent. Maybe it should be at 50 per cent given some of the things that happen in marriages that still stay together. Nevertheless, just in the interest of accuracy, the divorce rate is somewhere between 3 or 3.9 out of 10.

• (1135)

An hon. member: Source?

Ms. Clancy: The source is Statistics Canada. If the hon. member wants to get into sources he may be a little sorry.

One of the things I want to say with regard to the hon. member's comments is that we have to be very careful in attempting to draw a correlation between the children of divorce and participation in the criminal justice system. If the hon. member has sources for that kind of allegation we would be very interested to hear them on this side of the House. Given the fact that divorce rates are high, I believe we would be seeing an increase in the crime rate, as opposed to a decrease, which is what we are in fact seeing.

However, for all the goodwill that came from that speech and which comes from the hon. member opposite with respect to this matter, there is a naivety which needs to be corrected.

As I said before, the post-divorce world is not the best of all possible worlds. People get divorced because, in general, they have come to the end of their tether in a relationship which is the most personal and intimate relationship people have on this earth. When the emotional response turns from one pole to another, the reaction and the fallout can be horrifying, not just for the husband and wife who are going through the divorce, but clearly, as the hon. member has noted, for the children.

Every piece of legislation in this country that relates to children in any way, whether it is the Divorce Act or provincial legislation on maintenance, custody, or whatever, has in it somewhere the phrase "the best interests of the child are paramount". One of the tragedies of our country is that we have still not learned, whether as legislators, as lawyers or as jurists, how to truly implement that phrase. If the parents, the people most directly concerned and the people who allegedly should care the most for the best interests of the child cannot do it, it becomes insane to suspect that anyone else can do it.

In the post-divorce world children are going to be traumatized. As legislators we have to bring in legislation which will minimize the trauma and maximize the benefit. No one has ever suggested, nor should anyone suggest, that solutions which come from the legislature will be a panacea. It is not possible.

When I started to practise law in 1978 the rate of child support and maintenance payments which were not enforced was over 90 per cent. Eighteen years ago over 90 per cent of support payments in this country were unenforceable. Since that time we have

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improved. I do not know the statistics today, but I believe we are fluctuating in the area of 60 per cent. That is still unacceptable.

One of the things which I saw time and again as a family lawyer, acting for women who were attempting to enforce child support payments, was what I would refer to as the brow-beaten syndrome. They had come to the point where it was not worth it. The child support payments would be late, if they came at all. The process in the family court or even, from time to time, under a divorce decree in the Supreme Court, meant that those women took time off work. They worked themselves up into an emotional state. For most people, appearing as a witness in court, particularly in an area as sensitive as one which involves both the financial state of the individual and the state of their personal relationships, causes great stress.

● (1140)

Time and again a client would call to say that the support payment had not come in again and I would say we will go to family court and we will do this. Then she would say: "No, to hell with it. I cannot be bothered anymore, it is not worth it, I would rather do without than put up with all of this".

This legislation, which relates to settlement agreements, is being brought forward in an attempt to alleviate that kind of problem. It is also being brought forward because whether hon. members opposite like it or not, on divorce the woman's standard of living falls considerably and the man's rises. Do you want statistics on this? Just check. I will bet that you could even check with some of the hon. members opposite who might know about it. There is no question that women across the board do not have the same access to money, to jobs, to promotion, et cetera, as men. It is a fact of life.

Second, if the woman is paying tax on top of this money and is in a lower category to begin with, she is going to get hit with a bigger bite. This is another thing that this legislation is here to do something about.

The whole thing, however, comes down to the recommendations that are being given to judges and those who are going to hammer out the settlements either in the courts or in mediation ahead of time. Spot news for the third party, mediation has been in place for quite a long time and it works. That is probably the reason we are down to around 60 per cent on enforcement of maintenance orders. However, that is still not good enough.

This problem will not be solved by saying that fathers who do not pay or parents who do not pay are just misguided. They are not just misguided, some of them do not want to pay. They just absolutely do not want to sign that cheque. Enforcement is and continues to be a problem. Again, this legislation is aimed at addressing some of those problems and alleviating them.

This is not a world where mothers and fathers are going to reunite after they have broken up. That kind of thing happens in the odd movie that is released at Christmas time and tragically in the minds of many children of divorce, but it does not happen in reality. Let us not go on talking about how we can heal the personal relationship and wasting our energies there, which is no place for the legislator at any rate, and talk about how we can ensure that the financial burdens and the financial problems are at least taken care of in such a way that children and single parents have some small chance of making their lives a little bit better than they have been.

I am sure there are other areas in our society and other professionals and other people who can work on the emotional reconstruction that may be possible in a limited number of cases. That is not our job just as it is not our job in this legislation to deal with the question of access. Our job is to deal with the question of amendments that will handle corollary relief under the Divorce Act. That is what we do.

A number of questions were brought up by the hon. member opposite that relate purely and simply to matters within provincial jurisdiction. It is all very well for people to question jurisdiction. Jurisdiction matters. Certain things fall within the provincial purview and other things fall within the federal purview. This is something that falls within the federal purview. It is something that we can do. It is something that we are doing.

It is something that has been long overdue. It was given its impetus by the Federal Court's decision in the Thibaudeau case. It was given its impetus by the hon. member for Nepean who came forward and championed this cause from the beginning. It is something that I am proud to stand here today and support.

● (1145)

[*Translation*]

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, I listened carefully to the speech made by the hon. member opposite and I must say that she used some very noteworthy examples. The principle of the bill in itself is acceptable because its first priority is the welfare of the child.

However, I would like the hon. member to answer a question I have about the principle of the divorce guidelines set by the federal government, which contradict the guidelines on separations set by some provinces, including Quebec.

We know that, by order in council, the government could decide not to authorize—

Mrs. Clancy: In separation cases.

Mrs. Gagnon: Yes, in the guidelines.

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I would like the hon. member to tell us why the government in such cases does not allow the provinces to set the appropriate guidelines. This is another telling example of non-decentralization. A Liberal member said centralizing federalism is like an irresistible urge.

I would ask the hon. member to tell us how, through an order in council, the federal government can, in some cases, choose to ignore provincial guidelines. This goes to show, once again, how inefficient the government is. There is no willingness to decentralize and let the provinces deal with their own areas of jurisdiction. How is it that the hon. member does not see this negative side of the bill?

I acknowledge that the government has come up with some good provisions to improve the standard of living for children and women. I think we agree on that, but I disagree again on the guidelines issue, because the government will not let the provincial governments set their own guidelines. It is a bit like having a court make one decision about a divorce case in one room and, thirty minutes later, on a separation case this time, make a completely different decision, because the federal government does one thing and the provinces another.

The provinces should be able to set their own guidelines. I am worried that we might be granting something not within our giving, as members of this House.

[*English*]

Ms. Clancy: Mr. Speaker, I want to thank the hon. member for Quebec for her intervention and for her comments. In this particular case I really do not want to sound patronizing. Let me begin by making an obvious statement. I am not familiar with the specific laws within the province of Quebec to which she refers. I am however very familiar with the juxtaposition, if you will, of federal and provincial law in this area.

The fact is it relates to some degree to what I said in my closing remarks about jurisdiction and this may have been the translation because I was listening to the translation. The translator used the word allow. The hon. member, although not a lawyer, knows it is not a question of the federal government allowing the provincial government. These are clearly defined areas of jurisdiction, one within the provincial area and one within the federal area.

The Divorce Act is within the federal jurisdiction and is really the only area per se whereby the federal government gets involved in the legal ramifications of marriage breakdown. There are other areas in which marriages are terminated not by divorce which are provincial.

I can only again say to the hon. member it is not at all a question of decentralization. Indeed I remember some years ago at a constitutional conference with federal and provincial members,

including at the time the late Premier Lévesque, who was willing to agree to throw all family law to the provinces. This engendered a huge and negative reaction from bar societies and lawyers right across the country, including lawyers from the province of Quebec, some of whom may even be members of the Bloc or the PQ.

• (1150)

To be quite serious, the guidelines, and as I said, I am not familiar with the Quebec guidelines per se but I imagine they cannot be all that different from what may not be solid guidelines in other provinces, but the traditions, those habits or areas that define mediation and pretrial settlements in divorce and marriage breakdown. Most judges in Quebec and in the other provinces of Canada attempt to get as best a handle on the matter and they also attempt—and this is the phrase I brought up before—to consider the best interests of the child.

I do not think there is anything in the federal guidelines that will unduly hamper anything in the provincial guidelines. The federal guidelines are good guidelines. They reflect, in my estimation and in my knowledge of what is happening in other provinces, much the same ideas, much the same theories, much the same goals and aims.

If there is something under the civil code in Quebec that is utterly at war with the guidelines at the federal level, I would personally be very surprised and I would imagine that the Parliamentary Secretary to the Minister of Justice would be interested in knowing what those were and perhaps looking at them. But it is most unlikely that these would in actuality conflict.

Mr. Leon E. Benoit (Vegreville, Ref.): Mr. Speaker, in her presentation the hon. member referred to the best interests of the child and the fact that this legislation in her opinion would fulfil the best interests or look out for the concerns of the child.

The most important thing a child can have is two loving parents. Could she comment on the fact that this legislation does nothing to deal with the access of the non-custodial parent? Could this be a huge gap in the legislation?

The Divorce Act is rarely opened. It should be dealt with in a much more thorough way than this. Could the hon. member comment?

Ms. Clancy: Mr. Speaker, I am delighted to have been asked this question. I know my hon. friend asks it in the best of faith and I will answer very seriously.

Of course the optimum, the ideal for a child is to have two loving parents. I look at my own experience. The first seven years of my life were as idyllic as any child could have, and then my father died. It was a tragedy no one could have foreseen. My mother carried on in an admirable way. I was very lucky and grew up in a

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very loving home. The wonderful creature you see before you is a product of that.

One of the things my mother used to say to me at times when the loss of my father became a great burden was: "You know Mary, there are many worse things that could happen to you than having your father die". That is very true. I think the hon. member knows that as well.

It would be wonderful if we could legislate two loving parents for every child. It would be possibly the greatest thing we could do, but we know we cannot do that. We know there are parents who neglect their children; there are parents who abuse their children; there are parents who behave in the most ghastly and horrible ways to their children, betraying the love and the trust in ways that make legislators like us, all Canadians and all people of goodwill on this earth cry out for justice.

• (1155)

I said earlier in my comments that there are things legislators can do and there are things we cannot do. We cannot legislate two loving parents for every child. We can only attempt to make the situation as good as possible.

To get to the technical question of access, it is in the Divorce Act. I am not sure what the hon. member wants to do with it. If he is referring to those who have standing to apply for access, that is another question, but access is dealt with in the Divorce Act. If he is referring to the private members' bill of the hon. member for Mission—Coquitlam, I already said that I support her spirit and the intent. I do not happen to support the particular mode she took to implement it.

[Translation]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, Bill C-41, which is before us, is a good illustration of the fact that policies do not necessarily respond to people's demands as quickly as one could wish.

Bill C-41 is intended to solve a problem known to many a single-parent family. Members know that, in most cases, women-in perhaps as much as 99 per cent of the cases—and ultimately children—in every single case—have to live with it. There has been a lot of unfairness.

Women's and community groups as well as many individual men and women have long been asking first the Conservative government, and then the Liberal government since 1993, to amend support legislation. There was clearly a consensus although some non-custodial fathers, naturally, viewed this unfavourably. But as the objective was to improve the children's lot, I think everybody recognized that there was a problem.

It took a legendary court case to bring the government to really do something. It took a courageous woman to confront the government on this important issue. I am referring to the Thibaudeau case, which is known to everybody.

Mrs. Thibaudeau had the support of a lot of people, including, although I do not want to brag, the support of the official opposition from the very beginning. A Liberal member said earlier that his party had supported from the beginning the amendments proposed in Bill C-41 but, from the moment we became the official opposition, we were the ones who, clearly, asked the government questions on this particular issue.

Members will recall how often, in the House, the Bloc member for Québec asked the justice minister to introduce legislation to split the cost of raising children between both parents. Or the hon. member for Témiscamingue who said this in May 1995: "Thus, it is imperative that the government act right now to answer women's expectations".

I take this opportunity to congratulate the hon. member for Québec, among others, for her persistence and perseverance in this difficult matter. In spite of all the different preconceptions and factors to be taken into account, she did an excellent job. This is why the opposition parties joined forces to have the rules changed.

I would also like to thank the member for Témiscamingue, who was our critic for National Revenue at the time. He explained very clearly the financial implications. Because of his explanations, all the members of the Bloc agreed on this issue.

However, almost a year late, the government and the minister have at last introduced the reform the Bloc Québécois has been calling for for so long.

In the 1996 Budget, for the first time, the federal government finally unveiled the new child support payments system. As members will recall, there were four sections. The first established that child support payments will no longer be deductible for the custodial parent, but for the non-custodial parent. Second, the maximum working income supplement included in the federal tax benefits for children will be doubled. Third, guidelines will be drawn up for calculating support payments. Fourth, new measures enhancing the enforcement of child support will also be announced.

• (1200)

If Bill C-41, which amends the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, some provisions of the Garnishment, Attachment and Pension Diversion Act as well as other related acts, is adopted, it will implement two of the four elements I mentioned earlier. I will cover these elements in greater detail later.

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According to the bill before us, the Divorce Act will be amended to create a framework for the use of the child support payment determination guidelines. Such guidelines would replace the discretionary power of the courts and would be adopted through regulations.

The other aspect changed by Bill C-41 concerns enforcement. Specifically, the bill would amend the Family Orders and Agreements Enforcement Assistance Act to add Revenue Canada to the list of federal departments whose data banks could be searched to find individuals who have been delinquent in paying child or spousal support.

The changes create a new mechanism to deny certain licences or benefits to individuals who regularly neglect to pay support. The rest of the new legislation will be put in place through a budget implementation act which will probably be introduced in the fall.

When we examine those two aspects of Bill C-41, we realize that the first one, that is to say the guidelines, is the most important. I have heard all kinds of things in this House, and it is worth taking a few minutes to talk about the guidelines and to explain to members who might not know what is going on in other provinces regarding these guidelines, because the province of Quebec does have such guidelines.

Bill C-41 will establish guidelines that will prevail even though some provinces have already adopted their own guidelines. To respond more specifically to the member for Halifax, who said she did not know what the guidelines were in Quebec, I think it is worth taking a few minutes to examine these provincial guidelines as well as the federal ones.

Here are some details about the criteria used to establish the guidelines. I invite the members opposite to listen very carefully, especially the member for Halifax. She must listen to understand what is going on.

The Quebec model is based on the actual cost of the child. An estimation is made of what the child needs. It could not be more accurate. However, the federal model is based on a partial equalization of living standards. According to that model, a five-year old child generally needs so much. But one child may need more than another child depending on his or her family's standard of living. Therefore, we can see right from the first criterion that it is not completely true to reality.

A second element concerning the Quebec model is that it is based on the ability to pay of both parents. Is that not perfectly normal? The financial responsibility for the children is shared between both parents on a pro rata basis depending on their resources. Again, it could not be more accurate. How has the federal government, which thinks it knows everything there is to know on the subject, gone about it? The federal model is based on the premise that both parents have the same income. Nothing could be further from reality.

In some cases, both parents do have the same income. It is possible. However, in some fields, women earn 30 per cent less than men. The premise used by the federal government may be based on the ideal situation, but, again, it is not true to reality. According to what my colleague said, even for work of equal value, women earn 30 per cent less than men. Therefore, if you take two engineers, there is a difference right off the bat, so the federal government is wrong on all counts.

• (1205)

Third, the Quebec model does not include, either implicitly or explicitly, an amount for the custodial parent. The federal government takes the opposite approach. Its model implicitly includes an amount for the custodial parent.

A fourth element of the Quebec model is harmonization with Quebec income security and taxation programs. Is this the right approach? The federal government does not seem to think so, because its model is not harmonized with Quebec programs.

Another point is that, in Quebec, the proportion of child expenses decreases with income. In the federal approach, child expenses remain constant. Finally, in Quebec, the non-custodial parent receiving income security payments is not required to pay support. Under the federal model, the non-custodial parent receiving income security could be called on to pay support.

I have just provided the member for Halifax, who said she doubted that there were large differences between the Quebec and federal models, with all the proof necessary to show that there indeed are. She can take that to her caucus and try to convince the Minister of Justice that he is on the wrong track in wishing to impose certain federal standards, the same system for all the provinces.

This is yet another example of how in Quebec—because I am an MP from Quebec, not because I am a Quebecer—we do things differently. This is proof again that we are a distinct society. Even in a bill that, all in all, has nothing to do with the Constitution, we see that Quebecers do things differently.

I think this would perhaps have been a good opportunity for the federal government to have a clause specifically recognizing the distinct character of Quebec with regard to the family and giving it full jurisdiction in this area. It was time to do so. The Prime Minister of Canada boasts that he recognizes the distinct character of Quebec. It was time to prove it in a bill that, in my view, is extremely important for the family, which is, after all, at the very basis of Quebec society.

That being said, although the Bloc Québécois initially applauded the minister's reform concerning guidelines to determine the amount of support payments, we voiced several reservations with respect to the implementation of these federal guidelines in the province.

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Upon reading Bill C-41 and after comparing the Quebec model and the federal model concerning these guidelines, it is clear our fears have been confirmed, since thanks to Bill C-41, we will have two entirely different systems.

I think the points I just made for the benefit of the hon. member for Halifax could be used by other Liberal members to contend with the demon of centralization, as the Minister of Intergovernmental Affairs said so eloquently. I think they have enough facts to prevent the minister's demon of centralization from becoming active and to backtrack, face the facts and decentralize as we hope they will.

The first part of Bill C-41 deals with quite a few items, and I will run through them very quickly. What I am going to say is very legalistic but I think we should spend some time on these items, considering that legislators must mean what they say. This is a rule of law that has been cited quite often. I think that when Parliament adopts a bill of this kind, the meaning of every word is extremely important.

• (1210)

If a provincial government decides to set certain guidelines for its province, such guidelines will take precedence over the federal guidelines, provided the governor in council designates, by order, the provincial guidelines as the applicable guidelines. Here I am referring to subclause 1(4) which reads as follows:

The Governor in Council may, by order, designate a province for the purposes of the definition "applicable guidelines" in subsection (1)—

"May", Mr. Speaker. And right away, you will understand that the Bloc Québécois cannot go along with this "may". Obviously, this should read "shall", "the Governor in Council shall, by order—". We do not to leave the governor in council any choice, any discretion to decide whether or not the guidelines of a province must take precedence over the federal guidelines.

If the province takes the initiative, if a province bothers to establish guidelines in an area as important as this one, I think the governor in council has no choice and shall, by order, designate that province as the province whose guidelines will apply.

According to the bill, provinces must therefore meet the criteria set out by the federal government in clause 26.1 if their guidelines are to be accepted as applicable. Thus, the federal government reserves absolute discretionary power to accept, or not to accept, the order according to sub-section (4).

Once again, we can see the usual federal paternalism at work here, always wanting to have power over provincial governments' social policies. Every time, the federal Big Brother places the provinces in a situation of guardianship, insisting on imposing its views on the provinces, without any concern for adapting to specific situations in various regions of Canada.

As well, rejection of a province's guidelines would lead to the absurd situation of having the provincial payment grid apply when the parents separate, while the federal one would kick in when they divorce, since the federal level has precedence in matters of divorce.

We would see people legislation shopping with the blessings of the Minister of Justice in Ottawa. If we adopt the bill as it stands, it will enable lawyers and those involved in a family case to ask: which is better for me, separation or divorce? The only consideration I have is the following—even though I am a man myself, I think I can say that men often see certain things from the financial point of view, which may not be the case of women caught in a very emotional situation and the lawyers will be involved in this. If the lawyer is on the ball at all, and can influence or try to influence his client, and he or she succeeds in influencing the opposing lawyer—who may well be a woman, as women often choose other women to represent them, which is their choice and there is nothing wrong with that—well then, after negotiation, after the lawyers sort out the various points that may influence their choice, the client may opt for divorce rather than separation, because the federal guidelines are perhaps less generous than the provincial.

We will really start to see legislation shopping, and I believe that, if there is one area in which that must be prevented, it is in family law, for the objective is, as I have stated at the start of my speech, the protection and welfare of the children involved.

Finally, the federal government uses the place of residence of the debtor, the person paying the support, to determine which guidelines are applicable. I have another difference for the hon. member for Halifax: the Quebec government considers the child's residence, a criterion that is much more consistent with the principles outlined in several court orders that the child's interest must prevail over everything else.

The rules applied by one province may be much more in line with the child's situation than those of the debtor province. This goes without saying. Does the Minister of Justice not think that all children have the same value, whatever their parents' status may be, whether it is a separation or a divorce case?

• (1215)

I do not know what the minister's answer is, but I can tell you right now that, in the eyes of the Bloc Québécois, whatever their parents' status is, all children have the same value, and we should ensure that child support payments are as generous as possible so that the children are as comfortable as possible in this rather difficult situation.

Let me give you another example. According to the current federal and provincial regulations, if the amounts set by federal regulations are lower, after everything is taken into account, Quebecers would pay less in child support if they lived in Ontario. What is preventing Quebecers paying child support who are starting to feel the heat from moving to Ontario, thus reducing their

payments under section 1(3)(a)? What is preventing someone like that from moving to avoid his financial obligations or to pay as little as possible? Nothing. Even if we look at the minister's notes, the draft guidelines clearly allow this way of getting around one's financial obligations.

This lack of uniformity between provinces, combined with the number of courts issuing child support orders, the many overlapping federal and provincial laws, and the regional disparities in the cost of living, results in financial instability for separated and divorced families. We will not reach our goal unless we make the necessary amendments to this bill.

Obviously, it would make much more sense to let each province choose the model for determining support payments that suits its needs and let each decide terms of implementing the rules governing their determination in keeping with provincial social security, tax and family policy.

The area of the family is not something that can be pulled out of a hat and dealt with like that. It is more intricate. The area of the family is an extremely important area, and with the examples I gave, with the Quebec model, the federal model, I am sure that the House of Commons has understood that the province—Quebec in the example I gave, but I am sure that other provinces also have terms already established—is closer to the people, knows about such family-related problems as income and allowances of all sorts. The provincial government is in a better position to recognize family needs. The federal government should therefore withdraw from this area and give full jurisdiction to the provinces.

Since you are signalling to me that my time is running out, I will say briefly that the opposition supports the second part of Bill C-41.

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I have a brief comment and a question for the member. The issue of the family has come up often in the debate. It is an issue that interests me a great deal in the work I do in this place.

Members know very well that when the family is strong, good things happen. We are talking about legislation that deals with the situation when the family breaks down.

The Thibaudeau case has been raised. The member knows that the change vis-à-vis the Thibaudeau case actually put parents who separate on the same footing as families have always been. The change represents fairness and equity. I am glad the member and

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all speakers always begin their comments with the statement that the child's interests should come first. I heartily agree.

● (1220)

My question has to do with scheduling. The member, in making the statement that the child's interests should come first, commented on the situation in Quebec where the schedules are not based on both parents being deemed equal. A formula is used to determine the amount to be paid. He describes the federal proposal for scheduling as somehow showing both parents are equal.

If the member would look at it carefully he would find that the chart treats the determination of benefits payable with regard to child support on the basis of what the needs of the child are and meets the criteria which he himself lined up.

Could the member please explain how the Quebec schedule provides a different or a better approach to support benefits?

[*Translation*]

Mr. Bellehumeur: Mr. Speaker, I wish I were wrong, but when I read Bill C-41 and the draft guidelines on child support, prepared in June 1996 by the Department of Justice, I am forced to conclude that, unfortunately, I am right. Having to say this in the House is no fun, but I am right.

The federal model is based on the assumption that both parents have the same income. It is of course not always the case. Why presume that both parents have the same income? The judges dealing with divorce proceedings will base their decision on this assumption. If these guidelines are passed as they stand, judges will have no discretion to decide whether the children are entitled to support and, if so, to determine the amount of such support.

I mentioned that, in Quebec, the National Assembly is about to pass guidelines that will be based on the ability to pay of both parents. If one parent earns \$200,000 while the other one has never worked, or earns only \$25,000 or \$30,000 a year, a judge should not rule that the children will receive X dollars in support and that each parent will contribute half of the amount. It goes without saying that the father who earns \$200,000 will have to pay more than the mother who earns \$20,000 or \$25,000 per year.

I wish I were wrong. Perhaps the hon. member is aware of some discussions within the Liberal caucus that lead him to believe that the minister will make some changes to the guidelines, and that he will lean toward the Quebec approach rather than the one he is currently advocating. In the meantime, when I read Bill C-41 and the draft guidelines of the justice minister, I come to the conclusion that the federal model is unfortunately disconnected from reality.

*Government Orders**[English]*

Mrs. Beryl Gaffney (Nepean, Lib.): Mr. Speaker, I am very pleased to speak in the House on the second reading of Bill C-41, an act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, Attachment and Pension Diversion Act and the Canada Shipping Act. My comments will outline the key elements of the federal government's child support strategy encompassed by the amendments to these acts.

• (1225)

At the heart of these reforms is the principle that children should be a prime consideration in the unhappy circumstances of marriage breakdown. Child support is the first obligation of parents and it also of prime importance to us as legislators in the House, at least on this side of the House. The approach and changes announced in May are designed so that Canadian children will definitely benefit.

The government is changing the way child support payments are taxed. I am pleased to see the government fulfil its commitment to do this.

It was in 1994 in the House that I put forward a motion which read:

That in the opinion of this House, the government should amend the Income Tax Act so that the child support payments are no longer considered taxable income for their recipients.

That motion was passed unanimously by the House. This served as an indicator to the government that it was time to rethink a taxation policy that was introduced in 1942 and which no longer reflected the reality of single parents, primarily working mothers in the 1990s.

Canada will be moving to a system known as no deduction, no inclusion. The new rules will apply to orders or agreements made on or after May 1, 1997. Child support paid under a court order made before May 1997 will continue to be deductible to the payer and included as taxable income to the recipient until the support payment is varied by the court or the parties agree in writing, or the payer and recipient jointly sign and produce a form with Revenue Canada indicating that the new tax treatment should apply to the face value of their existing support order.

The government is introducing child support guidelines to make child support awards fairer and more consistent and to reduce the degree of conflict between separating parents. The guidelines will be used across Canada by the courts and by lawyers, judges and parents to establish appropriate support payments.

The guidelines have three main parts. First, payment schedules are presented in tables like tax tables that show the basic amount of support from a non-custodial parent according to the number of children or the income of the support paying parent.

Custodial parents also contribute a similar share of his or her income to the needs of the children by virtue of the fact that the children will share in the resources of the parent with whom they live because their standards of living are inseparable. As the income of both parents increase or decrease so will their individual contributions to the needs of their children.

Second, the scheduled amounts can be adjusted to recognize individual family circumstances. There are four categories of special expenses that can be added to the scheduled amount, if they are reasonable and necessary, in light of the needs of the children and the means of the parents, including child care costs for preschool children and uninsured medical costs.

The guidelines also allow a court to alter the award in the rare circumstance that it would cause undue hardship to either parent or to the child.

Third, the government is enhancing federal and provincial enforcement measures. The enforcement of child support is mainly a provincial and territorial responsibility. The measures the government is proposing complement provincial and territorial enforcement efforts already in place. The government is targeting, in particular, persistent defaulters. Some of the enforcement measures include a national public awareness campaign, a federal licence suspension initiative, more aggressive collection of out of province orders, improved federal tracing services, improved federal pension diversions, improvements to computer systems connecting federal, provincial and territorial enforcement services, and a new federal support enforcement director.

Research will continue into developing new strategies for enforcement of child support debts and into identifying why so many non-custodial parents default.

• (1230)

Fourth, as the purpose of these reforms is to help children, the federal government will reinvest its anticipated revenue gains from the new tax rules in measures to benefit children. The government will fund a doubling of the working income supplement of the federal child tax benefit from a maximum of \$500 per year to \$1,000 per year. The working income supplement provides a non-taxable benefit to supplement the employment earnings of families with earnings of at least \$3,750 and net incomes below \$25,921.

In conclusion, I believe the reforms that I have presented meet the long overdue need for reform in the way Canada ensures support for children following family breakdown. The reforms will put children first. They will put responsibility fairly on the shoulders of the parents and will move Canada's child support system into the nineties.

Mrs. Sharon Hayes (Port Moody—Coquitlam, Ref.): Mr. Speaker, I am very pleased to speak to Bill C-41 today, an act to

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amend the Divorce Act, the Famil Orders and Agreements Enforcement Assistance Act, the Garnishment, Attachment and Pension Diversion Act and the Canada Shipping Act.

In contrast to what the hon. member for Halifax said earlier, she made the statement that governments cannot legislate loving families. I would like to put to this place today that in fact governments can legislate things that will destroy loving families through the very policies they put forward.

Government and the laws that are made can and do have a profound effect on those institutions that are the bedrock strength of our society. Integrity for instance, the most important single quality for any individual or nation, is born and thrives in the bosom of the examples and the conversations in the homes of this nation.

A healthy family is a place of nurture and growth for those qualities most essential for the success of individuals and nations. Within the walls of our nation's homes we learn to find our security and the acceptance and the unmasked behaviour of our family. We learn about ourselves through the interaction and sometimes blunt appraisals of those who know us best. We learn to wait and to compromise. We may hone our debating skills or even our self-defence techniques on our siblings, or we may find the value of that same brother or sister as a loyal ally on the far side of the school yard or on the mean street corner.

We answer to one another. We share responsibility in small and larger tasks. We see the value of shared love and caring, of complementary but equally valuable tasks as mother, father and children working together. We acknowledge the growing potential of family members. With greater freedom comes the greater acceptance of accountability to family, to society and to ourselves.

We face the consequences of undone tasks. We learn right from wrong. We share the benefit of a common purse. We grow in the knowledge of the stories of the past, the guidelines of custom and culture and carry those gifts forward to share with our children.

Sadly, the picture of the nurturing caring family is becoming less and less of a reality in Canada. It in fact has become the chief victim of our unfolding times and defective government policy. Divorce rates have increased 15-fold since the 1950s. It is projected that more than half of our young people will spend at least part of their growing up years in a single parent family.

Family break-up is a recipe for trouble for our youth. Many seek community outside their own homes with between 100,000 and 200,000 Canadian youth now homeless by choice. According to a UNICEF 1995 report, Canada has one of the highest teen suicide rates in the world. Since 1960 the rate has quadrupled to where almost 12 out of 100,000 of our young people, mostly boys, choose to put an end to their own future. "There is a mountain of scientific

evidence showing that when families disintegrate children often end up with intellectual, physical and emotional scars that persist for life", points out social scientist Karl Zinneister.

The failure of the justice system under the Liberals is also a threat to families. Canadian families are victims of a justice system that is more concerned about the rights of the criminals including violent offenders than about law-abiding citizens.

• (1235)

As part of the criminal justice system but within the walls of our homes is the issue of domestic violence. Domestic violence needs desperately to be addressed but not simply through a gender biased lens that prevents an accurate assessment and real solutions to the problems that exist. The Young Offenders Act does not take child crime seriously and, coupled with other legislation that weakens the role of parents in their children's lives, prevents parents from effectively tackling some of the criminal influences in their children.

What effects are there on the economic front? A Fraser Institute study demonstrated that the average family of four pays 46 per cent of its income on taxes. The same study found that taxes on the average Canadian family have risen 1,167 per cent since 1961. That number takes on greater significance when we find that real family income has actually decreased since 1988. Real income has actually been eroded by successive Conservative and Liberal government tax and spend policies.

A recent StatsCan report stated that since 1989, after tax family income has fallen 6.5 per cent, bringing it to the same level as at the end of the recession of the early 1980s. That income to maintain a household, it should be noted, now takes almost twice the number of paid hours it did 20 years ago.

This runaway economic policy has remoulded the neighbourhoods of our nation. In 1986 only 12 per cent of Canadian households were made up of one person in the workforce and a spouse full time at home.

The stresses are multiplied many times over for the single parent family. The precious commodity of time for communication or simple renewal is rare indeed, and the natural ally of a caring and understanding alternate adult is missing. Also of crucial importance is that money most often is too scarce. More than half of Canadians living in poverty are single parents and the overwhelming majority of these are women. However, because of debt levels and continuing government spending and the flawed appreciation of the importance of family, these patterns will continue to be the raw truth for our children and, unless something is done, for our children's children.

The Liberals like to talk about wanting to put the best interests of the child first in their legislation. It has become a common refrain from that side of the House. Yet as usual, the actions of the

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government do not bear up under scrutiny when compared to its claims to be considering the child's best interests.

One would think that addressing an issue such as child support and marriage dissolution would be one of the best places to help a person focus most accurately on the issues of children and their best interests. However, again the Liberals are mired in their misguided concepts of the role of governments. They refuse to realize that the best interest of the child is a family that is supported and encouraged as the most important institution in society. Let me ask the Liberals some questions about their version of the best interest of the child.

Is the best interest of children shown in policy that passively sits back assuming that the present nature and rates of divorce are there without attempting to discover why and then attempt to do something substantive about it?

Is the best interest of children served in making institutional day care facilities more prevalent at a price that puts further economic burdens on families leading then to a greater use of those facilities as a second parent goes out to work just to make ends meet?

Is the best interest of children served by universal social programs that the government cannot afford instead of targeting those programs to those, particularly children, who are in legitimate need?

Is the best interest of the child served by stripping authority from parents so that they cannot effectively raise their own children?

Put simply, the most profound destructive force on families today is tax and spend, intrusive and divisive family policies that emanate from Liberal policy makers today.

The Divorce Act which we are talking about today which originally granted federal jurisdiction over matters relating to divorce has been re-opened twice before, once in 1968 when no fault divorce was established and in 1982 to institute further changes. For the sake of speed through courts and presumably less acrimony for the sake of children, all accountability for actions of either side was removed except in decisions relating to child custody.

• (1240)

It is significant that it is the very matters relating to children which still remain the most divisive and sadly, with this legislation that will not change. The full ramifications of the changes to the Divorce Act in the past or those which are before us today will probably never be quantified.

Opening the act up as we are again today however, with the records of social devastation that are before us, must demand that

the government look seriously at its responsibility and all the realities of our present situation. The kind of tinkering and ideologically based approach that is being suggested in Bill C-41 reflects a bankruptcy of thought and conscience.

The bill addresses the issue of enforcement of support payments. I applaud both the recognition of that need and the attempt to look at real enforcement procedures. Legally binding decisions should have that force of law for the sake of all those who are involved. It would be nice if this mindset of enforcement would extend more generally to the protection of law-abiding citizens in a wider criminal justice system but we will leave that debate for another day.

Custodial parents do need protection in law for the rights that are granted to them in law. However, the government is using a one sided, gender biased approach which increases the commitment to enforce support payments but says absolutely nothing about the importance or the enforcement of child access agreements, something which is of equal importance to the child involved.

There are two parents in any divorce involving children. There is usually the custodial and the non-custodial parent, yet the proposed changes do not show the same respect for non-custodial parents. Both parents have responsibilities and both parents have rights.

The courts overwhelmingly make men the non-custodial parent. Sixty per cent of families living in poverty today are headed by men. Financial pressures, including high levels of taxation, have a powerful and destructive impact on the cohesiveness of those families. Men are involved. So are women. Yet the present system makes recourse difficult for the men who want to dispute a judge's support or access ruling.

Personally, there have been men in my office who have gone bankrupt. Some of them have told me they are contemplating suicide because their lives have been ruined by endless court battles launched to gain access to their children without avail. How does Bill C-41 address their concerns?

There is no commitment in the bill to enforce child access. Neither is there equality in the system in other areas. For example, Bill C-41 proposes to give the custodial parent access to the income information of their former spouse for three years. That is a radical departure from accepted principles of privacy. If consideration of those kinds of exceptions are being put into place, the same provisions should be there for both parents, for both sides of the divorce equation.

Divorce hurts children. The pain experienced by children of divorce takes many forms. In addition to the many costs to society, there are of course the economic stresses which I mentioned earlier. One of the significant reasons for the financial problems is the

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simple fact that it costs much more to maintain two households than it does to maintain one.

I find it strange. The government claims to be concerned about child poverty. That has been a dominant theme which we have seen in this government. However, the government cannot be taken seriously if it ignores the much greater risk of poverty that exists as a natural result of divorce.

The economic difficulty comes a distant second in importance to the emotional trauma of divorce for children. Divorce is a very difficult experience for older children let alone the younger ones. The pain is dramatically multiplied by acrimonious legal proceedings which are further complicated by lawyers trained in adversarial methods which pit one spouse against the other.

In 1970 the Law Reform Commission of Canada released a major study on family law which argued that adversarial proceedings in divorce actions should be eliminated. The primary reason for this change is the detrimental effect it had on children.

• (1245)

Here we are 26 years later, and what have successive Liberal and PC governments done during this time? We have a win-lose approach to divorce settlements that involves legal wrangling from beginning to end both in the courts and in lawyers' offices.

We have an adversarial system that constantly succeeds in only one thing, destroying the relationship between the two combatants. It is designed to hinder the possibility of maintaining an ongoing relationship subsequent to the divorce that would be of benefit to the children. And what does the Liberal government, the government that claims to be family friendly and child centred, propose to remedy this situation? Absolutely nothing.

Here in Bill C-41 the government has its best opportunity yet to initiate substantive and constructive change. What is it offering as a solution? Absolutely nothing.

The Liberals are content to pursue their half measure, one sided, pat answer approach for an opportunity for real substantive change to this critical legislation. The government has dismissed completely the importance of the overall process. To the government the answer is simply enforcement and an inflexible payment schedule.

Recently a marriage counsellor was in my office. As one who is on the frontlines of dealing with marriage difficulties, he expressed serious concern over the present situation. He confirmed that there is no prevention component in the present process dealing with partners concerning divorce.

We have a government that advocates crime prevention, that pushes for greater health. Why in the world is there no interest in

reforming the divorce process with a preventive component? Does the government ignore and discourage counsellors in the present situation? There is a determined lack of recognition of their value as front end prevention people to this crushing social problem. In addition, the government even charges the famous GST on their services.

So who does the government victimize? Family breakups hit poor families the hardest, and that makes situations that are already difficult worse by divorce.

I was talking to a local family lawyer in Coquitlam not long ago. He has spent 25 years in the practice of law. In his experience within family law he remembers only a handful of cases that actually avoided going through with full divorce after coming through his office.

The present system feeds conflict. The present system adds fuel to the fire. The present system breeds anger and suspicion between the partners, and the victim is the child.

However, there is an alternative, one that will help the legislative process and thus help the families involved. Presently the process of separation, spousal and child support, divorce and property division crosses provincial and federal jurisdictions.

The child support decision is decided in a federal court, whereas the enforcement is generally a provincial matter. For the sake of those involved, this issue must be addressed. First, I would propose the concept of a unified family court, a place where all matters related to family breakup can be addressed under one roof. Accordingly, the many facets of decision making can be brought together in a fairer, broader context so that equity and enforcement can be better applied.

Such a concept was introduced in B.C. with excellent results. It is time the federal government recognized the need for such a system and also showed leadership in making that happen.

The second issue was advanced not only by the Reform Party of Canada but recently by the Canadian Bar Association: the necessity of the process of mediation. Mandatory mediation through a unified family court is a cornerstone of an effective process for addressing divorce.

An effective system would make mediation mandatory in situations involving children. It would demonstrate itself as a process that facilitates solutions, not as the present system does, facilitating destruction.

The goal of mediation is to arrive at a solution that is mutually acceptable and mutually respected. This process has the potential to dramatically reduce the number of win-lose situations that leave at least one party victimized by the process.

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• (1250)

This individual personalized approach to divorce proceedings is impossible in the present adversarial, one size fits all type of approach the federal government is putting forward.

In conclusion, we need to think of the best interests of the child. Children come into this world with two parents. The decision that goes toward that child must embody more than simple numbers, values and dollar figures.

A child is more than the money that the parents bring in. It is composed of the genes, the extended family history, the ancestry and values of that family.

The government, with this legislation, owes an apology to the whole population because we are all stronger if families are valued and nurtured.

I cannot support the bill which is totally blind to the real opportunity we have before us for strengthening the foundation of society and rather would simply look at a small slice of the total picture.

The value of families and children needs recognition in government policy. I challenge the government respectfully to recognize that this is but a small beginning that it has proposed and that the crisis of family disintegration is far too great to let wait any longer.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I have a brief comment and question to the member. The question is about the access issue.

The member mentioned a couple of themes. She has been very consistent in the House. There is the issue of domestic violence. As the member will know, the latest report of the Canadian Centre on Substance Abuse in 1995 attributed 50 per cent of domestic violence to misuse of alcohol.

Second, the Canada-U.S. forum on women's health that was held in Ottawa in June 1996 also identified a cost associated with domestic violence at \$4.2 billion a year. The member is quite right. There are some initiatives that probably are beyond the scope and purview of this legislation in terms of dealing in a preventive way rather than a reactive way to the problem after it is there.

At the Mississauga Crime Prevention Association annual meeting I met a delegation of people. There were men who came who had access orders. They did not have custody. They had a big problem.

I would ask the member whether her experience is that the problem is not with this legislation. The access orders are in place and are fairly granted. It is the enforcement of the access orders that is the real problem, which is under provincial jurisdiction.

Mrs. Hayes: Mr. Speaker, I appreciate the member's intervention. On his comments about domestic violence, I would agree that

if we do not look at prevention at the root causes of these things, we do not do justice to the solutions we find.

I certainly feel that not only do we need a more sure and effective criminal justice system, we need to look at the root causes. I would agree that the issue of alcohol is very intertwined with what is happening in society in those cases. That does need to be looked at. I challenge the member to go forward with his initiatives and the government in recognizing his initiatives in that area.

Second, the question was on the issue of access. It is interesting that the member brought this up. Again, I was in discussion with a lawyer. Because this issue is so important to me, I tried to get input from various sources.

I am not sure if every province is the same. In my province of British Columbia there is implemented quite an effective technique of child support enforcement. It has created a whole section of personnel to put that enforcement into place.

• (1255)

A comment was made to me by this knowledgeable friend, a lawyer, that the same structure, in fact the same offices, could be used to make sure there is enforcement for access. The same individuals who make enforcement happen for support could make enforcement happen for access and could check the compliance to the court order. Both are court ordered. Both are legal requirements.

As I mentioned in my speech, both parents have rights. Both parents have responsibilities. The present situation only enforces the right of one parent and the responsibilities of the other. Surely if the federal government can intrude or take the initiative to have guidelines that in fact overtake a provincial enforcement—as our Bloc friend has suggested, the guidelines for support are in their case and in most cases provincial jurisdiction—if the federal government because of its interest in this can take initiatives in that direction, initiatives in the enforcement of support, why can it not take initiatives in the enforcement of access and direction to the provinces?

Certainly if one is up for discussion, the rest should be as well. We have two parents, we have rights and responsibilities of each. To be fair, to be just, governments should act for all citizens in this country.

[*Translation*]

Mr. François Langlois (Bellechasse, BQ): Mr. Speaker, from here on, official opposition members will be sharing their time.

I am pleased to speak to Bill C-41 now before us. It has two faces: the hon. member for Prince Albert—Churchill River sees it as a panacea, the answer to all ills, while our colleague, the member for Port Moody—Coquitlam, who just spoke, views it as a step backward, not forward.

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The reality probably lies somewhere in between. There are some improvements, undoubtedly, but there are also serious shortcomings. It all depends on how you look at the bill.

Members will recall that the first federal Divorce Act only goes back to 1968. For our younger colleagues, 1968 is a generation ago, it is almost another century. For me, it was the year I was still at the court house and I remember the first times this act was applied.

Before 1968, the provinces had jurisdiction in matters of divorce and only two provinces had no divorce legislation: Newfoundland and Quebec. The legislation was made uniform in 1968. The act was amended in 1985 and we are now living with the 1985 Divorce Act, which, as these things go in Canada, took effect from June 1, 1986. There is always a time lag between the passage of legislation and the date it takes effect.

The wish to now set parameters for determining the amount of support payments, is, in my view, a positive feature in the idea of how things should work presented by the member for Prince Albert—Churchill River. It would be much simpler to have a judge determine the amount to be awarded for a child's needs than to continue with the method that has been in use since 1968 of producing the well known lists of children's needs.

My hon. friend and colleague, the member for Beauport—Montmorency—Orléans, who is himself a lawyer, has probably on a number of occasions in his career submitted lists of children's needs in court. When the lists submitted by the respondents are compared, you find that they add up to almost 238 per cent of the child's real needs.

The language used in the proceedings is inflammatory, something we must try to get away from. We must reduce the involvement of the courts, and this is one of the positive ways we can achieve this, by setting parameters, developing grids, from which we can undoubtedly deviate in exceptional circumstances, but which will at least serve as basic guides. So much the better if we can keep all or some of these problems from reaching court. It is not the ideal place to resolve them.

• (1300)

Those who spoke before me mentioned that the child must be at the center of all decisions made in a divorce. That is a principle on which everyone agrees, except perhaps for those who go before the courts, in many cases, and use the child not as a person to be protected but as a bargaining chip in the divorce if not an instrument of blackmail. One parent says: "If my support payments were not so high, perhaps I could afford to take the child more often" or "I will see her less often in other circumstances", whatever.

It is dramatic when a little boy or a little girl becomes a bargaining tool in court, when they should be protected. In that sense, it was a good thing to establish payment grids, parameters to determine how much should be paid in support.

It is also an improvement over previous legislation, the act of 1968 and the act of 1985, in that those who must pay support can now be located and forced to pay. Society should not have to pay for those who default on their support payments.

It is great that defaulters can be located and forced to pay, that there will be better access to information that can be searched to identify and locate these individuals or their employers and that, in other cases, instalments will have to be paid in guarantee. I do not think that we can disagree with such improvements over the 1968 and the 1985 legislation.

But these acts all have a basic deficiency. This basic deficiency about the Divorce Act, 1968 and the Divorce Act, 1985 was the fact that divorce become commonplace. As divorce became trivial, so did family policy. Under our Divorce Act, solicitors are only required to inform their clients that a mediation system exists. The parties are under no obligation to submit to any form of conciliation or mediation which, in many cases, would preclude the adversarial process and the adrenaline rush it causes on both sides of the barricade, and this is an appropriate word to describe the situation in this case.

If, like in some American states such as California and Michigan for instance, before divorce procedures can proceed further, appointments with social workers and psychologists were mandatory, I think this would be another step in the right direction.

It is clear that we miss the point every time we amend the Divorce Act without taking into account the fact that there is, first and foremost, a family reality, a family unit to that needs to be protected, and parents find themselves without options.

Help comes their way after the fact, when it is too late to do any good. People seldom reconcile after battling against one another in court in an adversarial process. Experience shows that the doorstep of the court house is not the place where reconciliation takes place.

For all intents and purposes, the divorce decree does not put an end to the marriage. It merely testifies that the marriage is dead, stating that nothing is working between the spouses. Something should be done at a much earlier stage.

In this regard, we are poorly equipped because—it always come back to this—our famous 1867 Constitution, the British North America Act, divided powers between the federal government and the provinces. Thus, under subsection 91(26) of the British North America Act, marriage and divorce matters come under federal jurisdiction while, under subsection 92(12), the solemnization of

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marriage and, under subsection 92(13), property and civil rights all come under provincial jurisdiction.

How can we have a standard policy when we have legislators setting their policies in different places? Quebec has long demanded a standard family policy to be set by a single jurisdiction. And it had done so.

• (1305)

Bill 89 passed by the Quebec National Assembly in 1981 even contained divorce provisions, an integrated policy they have never been able to implement because they never got the powers back. The famous 1982 patriation of the Constitution has made it impossible to amend the Canadian Constitution.

Quebec's civil code being one of the criteria for recognizing Quebec as a distinct society, according to the minister, Bill C-110 passed by this House supposedly recognized Quebec as a distinct society and thus it should have recognized Quebec's primacy or its exclusive jurisdiction over marriage and divorce matters whatever the solemnization and background may be. But all these considerations are not mentioned when this bill was introduced, just as they were not mentioned in Bill C-110, which is not worth much more than the paper it is printed on.

This is unfortunate if not regrettable because, under Bill C-41 as it now stands, some provinces will end up with provincial payment grids that will have to be approved by the governor in council, while other provinces will not set their own grids so that the federal grids will rightfully apply. There is no real standard policy. Why should the payment grids now being finalized by Quebec not be recognized?

I simply suggest that the bill should be amended in committee in light of the fact that some provinces already have their own payment grids. In the eyes of the federal legislator, these grids may not be sufficient, but it is not up to the federal legislator to judge what provincial legislators are doing. It is up to the voters in each province.

If the voters in New Brunswick are not happy with what their provincial politicians are doing with regard to family law, they only have to vote for a new government; the same goes for every other province and for us as federal legislators.

Since we are now sharing our time, let me close by saying that we will support Bill C-41 in principle for the reasons listed by my colleagues, the hon. member for Québec and the hon. member for Berthier—Montcalm. We will work on improving this bill in committee.

[English]

Mr. Paul Forseth (New Westminster—Burnaby, Ref.): Mr. Speaker, there was one comment that perked up my ears with

regard to recovering those powers related to divorce. When did Quebec ever have those powers under Confederation?

Second, the hon. member should be telling Quebecers that the Reform Party, if it were the government, could deliver those kinds of things to Quebecers in a looser and more flexible Confederation, and that separation is not the answer for Quebecers to achieve their aspirations in social policy. There are other ways to negotiate, to opt in to a better arrangement.

I wanted to comment on those two points. The hon. member is talking about looking back to another day when Quebec had those powers. When did Quebec in Confederation have those powers of divorce? As an alternative for looking at future social policy the hon. member ought to be telling Quebecers that there is a way besides separation.

[Translation]

Mr. Langlois: Mr. Speaker, I wish to reply to the comment made by the hon. member for New Westminster—Burnaby, who asked the right question. However the problem goes back to 1867, when it was decided to have a horse with two heads. It was decided then that some powers, such as the solemnization of marriage, would come under the jurisdiction of the provinces, while others, such as divorce proceedings, would be federal matters.

Couples living in Canada are subject to specific rules. When things go bad between them, should they have to deal with two different sets of laws? Should they have to deal with different courts? The whole system would be a lot simpler if only one level heard all the issues relating to family law, instead of having judges from various courts intervening in the process.

• (1310)

This would be one way of streamlining the process. Even if we take into account the assumptions made by the hon. member and assume that the current federal system will not change and that the issue of sovereignty will be set aside, letting the provinces look after the administration of local justice would still be an improvement.

Who is in a better position than the provinces to implement the policies relating to family law? I submit that this power should be given back to the provinces or, to be more accurate, that it should have been left to the provinces in 1867 and never have become a federal matter.

[English]

Mr. Paul Forseth (New Westminster—Burnaby, Ref.): Mr. Speaker, often it is posed that if we get back to it, separation is really the answer. If the member is talking about one house dealing with matrimonial matters and family law, we have the opportunity now.

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All the provinces have to do is simply establish a unified family court. I have had assurances from the justice minister's department that it is prepared to appoint judges who could fit into a unified situation so that the provinces would have all their appropriate support workers to emphasize mediation under one house. One might call this a one-stop shop where both the provincial powers and the federal jurisdiction of a provincially appointed judge and a judge appointed by the federal government who has inherent jurisdiction could also be in this one building.

That experiment has been going on now for some 20 years in various jurisdictions within Canada. There is real opportunity to make Confederation work and deliver exactly what he is talking about. We do have those situations in Canada. It is only up to the province to just simply assign the money and get on with it.

[*Translation*]

Mr. Langlois: Mr. Speaker, we do not need the delegation of federal powers to the provinces, we do not need the federal government to have its programs administered by the provinces. What we need is a vesting of power. This means that a government gives up a field of jurisdiction to another one, and that such process is enshrined in the Constitution.

There is a major difference between the hon. member's vision, which I respect even though I do not share it, and that of the Bloc Québécois, to the effect that these powers must be recovered by the provinces.

[*English*]

Mr. Ian McClelland (Edmonton Southwest, Ref.): Mr. Speaker, I was listening to the debate. My wife and I will be attending a couple of weddings in the next couple of weeks. We attended weddings over the summer, as I am sure many members present and many Canadians watching did. As we are talking about amendments to the Divorce Act, running through everyone's mind are weddings that they have recently attended or perhaps a wedding of their children or of a niece or a nephew. Many of us at our stage in life are going through this. It seems they come in batches.

I was struck by the fact that maybe we are closing the barn door after the horse has already escaped. Perhaps we should be discussing a new marriage act. Perhaps, as many of us have said to others or to ourselves in admonition, it should be a whole heck of a lot harder to get married. Perhaps we are putting our emphasis in the wrong place.

As we look at our society, as other speakers before me have very rightly pointed out, the foundation of our society is built around family. If we look at families or at particular societies such as religious or ethnic societies which place a very strong value on family, on commitment and on the responsibility to comes from

that, we find that the divorce rate is substantially lower than it is among the general population.

• (1315)

I am not standing before the House and Canadians pontificating from a holier than thou perspective. I stand here as a person with considerable experience in these matters, having been twice divorced. My mother was divorced. Carrying on a long line of family history, my grandmother was divorced in 1932 in Alberta. That was not a small feat in those days.

I have said many times that it is better to be from a broken home than in one. However, I do not in any way diminish or denigrate the importance of family and how much better it is for children to be raised within a strong and supportive family. There is nothing more important in a child's life. Having said that, we know statistically a good percentage, perhaps even a majority, of marriages are going to end unhappily in divorce. The product of that unhappy circumstance will be children who will suffer in varying degrees from the effects of the divorce. Some children, depending on the maturity, wisdom and good faith of their parents, will suffer significantly less and, in fact, may benefit.

From time to time as members of Parliament we deal with constituents who come to us because there is nowhere else to go. Many of these people are single parents who are struggling to support a family. Some are non-custodial parents who feel grievously wronged because although they have lived up to every aspect of their agreement, they find themselves not able to be with their children. This legislation does not address that. In my opinion, that is a grievous error.

When we delve into the reasons for which families break up or why we have such acrimony over visitation, very often that is driven by retribution. Very often it is the chicken or the egg. If the non-custodial parent pays support regularly, he or she will get visitation rights regularly. In my experience, the amount of money that is awarded to the custodial parent is perhaps not as important as the consistency of receiving that money. It is important, but it is not nearly as important as the custodial parent being able to depend religiously on receiving that money every month.

That brings me to my perspective on this particular debate. I come to this perspective from the position of having paid maintenance payments virtually all of my adult life. There has not been a month that I have not made maintenance payments for as long as I can remember. Having made those payments, I was able to subtract from my income, which was generally speaking higher than my ex-spouse's income, the amount that I paid in support and my ex-wife paid the tax on it. This created a fairly big problem for her at the end of the year. She did not pay tax on it when she received it and the net result was that at the end of the year she had a tax bill she had to pay.

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• (1320)

I discussed the matter with her and asked what she thought was the best way to handle it. Should it be taxable for her, should it be taxable for me or should we split it in the middle? We decided the best way to do it was to arrive at whatever the payment was going to be and I would pay tax on half and she would pay tax on half.

That is not what is going to happen with this bill. The non-custodial parent will be paying the tax and the receiving parent will not be paying the tax. It will not affect maintenance agreements that are already in effect. I am sure that the courts will take into account who will be paying the tax when they make their judgments.

This legislation envisions a grid. The grid is a schedule of the amount of maintenance payments per child that will be paid to the custodial parent, usually the wife, based on the income of the non-custodial parent or generally speaking the husband. That is not necessarily a bad idea. However, it does not allow for judicial discretion. In my experience, very often family break-ups come as a direct result of financial pressures. When the family breaks up there is not a whole lot of money to go around anyway. Very often the father pays support to a family where the custodial parent, the wife, has remarried and has a standard of living far beyond anything that the ex-husband has.

These things are not black and white. We tend to make these laws based on our experience with the extremes. Very often the extremes are horrid. The fact is that if a husband is not going to make support payments, no amount of legislation in the world is going to force him to do it. He has to do it because he accepts the responsibility and it is the right thing to do.

I guess this is where our society has kind of become unglued. When a couple makes the decision to get a divorce, when did it become their right to absolve themselves of the responsibilities that were incurred in the marriage and they brought children into the world? When, because I decided to be divorced, did it become someone else's responsibility to be financially responsible for my children? If I am divorced, for whatever reason, and I cannot afford to look after the financial responsibilities that I incurred of my own free will in my first marriage, it does not give me the right to take on new responsibilities in a subsequent marriage and then claim poverty and say: "I can't afford to look after my first responsibilities because I have taken on a second batch of responsibilities".

When we make decisions we have to be big enough to accept the responsibilities that come with those decisions. We are not saying not to do it but are saying: "Having made the decision, for goodness sake, be big enough to live up to the responsibilities that you have".

I would suggest that because the receiving spouse is depending on the maintenance payments, it is entirely appropriate that the

government, representing all of the people, take whatever steps are prudent to enforce maintenance payments. We understand that maintenance payments are legislated federally and are enforced provincially. It has to be done with a foundation of fairness. If someone is going to have his or her wages garnisheed, certainly notice should be given. I do not know about other folks, but as an employer when I saw a garnishee notice coming for anyone who worked for me, it raised an eyebrow.

• (1325)

What happens if the person who is on the receiving end of the garnishee is living up to the obligations but is involved in some sort of a messy dispute?

Not all lawyers get up in the morning and ask, "how can we do the right thing?" It is possible that some of them do not have a clue because they did not do their homework. Some of them might decide they are going to make life miserable for someone and do not use due diligence before they issue a garnishee notice. The notion of being able to garnishee without notice is wrong.

Similarly, I have real difficulty with the ability to go back into tax records subsequent to a divorce. In my view the only reason for this could be in order to try to have the amount of maintenance payment increased.

When people decide to divorce, it seems to me that should be that. Each spouse should know the income of both spouses to determine what fair support should be. After that has been concluded, why should either party have the right to open the closed files five years down the road? It does not make sense to me.

Some of the criticisms of this bill, both constructive and positive and negative criticism, are that it takes the judicial discretion out of the awarding of payments. It does not necessarily consider the ability of the non-custodial parent to make the payments that have been determined, nor does it take into consideration the financial circumstances of the custodial parent.

Although the vast majority of divorces end with the female being the custodial parent, it is possible that the husband is the injured party in the case. It is possible that the female who ends up with custody is also the one who initiates the divorce. There are circumstances where in such situations the female goes from one marriage almost directly into another. I know of some that have resulted in the wives not having any negative financial consequences whatsoever. However, the ex-husband has been out of house, home and hearth in order to support the new marriage.

I am really nervous about setting arbitrary rules that do not allow for judicial discretion. That is why we have divorces that go before judges.

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Another concern about the guidelines is this. Are they to be a ceiling or a floor? What about the situation where a parent is capable of paying a lot more?

• (1330)

Third is the notion of reopening cases which have already been closed.

In 1977 Betty Jane Wylie, author of *Beginnings: a book for widows*, wrote that in the dim dark dark days before antiseptics women often died in childbirth and it was not uncommon for a man to outlive two or three wives. A man can still have two or three wives today but it is because of a thing called divorce. It is a lot more messy and a lot more expensive. There is absolutely no question it is far more expensive to get a divorce than it is to tough it out.

I will conclude my comments in the debate with the notion that it is perhaps much more important for us as a society to put our emphasis on the marriage and making it more difficult to get married rather than making it easier to get a divorce. Sometimes, and I speak from personal experience, the tougher thing to do is to work through the problems and tough it out. Therefore, the notion of a unified family court, the notion of arbitration and mediation and a proactive effort would be a very worthwhile exercise for Parliament to consider.

As the great Canadian Charlie Farquharson said, statistically two out of five marriages end in divorce; the rest of us stick it out until the bitter end. Therein might be a pearl of wisdom all of us might learn from. As we discuss the ramifications of divorce and family law on children, there is absolutely no question that those Canadians who are able to tough it out to the bitter end are probably going to find that what they have done for their family will pay great rewards in the long run.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member referred to a joke which with all due respect I do not share. Toughing out a marriage unfortunately is an attitude which has become far too prevalent in our society. The member well knows that when a couple splits up one thing is true, and that is that a second residence will be necessary. In the absence of any changes, the income levels of those two people, in terms of their accumulated revenues and the costs going out, are going to deteriorate. In fact, as a result of divorce many families live in poverty.

My question has to do with squaring the member's statement. I thought I detected some contradiction in his statements. He described his own unfortunate circumstance and I am sorry to hear that he has been divorced twice, but he said that we have to be big enough to accept our responsibilities and tough it out. I did not hear the member comment on the impact on the children and whether or not there were circumstances where even if the relationship had deteriorated that it was important enough, especially during the

early years of a child's life, that the member should have been big enough to live up to his responsibilities which he undertook in his marriage vows.

• (1335)

Mr. McClelland: Mr. Speaker, it is a very fair statement. When I made the comment about living up to responsibilities, I was talking about living up to the financial responsibilities. It is absolutely essential that once we have accepted our responsibility for making maintenance payments for our children, it is our responsibility.

The member opposite did not point out that I said often it is better for a child to be from a broken home than in one. That is exactly the case. I do not think there is any question there are families that are able to stick through it. Obviously, had I been able to for whatever reason, but because I did not do it does not make it right.

Statistically, the point I made was that when we look at the consequences of divorce, when we look at the consequences of family breakdown and single parenting as a direct consequence of divorce, it is fairly evident that families that do not suffer the consequences of that, for whatever reason whether it is alcohol or some other reason, are probably going to stand a better chance than families that do. It is self-evident.

Mr. Dan McTeague (Ontario, Lib.): Mr. Speaker, I certainly appreciate the candidness with which the member for Edmonton Southwest expressed his comments. It is an issue most of us will deal with. I too would like to reflect a little on a personal note. A very personal friend of mine and his spouse are going through the trials and tribulations of a possible breakdown.

Given what the member has said in terms of suggesting that this bill might expedite the possibility of bringing about divorce or not providing an adequate remedy, I seem to get the impression at least from my constituents and many others who solicit all members of this House of Commons that the judicial system tends to lean more toward the interests of the female custodial parent as opposed to the male custodial parent.

Could the member clarify for me and for this House what his real objections are? There seems to be a contradiction in his statement in terms of suggesting that the legislation would not allow the judicial process.

Mr. McClelland: Mr. Speaker, this legislation and the application of a grid for suggested payment guidelines was, as I said earlier in the budget debate, a fairly responsible and good step. The reason is that it sets out an amount whereby the custodial parent can expect to receive approximately that amount for each child.

Where I said that in my opinion it was perhaps weak was that we still must have judicial discretion. This has to be part of any payment that is made. It is very likely that while judicial discretion

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is allowed in the bill, in other jurisdictions where a grid is in place, the grid has taken precedence over judicial discretion.

[Translation]

Mr. Antoine Dubé (Lévis, BQ): Mr. Speaker, as the member for Lévis, I am pleased to take part in this debate. As a man, I felt it was my duty to do so, because anything to do with child support is wrongly seen as being a subject that is primarily of interest to women.

● (1340)

This is based on the fact that, in reality, unfortunately, it is women who, as things now stand, more often find themselves responsible for families after a divorce.

I can understand the Reform Party member for Edmonton Southwest, who is one of the more moderate members of his party in many respects, including social issues. Nonetheless, I am not happy to hear him say that it would be better to tough it out than to get divorced. Toughing it out means, in certain cases, for many women and children, and perhaps for men too, putting up with intolerable suffering.

There is one statistic we cannot ignore. In 1990, in Canada, there were 78,152 divorces, and there are undoubtedly more now. Naturally, these divorces involve men and women, so if we multiply this number by two, we see that they affect 150,000 men and women. Furthermore, if we presume an average of two or more children per family, we are looking at 300,000 children affected by these divorces in Canada, and that is just for that particular year. It is not cumulative. Therefore, there were so many instances of divorce that affected 300,000 people in 1990, and probably 300,000 people and up were affected in 1991, and the numbers continue to rise.

We also know that an overwhelming majority, 98 per cent in 1988, of those receiving child support payments were women. The percentage is lower today, but it is still very high. That is why I say that I, as a man, and the men that I represent, should also be concerned about the situation. We can, however, have different points of view, depending on the party line and depending on the objectives of the various parties concerned.

I am a former member of the Standing Committee on Human Resources Development and a current member of the Standing Committee on Health, together with the hon. member for Mississauga-South. We both know how important the first years of life are and how economic and social conditions may have a subsequent effect on health and also create problems. I was going to say with respect to delinquency, but also for a person's social and individual development.

Ideally, and I am sure we all agree, everyone would have a father and mother who stay with their children until they reach the age of

majority or even beyond that and who pay for their education. That is the ideal situation we would all wish for.

However, there is one factor we cannot ignore and I am referring to those 78,152 divorces that occurred in 1990. This does not include people living common law, who separate without first having been married and who have children. That is why when last year I saw the Minister of Justice table his plan, and we even saw a glimmer of hope in the last federal budget, something that had changed following the Thibodeau judgment. Basically, the well-known debate on deduction of support payments was no longer about considering one parent or the other, but about what was best for the children.

Twenty per cent of the children in this country live below the poverty line, and the vast majority are in single parent families.

● (1345)

We can say quite confidently that most of the time, in 80 per cent of the cases, these families are headed by women. That is a fact. I must say I am particularly sensitive to the situation of these mothers. In the final instance, children will suffer if we do not deal with the problem in the best possible way. And they will suffer for a long time.

If the economic situation gets worse, with all the psychological and other stress this entails, and this goes on for a number of years, the impact on the children can be catastrophic. Sometimes I hear members of this House, especially members of the Reform Party, say that the rate of juvenile delinquency is terrible, the crime rate is terrible and what is happening in our society is terrible. People often say they do not feel safe any more. I am willing to believe that, but we must try and understand how this happens.

Certain megastudies, which take into account the results of every possible analysis have discovered that these problems are often due to socio-economic problems that affect children when they are young and are not even aware of what is going on in the world. Stress is not always transmitted in an explicit and verbal way. It may be expressed through family tension, bickering, the tension that may exist between spouses, whether they are living together or not.

When spouses take legal action against each other, that affects the children. I am not saying this is so in all cases because some couples divorce amicably. Some men meet their responsibilities properly.

We are not accusing those who are acting properly. But there is one social fact the hon. member for Edmonton Southwest ought to understand: regrettably, a good proportion of people do not meet their responsibilities toward their children properly, and most of these are fathers. Sometimes they may feel that since they did not obtain custody, or joint custody, they are justified in making their ex-wives suffer without realizing that the ones suffering the most are their children. And that is intolerable.

I do not want to sound too critical. Let me take a different approach, since I feel that it is important for this debate to be held. It is important for we men to shoulder our responsibility, just as women responsible for single-parent families must. We must be aware that single parents need our help, be they women or men.

Recently, I attended a function of a single parent association in my riding. It was celebrating its 15th anniversary. There was a time when no men were seen in such associations, but I could see that now there are. Men are also heads of single parent households, and they find that incredibly difficult, as indeed it is.

I do not want to get into details of the private lives of the people here in this House, but I am sure that some here are single parents. Their duties here demand a lot of their time, and they may not have as much time as they would like to devote to their children, who may well have complaints about this.

I know that similar discussions go on in other professions, where there are also heavy responsibilities, where much is demanded of single parents, not just financially, but the financial aspect is a very important one, and ends up being intolerable. As I have already said, 20 per cent of the children in Canada, a country said to have one of the best standards of living in the world, 20 per cent of Canadian or Quebec children, are living below the poverty line.

• (1350)

Among the leading causes of this poverty is the situation of single-parent families and people not fulfilling their responsibilities properly.

While agreeing with the objective pursued by the minister and finding relatively few faults with his bill, I cannot help but notice that the bill shifts away from the strategy announced last spring. We, in the Bloc Québécois, were afraid there would be discrepancies in the bill or that some of the provisions might be harmful.

Speaking as a former member of the human resources committee, I also notice through all this, good intentions and all, the excessively paternalistic attitude of the federal government in this area. I am also speaking as a Quebecer. Since last year, we have had in Quebec a scheme providing for all the conditions regarding support payments, including provision for support payments to be automatically be collected from spouses who are in default. It is complicated. It is all new and already there are growing pains. The scheme is still in its infancy.

The strange thing is—I can hear you from here, saying: “Here goes the Bloc, the official opposition, again with their line”, but spouses who do not fulfil their obligations are in fact not honouring their marriage contract or commitments. And in wanting to interfere in this area, the federal government is interfering in an area of provincial jurisdiction. Let me elaborate.

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Marriage comes under the jurisdiction of the provinces, while divorce is a federal matter. There are also those who are not married. When they separate, it is not a divorce. These people form a different group and they are not in any way subject to this bill, which only deals with the issue of divorce. However, the fact is that, in Canada and in Quebec, more and more people are involved in common-law relationships.

Again, the paradox with the current federal system is that people get married under the laws of the province but divorce under federal laws. This is somewhat odd, but such is the situation right now.

In this area, the federal government displays a committed, pervasive and embarrassing paternalistic attitude, as it does in the education and health sectors. In this area, as in the other two which I just mentioned, the federal government introduces guidelines in a bill, presents the whole package to the provinces and tells them: “Sure, you can get involved in this, but provided you do this, that and the other thing. If you do not accept our guidelines, then we are sorry but the federal system will prevail as regards the issue of divorce, because it comes under federal jurisdiction”.

This creates a strange situation. For example, if a married couple with two children divorces, the federal legislation will prevail. However, the same situation involving common-law spouses whose children have the same financial needs will be dealt with under provincial law.

Given all the differences in treatment that can take place, I ask you: Is this a fair and balanced situation that will promote consistent social development? This is one of the flaws of the federal system. We have no choice but to say it again: the federal government, the federal “big brother” feels compelled to get involved, with its not so subtle approach, in issues that come under provincial jurisdiction.

• (1355)

When one province does not agree, it is punished, it is not entitled to the benefits of the federal system, or, when there are no benefits, the federal government carries the day.

That, therefore, is the opposition’s opinion of this bill. I hope that debate goes well. It is possible that the Liberal government, which has the majority, will decide not to make any concessions or compromises, but that would not be conducive to harmony. At the outset, I hope that government representatives agree to the compromises that will be proposed by official opposition members, who are trying to make a constructive contribution, because these are situations affecting human beings, individuals on whom the decisions made will have important social repercussions, particularly for children, and therefore for everyone’s future.

S. O. 31

I know that the member for Mississauga South is a sensitive man. He sits with me on the Standing Committee on Health. As I know the influence he has over his colleagues, I challenge him to try to convince them to think about the health of children, given that we want to see more harmonious relations between men and women who have responsibilities with respect to children, and, although there has been a softening of their position, to convince them to be receptive to the compromises we are proposing.

The Speaker: My dear colleagues, we may have time for a 30-second question and a one-minute answer.

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I have just a brief comment and a question. The comment has to do with common law relationships. The member commented about how prevalent this is in our society.

The member might be interested in studying some research about the incidence of family violence in families and those living common law. I think he will find that the incidence of family violence is more prevalent in common law relationships.

My question has to do with prevention versus dealing with the problems after they happen. The member says Quebec has a good system in that it garnishees or takes away the payments so that orders can be enforced. The member spent all this time talking about how to deal with the problem after the problem exists.

I want to ask the member whether he does not think that a system like the one they have in some of the states in the United States, where couples with problems are required to take a 12-week program as a reality check before contemplating divorce, should occur before divorces are granted in Quebec or Canada.

[*Translation*]

Mr. Dubé: Mr. Speaker, I am not very familiar with the American system the hon. member is referring to. Frankly, when I do not know a subject very well, I do not usually talk about it because I am not convincing. And when I am not convinced myself, I am even less convincing.

Having said that, I have not closed my mind to this idea. We will consider it together. The hon. member for Québec sitting in front of me is our critic on the status of women. If this is a good idea, she will surely give us some advice after thoroughly reviewing the issue. So we will have to wait for that.

One last thing. I do not know what it is like elsewhere, but in Quebec, for example, CLSCs, local community health centres, or private organizations provide services to attempt reconciliation before a couple separates; they try to help the spouses patch things up while looking after the children's best interest. There is a long tradition associated with this. Things do not always go smoothly because there are unfortunately cases of extreme violence in which people even manage to kill their former spouses, which is deplorable.

Finally, Reformers often talk about criminals on the streets, dangerous offenders who make people feel unsafe, but 85 per cent of crimes are committed by people who are oftentimes very close, like family members, and who are often former spouses. The hon. member talks about prevention. I pay close attention to this and I will support any measure he may propose when—

The Speaker: We will now proceed to Statements by Members.

STATEMENTS BY MEMBERS

● (1400)

[*English*]

CESO VOLUNTEERS

Mr. Janko Perić (Cambridge, Lib.): Mr. Speaker, I wish to pay tribute to several people from my riding of Cambridge who have volunteered their professional skills to help developing economies in Russia, Thailand, Sri Lanka, Poland and Hungary.

Through CESO International Services, Steve Meissner, Donald MacLeod, Dirk Booy and Al Galusz have at the grassroots level exemplified the time honoured Canadian tradition of international co-operation and responsibility.

CESO volunteer advisers are professionally skilled men and women, usually retired, who share their years of experience with companies and organizations in developing countries.

On behalf of the people of Cambridge, I welcome back these volunteers who have done Canada proud. I urge them to continue playing a role in assisting developing economies of our global village.

* * *

[*Translation*]

INTERNATIONAL MUSIC DAY

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, on this International Music Day, I would like to draw attention to Nil Parent's initiative and the fulfilment of his dream, which is called "Ronde et Bleue".

To keep a promise he made to his son suffering from an incurable disease, this determined musician from Quebec composed an ode to peace. At 10 minutes past 10 this morning, Quebec time, thousands of men, women and children in America, Europe and Africa, in schools and on the streets, sang together in a single voice.

This event was a rehearsal for the great rendezvous on December 31, 1999, when a global choir will sing the hymn to peace.

This megaproject conveys a message of hope that, on the eve of the next millennium, peace will become a common goal and flourish all over the world.

* * *

[English]

JUSTICE

Mr. Jim Abbott (Kootenay East, Ref.): Mr. Speaker, subpoenas are not issued on a whim and politicians are not above the law. We are all citizens of this country called Canada. The rule of law is fundamental to our democracy. Therefore, it is essential that we as Canada's lawmakers be subject to the laws passed by this Parliament.

A Saskatchewan court is calling upon the deputy leader of the Conservatives in the Senate to testify on corruption charges in the Devine government where he was second in command. He is avoiding court by invoking a little used privilege of MPs and senators that excuses them from answering a subpoena for 40 days before or after a session as well as during a session.

In avoiding the court order, the Tories' deputy leader is breaching Canadians' trust in a place where trust should be raised to the highest level. The Senate remains an anachronism yet it has continued to be supported by this Prime Minister.

The actions of the Tories' deputy leader has tarnished the image of all politicians. There is clearly no need to invoke immunity. It exhibits a serious abuse of privilege.

Resign Senator Berntson.

* * *

NEW DEMOCRATIC PARTY

Mr. Bill Blaikie (Winnipeg Transcona, NDP): Mr. Speaker, like a growing morning light in a political landscape darkened and dreary by years of uncritically accepting corporate Canada's pathetic platitudes about what Canada needs, we see the political pendulum start to come back in 1996.

From the provincial byelection in Halifax—Fairview where the NDP got 65 per cent of the vote, to the federal byelection in Hamilton East where we came second getting more votes than the Tories and Reformers put together, to the re-election of the NDP in B.C., and now the NDP Government of Yukon, we see Canadians rejecting what the right-wing Liberals, Tories and Reformers have been telling them.

There is another way. It is not an easy way, but the way of solving our problems on the basis of community and co-operation rather than competition and concessions to the powerful.

S. O. 31

Congratulations to Piers McDonald and the Yukon NDP for giving Canadians hope. The next federal election is just around the corner and more and more Canadians appear to know just who the real opposition is.

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INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

Mrs. Bonnie Hickey (St. John's East, Lib.): Mr. Speaker, it gives me great pleasure to inform the House that St. John's, Newfoundland and Labrador and the Canadian Red Cross are playing host to the world this week.

Sixty high-ranking officials of the International Red Cross and Red Crescent movement from around the world are gathering in St. John's for a three day convention. This is the first time in the group's history that it has met outside Europe. The choice of St. John's for this year's meeting shows the support that the Canadian Red Cross and the Canadian government have given to the International Red Cross movement over the years.

● (1405)

This year marks the 100th anniversary of the humanitarian services provided by the Canadian Red Cross to the world. Their service and dedication to those less fortunate is well known around the globe.

I am honoured that they have chosen St. John's for their meeting. I want to extend on behalf of the government greetings to the participants.

* * *

TEMAGAMI

Mr. Benoît Serré (Timiskaming—French River, Lib.): Mr. Speaker, over the last week hundreds of prospectors have come to the Temagami region in my riding in what may be one of the biggest prospecting rushes ever.

Not only has the opening of almost 6,000 square kilometres of land for exploration created much excitement for prospectors and mining companies, but it has created great hopes in communities in the area that new, high paying year-round jobs will follow in the future.

[Translation]

Of course, all operations must be environmentally viable. Since the Canadian mining industry is a world leader in the development and implementation of environmentally sound practices, I am convinced that all mining development in the Temagami region will meet Canadian standards.

*S. O. 31**[English]*

I look forward to working with local groups, aboriginal leaders and the mining industry to ensure that any development in the Temagami region is managed in a responsible way.

[Translation]

I will gladly work together with local groups, aboriginal leaders and the industry—

The Speaker: I am sorry, but the hon. member's time has expired.

* * *

*[English]***CONFEDERATION BRIDGE**

Mr. Wayne Easter (Malpeque, Lib.): Mr. Speaker, in a ceremony in Borden-Carleton last Friday, the Minister of Public Works and Government Services announced the official name of the bridge which will soon connect Prince Edward Island with the Canadian mainland.

The fixed link will now be known as Confederation Bridge. This name recognizes the important role P.E.I. has played in Canada's rich history which has led to Canadians calling the province the cradle of Confederation.

For all Canadians the name celebrates our rich past and our promising future, a future based on the kind of ingenuity and hard work that is making the construction of Confederation Bridge a reality.

Canadians from throughout the country participated in naming the bridge. The number of submissions as well as the quality and creativity of the suggestions demonstrate the pride that we Canadians feel not only for this incredible engineering feat but for our great country as well.

I would like to congratulate the Minister of Public Works and Government Services, the advisory committee and all Canadians who participated in the bridge naming process. Thanks to them.

* * *

*[Translation]***THE OLYMPIC GAMES IN ATLANTA**

Mr. Bernard Deshaies (Abitibi, BQ): Mr. Speaker, it is with respect that the members of the Bloc Québécois salute today the Quebec and Canadian athletes who participated in the Olympic and Paralympic Games in Atlanta.

We join with all those who spoke before us in saluting your courage and determination. Whether you brought a medal home or

not, you are winners. You have made your dreams come true and you are an inspiration to us all.

Some Olympic feats will be forever remembered. For instance, we salute with pride Chantal Petitclerc, who won two gold and three silver medals. Through her efforts and perseverance, she has become an example to all young people, like Donovan Bailey, Annie Pelletier and all the others.

We offer each and everyone of you our deepest thanks for your brilliant performance.

* * *

*[English]***FIREARMS REGISTRATION**

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, on behalf of the taxpayers of Canada I would like to thank the governments of Saskatchewan, Alberta, Manitoba, Ontario and Yukon for their constitutional challenge of the Liberal government's flawed national firearms registration system.

Last week the provincial justice ministers argued publicly that the registration of rifles and shotguns will not be effective in reducing crime; that gun registration does nothing to reduce crimes involving firearms or smuggling; that gun registration is an inappropriate use of scarce resources right across the country. They said that the federal government has repeatedly failed to produce evidence of a correlation between a firearms registry and reduction in crime. They said it is time to target criminals who use weapons to commit crimes, not penalize law-abiding citizens under the guise of gun registration.

If this court challenge is successful, then the hundreds of millions saved will be able to be redirected to fighting real crime and real criminals by putting more police officers in our communities rather than keeping them back in the office processing useless bits of paper.

* * *

THE ECONOMY

Mr. Jerry Pickard (Essex—Kent, Lib.): Mr. Speaker, under this Liberal government our economy has dramatically improved over the past three years.

● (1410)

Who would have believed in the early 1990s when interest rates were over 10 per cent that today they would be reduced to less than 6 per cent? Mortgage rates have declined 4 per cent putting \$3,000 in the pockets of the average Canadian family. Interest rates have helped small businesses and the housing market show great improvements and move forward.

Our monetary policy allowed the dollar to drop from 90 cents to 73 cents. This shift, along with Team Canada trade missions, has

increased our foreign trade by 38 per cent, creating some 680,000 jobs in this country. Unemployment has dropped from 11.2 per cent to 9.4 nationally and under 9 per cent in my area of southwestern Ontario.

The government has and will continue to provide positive leadership.

* * *

BREAST CANCER

Mrs. Rose-Marie Ur (Lambton—Middlesex, Lib.): Mr. Speaker, I am pleased to inform the House that October is Breast Cancer Awareness Month. It is symbolized by the pink ribbons worn by some of my colleagues here today.

Breast cancer is one of the leading causes of cancer deaths among Canadian women. Approximately 18,600 new breast cancer cases will be diagnosed this year and 5,300 women will die.

In 1992 Health Canada implemented a major initiative on breast cancer totalling \$25 million over five years. Our partners in this initiative include the Medical Research Council, the Canadian Cancer Society, the National Cancer Institute of Canada, the provinces and territories.

There are other activities under way. Health Canada supports provincial breast cancer screening activities, the development of care and treatment guidelines, research, five information exchange projects, and strategies for the continuing education of health care professionals.

I applaud the efforts of those who are fighting this disease. October will provide us all with an opportunity to support breast cancer initiatives.

* * *

[*Translation*]

THE PARTI QUEBECOIS

Mr. Nick Discepola (Vaudreuil, Lib.): Mr. Speaker, the language issue continues to rattle the Parti Québécois.

Yesterday, minister Serge Ménard plunged into the fray, stating: "I would not want this country we will be building to be a country that does not treat its minorities as we wished we had been treated in Canada".

The minister is in no position to teach anyone anything about how francophones should be treated in Canada. In this respect, I remind him that, in Canada, we have two official languages and, although they are few in numbers, francophones have successfully made their presence felt and done well at every level of Canada's social, cultural and political life.

S. O. 31

By the way, Mr. Ménard, when will an anglophone from the West Island become premier of Quebec for instance?

* * *

THE ITALIAN COMMUNITY

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, on September 9, 1996, fourteen leaders of Quebec's Italian community representing various political stripes, including the director of Montreal's Italian women's centre, three past presidents of the National Congress of Italian Canadians, the president of the Italian-Canadian business people and professionals, and even Liberal senator Pietro Rizzuto, have signed a manifesto asking, in regard to Quebec's future, that a clear and responsible political debate take place, in keeping with democracy.

These people support the position held by Quebec and they feel that all must accept the majority decision reached democratically. We must be grateful to these leaders for stating a clear position in saying that "Quebec's Italian community will remain an integral part of Quebec, regardless of the outcome of the constitutional debate".

I ask Liberal members from Quebec to follow the example set by Quebec's Italian community and to publicly dissociate themselves from their government's legal action.

[*English*]

The Speaker: My colleagues, I would ask you not to use the names of senators when you make statements in the House.

* * *

OLYMPIC ATHLETES

Mr. Jim Silye (Calgary Centre, Ref.): Mr. Speaker, to think that when in opposition the Liberals were against free trade.

Today we are honouring Olympic athletes, some of whom are with us today on Parliament Hill. The value of their participation and contribution to Canada should not be underestimated or unrecognized.

In my opinion, athletics are as important in one's life as is academics. In some way or another sports have been or will become a part of every Canadian's life. Athletic competition prepares the individual for life and the real world.

An Olympic athlete reaches the epitome of success by not only striving to be the best in a particular sport, but also in wanting to represent his or her country. Hours of practice go rewarded by making the Olympic team and the height of ecstasy is reached if the athlete manages to win a medal for themselves and their country.

• (1415)

To all who aspire to be an Olympic athlete, to all who dream, past, present and future, and to all those who represent their country, congratulations.

Oral Questions

[Translation]

THE BLOC QUEBECOIS

Mr. Robert Bertrand (Pontiac—Gatineau—Labelle, Lib.): Mr. Speaker, Quebec's history and political tradition have provided few opportunities for a consensus as strong as the one recently reached regarding the issues of employment and economic recovery.

All of Quebec's stakeholders in the socio-economic and political fields share these two objectives. All, except the Bloc Québécois.

Believe it or not, the party's general council just adopted a plan of action which seeks two objectives: "To allow the Bouchard government to spend most of its energy on the economy", while the Bloc will "tend the flame of sovereignty".

The Bloc Québécois has just demonstrated that it does not give a hoot about the economic problems of Quebecers. The only priorities of its members are to get re-elected and to achieve separation.

* * *

[English]

FIREARMS

Mr. Bernie Collins (Souris—Moose Mountain, Lib.): Mr. Speaker, all Canadians understand and appreciate that law, order and respect for the individual are important components in a free and democratic society. I believe Canadians would react very strongly to anyone or anything that would threaten our quality of life which is based on, among other things, our respect for law and order.

It is true that not all laws are popular with all Canadians. However, by respecting these laws we guarantee order in our society. Anyone who intentionally encourages defiance or disrespect for these laws would be acting irresponsibly and should be denounced.

Last month the Reform member for Yorkton—Melville visited my riding of Souris—Moose Mountain in order to advise people not to respect Bill C-68. I find this action irresponsible and now wonder if the leader of the Reform Party agrees with the member that it is not necessary to respect the law. If not, he should say so.

ORAL QUESTIONS

[Translation]

REFERENCE TO THE SUPREME COURT

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, the Prime Minister has just realized that he is unable to

keep the referendum promises he made to Quebecers, and is therefore hoping to gain time by seeking the Supreme Court's opinion on the question of Quebec's sovereignty.

Will the Prime Minister admit that a reference to the Supreme Court will take 12 to 18 months, until after the next federal election, and that this will gain him enough time to be able to appear before voters without having kept his promises, using the excuse that he is waiting on this opinion?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, first of all, I must say that, in December, the House of Commons voted in favour of a distinct society, and I hope that the National Assembly will follow suit as rapidly as possible.

Here, the government has assumed its responsibilities and voted in favour of a distinct society. We also promised that we were not going to amend the Constitution without the consent of Quebec. Parliament assumed its responsibilities in the month of December, and we passed a bill giving a regional veto in Canada, which means Quebec has a veto. But the Constitution cannot be amended without the approval of the government of Quebec.

So, if the Leader of the Opposition wants changes, let him tell head office to pass a resolution on distinct society, and accept the veto which they are being offered and which the government of Quebec is turning down.

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, the Prime Minister can talk about the distinct society resolution, but the best proof that this resolution of the House of Commons is not worth the paper it is written on is that at no time has the government asked the Supreme Court to consider it in the opinion it is going to give the provinces.

• (1420)

If the Prime Minister believes in what he is doing, there is still time to ask the Supreme Court judges to consider the resolution passed in the House of Commons recognizing Quebec as a distinct society. Let him do it.

Will he at least admit that not only will the reference to the Supreme Court gain him time, but that also, in his mind, it will allow preparations to be made for a possible federal intervention in Quebec's next referendum, an intervention that would otherwise be viewed as completely unacceptable by Quebecers, and that the Prime Minister wants the Supreme Court to pave the way for?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the Leader of the Opposition voted against the distinct society resolution. In addition, the bill was passed by the Parliament of Canada and challenged by no one. A reference is not possible.

Furthermore, in the throne speech, we proposed a series of adjustments to the federation, including our withdrawal from many areas. We offered the provinces a new manpower agreement,

Oral Questions

which the minister is in the process of negotiating with the provinces.

We said that we were not going to use our spending authority without the consent of five provinces. We spoke about a series of things to change the federation. Since February, once again, the Bloc Québécois and the Parti Québécois want to keep the status quo, while we are in favour of change in Canada.

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, it is absolutely astonishing to hear the Prime Minister say that he did not mention the House of Commons resolution before the Supreme Court because the Leader of the Opposition voted against it. I had no idea I was so powerful. I would remind the Prime Minister that this was not a bill, but a resolution of the House of Commons.

With respect to the Supreme Court's opinion, the government is using this reference to create a false sense of security in the rest of Canada, telling people not to worry because it will be a powerful tool against sovereignty. In Quebec, he says that it will not stand in the way of sovereignty, but will merely provide a legal framework.

Will the Prime Minister admit that his reference to the Supreme Court not only gains him time and allows him to pave the way, but that it also allows him to change his tune, depending on whether he is in Quebec or in the rest of Canada?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I speak in the House of Commons every day. Through the House of Commons, I am heard across Canada, both in Quebec and in the rest of the country.

When the hon. Leader of the Opposition says that this was just a resolution, here again he is demonstrating his failure to understand the facts. We passed a bill on the right of veto. It is a bill, not a resolution. It is a bill and the member voted against a bill giving Quebec the right of veto with regard to any changes to the Constitution.

Speaking about promises, we are in our twelfth day of question period and the Leader of the Opposition said in *Le Devoir* not very long ago: "When we go back, the priority will be on the problems our people are experiencing, particularly in Montreal and in Quebec. We will be talking about jobs, about the economy. We have suggestions to make".

Because he is unable to attack us on our economic policies, all the Leader of the Opposition can talk about is the Constitution.

* * *

THE MINISTER OF INTERGOVERNMENTAL AFFAIRS

Mrs. Pierrette Venne (Saint-Hubert, BQ): Mr. Speaker, my question is for the Minister of Intergovernmental Affairs. In his *Le Canada et le Québec après le référendum: explications d'une*

quasi-défaite, written when he was an academic, the Minister of Intergovernmental Affairs accused the Prime Minister of having contributed to the sovereignist cause and of having lacked clarity in his promises during the last referendum. To quote him: "Ironically, these promises made in desperation probably did not help the No cause. On the contrary, the contradictions within the No camp, and the lack of clarity in the promises, probably convinced voters to vote Yes."

• (1425)

Since the Minister of Intergovernmental Affairs stated yesterday that he was proud that, since entering politics, he has never had to back down from anything he wrote as a university professor, does he still maintain that severe judgment of the man who is now his leader?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, I have never blamed the Prime Minister for the referendum victory by the No. I have simply said that the promises made came too late to have a positive impact on the vote.

That is why prompt action is necessary. That is why it is important to clarify things rapidly, and not to let the separatist camp exploit the confusion, and we are going to clarify a number of things.

It is, for example, incorrect to say that this federation is centralized. It is one of the most decentralized possible. It is incorrect to say that Quebecers do not have a share in this confederation. This is one of the most generous federations there is, and it is wrong to say that this federation cannot change. We shall improve it by working with all of our partners who believe in Canada. It is wrong to spread a whole pack of falsehoods, as the opposition and the independentist movement are constantly doing, and we are going to clarify things as soon as possible.

Mrs. Pierrette Venne (Saint-Hubert, BQ): Mr. Speaker, in that same book, the minister wrote that the Liberals ought perhaps, and again I quote: "to consider the opinion of the leader of the Reform Party by passing a law clarifying the conditions under which a province can separate from Canada."

The Minister having stated yesterday in this House that he denies absolutely nothing in what he has written, are we to understand that his thoughts are the same today, that the government ought to follow the plan of the Reform leader, and that consequently he is giving his blessing to the holy alliance of Liberals and Reformers against Quebec?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, what Quebecers see is certainly all of the efforts being expended to cloud the issue.

Oral Questions

The opposition is well aware that confusion can help it win out, and that a clear question, a clear process relating to secession, will bring Quebecers and other Canadians to a reconciliation and will reinforce the solidarity that joins them, rather than breaking it down. They are aware of this, and that is why they fear the undertaking we have begun.

* * *

[English]

CANADIAN ARMED FORCES

Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.): Mr. Speaker, the military justice system was brought under a cloud because of the Somalia inquiry.

Last night CBC reported another example of the apparent failure of the military justice system under this Minister of National Defence.

Commander Dean Marsaw was court martialled and found guilty of verbal and physical misconduct. However, transcripts and videos of the investigations show the witnesses being badgered, called liars and being accused of not co-operating. Before Marsaw can be dismissed from the forces the minister must confirm the dismissal.

Will the minister show some support for the morale in the forces and immediately suspend the dismissal of Commander Marsaw?

Hon. David M. Collette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, once again the hon. member shows his absolute contempt for due process in the Canadian justice system.

We have a case here of a court martial. I cannot talk about the details but the individual concerned has the right to appeal to the court martial appeal court. That court is composed of three civilian justices, usually of the Federal Court of Canada or the superior courts of the provinces.

I think the hon. member would serve the cause of justice well if he would let the process take its course, allow the individual to make up his own mind as to what to do and not to second guess once again individual cases on the floor of the House of Commons.

• (1430)

Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.): Mr. Speaker, why will this minister not show some competence and just do what is right for once?

The minister refuses to act on what appears to be a gross injustice. Time and time again we keep coming across instances where the military justice system goes on a witch hunt. Corporal Pernelle is being court martialled for telling the truth to the Somalia inquiry. Dean Marsaw has already been found guilty and is

about to be kicked out of the forces. The whole investigation has been called into question.

To restore the integrity of the investigation of Commander Marsaw, will the minister bring the Royal Canadian Mounted Police in to conduct an investigation into the botched investigation?

Hon. David M. Collette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, the hon. member admits to coming to certain conclusions based on appearances from some television program.

The fact is we see clearly once again that Reform Party justice is vigilante justice, and that is not Canadian justice.

Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.): Mr. Speaker, the minister forgets that he himself this past summer suggested that the military justice system needs to be reviewed. The military justice system is in shambles under this minister.

There are double standards applied. General Boyle got special treatment when he was interviewed and he was handled with kid gloves. In Commander Marsaw's case witnesses were grilled and accused of lying. It appears that Marsaw was railroaded and the justice system has failed him.

It is time for a complete overhaul of the judge advocate general's office. This is the only way to avoid repeats of events like Marsaw's case.

To restore morale in the Canadian Armed Forces and to demonstrate leadership, will the minister commit to an immediate overhaul of the justice system in the military?

Hon. David M. Collette (Minister of National Defence and Minister of Veterans Affairs, Lib.): The hon. member knows that I have said we are reviewing all procedures and practices at national defence and one of them will be the military justice system. I hope Parliament will take part in that review and I hope the hon. member will make some reasoned and informed comments instead of the ones that he has been making.

The hon. member talks about shambles. The only thing that is in shambles is the Reform Party of Canada. Day after day its members come here and they castigate people in the military. They reflect upon the judicial process, the commission on Somalia. They have nothing to say on national unity, nothing on the economy, nothing on agriculture, nothing on social justice, nothing on pension reform. The Reform Party has nothing to say.

Some hon. members: Hear, hear.

Some hon. members: Oh, oh.

The Speaker: Order. I thought there for a minute I missed a day this week.

[Translation]

UNEMPLOYMENT INSURANCE

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, the Minister of Finance said in his budget speech that when new and significant savings were realized with respect to unemployment insurance, it would be possible to reduce premiums even further, and he would make sure that this happened. Well, this morning we are told that the minister is seriously considering raising the unemployment insurance surplus to \$15 billion.

My question is directed to the Minister of Finance. Why does the minister want to accumulate a surplus of \$15 billion in the unemployment insurance fund instead of reducing premiums, when he himself said that a reduction of seven cents would create 40,000 jobs over two years and that he would be able to reduce this payroll tax to a significant extent?

• (1435)

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the report to which the hon. member is referring is a report by the chief actuary of the Department of Human Resources Development, who prepared a study that found that if we want to accumulate a surplus in the account, to avoid going through what the last government did, we would need a surplus of between ten and fifteen billion dollars.

That being said, I would like to point out to the hon. member that when we came to power, the previous government had intended to raise unemployment insurance premiums to \$3.30. We froze them at \$3.07 and then reduced them to \$3 and reduced them again last year to \$2.95. Last year, we reduced premiums by \$1.8 billion, which saved taxpayers money on unemployment insurance.

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, when the Liberal government came to power, it deliberately increased unemployment insurance premiums. It was the first thing it did as far as economic policy was concerned.

We are accused of not asking a whole lot of questions about jobs. I accuse the government of never having an answer on the subject. The Minister of Finance is more concerned about his millionaires than about the unemployed.

Here is my question, and I expect a reply. Does the minister realize that by wanting to accumulate a surplus of \$15 billion in the unemployment insurance fund and by refusing to reduce premiums for employers and employees, he has deliberately ordered a tax of \$15 billion on employment?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, I repeat, the report to which the hon. member referred was drafted by an actuary, by an expert who said: "If you want a surplus, it will take from ten to fifteen billion dollars".

Oral Questions

Now the hon. member is talking about jobs. Since we came to power, more than three quarter of a million new jobs were created by Canadians. At the beginning of the year, more than 200,000 new jobs were created by this government. During the month of August, more than 82,000 jobs were created by Canadians. Yesterday, we saw that Canada's economic growth is not only very strong but that the IMF says that next year, Canada will have the strongest economic growth rate of any G7 country. Canadians are doing very well, thank you!

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[English]

SOMALIA

Mr. Jack Frazer (Saanich—Gulf Islands, Ref.): Mr. Speaker, yesterday the *Globe and Mail* reported that Captain Alvis, a U.S. Green Beret officer, ordered a Canadian soldier to fire on a Somali.

Later Captain Alvis denied even being in Somalia at the time of the incident even though his interview had been taped. However, later last night he said that basically the report was accurate but to disregard the part about the shooting.

Will the minister of defence please tell us exactly what happened at that bridge in Belet Huen?

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I was confused when I read the *Globe and Mail* yesterday morning. I was confused when I saw the individual on television last night. I am even more confused with the interpretation of events by this hon. member in the House today.

The fact is certain allegations were made in a newspaper. They have been called into question. That is not a matter for me to debate.

Mr. Jack Frazer (Saanich—Gulf Islands, Ref.): Mr. Speaker, all I asked was to get to the bottom of the facts of what happened at the bridge at Belet Huen. I cannot believe this minister is refusing to answer.

An individual is dead from a Canadian soldier's bullet. We know that the military tried to cover up the murder of Shidane Arone in Somalia. It has misreported and misrepresented the death of Corporal MacKinnon at Suffield. Now the minister refuses to give the Canadian public the facts on what happened in Somalia in this instance. Why does he not come clean?

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

Oral Questions

has given the Canadian people a commission of inquiry to look into all the matters of concern to the hon. member. Let it do its job.

* * *

• (1440)

[Translation]

AIR TRANSPORTATION

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, for many years, the official opposition has been accusing the government of favouring the carrier Canadian at the expense of Air Canada, which employs 7,000 people in Quebec. We are not the only ones to say so. Last week, the international executive officer of Cathay Pacific Airlines, the main carrier in Hong Kong, stated: "There is a lot of politics behind this decision—I think that Canada is trying not to put too much pressure on Canadian International".

Mr. Young: Oh, oh!

Mr. Duceppe: If the Minister for Human Resources Development could be quiet, I could carry on. Mr. Speaker, could the minister please stop talking? He is being insolent.

An hon. member: He is not even polite.

Mr. Young: He knows what he is talking about.

Some hon. members: Oh, oh.

The Speaker: The hon. member for Laurier—Sainte-Marie has the floor.

Mr. Duceppe: Mr. Speaker, does the Minister of Transport realize that, by favouring Canadian over Air Canada, he is contributing to the loss of jobs in Quebec? Why do they keep undermining Air Canada and favouring Canadian?

[English]

Hon. David Anderson (Minister of Transport, Lib.): Mr. Speaker, the hon. member is the one who is somewhat mixed up. He forgets that both Canadian International and Air Canada are in competition with Cathay Pacific. He quotes a Cathay Pacific spokesman who was quite happy to give that information because of course he knows full well it serves his interest and not the interest of the Canadian airlines.

Asking Cathay Pacific what to do with the Canadian airlines on the Pacific is bit like asking a crocodile where to go swimming in the river. It is not a very bright move.

With respect to the issue of jobs, we are not trying to reduce the number of flights. Unlike the Bloc Quebecois who think this is a zero sum game, what one must gain the other must lose, we are trying to expand air traffic.

The new air traffic routes that have been established, including open skies with the United States, incidentally the world's largest

international market, have created 1,000 jobs for Air Canada, 700 for Canadian International and in addition, there is—

[Translation]

The Speaker: I would ask the hon. members to please make their questions and answers shorter.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, to ask a crocodile to look after swimmers is like asking a friend of Canadian to be Minister of Transport.

If the minister will not talk about Cathay Pacific Airlines, let me put this question to him. Air Canada itself complained, the chamber of commerce complained, all the stakeholders in Quebec complained. Did the Minister of Transport hear away out west about what was going on in Quebec with Air Canada and about all the complaints regarding his actions in the area of air traffic?

[English]

Hon. David Anderson (Minister of Transport, Lib.): Mr. Speaker, the hon. member has conveniently forgotten that this big expansion in air traffic, generated by the government over the last three years, directly results in jobs throughout the country, particularly in Quebec with Air Canada's head office in Montreal and where Bombardier makes the RJ jet, for which there is, I believe, some 60 orders outstanding at the present time.

The hon. member forgets that our policy of expansion of air travel dramatically improves the situation. I have to assure him that we want to maintain the policy of choice for the Canadian public. In addition, we do not want to give in to the demands of the Bloc Quebecois and Air Canada to destroy a system that we have set up so carefully over the years and which is so much to the advantage of the Canadian travelling public.

* * *

JUSTICE

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, it seems that fear is spreading within our justice system. Madam Justice Barbara Reed has expressed her fear of making a court decision that goes against the whims of the government.

Justice Reed states in a letter to the *Toronto Star* that: "I am shaken by the thought of the vitriolic attacks I must expect to endure if I make a decision unfavourable to the government".

• (1445)

What has the justice minister done to create such unprecedented fear in the mind of this judge?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am afraid that I must concede that there is very little I can teach the hon. member about spreading fear out there. I think he has to figure things out for himself.

Oral Questions

The hon. member has referred to a letter written by Madam Justice Reed to a reporter with the Toronto *Star*. I was sent a copy of the letter. I did not respond to the letter. I do not intend to respond to the letter, nor to comment on it.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, it is clear to anyone who understands the circumstances that Judge Reed's fear is a direct result of the justice minister's failure to exercise his authority to protect the judicial independence of the courts.

The minister should have immediately suspended Ted Thompson and launched a complaint against his senior official as well as Chief Justice Julius Isaac with the Canadian Judicial Council for their unprecedented interference into the independence of a sitting judge.

Why did the minister not take every reasonable action to immediately assure judges that any interference into their independence would not be tolerated?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the hon. member could usefully take an hour or two out from spreading fear in order to look at the facts of this case. When he does so, he would discover that some months ago I appointed the former chief justice of Ontario, the Hon. Charles Dubin, a person whose experience and integrity in such matters is beyond question, to look into all of the circumstances surrounding the incident referred to by the hon. member.

That report was received and made public in August. It made clear that the Department of Justice well understands the importance of judicial independence and acts every day on its principles.

The Hon. Mr. Dubin also made recommendations concerning Mr. Thompson and as a result of the report, as the hon. member well knows, Ted Thompson voluntarily relinquished the position he held.

The fact of the matter is that the report established clearly that there was no interference by the Department of Justice with the independence of the Supreme Court.

* * *

[Translation]

ASBESTOS

Mr. Jean-Guy Chrétien (Frontenac, BQ): Mr. Speaker, my question is for the Prime Minister.

Last week, federal officials met with the mayors of the towns in Quebec's asbestos-producing region and the main stakeholders in this sector. During this meeting, no federal official was able to specify what financial support the government could provide to fight the French decision.

What is the Prime Minister waiting for to financially support Quebec's strategy to defend the safe use of chrysotile asbestos?

[English]

Hon. Arthur C. Eggleton (Minister for International Trade, Lib.): Mr. Speaker, last week I made representations to the European Union and also to the French government with respect to the matter of asbestos. Rather than a total ban, we are suggesting that they look at controlled, safe uses of asbestos. There are some that are not, but there are some that are. I think the health minister and the Department of Health could verify that.

We have offered to send experts to France to assist them in the use of asbestos that can be done safely. We believe that there are some controlled circumstances where it can be used safely. We want to help them in that regard to ensure that the industry survives in Quebec and continues to provide employment.

[Translation]

Mr. Jean-Guy Chrétien (Frontenac, BQ): Mr. Speaker, I would have liked an answer from the Prime Minister himself since this issue affects 2,000 jobs in my region. Furthermore, it is the Prime Minister himself who should be holding talks with the French President.

Since the World Health Organization recently pointed out the risks associated with the use of asbestos, will the government finally wake up and take vigorous action to promote within this organization the safe use of asbestos, as provided for in Directive 161 adopted by the WHO in Geneva?

• (1450)

[English]

Hon. Arthur C. Eggleton (Minister for International Trade, Lib.): Mr. Speaker, we are as concerned about this employment as anybody in Quebec is. We want to make sure that these jobs remain. We want to make sure that controlled and safe uses of this substance continue to be allowed in the countries to which we are exporting.

The Prime Minister said in the House in the last week or so that he was quite willing to make representations, as indeed is my colleague, the Minister of Health. All of us are concerned about this matter. We are doing our utmost to make sure we maintain that industry.

* * *

FOREIGN AFFAIRS

Mr. Harbance Singh Dhaliwal (Vancouver South, Lib.): Mr. Speaker, yesterday the Minister of Foreign Affairs announced the opening of a liaison office in Punjab, India. I would like to congratulate him and let him know that this is being greeted with great enthusiasm.

Could the minister inform the House how the opening of this new office will serve both nations?

Oral Questions

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, first I would like to convey my appreciation to the hon. member and to the hon. member for Bramalea—Gore—Malton for their strong interest in this file.

I would like to confirm that yesterday, in co-operation with the Minister of Foreign Affairs for India, we were able to establish a new liaison office in the Punjab. This follows on the Prime Minister's Team Canada trip to India where we dedicated ourselves to broadening our area of relationships.

The office will open in January. The Minister of Foreign Affairs for India was good enough to invite myself and a delegation of Canadians to the opening, where we will focus on trade, investment and the facilitation of immigration.

It is a very good initiative to broaden and deepen the nature of our relationship with that very important country.

* * *

JUSTICE

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, the justice minister had the power to fire Ted Thompson and he refused to do it. Is it any wonder that Canadians are fed up with our system, the government and the justice minister?

Now three alleged war criminals are walking free because the justice minister, through his senior lawyer, Ted Thompson, tried to make a backroom deal with a Federal Court judge.

Today Madam Justice Barbara Reed's letter to the Toronto *Star* clearly has brought the entire Federal Court system into disrepute, thereby unduly influencing three deportation cases against alleged war criminals now living in Canada.

Will the justice minister directly refer these cases against the suspected criminals to the Supreme Court of Canada for a decision, yes or no?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, that question is a shocking mixture of misunderstanding and misstatement. It is absolutely shocking.

We took the trouble to have a person of unquestioned reputation look carefully through all the facts of this matter. When the Hon. Mr. Dubin reported in August he did not say there were grounds for firing Ted Thompson. What did the former chief justice of Ontario conclude? Unlike my hon. friend, he took the trouble to look through all the facts carefully, speak to the people involved, examine the documents and consider them carefully in accordance with appropriate principles. He concluded that there was no basis to fire Ted Thompson. It was his recommendation that Mr. Thompson

should not continue in his present role and Mr. Thompson, as a result, resigned voluntarily.

The report speaks for itself. It establishes that the Department of Justice well understands the principles of judicial independence. My friend should educate himself before asking the next question.

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, what is shocking is the fact that this minister cannot even clean up his department.

War criminals are walking free in Canada today because the justice minister refuses to honour the principle that judges and courts must be free of interference from politicians and bureaucrats. This is not the first time the justice minister has crossed the line which separates the courts and politicians.

Why does the minister not do the right thing, pack up his bags and go home?

• (1455)

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I have a better idea. I will send my hon. friend a copy of the Dubin report and ask him to read it. After he has read it, maybe he can come back and ask a question that is relevant.

* * *

[*Translation*]

THE FIGHT AGAINST TOBACCO USE

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

Yesterday, a coalition of 130 organizations asked the Prime Minister to take immediate action in the fight against tobacco use. Although the health minister's predecessor promised last December that a bill regulating tobacco products would be introduced in the spring, no such bill has been tabled so far.

Will the minister honour his government's commitments and immediately table a tobacco bill?

[*English*]

Hon. David Dingwall (Minister of Health, Lib.): Mr. Speaker, I want to thank the hon. member for the question. The subject matter has received some public attention in the last number of weeks.

I wish to share with the House that, since we issued the blueprint in November 1995, there have been over 2,300 different submissions from Canadians from different regions of the country.

We are in the process of examining our proposals as they relate to the charter to make sure that we are not back in court as we were on a previous occasion with the legislation. When we do come

forward, we will have comprehensive legislation that will address the needs, not only of the health groups across the country but the young people of this country as well.

[Translation]

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, how can the minister justify the fact that, while his department is spending millions of dollars on an anti-smoking campaign, the Minister of Agriculture is subsidizing research on tobacco production in Ontario?

[English]

Hon. Ralph E. Goodale (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the hon. member should know that the vast majority of funding that is provided by the Department of Agriculture with respect to tobacco is related to agronomic matters and is highly focused on alternatives to tobacco production so that tobacco producers may find ways to diversify away from a dependence on this crop.

* * *

JUSTICE

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, the Liberals soft on crime approach has skewed our judicial system. Politics is tipping the scales of justice.

The RCMP, while investigating a Quebec senator and her daughter suggested that she be charged with fraud. All Canadians are supposed to receive the same treatment, but it appears that some are more delicate than others.

Why did the justice minister not prosecute the senator for defrauding the Government of Canada?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, we have now heard from all parts of the fearsome trilogy on justice.

Some hon. members: Oh, oh.

Mr. Rock: I am standing here wondering if we put them all together, do we come up with a sensible question? I do not think even then we can do it.

In the case to which my hon. friend has referred, we have to distinguish between law on the one hand and politics on the other.

Let us talk about law for 30 seconds. For law we have a very competent prosecutor, a lawyer in the Montreal office, who looked at the facts, applied the usual criteria and decided that no prosecution should be brought based on legal principles. It was taken to his superior who reviewed the same facts and came to the same conclusion. That is law. That is the way the system should work.

Now let us look at politics. That is politics, a man who does not know the facts, does not know the law and comes to the floor of this House with that outrageous question and tries to make short term political hay. That is politics.

Oral Questions

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, the sad part of all the rhetoric that is coming from that side of the House is the fear that Canadians have because these social engineers are not in justice. They do not know anything about it.

• (1500)

This senator, the deputy chairman of the Senate Committee on Social Affairs, made a speech on UI. She knows the rules. Why is it that the rules apply to every ordinary Canadian whether they are ignorant of the law or not, but do not apply to a politician or a senator if it was not for social engineering by this minister?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the only thing that is frightening at the moment is the hon. member.

I think what we should do here is remember that we are talking about a legal system which functioned properly in this case; responsible people applied the correct criteria and produced the appropriate response. All of the huffing, puffing and carrying on is not going to change either the legal principles or the facts of the case.

* * *

[Translation]

FRANCOPHONE COMMUNITIES

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, my question is for the Minister of Canadian Heritage.

Since French-speaking communities from coast to coast are an essential element of Canada's social fabric, can the minister tell us what the Canadian government does and intends to do to support French speaking minorities in the education sector?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, yesterday, in St. John's, Newfoundland, I was very proud to sign, on behalf of the Government of Canada, an agreement that has the support of every province, including Quebec.

The agreement provides that up to \$1 billion will be allocated to help finance education for minority language groups across Canada, that is anglophones in Quebec and francophones outside Quebec.

This means that more than half of young Canadians study in the second language of their choice, either French or English. We are proud to help them.

* * *

[English]

YOUTH EMPLOYMENT

Mr. Svend J. Robinson (Burnaby—Kingsway, NDP): Mr. Speaker, my question is for the Minister of Human Resources Development. It concerns the desperate job situation of young people in Canada with a real unemployment level of close to 20 per cent. Despite this the Liberal government has not even allocated, according to a briefing note, some \$45 million of funds budgeted

Tributes

for youth programs and still has not established a promised \$20 million program to help youth repay their student loans.

When will this Liberal government finally show some leadership and come up with a solid strategy to attack youth unemployment in this country? How many more young people must be added to the unemployment rolls before this government finally takes action?

Hon. Douglas Young (Minister of Human Resources Development, Lib.): Mr. Speaker, I have already advised hon. members that the budget that was allocated for youth employment had a couple of components to it. One was directed specifically to students who are still in academic institutions or returning to them in the fall. We did that over the summer, doubling the amount of money that was available.

With respect to the amount the hon. member is referring to, the \$45 million, when this money was allocated in the spring we were aware that a lot of young people in this country are not in academic institutions. They require a different kind of assistance in order to find jobs in a very difficult environment.

We understand the member's commitment to youth employment. I hope he will understand that we wanted to make sure we were doing the right thing for those students who do not fit into the traditional strategies of the past where we were simply looking at them during the summer.

That money will be allocated and it will be spent well and on young people looking for jobs in this country.

* * *

PRESENCE IN THE GALLERY

The Speaker: Colleagues, I would like to bring to your attention the presence in the gallery of His Excellency Inder Kumar Gujral, Minister of External Affairs of the Republic of India.

Some hon. members: Hear, hear.

* * *

• (1505)

CANADA'S OLYMPIC AND PARALYMPIC ATHLETES

The Speaker: This is a rather special day for Parliament and a special day for Canada.

We are going to be doing a few things differently in the next few minutes. The House will now go into committee of the whole to recognize Canada's 1996 Olympic Summer Games and Paralympic Games athletes.

(House in committee to recognize Canada's 1996 Olympic Summer Games and Paralympic Games athletes.)

Hon. Gilbert Parent (Speaker of the House of Commons): Colleagues, as I said, today is a special day for us here in the House of Commons. For the first time in the history of our country, we are going to bring on to the floor our Olympic athletes. When they come on to the floor they will be coming in through the Canada door at the far end. When they come in, of course you will receive them in a manner befitting Olympians.

[*Translation*]

Once they are all on the floor of the House, I will say a few words on your behalf and mine.

[*English*]

After that, I am going to introduce them to you by the events they are in. I will call out their names. I would ask you to hold your applause until I have finished a certain section.

Following that, the athletes will leave the Chamber and you and I, my colleagues, will receive them in the Reading Room for a brief reception. At that time, all the pictures that need be taken can be taken there. The athletes will be very happy, I know, to meet all of you.

With that, remembering always that this is the House of Commons of Canada, the heart of our nation, I invite in your name and in the name of all Canadians on to the floor of the House of Commons our Olympians and Paralympians.

[*Editor's Note: Whereupon Canada's 1996 Olympic and Paralympic athletes entered the Chamber.*]

Some hon. members: Hear, hear.

• (1510)

[*Translation*]

The Speaker: Olympian compatriots and dear colleagues, this summer, the whole world was watching the games in Atlanta. A record number of athletes gathered to participate in the Olympic and Paralympic Games.

These games are a stage for human achievement and friendship among nations. They also promote the participation of nations in a friendly competition and they allow athletes to reach the lofty goals they set for themselves.

[*English*]

The men and women, some of whom are here, the men and women who represented us the Canadian people in Atlanta were Canada's finest athletes. To have competed there is a remarkable achievement. And you the medal winners, you are recognized as the best of the best in the world.

Tributes

Some of you surpassed all records of achievement in the history of sport and we in this room and we looking at you on our televisions now across Canada, whether we were in St. John's, Vancouver or Whitehorse, you had us all on the edge of our chairs. Now we Canadians do not usually make a lot of noise but when you won those medals, there were 30 million people up here in Canada pretty ecstatic and pretty noisy. Maybe you heard us cheering all the way down there in Atlanta.

Some hon. members: Hear, hear.

• (1515)

[*Translation*]

The Speaker: All Canadians shared in your victories. We are very proud of you. You captivated our imagination. You became the heroes of a new generation of Canadians. You are the pride of Canadian sport and you represent the best that Canada has to offer to the world.

[*English*]

We do not usually have guests here on the floor of the House of Commons but this is an extraordinary day and we wanted to bend the rules just a little because we here in this chamber and we 30 million Canadians want to pay tribute to you and to congratulate you. Most of all, we want to thank you for bringing such great honour to our nation.

I am going to read out each of your names. I ask you, my colleagues, to hold your applause. I know it will be difficult. At the end, please do not all run on to the floor. I want to get there myself. You will have the chance to meet our Olympians in the Reading Room following this introduction.

I am going to call out the sport and, because we are a bit crowded, I would ask you, when I finish with your section, to please raise your hands and at that time we will receive you in our own Canadian way.

In Athletics: Jeff Adams, Dean Bergeron, Collette Bourgonje, Nick Cunningham, Clayton Gerein, Carl Marquis, Jacques Martin, Colin Mathieson, Brent McMahon, Marc Quessy and Joe Radmore. That is the athletic group.

Some hon. members: Hear, hear.

The Speaker: The next category is basketball/wheelchair basketball: Marni Abbott, Jennifer Krempien, Kelly Krywa, Linda Kutrowski, Kendra Ohama and Marney Smithies. These are the wheelchair basketball athletes.

Some hon. members: Hear, hear.

The Speaker: The next group is wheelchair rugby: Garrett Hickling, Kirby Kranabetter, Brian McPhate, Al Semeniuk, Daryl Stubel and David Tweed.

Some hon. members: Hear, hear.

The Speaker: The next group is yachting: David Cook, Ken Kelly and John McRoberts. These are our Olympians for yachting.

Some hon. members: Hear, hear.

The Speaker: The next group is athletics: Donovan Bailey, Carlton Chambers, Jason Delasalle, Robert Esmie, France Gagné, Glenroy Gilbert, Kris Hodgins, Ljiljana Ljubisic, Stuart McGregor, Tracey Melesko and James Shaw. These are our Olympians in athletics.

Some hon. members: Hear, hear.

The Speaker: The next group is basketball/wheelchair basketball: Chantal Benoit, Renée DelColle and Lori Radke.

Some hon. members: Hear, hear.

The Speaker: The next group is cycling: Curt Harnett and Gary Longhi.

Some hon. members: Hear, hear.

The Speaker: The next group is diving: Annie Pelletier.

Some hon. members: Hear, hear.

The Speaker: The next group is goalball: Jeff Christy, Jean-François Crépault and Dean Kozak.

Some hon. members: Hear, hear.

The Speaker: The next group is lawn bowls: Vivian Berkeley and Lance McDonald.

Some hon. members: Hear, hear.

The Speaker: The next group is rowing: Laryssa Biesenthal, Gavin Hassett, Kathleen Heddle, Alison Korn, Silken Laumann, Theresa Luke, Maria Maunder, Marnie McBean, Heather McDermid, Jessica Monroe, Diane O'Grady, Lesley Thompson, Tasha Tsang and Anna Van Der Kamp.

Some hon. members: Hear, hear.

The Speaker: The next group is swimming: Tony Alexander, Rebecca Bornemann, Andrew Haley, Garth Harris, Marianne Limpert, Curtis Myden, Joëlle Rivard, Elizabeth Walker and Walter Wu. These are our Olympians in swimming.

Some hon. members: Hear, hear.

The Speaker: The next group is synchronized swimming: Lisa Alexander, Janice Bremner, Karen Clark, Karen Fonteyne, Sylvie Fréchette, Valérie Hould-Marchand, Kasia Kulesza, Christine Larsen, Cari Read and Erin Woodley.

Some hon. members: Hear, hear.

The Speaker: The next group is yachting: Kirk Westergaard.

Some hon. members: Hear, hear.

The Speaker: My colleagues, we have been concentrating of course on our Olympians, but for the people who guide them, who

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teach them, who encourage them, we have with us in our galleries the coaches of the Olympians.

Some hon. members: Hear, hear.

The Speaker: Olympians of Canada and my colleagues, there are not many moments when a country can feel as proud as we did during the Atlanta games. You have given us moments we will remember for a very long time. You see, you belong to us and we, the Canadian people, belong to you. On this day we claim you.

Merci d'avoir fait honneur au Canada.

Some hon. members: Hear, hear.

[Editor's Note: After the singing of the national anthem Canada's 1996 Paralympic and Olympic athletes left the Chamber.]

* * *

• (1535)

POINTS OF ORDER

COMMENTS DURING QUESTION PERIOD

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, I rise on a point of order regarding a statement that was made by the member for Souris—Moose Mountain during question period. I did not say what the member alleged.

In point of fact, it was the opposite. I did not tell anyone to break the law. I clearly said that Bill C-68 should be repealed so that people do not have to pay for or comply with useless legislation. When asked directly, I did not dodge the question but said that I will obey the law. We must work hard to repeal Bill C-68—

The Acting Speaker (Mr. Kilger): Order. With the greatest of respect to the member for Yorkton—Melville, I would rule that is not a point of order. The matter he is engaging in is debate.

Does the hon. member have a question for the Chair, not about the ruling? The ruling is clear, it is not a point of order.

Mr. Breitkreuz (Yorkton—Melville): Mr. Speaker, would this be appropriate as a point of privilege in that it hampers my ability as a member of Parliament to do my job properly if someone makes a misstatement about me?

The Acting Speaker (Mr. Kilger): No, again I would rule. I guess the suggestion I would make is that he possibly would want to seek counsel from our senior table officers, but my initial answer to his question is no, there is not a question of privilege. Then again, being the frail human that I am, please, as I have done in the past, seek the good counsel of our table officers. They are all here at our service.

GOVERNMENT ORDERS

[English]

PRISONS AND REFORMATORIES ACT

The House resumed from September 24 consideration of the motion that Bill C-53, an act to amend the Prisons and Reformatories Act, be read the second time and referred to a committee.

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, I cannot say that I am particularly pleased to rise today to speak to Bill C-53. In fact, I am quite astounded that such a bill has made it this far in the House of Commons.

On the one, hand members are debating bills which concern tougher sentencing, stricter parole legislation and capital punishment for criminals because that is what Canadians are demanding. On the other hand, the Liberals have brought forward this proposal out of left field which makes it easier for prisoners to get out of jail on temporary absences.

The weaknesses of the justice system in our country are becoming more and more evident to the majority of Canadians and quite frankly they want something done about it. Seventy per cent of Canadians want first degree, cold blooded murderers sentenced to death. They do not want killers or any criminal let out on parole before completing their sentences and they certainly do not want it made easier for a criminal to get a temporary absence or a longer temporary absence from prison.

I will guarantee that if members asked most Canadians they would tell them that they do not think convicted criminals need to spend more of their sentences outside jail walls. They would simply ask what for. That is what I want to know. What for?

The parliamentary secretary to the solicitor general attempted to answer this in the House last week. He claims this bill will allow provincial prisoners leave for a specified period of time with or without an escort for medical, humanitarian or rehabilitative purposes, all in an effort to help offenders reintegrate into the community.

• (1540)

He continues his justification of Bill C-53 by telling us we have nothing to be concerned with. After all, these are not hardened criminals but only the ones who are serving sentences of less than two years.

I would like to know if the hon. parliamentary secretary has ever heard of deterrence or even justice. Does he realize that many of those convicted of sexual assault receive such ridiculously short sentences? Are their victims going to be reassured when the hon. member tells them they have nothing to worry about, that their

attackers are not a threat and deserve a helping hand in rejoining those very same victims in the community? Is concern for the convicted felon's reintegration supposed to comfort the victim when she bumps into him in the neighbourhood grocery store?

The length of the sentence or even the offence is irrelevant in this case. The truth of the matter is the Liberals are showing their blatant disregard for the courts by encouraging legislation that circumvents the decisions of judges and juries.

As we are aware, they are particularly attached to section 745 of the Criminal Code which allows murderers the opportunity to have their sentences reviewed after serving only 15 years. The Liberals have steadfastly refused to listen to Canadians who are demanding the repeal of section 745. So I suppose it only follows that the Liberals would be fond of having more criminals out on more temporary absences.

Why listen to the judges or juries that understand the circumstances behind a conviction and have chosen to send these criminals to jail for a specified period of time? There are many reasons why I believe the Liberals introduced this legislation. And while the reasons are valid, I submit the solution is not.

Like most every breathing individual in this country, the Liberals actually do recognize that there is a crisis in our justice system. They are being told by citizens and organizations across the country that violent crime is increasing, that people do not feel safe on the street or in their homes. They also know that Canadians want longer and more strict sentences for criminals. We all know this.

So why is this government introducing such ludicrous legislation contrary to all of the concerns I have just mentioned? Is it because it is also aware that there is severe overcrowding and financial constraints in prison systems across the country? Do the Liberals imagine they should make space available by letting criminals go free?

Of course this logic directly opposes the reduction of overcrowding in the prison system. What would really reduce the number of criminals sitting in jails at the taxpayer expense is deterrence. Deterrence is what the justice system is based on.

I am not saying that rehabilitation should be discounted but it should not be the focal point of all our correctional programs. There is a direct correlation between prison overcrowding and the leniency of parole and temporary absence programs.

How is it that prisons are straining their capacities when according to Statistics Canada 80 per cent of the 154,000 people under the care of the correctional system were out on some form of community supervision in 1994? There was also a 40 per cent increase in the number of people out on probation between 1990 and 1994.

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These two opposing trends, overcrowding and a greater number of parolees, are rather ironic indeed but make perfect sense unless you are a Liberal who believes that pampering prisoners will bring an end to crime. Their idea of rehabilitation is to provide those inside with all the amenities those on the outside have to work for.

The point is a prime reason why people commit crimes is there is no element of deterrence left in our justice system. When someone in our society does something wrong they must pay the price, and in this case that means prison time. What sort of deterrence is reinforced through increased temporary absences or early parole?

It is unfortunate for the Liberals but fortunate for Canadians that the Reform Party can offer better solutions to remedy our justice system than lenient parole and absences.

● (1545)

I note in *Hansard* of September 23 that the member for Kingston and the Islands spoke on sentencing reform. He said: "The jail term is what the public looks at as the measure of punishment. I suggest that we have to change that. I invite hon. members opposite to think of changing it and look at alternative measures".

Reformers have suggested alternatives to the present justice system for three long years. It is just that members on the other side seem to be deaf not only to Reformers' alternatives but the wishes of Canadians as well.

We now know that the Liberal alternative of indulging and rehabilitating criminals is only resulting in more crime and overcrowded prisons. It has been estimated that the total cost of criminal acts to Canadian society is \$46 billion a year. It costs around \$10 billion just for law enforcement, prisons and courts. The cost of legal aid has been skyrocketing. There has to be a better way.

I believe we need to focus on two separate issues: prevention, and deterrence. Prevention must begin at home early in life. Preschoolers must be taught right from wrong. Society must do everything possible to provide the best possible environment for youngsters but there must be respect for the consequences of wrongdoing as well.

Reformers believe that individuals as well as governments must be held accountable and responsible for their actions. As an alternative, how about reinstating capital punishment as an alternative to life imprisonment? For the record let me be very clear about this. I am speaking about the death penalty for first degree, premeditated, cold-blooded murder. I am speaking about appropriate punishment for the likes of Clifford Olson, Paul Bernardo and Karla Homolka.

As an alternative, how about that four letter word "work"? I do not mean whenever the convict feels like it, I mean a mandatory requirement. A big part of the problem we have in society today—I stress that some believe they do not have to work—is this new age

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philosophy which seems to be reinforced even in our nation's jails. In our parents and grandparents' times the work ethic was simple, work or starve.

Prisoners should be required to work a minimum number of hours per week. If they are sick they should have to make up their hours later. If they are unfit, work should be found for them commensurable with their capabilities, but they should work.

As an alternative, why not bush camps? You will note I did not specify boot camps, Mr. Speaker. However, once again I am speaking of a structured, highly disciplined work environment. I believe this is particularly appropriate in the case of young offenders. Last weekend when I was home and attending a meeting in my riding an elderly gentleman made a suggestion to me about how we can help the young people to become more disciplined. He was suggesting mandatory military service. I have heard this many times from a number of people and I am sure other colleagues in this House have heard this as well.

Canadians and Reformers have been suggesting alternatives to the present system whereas the Liberals want to pamper those who break our laws, call them rehabilitated, then parole them only to see them reoffend. This kid glove approach is not what Canadians are demanding. Canadians want to see criminals held responsible. They want punishment that fits the severity of the crime. They want consequences for criminal acts that provide real deterrents.

Sitting out the coldest winter months in idleness in a warm environment with all amenities provided at taxpayer expense is no deterrent. An example fresh in my mind was visiting the new provincial correctional facility in Prince George. It is quite a nice facility with all the amenities for a convict's use.

We are looking at another example of piecemeal legislation by the Liberals. What is driving their confused and disjointed actions? I submit that first and foremost the Liberals are thinking about the next election. It is fast approaching and they have been sitting around doing nothing except celebrating their good fortune for the past three years.

• (1550)

Canadians have begun to ask what the government has done to improve the economy, our society, our justice system. Suddenly the Liberals are scurrying to pass quick fix legislation so they can tell Canadians that they did do something. They are hitting all the hot buttons concerning homosexual rights, crime and child support. The issue of child support was debated just this morning.

In another example of piecemeal legislation, the Liberals propose getting tough in enforcing child support payments without understanding the issue. The entire system of child custody laws and the Divorce Act must be reviewed and corrected by legislation

but the Liberals are going for the shallow, quick fix approach that they think will be enough to appease the voters in the next election.

The proposed legislation we are debating right now is another example. The disarray and inefficiencies in our justice system, in conjunction with rising crime, is now and will be a major issue for Canadians during the next election campaign.

The Liberals will go to the voters rhyming off their justice legislation such as Bill C-53 and Bill C-45. They do not care if this legislation completely ignores the changes that Canadians want. What is important to the Liberal campaign strategy is that they can say they did something, no matter how irrelevant and destructive or how vaguely related to crime and justice.

It is not good enough for the Reform Party and it is certainly not good enough for Canadians. They expect and they deserve better. This country needs fundamental changes to its justice system to help people feel safer, to recognize the rights of victims and to state loud and clear that criminal activity is not acceptable in our society.

I can assure members that Bill C-53 will not do that. It will do the exact opposite.

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, I would like to advise the Chair that I will be splitting my time with the hon. member for Wild Rose.

Before I give my comments on the legislative initiatives proposed in this bill, I want to make clear to my constituents that the Prisons and Reformatory Act only applies to persons sentenced for a federal offence and are being held in a provincial correctional facility. This would mean any convict sentenced to less than two years.

On the surface, the measures proposed in Bill C-53 seem to make sense. Apparently the new provisions have been requested by the provinces and territories. I have not had a chance to check with any of the provincial ministers about the measures the federal government has proposed, however I trust that the Standing Committee on Justice will do this during the clause by clause review of the bill. I hope the Liberals will allow the committee to do its job. Its previous record is not very good.

As I worked my way through the bill, I noted some obvious omissions. I do not know whether these were by design or by bureaucratic oversight. Before I could give my wholehearted support for Bill C-53, a number of amendments would have to be made.

Let me explain. Clause 2 of the bill, which amends section 7 of the act, states that the purpose of the temporary absence programs would be to contribute to the maintenance of a just and peaceful and safe society by facilitating the rehabilitation of offenders and their reintegration into the community as law-abiding citizens.

If I had been given the job of writing this bill, the stated purpose of temporary absence programs would go something like this. To reward convicts who have served the majority of their sentences in an exemplary fashion, to demonstrate to other prisoners the value of good behaviour and the fairness of the merit release process, to permit offenders to participate in work programs or get a job in order to make restitution to their victims, to compensate the state for the costs of their incarceration and, ultimately, to deter them from committing crimes in the future.

• (1555)

It is refreshing, I will admit, to see a government bill that started out by including a statement of principles. This is the first thing I look for because if the government does not get the principles right, then the resulting legislative measures will never be right.

The first thing I noticed was the absence, and hopefully it is just a temporary absence, of the most important principle, namely that the protection of society is to be of paramount consideration in the determination of any case. Why was that paramount principle omitted? The government included such a principle in the Corrections and Conditional Release Act. Why is it missing from the Prison and Reformatories Act?

Even the legislative summary prepared by the law and government division of the research branch of the Library of Parliament states: "This bill seems to give less importance to the protection of society than does the Corrections and Conditional Release Act". That is a serious deficiency.

I have dealt with the most important missing principle. I would like to note some other deficiencies in the other principles in Bill C-53. As it is currently worded, the second principle states that: "All available information relevant to the case be taken into account". Here is the key question. What does the government mean by all available information? Does it include victim impact statements? Does it give victims the right to be heard at any review to consider release of an inmate under the temporary absence program? If it does not, it should.

I also recommend that the bill include a definition of the term all available information and a list of the types of information that should be taken into account by the designated authority during any review process.

The third principle states that prisoners be provided with relevant information, reasons for decisions and access to the review of decisions. Does this mean that only prisoners are to be provided with relevant information? If the Liberal government is as concerned about the victims' rights as it says it is, then why are they not included in this principle?

I know that the fourth principle says that the designated authority may provide for the timely exchange of relevant information with

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other participants in the criminal justice system and make general information about temporary absence programs and policies available to prisoners, victims and the public.

However, I am sure even Liberals will agree that the victims' rights are at least as important as the right of prisoners. If so, then the third principle must be amended to read, and I quote what should be in there: "That prisoners and their victims be provided with relevant information, reasons for decisions and access to the review of decisions". Unless that is included I cannot support the bill.

I also have some concerns about the new power being given in this bill to the provinces, that is, the power to appoint any person or any organization as a designated authority. If Bill C-53 is passed into law, then any person or any organization so designated by the province would be responsible for authorizing temporary absences for prisoners in that province.

In the current legislation the province has the power to appoint an officer to make decisions regarding temporary absences. At least an officer paid by the government can be held accountable. How can the government hold any person or any organization accountable? That is a key question.

Citizens are already concerned about the lack of accountability in the corrections system. Citizens are attacked, injured, robbed, maimed, murdered by convicts out on temporary release and no one is to blame. The new victim is not even allowed to sue the government for its mistake. This a concern for me as well, not just my constituents.

I recommend that the wording of the current act be retained. At least if the designated authority is an officer, then some form of direct accountability can be guaranteed. If the designated authority is a sentencing circle or some do gooder or some prisoners rights society, then how will accountability be guaranteed by the government? Canadians are asking for more accountability, not less. This bill is moving in the wrong direction. This is a serious flaw.

• (1600)

The next section deals with the reasons for the so-called designated authority to authorize a temporary absence. The reasons do not list the most important reason for a temporary absence. That should be, and I hope that this quotation will go into the bill, to participate in work programs, to make restitution to their victims and to compensate the state for the cost of their incarceration and ultimately to deter them from committing other crimes in the future. That is common sense. That ought to be in there. It is a serious flaw that it is not included.

Finally, there should be a section in this bill which deals specifically with the accountability and liability of the government

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and the designated authority if a convict they let out on temporary absence commits another crime.

I do not need to remind members on this side of the House, but maybe the Liberal members on the other side need a little reminder. Daniel Gingras was on a temporary escorted absence to the West Edmonton Mall when he escaped, subsequently killing and raping several citizens.

I understand that dangerous criminals like Gingras should not be held in provincial institutions. In this job I have come to realize that a lot of things happen that just do not make sense. Therefore I think it is absolutely essential that victim rights come before prisoner rights and that the protection of society come before the rights of a prisoner to temporary release.

There is only one way I know to put these principles first, give Canadians the right to sue the government for its mistakes. If given this right to sue the government for injuries and damages caused by its mistakes I guarantee there would be a lot fewer mistakes.

In conclusion, this bill looks good on the surface but we need to go beyond impression and make sure we get it all right. It must promote responsibility and accountability. It must give victims more rights than criminals.

The Liberals always say they listen and they want constructive suggestions. I hope they are listening and will take these constructive suggestions into account. I hope the proper amendments will be made so that I can support this bill.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, first I would like to indicate how pleased I am to speak to Bill C-53. The protection of criminals obviously seems to be very important to this government. It seems like every time we pick up a bill that is presented to this House there is something in there regarding what can we do for the prisoners, what can we do for the convicts, what can we do for the criminals.

As we search through the document it just gives a person a clear reason why it is difficult to support these bills. It places the rehabilitation and the reintegration of criminals way ahead of the protection of society; in bill after bill.

The Liberal government under this social engineer we call the justice minister might be able to convince some people that it is doing a wonderful job. When we look at the things that have been put in place we see actually what is happening. Maybe the people across the way can explain to me why we have criminals, rapists and all other types of criminals being bailed out, being released on passes, who are given alternative measures to crime.

However, we have a hard working farmer who raises a crop, who tries to sell it to get as much money as he can. He breaks the law.

He sold his own produce against the law. We are going to lock him up and boy, we do not talk about release there or bail or anything. That violent grain producer is not going to get a temporary pass or a leave of absence. That is the Liberal mentality.

● (1605)

However, on the same day this farmer was sentenced in court, there was fellow who went to a farm and burned up tractors and a couple of trucks, stole a truck, beat some dogs to death and ravished the farm house and, guess what, he is going to receive an alternative measure. He is not going to have to go to jail.

We keep picking these things up. This reminds me of Mr. Gingras from Edmonton. He had a birthday. It was felt that something should be done for him to get him out of prison because he had been a pretty good boy. Two more people are dead because of the Liberal philosophy and the Liberal way of doing things. However, those things happen and nobody has to be accountable.

When they come up with a bill like this that is going to provide different things, why do they not write some accountability into it? Why do they not take the time to say that this is what they are going to do and if they fail or make a miscue or if they err, they as the government will hold themselves accountable to the people of Canada? If they do not repeal section 745 maybe they should make a new law which says they will be responsible if they release a killer in 15 years and he kills someone. The Liberals will not dare do that. They do not want to put their necks in any noose. But they do not mind jeopardizing the safety of all Canadians by making decisions that make absolutely no sense.

Right in my own community today a rapist who was charged on three counts was picked up by breakfast and bailed out by noon. Yet we have a grain farmer who sold his crop and received more money than what the wheat board could have got for him and we are going to lock him up and sock it to him and he will not get any bail. This is Liberal philosophy, a lot of bunk. Social engineering.

This justice minister ought to be back on Bay Street where he belongs. That is what he knows best. He does not know anything about law and order and the protection of people.

All we ask for when legislation comes down, all any of us want and all any Canadian would like to see is a little focus on the victims of crime. Every time we pick up legislation, and Bill C-53 is no different, it just is not there.

The Liberals put legislation out and ask us to support it because if we do not we are not much help to anyone. They tell us they are trying to accomplish something here. They have to get these guys out of jail and get them back on the street. They say we have to rehabilitate them if we are going to do anything about crime, regardless of the fact that crime has increased drastically in the last

15 years. It is mostly because of Liberal feel good, fuzzy philosophy that is not working.

The Liberals do not have brains enough or will not open their eyes to understand that it is not working. They do not understand why we have thousands of Canadians across Canada who are in groups like Victims of Violence, CAVEAT, CRY, all kinds of victims across the country organizing. Do members know why they organize? Because this government is failing the people of Canada. They have to organize to try to wake up these guys on that side of the House to say it is not working.

Let us talk about the good old gun control legislation, the one that is specifically designed to go after the law-abiding person. They are also going after the law-abiding person. They say "we are going to do something about smuggling". Yes, I guess we did. Look what we have done about smugglers. We caught a grain farmer selling grain across the line as the boats with drugs, refugees, guns and all the other crap they are smuggling into this country just go and go and nothing is being done.

I am sorry, but when we pick Bill C-53, like all the other bills I have seen, this fuzzy, feel good attitude is not cutting it with the Canadian people. One of these days they are going to wake up. When they go to the polls, maybe people like the justice minister, this social engineer, will realize they have made a mistake and do not care enough about the Canadian people. I would vote against this right now if I had the chance simply because it ignores the victims of crime. It is time to quit ignoring them.

• (1610)

Mr. Andy Mitchell (Parry Sound—Muskoka, Lib.): Mr. Speaker, I appreciate the opportunity to ask a question of the hon. member.

In his diatribe he mentioned that every piece of legislation put forward by this government protected the rights of anybody except that of society, or words to that effect. I do have a question with a number of parts that I would like to ask him.

I would like to know how these things protect criminals and ignore society. How can increased sentences for young offenders who commit violent crimes help criminals and not society? How can a new mandatory five year sentence for those convicted of using violence to force children into prostitution be helping criminals and not helping society?

How is the classification of first degree murder to any murder committed while stalking helping criminals and is not helping society? How is increased sentences helping criminals and not helping society? How is the fact that we have provided the basis upon which police can serve warrants on suspects to take samples

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of DNA helping criminals and not helping society? I would like to know how our outlawing of the so-called drunken defence is helping criminals and not helping society.

The government's agenda, the government's record on criminal issues is one of protection for Canadian society, one of recognizing the need to protect the rights of victims. We have done a good job on the criminal justice system in this country and the member opposite is absolutely wrong in suggesting that our legislation helps only criminals, not society.

Mr. Thompson: Mr. Speaker, I call it tinkering. I call it tinker, tinker, tinker. That is what you do with your laws.

The member is saying the government has done this and that, yet is it going to kill section 745 as the Canadian people want? No, it is not. It is still going to let killers out in 15 years. Is that looking after the interests of society? I think not.

There is bail set for violent offenders right on the same day as they are arrested. It is possible through this government. Is that protecting society? Oh, there are a few little tinker spots the Liberals have put in the Young Offenders Act. Mr. Tinkerbelle, the social minister, whom we call the justice minister, has fixed a little spot here and a little spot there. It sort of reminds me of when my mother used to put a little sugar into medicine so I could drink it.

There is not enough sugar in this to even look at it. The member across the way failed to address this particular bill. I will try to get back to it. He was not on that. There are 100 things.

If the member is so confident that the Canadian people are happy with what the Liberal government is doing, would the hon. member or anybody on that side please tell me why we have thousands and thousands of Canadians who are joining organizations to fight the government on issues of crime because they say it is doing a lousy job. They are called victims. The hon. member ought to hear them, to meet a few and maybe they will wake up over there. Once they do wake up maybe they will listen to what the Canadian people want instead of this warm and fuzzy Liberal baloney.

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

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

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

• (1615)

The Acting Speaker (Mr. Kilger): The vote is deferred until the end of Government Orders this day.

* * *

DIVORCE ACT

The House resumed consideration of the motion that Bill C-41, an act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment, Attachment and Pension Diversion Act and the Canada Shipping Act, be read the second time and referred to a committee.

Mr. Leon E. Benoit (Vegreville, Ref.): Mr. Speaker, as we resume debate on Bill C-41, I will explain a bit about the bill. It is an act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment, Attachment and Pension Diversion Act and the Canada Shipping Act.

The purpose of Bill C-41 is first, to establish federal guidelines for child support; second, to open Revenue Canada databases to searches in cases of payment default; third, to deny passports and certain licences to individuals whose support payments are in persistent arrears; fourth, to provide for the garnishment and attachment of federal public service pensions and wages of individuals working at sea.

Unfortunately, in today's world, between 40 and 50 per cent of marriages end in divorce. Even more unfortunate is the fact that when a divorce occurs, children are often the last to be considered.

In spite of the fact that our courts and our laws use the phrase in the best interests of the child, all too often the outcome is actually what is in the best interests of the custodial parent. We need to change this situation to ensure that the outcome ends up being what is in the best interest of the child.

Many non-custodial parents either do not pay their child support payments or are in arrears. Since non-payment of support hurts the children and the families, this situation must be remedied by some type of penalty for the offender. Bill C-41 addresses this situation. The non-payment of fair child support should not be tolerated.

Last year the Reform caucus called for nationwide guidelines and for increased enforcement of maintenance orders. This bill addresses these two issues. However, like many other pieces of legislation introduced by the government, Bill C-41 only goes part way. The bill represents a piecemeal approach to amending the Divorce Act. Once more the Liberals have given Canadians only part of the loaf, not the whole loaf.

While the Liberal government has continually stressed the need for comprehensive family law reform, the bill once again only deals with one small part of this large problem. Canadians need a comprehensive approach which benefits the children of divorce.

I would like to speak briefly about what I believe a comprehensive approach to amending the Divorce Act would include. First, it would include compulsory mediation as a first step in the divorce process rather than going straight to the courts.

In a court battle, parents through their lawyers and often encouraged by their lawyers so often attack each other in adversarial combat over who gets the property and who gets the children. Eventually, neither parent wins the battle. Inevitably the lawyers are the only winners in these cases. In too many cases the children are the big losers. Mediation would lessen the bitterness of divorce as both sides attempt to compromise. Most parents truly want to do what is best for the children but emotions get in the way in adversarial combat such as we see through the court system.

• (1620)

With mediation, parents are encouraged to put bitterness aside to do what is in their children's best interest. The result is often a less hostile relationship between the parents. A good relationship between the parents is essential since children exist through and thrive on the relationship that exists between their father and their mother. Even after divorce, the well-being of a child is directly related to the continued shared responsibility of the two parents for their child.

This morning, some members opposite said that having two parents is idyllic. I am not talking about an ideal situation. I am talking about the best possible situation under a very difficult divorce procedure.

The second element that I believe should be included in comprehensive reform is the access of grandparents to grandchildren. Children need to know that they are loved by both sets of grandparents, regardless of the divorce.

One of my constituents sent me a copy of her letter to the Minister of Justice in which she stated: "I am a victim of your indifference to the rights of grandparents. Your rock solid image has been eroded by your unwillingness to uphold the very principles you pretend to stand for. You have shot down the inherent rights of innocent children to have and to know their immediate families. You have disregarded the voices of countless grandparents who have personally experienced the pain caused by the flaws in our present justice system".

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That is from a constituent to whom I talked on several occasions and who, unfortunately, I could not assure that there would be something done in this place that would improve her situation.

What is said by the experts in this area? I quote Jim Gladstone, an associate professor of social work at McMaster University who has studied the relationship between grandmothers and grandchildren after divorce. He said: "A grandparent can offer a grandchild sanctuary from divorce materially and emotionally. The grandparent's role is especially important considering the child's parent is likely preoccupied with his or her own healing".

Not only my constituent but the so-called experts in this area stress the importance of grandparents having access to their grandchildren. Common sense also says that. Children whose parents are divorced are no less deserving of maintaining family ties. In fact, during these difficult times, children need even more to have these ties maintained.

A third factor to be considered in a comprehensive approach to amending the Divorce Act would also include access provisions that are enforceable. In talking about enforcing access, I would like to speak about a situation that happened to me over the last year and a half or so. It happened without one knowing what the other was doing. I had both the mother and the father in a divorce case come to me with their grievances which were quite different.

First the mother came. She was the custodial parent. Her concern was that she was having an extremely difficult time in paying what was necessary to raise her children. Part of the reason was that the non-custodial parent, the father, was not making child support payments. As I listened to her, I could see the difficulty, the stress that she was under. I could see also the less than friendly way that she talked about the non-custodial parent and the fact that he was not paying support. My heart went out to her. She was in a very difficult situation and in fact it was very difficult even for me to hear what was happening. I could not understand how the non-custodial parent, the father, would withhold child support payments.

● (1625)

Then it happened. I do not believe the father had any idea that the mother had been to see me. Some time later the father came to me with his concerns. He was torn apart because he had been denied access to his children even though the court had granted access. The mother, the custodial parent, had denied access even though the court had said that it was a requirement of the divorce settlement. I heard the other side. This father, who so desperately wanted to be in touch with his children, had withheld support payments because he so desperately wanted the access that he was being denied.

It is clear that the government, dealing with legislation on child support, should not only look at one part of this issue. It is critical that it also consider the issue of access. It has been completely ignored in this legislation. Once again, it is piecemeal legislation when comprehensive legislation is needed. That really makes this legislation of very little value.

The issue of access by the non-custodial parent is crucial, as the example which I used pointed out. As I said before, children exist through and thrive on the relationship that exists between a father and a mother. I would like to add that children also thrive on the relationship that they have with each parent individually. These relationships need to be continually strengthened as the child grows and matures. This is every bit as important in a situation where the parents are separated by divorce and where both parents do not have continual access to the children.

The relationship between the children and both parents is the fundamental building block of our society. It is how values and culture are protected and transferred from one generation to the next. The maintenance of these ties is crucial not only to the child's development but to the social stability of our society. It is that fundamental.

Family ties have a profound impact on our economy, culture and social structure. I do not think we can overstate the importance of these family ties.

It is therefore just as important that children whose parents are divorced continue to have access to both parents unless the courts have determined that there is some substantial particular reason that one or both parents should be denied access.

Unfortunately Bill C-41 does not deal with the problem of the lack of fairness in enforcing maintenance orders. I am getting back to maintenance orders and away from access. One of the major flaws with the bill is that Bill C-41 does not deal with the problem of the lack of fairness in enforcing maintenance orders.

On April 5, 1995 the Reform caucus approved an issue statement on child support, payment and taxation. It called for nationwide guidelines and for increased enforcement of maintenance orders. As I previously mentioned, this bill provides for both these points to some extent. However, the Reform Party stressed that provisions must be fair. The child support issue is not simply a woman's issue. It is a family issue.

● (1630)

While Bill C-41 imposes and enforces support obligations on non-custodial parents, it does nothing to ensure that custodial parents meet their obligations for example on visitation rights. That is unacceptable.

Many non-custodial parents who do not make payments refuse to do so because they are denied access to their children. It is not uncommon. This denial of access produces anger and weakens the ties between the non-custodial parents and their children. I know that with improved access many more non-custodial parents would

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meet their obligations in full. This in fact has been verified by people with considerable experience in tracking down non-custodial parents for non-payment of child support. My colleague, the hon. member for Mission—Coquitlam, this morning documented that very well. It is clear that most parents do want to do what is best for their children.

Besides these issues, there are other issues which were ignored by the legislation which I will not go into in detail.

The process of putting the legislation in place through order in council is typical of the government. It happens all the time. It is a non-democratic process which I have spoken of before so I will not get into it at length now.

Another concern about the legislation is that it could invade the privacy of the non-custodial parent. The bill makes data banks at Revenue Canada available to be searched for information regarding addresses and possible payment sources but does not provide protection for other information in Revenue Canada files. That is a concern under the present system and it will be even more of a concern when this legislation passes.

There is the issue of revoking passports. Bill C-41 contains clauses which allow for the revocation of a passport of a person who is in default in their child support payments. The revocation places such a person in jeopardy if he or she must travel outside Canada with their employment. How can a person earn money and meet child support payments if they are being denied access to their place of employment?

A constituent of mine spoke of the problems which he had and how much more serious the problems would be because of this bill. He went to work outside the country. He could not get a job in Canada and could not afford to make the payments but he could with the job outside Canada. He was concerned that the legislation would completely cut off child support payments.

By opposing the bill, the Reform Party is not supporting people who do not pay child support. Clearly that is not our intent. The problem is that Bill C-41 lacks meaningful substance and in particular it lacks fairness.

What Canadians need is a comprehensive approach which focuses on change which benefits the children of divorce. By opposing the bill the Reform Party is attempting to force the government to adopt a comprehensive reform of the Divorce Act so that matters such as compulsory arbitration and access are also included. With respect to child support, as in all government decisions, Reform believes that the well-being of the family should be the top priority.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I want to take the opportunity to speak on Bill C-41, an act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment, Attachment and Pension Diversion Act and the Canada Shipping Act, at second reading.

Throughout most of the debate today the commentary has been more on family values than it has been on the substance of the bill. The last speaker raised some interesting points about the bill, about whether or not it goes far enough in certain aspects. There are aspects such as the garnishee without notice, the ability to open up the support arrangements and of course the grid for the determination of support payments. The member spoke about the issues of fairness and the need for change in the Divorce Act.

• (1635)

In listening to the debate I was saddened that so many members talked about the demise and breakdown of the traditional Canadian family. They tended to talk casually and lightly about the situation of divorce and family breakdown and how prevalent common law relationships were. There was very little support in this place for the traditional Canadian family. I was a little concerned that maybe Canadians were wondering if there was anybody in this place who was speaking on behalf of the family. I want to make a few comments about the family.

When I first came to the House of Commons and joined the Standing Committee on Health, one of the reports we received was on the strategy of our health care system. One of the most significant statements that was made in that report from Health Canada was that we spend approximately 75 per cent of our health budget on curative measures for problems and only 25 per cent on prevention. The issue of prevention versus dealing with the problem after it occurs is applicable in the case of this bill and many other items that come before the House.

I can recall giving a speech in this place on Bill C-10, the borrowing authority legislation. It was just after the Thibaudeau decision had come down. There was a lot of talk at the time about the family and about issues relating to family breakdown. That was the first time I rose in the House to give a speech without notes. I know many members have experienced the hesitation to speak from their hearts on what they believe. We have prepared texts and members will stand in their places and sometimes read canned speeches. I think that night I spoke because I really believed in something and in my own heart and mind I knew what I was talking about. I can remember a particular quote from that speech. It was that if the family were strong, the deficit would be gone. It is a little bit of a cliché.

Having heard all of the debate from time to time in the House about the family, there is no question in my mind that there is something terribly, terribly wrong taking place in our society. The respect for the family continues to erode. The respect for families

who choose to provide care for their children in the home is no longer there. When we talk about bills like this one dealing with divorce and enforcement of support orders and access orders, it is about things that we can do to take care of something that has gone terribly wrong.

This morning a member rose to say that according to Statistics Canada anywhere from 3 to 3.9 marriages out of 10 end in divorce. That is 30 to 39 per cent of family breakdowns end up in divorce. The member also went on to say that maybe it should be 50 per cent because of what she sees in the family. It really got to me and saddened me that there was someone in this place who actually thought there should be more divorce to take care of family problems. It seemed like an ironic solution to a problem and it caused me some concern.

• (1640)

Strong families make strong countries, there is no doubt in my mind. Although this bill has to deal with certain aspects where families have in fact broken down, it is important to have fair rules to ensure that the needs of the children involved in those family breakdowns are paramount in terms of the rules of care for them. There must be no compromise in terms of that priority.

There is a lot of talk in this place about child poverty, how terrible it is and that we have to do something to solve the issue of child poverty. All members will know that if a couple with children decide to break up, assuming there are no other changes in their economic circumstances, one significant thing will change: when two people living together decide for whatever reason to live apart, there will be the cost of a second residence.

Residences cost most families about 30 per cent of their disposable income. We are all aware there are certain levels of principal residences one can acquire, but even a simple apartment could cost even in this city \$500, \$600 or \$700 a month. Who in this place could absorb that additional cost with no change in their family income, or at least the incomes of two people who have split up?

There are undoubtedly cases where family breakdown is a direct cause of child poverty because quite simply there is not enough income for those two people to support an additional residence. We cannot get blood out of a stone. There is no amount of legislation, court enforcement or coercion that could be imposed to make more economic means available for the care of those children.

We are fighting a losing battle on child poverty if we do not win the battle with the family. The family that stays together, the strong, basic economic unit of our society, is the solution to child poverty. I honestly believe that.

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Child poverty is a function of social decay. We have the means and we have the right.

Earlier today a member rose in his place and said that we have to be big enough and tough enough to tough out our responsibilities to our children even when the marriage is having some difficulties. Today it seems it is just too acceptable and far too easy for people to get a divorce in our society. There is no respect for the family.

If we think it through, there is no question that a strong, healthy family in our society is less of a burden and a cost to our social programs, our criminal justice system, our health system and the productivity of our businesses than families which break down. There is no question about that.

We are losing the battle on child poverty. We will lose the battle on child poverty and make no progress on it whatsoever if we do not first make some progress with regard to the family.

We have had far too many casual comments in this place about the state of the family, the prevalence of divorce and the prevalence of common law relationships. We have to reaffirm the social value system we have in this country.

Our income tax system was originally structured to recognize the fact that families play a predominant role within our society. There were various deductions and family allowance. There were all kinds of provisions to ensure that the family had the flexibility and the options to provide the kind of care to children and to relieve the stress and pressures on families so that things such as divorce and separation would not occur as often.

• (1645)

But as we had changes in the mechanics of the Income Tax Act, things have changed to the point that it discriminates against families. Members will know, I present a petition almost every day about managing the family home and caring for preschool children being an honourable profession which has not been recognized for its value to our society.

The Income Tax Act discriminates against families that choose to stay together. It discriminates against families that choose to provide for their children and be responsible, to tough it out in those tough times.

This summer I had a great opportunity to reflect on my own life. My wife and I celebrated our 25th wedding anniversary in August. We sat together. We went through the albums. We talked to our children. One has moved out and has a job. One is away at university and the other attends high school.

We did take the opportunity to get together and talk about what has happened in our family. We concluded that family is memories, making memories. Family is making sure you are with your family members in good times as well as bad. Lord knows we have all had

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our problems. Lord knows we have the ability to tough them out. But it is far too easy to say no.

As a matter of fact, in many states of the United States—it might even be a federal requirement—before someone can even have a divorce there is a requirement that they go through some sort of 12 week program. It is almost like a reality check for couples who are contemplating divorce. It is that reality check that says to them did you know that if you do this, here are the economic implications; if you do this, here are the implications to your child, to your lifestyle, to visitation, to access, to support payments. Your entire life is going to be affected, and that is the least of it.

Everybody in this House agrees that family breakdowns with children involved affect no one greater than the children themselves. That is the issue here.

Social assistance for single parent families accounts for, subject to check, about 80 per cent of the income of those families. That means it is hard to defend the situation that family breakdown is somehow a solution to something. In fact, it is going from one problem probably to a more serious problem.

I am not naive. I understand things like spousal abuse. I was a board member of Interim Place, our shelter for battered wives, for five years. I know about spousal abuse. I know about abusive relationships and child abuse and I know the best thing to happen in most cases is for that marriage to stop.

It is our responsibility to make sure the custodial parent and those children are properly taken care of regardless of the impact to the at fault party, as it were. If we have an aggressor in the relationship who is the source of the problem and causes that family to break down, that is the party who must bear the responsibility for their actions.

It really comes down to a principle and a value that is extremely important to our society, that we must start again to be responsible for our actions and our inactions.

The issue of spousal abuse is a very important one to me. I spent a lot of time in my former life working in a shelter as a treasurer to raise money. We tried to understand the problem. One of the things I found as a man in that situation was that I was not often accepted by some women who were advocates on behalf of other abused women. It appears that there is this bias on behalf of some that all men are bad.

It was very difficult for me to be on that board. It took two years before the others even asked me what I thought about certain situations. But I learned a lot and I learned a lot when I drafted the bill on health warning labels on the containers of alcoholic beverages. My research, which was based on the 1995 report of the Canadian Centre on Substance Abuse, showed that 50 per cent of family violence in our society is caused directly or indirectly by the misuse of alcohol.

• (1650)

In the summer there was a bilateral forum on women's health in Canada and the United States. One of the facts that came out of this was that spousal abuse in our society in Canada costs us some \$4.2 billion.

When we get a situation like that we have to ask ourselves whether there is something we can do, where are the other things. I think I hear that from members in the House that we have to do more. I do not think the more that we can do is within the context of this bill. It certainly does make the argument that we have to look for better ways to prevent problems from occurring, to be proactive, to intervene and do whatever it takes to make sure our families, our friends, our acquaintances do not become tragic statistics. That is a value that I have. That is a value that I think many members have in this place.

I heard a member say that common law relationships are more prevalent now and everything is fine. One of the things I do know is that if we look at the incidence of spousal abuse in common law relationships versus married couples, a two to one ratio, almost 66 per cent, of family abuse situations occur in common law relationships. We have to ask ourselves the rhetorical question why. Is there a reason? We have to look at those things.

When this place has the opportunity, I hope all hon. members will remember this premise or strategy about prevention versus dealing with problems after we have them.

We have situations raised by hon. members in this place which have identified, even though it is outside of the context and the scope of this bill, that we do have problems that we can deal with. I hope all hon. members if they care will do what they can to make sure that family breakdown, divorce and the need to have stronger laws to support enforcement, garnishees, support payments and access rights will not be as large a priority as it is in this place today.

* * *

[*Translation*]

THE CRIMINAL CODE

BILL C-45. NOTICE OF MOTION FOR TIME ALLOCATION

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, it was not possible to reach an agreement pursuant to Standing Orders 78(1) and 78(2) with respect to the proceedings at third reading of Bill C-45, an act to amend the Criminal Code (judicial review of parole ineligibility).

I therefore give notice that, at the next sitting of the House, pursuant to Standing Order 78(3), I will be moving a time allocation motion for the purpose of allotting a specified number

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of days or hours for the consideration and disposal of proceedings at that stage.

Some hon. members: Oh, oh!

* * *

DIVORCE ACT

The House resumed consideration of the motion.

Mrs. Monique Guay (Laurentides, BQ): Mr. Speaker, if the Reform Party members could stop talking, perhaps we could debate this bill.

I am pleased to speak on Bill C-41 regarding child support.

As all the members of this House know, the safety, well-being and health of our children should always come first. As a single parent of two myself, I am qualified to speak on the issue being debated today.

We must realize that things have changed considerably these past few years and that more and more couples divorce; it is a fact of life. I heard my hon. colleague from Mississauga South talk about divorce as if it were inevitable. Personally, I think it is a choice you make.

• (1655)

When two people can no longer live together, they are better off separating than continuing to live under the same roof and putting their children through hell. True, there are more divorces but divorce is a free choice made by the man, the woman or both partners. They decide to go their separate ways for their own good and also for the good of their children. This is 1996, not 1930. This is my personal opinion, but I think that a number of my colleagues may share my views.

We must accept that life has changed a great deal. Divorce already comes as a terrible shock to children. No argument there. Some children even take full responsibility for their parents' decision. They feel responsible for the divorce, which makes their lives terribly difficult.

If, on top of that, these children do not have all the resources they need to grow up in a healthy environment, they end up in the kind of situations we are all familiar with. Juvenile delinquency has reached enormous proportions. The parent, who is generally a woman, does not have enough money and, as a result, she may suffer from depression and make her children's lives miserable.

I have seen cases that were totally unacceptable. One mother of three in my riding found herself without money before Christmas. She was looking for ways to give them presents, to feed them during the holiday season. Such situations occur when the former spouses decide they do not have time to pay child support, because

they are too busy or because they are travelling. This is a terrible situation.

I have seen many such cases. One December 24 in my riding, I had to go looking for resources for a mother and her four children as she needed milk, bread and other staples. Her former husband had decided that he would not pay child support, but he had gone to Florida. He saw nothing wrong with this. It is not always like this but in many cases, this is the reality. One must be able to deal with these situations.

I think that all parents have a primary obligation to support their children financially. Last year, Quebec passed legislation to ensure that, as soon as child support is awarded, the court orders for child support are automatically recorded by the clerk of the superior court in which the case is heard. In the case of workers not earning regular salaries, the program requires the deposit of a guarantee equivalent to three months' support. In the case of salaried workers, a deduction is made on their pay cheque. These measures aim to make child support more accessible.

Let me quote an article published in *Le Droit*, on February 6, 1995, and which concerns Quebec. The minister responsible for the status of women, Jeanne Blackburn, did not wait long to introduce a bill at the National Assembly whereby child support will be directly deducted from the pay cheques of former spouses. This will not happen next year or in six months, but this April. This measure has nothing to do with feminism, machismo or sexism: it has to do with elementary justice and plain common sense.

Only 45 per cent of former spouses—let us not forget that, eight times out of ten, men are the ones who have to pay support—are considered to properly fulfil their obligations. As for the other 55 per cent, it is estimated that they represent about 25,000 deadbeat fathers.

When there is a divorce, more often than not, the mother gets custody of the children. The mother's hard life becomes miserable when her former spouse does not pay support, or only does so on a haphazard basis. Why do so many men become irresponsible, considering that most of them are perfectly able to pay? According to Quebec's council on the status of women, it is primarily for personal reasons. The person providing support lacks interest in a family life he is not involved in; he ignores, or wants to ignore, the reasons why support was awarded; in addition to the deep feeling of resentment generated by the divorce, there is a very tenacious grudge, which is partly due to the conditions applying to visiting rights.

• (1700)

The automatic collection system is still the most effective way. One of the advantages is that the person owed money does not have resort to the government's collection service. Although the latter is generally reliable, few women use it: in 1993, fewer than 6 per cent of those owed money used this service. Why? There are probably

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many reasons. However, fear of retaliation by an ex-spouse, especially if he is violent, is certainly a factor. The bill will make life easier for women who live in poverty and fear.

Predictable feelings of frustration and anger may arise among those who are forcibly reminded of their responsibilities. These are self-centred individuals who, although they know they are wrong, want to punish their ex-spouse. They tend to forget that in 94 per cent of these cases, children are the only ones to benefit from the support system. And besides, they could hardly demonstrate their disagreement by demonstrating with placards and the rest: they would merely attract the opprobrium of 88 per cent of the population. That is the percentage of respondents to a poll who spoke in favour of the bill.

The new provisions will not be sufficient to catch all individuals who default on their payments. But they will increase the effectiveness of a system which women were afraid to use. Besides, the new legislation should modify the behaviour of these new debtors. This change in course is not revolutionary at all: three other provinces in Canada, including Ontario, have also introduced a deduction at source system.

The reason this bill has become so urgent is above all because of the children. It will give thousands of children a chance to have better health, better food and, in a word, receive all the necessities of which they are deprived. Too many children live on the margins of society in sometimes sordid conditions. Without being a cure-all, the new legislation should improve their situation.

This is the provincial legislation we have in Quebec.

I have another report here which appeared in *La pauvreté des enfants au Canada*, and I would like to read a few excerpts.

It says here that the number of poor children has increased 55 per cent. A record number of children in Canada, 1.47 million, live below the poverty line. Today, more than one child out of five lives in a poor family. [—]

[—]With a poverty rate of 60.8 per cent, children in single parent families are four times as likely to be poor as children in families with two parents. [—]

[—]In more than 70 per cent of the cases, women become single parents as a result of separation or the decease of their spouse.

The number of children living in families that need social assistance has increased 69 per cent.

More than 1.1 million children live in families that at some time or other in 1994 needed social assistance. The increase of 69 per cent since 1989 can be explained by higher unemployment rates and an increase in the number of poor workers. The number of

families with an income below \$40,000 per year has increased by 26 per cent.

Looking at all that, and saying “jobs, jobs, jobs” does nothing for the cause of the children, who are again paying the price.

We are therefore in agreement with the principle of the bill, but again existing provincial legislation must be taken into account, in Manitoba, Ontario, Quebec and New Brunswick among others.

The federal government has brought in this bill in order to, if I may put it that way, complement the actions of other governments in the battle against poverty.

In 1990, there were 78,152 divorce decrees in Canada, which gave rise to 48,525 judgments concerning child custody. In 1988, 98 per cent of those receiving child support payments were women. Two thirds of divorced women with three children live below the poverty line. One child in five does not have enough to eat. I could go on and on.

• (1705)

I have said we are in agreement with the substance of this bill, but—and I must emphasize this, and hope I have time to do so—there are some negative aspects to it as well. I feel this needs to be pointed out. There ought to be amendments made to it, if we can reach agreement with the government. It might be worthwhile to have an act which, one day, just for once, would work for everyone. But of course I doubt that is possible.

First of all, if a provincial government decides to put guidelines in place for its province, these would take precedence over the federal ones only if the governor-in-council designates by order that the provincial guidelines are the applicable guidelines.

Subclause 1(4) reads as follows:

The Governor in Council may, by order, designate a province for the purposes of the definition of “applicable guidelines” in subsection (1)—

What I wish to point out here is that “may” ought to be changed to “shall”. When the word may is used, this does not mean it is absolute, whereas when an order is involved, there is a notion of “shall”, or an obligation, if you prefer.

The provinces therefore will have to meet the criteria designated by the federal government in clause 26.1, if their guidelines are to be accepted as the applicable guidelines. In this way, the government retains an absolute discretionary power as to the acceptance or non-acceptance of the order. Once again, the usual paternalism of the federal government is evident. Great care must be taken here.

In conclusion, as I said, the Bloc Québécois will vote in favour of this bill at second reading. However, some major amendments are required to bring the bill in line with what they call flexible federalism, as usual, and with existing provincial legislation.

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Any overlap between a federal law on child support and existing provincial legislation would penalize women, children and families because we will end up fighting over whether it is a federal or a provincial jurisdiction. This will create confusion.

I would like to close on this and say that I am happy to see that the federal government has taken such an important initiative. As I said earlier, if we can come up with amendments that satisfy all the parties in this House, we may be taking a big step for the future of our children and women, as well as their safety and everyone's well-being.

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member made a statement that this is 1996 and not the 1930s. With that statement, notwithstanding her other comments, she summarily dismissed the family as the basic unit of society. We are changed. Get with it. Divorce is a regular thing, no big problem.

People in this place should know in this place, in the gallery and who are watching the debates on their televisions that there are more members in this place who honour, respect and need the family than that member has demonstrated in her speech. Strong families make strong countries and the member should not be dismissing the family in this place.

My question has to do with another statement the member made. That was her assertion that in Quebec the payments grid, the formula, goes a long way to solving the problem of child poverty. The member will well know that if two people making a certain level of income separate and continue to have the same level of income, their economic circumstances are deteriorated for one reason and one reason alone. Two people living apart need a second residence, a very expensive proposition in terms of the utilization of disposable income.

• (1710)

How does the member rationalize that somehow any formula to distribute the income of two people is going to improve the situation of children when another major liability has been assumed by those two people for the rest of their lives?

[*Translation*]

Mrs. Guay: Mr. Speaker, there must be a bad connection with the hon. member for Mississauga South's interpretation channel or something because I never said that divorce was normal. It is however an integral part of our culture. It is part of our reality nowadays.

Should parents be forced to stay together in this day and age because they have children or because it makes economic sense? What about their feelings? What about those who are really incompatible? What about women battered by their husbands? Should they be told: "You must not leave, stay with your husband,

you will be better off"? Come on, Mr. Speaker, let us get real here. In real life, people go through divorces, and no one in this House has the right to pass judgement on a divorce case. Divorce is a decision made by two individuals, and I respect that decision. I did say that we had a frightening high divorce rate, but we are in 1996, not in 1930.

I am very pleased to see that the hon. member for Mississauga South has been married for 25 years and that he is happy with his children. That is great, and I congratulate him on that because this really is a rarity today. There is a growing number of single-parent families. Changes should be made to this bill. And I am convinced that, if we come to an agreement, this bill will go a long way to reassure our children, and women in particular, since they are the ones who are home with the kids and have to provide for them after a divorce. They have to go to their ex-husband and beg for money to support the kids.

Having children is a decision we make, a decision parents make together.

I am sorry the hon. member misheard what I said. Perhaps there was a problem with his interpretation channel, but divorce is a fact of life today and we have to live with it.

[*English*]

Mr. Szabo: Mr. Speaker, again I concede to the member that family violence is a situation which in the majority of cases the property course is probably for charges to be laid and for the relationship to stop because no one should be subject to that kind of abuse. I am very familiar with that.

The member asked what about emotion; a friend said they split up because the love went out of their marriage. Yet the member also said as a result of family breakdown there are children who do not have enough food to eat.

I would like to ask the member very directly, what is more important to the member. Is it the equality of emotion in the marriage or the food in the mouth of a child? It cannot be both ways. The member must make a choice.

[*Translation*]

Mrs. Guay: Mr. Speaker, I think the hon. member for Mississauga South is really lost today. He definitely has a comprehension problem. I am not here to preach. We are here to discuss concrete issues; we are talking about family, about women with children. Sure, feelings are important for couples. They are important because they affect the whole family, particularly children. When a woman is abused in a home, children often are abused too and the family lives in a violent environment day after day.

The hon. member says we will put a stop to this, no problem. These things are not so easy to stop. Do you know a woman who relishes the idea of getting beat up every day? To be sure some choices and decisions will have to be made. I do not understand

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why the hon. member almost sounds like he is opposed to this bill from his own government. There is something wrong somewhere.

[*English*]

Mr. Ed Harper (Simcoe Centre, Ref.): Mr. Speaker, I rise to speak to Bill C-41, which addresses some of the issues surrounding divorce and child support payments.

The Deputy Speaker: Excuse me. The Chair forgot to do something which was supposed to be done before five o'clock. Will he permit me to read something that has to be put directly?

• (1715)

[*Translation*]

It is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Parry Sound—Muskoka, Justice; the hon. member for St. Boniface, French language communities; the hon. member for Regina—Lumsden, Gasoline pricing.

[*English*]

Mr. Harper (Simcoe Centre): Mr. Speaker, I rise to speak to Bill C-41, a bill which addresses some of the issues surrounding divorce and child support payments.

I listened with interest as the member for Mississauga South spoke with some eloquence and certainly directly from the heart about how important the basic family and family values are to him, which I appreciate very much. However, he represents a party that is in the majority in this House and is able to do something about reinforcing family values and indeed they are the building block of society.

There are things that are not covered in this bill such as the way the Income Tax Act discriminates against married couples. The very high tax burden discriminates against couples in that a second job is no longer a choice but a necessity. We think that is a deterrent to keeping families together. Also, of course, there is the failure to recognize the very important role that one of the partners would play in staying home to look after the children.

Therefore, while I acknowledge and appreciate his support of the family, it is a voice in the wilderness and the views are not shared by the majority of the people on that side. He even made reference to the fact that in debate today a member rose and suggested that the divorce rate perhaps should be even higher. What he did not mention is that the comment came from a member of his party and certainly did not come from my party.

I believe it is important to recognize that whenever we address this issue we are dealing with a great personal tragedy. It only becomes necessary to discuss child support when divorce is

occurring. A broken marriage is one of the most painful situations in life that people must go through.

Unfortunately, Bill C-41 is only one small step when what is required is a major overhaul of government policy with respect to families. Federal tinkering with this largely provincial area of jurisdiction may satisfy some vocal special interest groups, but the proposed changes will not deal with the root problem of family breakdown.

We have identified some specific problems with this bill which we believe should be addressed before this legislation is given approval. It is clear that all parents want what is best for the children. Even though their marriage is falling apart, the child's best interest remains central to the parents. It is therefore extremely important for us as legislators to understand the emotional impact and do our best to remove unnecessary tension and aggravation from the legal system.

This is one reason why the Reform Party has expressed its support for developing the concept of a unified family court. Rather than having to visit two and even three different courts in the course of divorce proceedings, all family law matters would be dealt with in one court with a greater emphasis on mediation.

We believe that in these difficult situations the law should be a servant to the parties and not a further frustration. Unfortunately, the minister has not even begun to address this important aspect of family law.

A troubling aspect of Bill C-41 is its insistence on rigid payment levels for support. A full year in advance of this bill, the Reform Party recommended the publication of guidelines for support. We said that Statistics Canada could be relied on to provide basic data about the average cost of raising children in the cities, towns and rural areas. Judges and interested parties could then use the data as a benchmark or starting point in their negotiations for support awards.

We believe the federal government should keep out of provincial jurisdiction and continue to allow judges the right to make the final decision about awards based on the long established legal principles of demonstrated need and ability to pay.

The justice minister's Bill C-41 imposes a made in Ottawa formula without giving judges the ability to serve just awards. The formula is inflexible and fails to take into account the differing needs of different families.

• (1720)

Just one example of where the formula falls short is that it fails to account for direct expenditures made by non-custodial parents on their children. These include transportation, food, accommodation and entertainment on access days. The minister's formula and

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many bureaucrats fail to recognize these considerations, a judge would not.

Children need both their parents. The jurisdiction for custody, access and support is a provincial jurisdiction. Under Bill C-41, however, the federal government is going to assist the courts in matters of information gathering and enforcement of court orders for support.

Although we endorse this initiative, we believe it is important for the legislation to reflect that assistance in the area of access in custody as well. When parents use the children as tools against each other, the biggest losers are the children. It is vital for our legislation to reflect a concern for the access of a child to the love of both parents, not just the money of both parents.

We have said that we oppose this bill because of its failure to deal with significant aspects of the results of divorce. More disturbing than this is the complete lack of response to the deeper social problems of divorce and family break-up that have caused the need for us to deal with the child support issue. These underlying issues have been aggravated by well meaning but faulty government policies stretching back decades.

Progressive taxes that discourage hard work and high taxes that lower real family income are an impediment to financially stable families. Day care subsidies restrict the choice parents have when it comes to child care. Tax credits that discriminate against stay at home parents, including the expanded working income supplement proposed as part of these measures, are examples of government making choices for parents but not always in the best interests of the child.

The government has affirmed other relations as equivalent to marriage, even granting some of them taxpayer funding in the form of benefits. This new policy has demeaned the special status that marriage should enjoy in society.

The government has opened the borders further to the importation of increasingly graphic and violent obscene materials, materials that demean persons and relationships and strip them of their dignity. Our cultural institutions, many of them taxpayer funded, teach a false stereotype of love and marriage as being purely physical relationships. It is no wonder that so many of our young people have such difficulty in making a success of relationships because relationships require so much more.

Reformers believe in lower, flatter and fairer taxes. We believe in supporting marriage as a special institution and as the best place to raise children. We believe in subsidizing parents, not day care centres, and we believe in a civil society where activities, behaviour and material that undermines strong families are restrained or prohibited.

Leadership in society on this issue is sorely lacking. I cannot remember the last time we heard a member of the federal cabinet get up and extol the virtues of marriage and family and the vital importance of parents in bringing up the next generation. They have spent a lot of time talking about the value of other types of relationships, but not one word about marriage.

During the past year I have had the honour and privilege of attending many 50th wedding anniversaries. The end of the second world war was in 1946 and those brave young Canadians who returned were getting married and starting a new life. Through hard work and perseverance they managed to develop a successful relationship that should be a model for our young people. We can all learn a great deal from the love and commitment these couples demonstrated one to another.

Perhaps for a few there is no possible alternative to divorce, but for many others the worth of marriage has been so devalued by our modern throwaway society that divorce has appeared to become an easy and reasonable option. All too often, however, those most important damaged by this newly casual option are the children.

• (1725)

If we believe in the value of strong families, then we need strong leadership to stand for what we know to be right. Over the past three years I have heard many members of this House talk about child poverty. Today I stand to agree with them. There is a massive problem with child poverty in Canada.

It is not, as some claim, an economic problem. In fact our society is quite wealthy. There is no need for even the lowest income families to do without the basic necessities. The child poverty I am talking about is the emotional and spiritual poverty that a child of divorced parents suffers. With only one parent at a time children of divorce suffer from a love deficit.

This is borne out by the myriad studies which prove conclusively how much harder life is for these youngsters. Children of divorce have an increased likelihood of failing or dropping out of school, using drugs, committing crimes, suffering depression, mental illness and suicide and having interpersonal relationship problems, including a greater likelihood of divorce and family violence themselves.

Child support needs to be about more than just financial payments. It is about meeting all the needs of children including their need for both parents' love and attention.

Reformers are exercising leadership on the child poverty issue by attacking the root of the problem: family breakdown. If the Liberal government and the justice minister think that the Canadian people do not care about this basic problem, that Canadians only want to apply a band-aid solution like Bill C-41 to one of the symptoms of the problem, they had better think again.

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Canadians care about families. They care about child poverty. They care about their neighbourhoods and communities. What they do not care for is impersonal big government, its high taxes and the social manipulation and interference it brings.

More programs and more spending are not the solution to this problem. Exercising leadership and making the necessary legislative changes are part of the solution. I ask all members to join me in opposing Bill C-41.

Mr. Leon E. Benoit (Vegreville, Ref.): Mr. Speaker, I commend my colleague for his presentation on this issue.

I have a question. We heard a little earlier today from a member of the governing party bragging about the number of justice bills that the government has brought before the House. In this area of reforming the Divorce Act what we were looking for was some substantial, comprehensive legislation which dealt with a wide range of issues. All we have had is piecemeal legislation which deals with only one aspect. I would like to ask the hon. member to comment on that.

As well, the member for Halifax was suggesting that the divorce rate should be higher than it probably is, if more people would give up on marriages which they should give up on. Then we had the member from Mississauga saying that there should be much more substantial change in this area. Yet those members are all from the governing side.

The government has the power to make the changes that are being recommended and not just to tinker with so many different bills which really do so little. I would like the hon. member to comment on that also.

Mr. Harper (Simcoe Centre): Mr. Speaker, I thank my hon. colleague from Vegreville for the question.

What is demonstrated in this bill is a lack of commitment on the part of the government to deal with the real issue of divorce and family breakdown. Like so many bills, it is a halfway measure, trying to walk down the middle of the road and be all things to all people. The tragedy of course is in the failure to deal with the root problem.

We had on the floor today in excess of 100 of our Olympic athletes. Those athletes are living testimonials to commitment and dedication in what they have done to overcome obstacles to make them the very best in the world. The commitment and dedication which was demonstrated on the floor of the House today by those Canadian athletes is what is missing across the aisle in government members. They should show the same commitment and dedication to the basic family unit and the important role it plays in this great country of ours. Sadly it is lacking and I wish we could instil it.

Mrs. Diane Ablonczy (Calgary North, Ref.): Mr. Speaker, we are debating Bill C-41. The title of the act is rather long and boring. It is an act to amend four other acts. The real purpose of the bill is to deal with the enforcement of child support, to ensure that non-custodial parents continue to support their children financially.

The main provisions of the bill are to set guidelines for child support so there is more certainty and uniformity in the manner in which child support awards are handed down. New access to Revenue Canada databases will be granted in order to search for and locate defaulting parents. The bill will allow public service pension benefits to be garnisheed. Finally, the bill provides for the withdrawal of federal licences. Federal licences are defined so as to include passports.

The purpose of the bill is to give some teeth to the legislation and to provide greater certainty that parents who are ordered to support their children financially do so.

Those are the four main points about which we are talking today and I would like to address them. However, Mr. Speaker, I do not believe I have the time to get into those four provisions, so with your permission perhaps I could speak to them tomorrow. This is a sensitive matter. We are dealing with children, families, divorce and all the difficulties which that entails. We need to be very balanced and careful when we talk about these issues. I will certainly attempt to do that tomorrow.

The Deputy Speaker: The hon. member for Calgary North will have the floor tomorrow when we return to this matter.

* * *

[Translation]

CANADA MARINE ACT

The House resumed, from September 27, 1996, consideration of the motion that Bill C-44, an act for making the system of Canadian ports competitive, efficient and commercially oriented, providing for the establishing of port authorities and the divesting of certain harbours and ports, for the commercialization of the St. Lawrence Seaway and ferry services and other matters related to maritime trade and transport and amending the Pilotage Act and amending and repealing other Acts as a consequence, be referred now to the Standing Committee on Transport.

The Deputy Speaker: It being 5.30 p.m., the House will now proceed to the taking of the deferred recorded division on the motion by Mr. Anderson regarding Bill C-44.

Call in the members.

(Motion agreed to on the following division:)

(Division No. 131)

YEAS

Members

Ablonczy
Allmand
Arseneault
Augustine
Baker
Beaumier
Bélanger
Bernier (Beauce)
Bevilacqua
Bodnar
Boudria
Breitkreuz (Yorkton—Melville)
Byrne
Campbell
Catterall
Chan
Clancy
Collenette
Copp
Culbert
DeVillers
Dion
Dromisky
Duncan
Eggleton
Fewchuk
Finlay
Forseth
Fry
Gagliano
Gerrard
Goodale
Grey (Beaver River)
Grubel
Hanger
Harper (Simcoe Centre)
Harvard
Hermanson
Hill (Macleod)
Hopkins
Ianno
Irwin
Jennings
Jordan
Kirby
Kraft Sloan
Lavigne (Verdun—Saint-Paul)
Lee
MacAulay
Malhi
Marleau
McClelland (Edmonton Southwest/Sud-Ouest)
McKinnon
McWhinney
Mifflin
Mills (Red Deer)
Mitchell
Murray
Nunziata
O'Brien (London—Middlesex)
Parrish
Peric
Pettigrew
Pickard (Essex—Kent)
Proud
Reed
Rideout
Rock
Scott (Fredericton—York—Sunbury)
Simmons
Speaker
Steckle
Strahl
Telegdi
Thompson
Ur
Verran
Walker
Wells
Williams
Zed—161

Adams
Anderson
Assadourian
Axworthy (Winnipeg South Centre/Sud-Centre)
Barnes
Bélair
Benoit
Bethel
Bhaduria
Bonin
Breitkreuz (Yellowhead)
Brushett
Calder
Cannis
Chamberlain
Chrétien (Saint-Maurice)
Cohen
Collins
Cowling
Cullen
Dhaliwal
Discepolo
Duhamel
Dupuy
English
Finestone
Flis
Frazier
Gaffney
Galloway
Godfrey
Graham
Grose
Guarnieri
Harb
Hart
Hayes
Hickey
Hill (Prince George—Peace River)
Hubbard
Iftody
Jackson
Johnston
Karygiannis
Knutson
Lastewka
LeBlanc (Cape/Cap-Breton Highlands—Canso)
Lincoln
MacLellan (Cape/Cap-Breton—The Sydneys)
Maloney
Massé
McCormick
McTeague
Meredith
Milliken
Minna
Morrison
Nault
O'Brien (Labrador)
Paradis
Payne
Peterson
Phinney
Pillitteri
Ramsay
Richardson
Robillard
Schmidt
Shepherd
Skoke
Speller
Stewart (Brant)
Szabo
Thalheimer
Torsney
Valeri
Volpe
Wappel
Whelan
Wood

Government Orders

NAYS

Members

Althouse
Bélisle
Bergeron
Bernier (Mégantic—Compton—Stanstead)
Brien
Chrétien (Frontenac)
de Jong
Debien
Dubé
Dumas
Fillion
Gauthier
Guay
Jacob
Laurin
Leblanc (Longueuil)
Leroux (Richmond—Wolfe)
Marchand
Mercier
Paré
Plamondon
Rocheleau
Solomon
Tremblay (Lac-Saint-Jean)
Tremblay (Rosemont)
White (North Vancouver)—51

Bachand
Bellehumeur
Bernier (Gaspé)
Blaikie
Canel
Davault
de Savoye
Deshaies
Duceppe
Epp
Gagnon (Québec)
Godin
Guimond
Landry
Lavigne (Beauharnois—Salaberry)
Lefebvre
Leroux (Sheffield)
Ménard
Nunez
Picard (Drummond)
Robinson
Sauvageau
Taylor
Tremblay (Rimouski—Témiscouata)
Venne

PAIRED MEMBERS

Alcock
Bakopanos
Cauchon
Dalphon-Guiral
Keyes
Langlois
Loubier
Patry
Pomerleau

Asselin
Caron
Crête
Fontana
Lalonde
Lebel
O'Reilly
Peters
Young

● (1800)

The Deputy Speaker: I declare the motion carried. Accordingly, the bill is referred to the Standing Committee on Transport.

(Motion agreed to, bill read the second time and referred to a committee.)

* * *

[English]

PRISONS AND REFORMATORIES ACT

The House resumed consideration of the motion that Bill C-53, an act to amend the Prisons and Reformatories Act, be read the second time and referred to a committee.

The Deputy Speaker: The House will now proceed to the taking of the deferred division on second reading of Bill C-53, an act to amend the Prisons and Reformatories Act.

Mr. Boudria: Mr. Speaker, if the House would agree I would propose that you seek unanimous consent that members who voted

Government Orders

on the previous motion be recorded as having voted on the motion now before the House. Liberal members will be voting yea.

[*Translation*]

The Deputy Speaker: Is there unanimous consent?

Some hon. members: Agreed.

Mr. Laurin: Mr. Speaker, the members of the Bloc Québécois will be voting for this bill.

[*English*]

Mr. Strahl: Mr. Speaker, Reform Party members will be voting no unless instructed by their constituents to do otherwise.

Mr. Solomon: Mr. Speaker, the New Democrats in the House this afternoon will vote no on this motion.

Mr. Bernier (Beauce): Mr. Speaker, I am voting for the motion.

Mr. Nunziata: Mr. Speaker, I will be voting for the motion.

Mr. Easter: Mr. Speaker, I will be voting yea on this motion.

Mr. Bhaduria: Mr. Speaker, I will be voting for the motion.

Mr. Gagnon (Bonaventure—Îles-de-la-Madeleine): Mr. Speaker, I will be voting for the motion.

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 132)

YEAS

Members

Adams	Allmand
Anderson	Arseneault
Assadourian	Augustine
Axworthy (Winnipeg South Centre/Sud-Centre)	Bachand
Baker	Barnes
Beaumier	Bélair
Bélangier	Bélisle
Bellehumeur	Bergeron
Bernier (Beauce)	Bernier (Gaspé)
Bernier (Mégantic—Compton—Stanstead)	Bethel
Bevilacqua	Bhaduria
Bodnar	Bonin
Boudria	Brien
Brushett	Byrne
Calder	Campbell
Cannis	Canuel
Catterall	Chamberlain
Chan	Chrétien (Frontenac)
Chrétien (Saint-Maurice)	Clancy
Cohen	Collenette
Collins	Copps
Cowling	Culbert
Cullen	Daviault
de Savoye	Debien
Deshais	DeVillers
Dhaliwal	Dion
Discepolo	Dromisky
Dubé	Duceppe
Duhamel	Dumas
Dupuy	Easter
Eggleton	English
Fewchuk	Fillion
Finestone	Finlay
Flis	Fry
Gaffney	Gagliano
Gagnon (Bonaventure—Îles-de-la-Madeleine)	Gagnon (Québec)
Galloway	Gauthier

Gerrard	Godfrey
Godin	Goodale
Graham	Grose
Guarnieri	Guay
Guimond	Harb
Harvard	Hickey
Hopkins	Hubbard
Ianno	Iftody
Irwin	Jackson
Jacob	Jordan
Karygiannis	Kirkby
Knudson	Kraft Sloan
Landry	Lastewka
Laurin	Lavigne (Beauharnois—Salaberry)
Lavigne (Verdun—Saint-Paul)	LeBlanc (Cape/Cap-Breton Highlands—Canso)
Leblanc (Longueuil)	Lee
Lefebvre	Leroux (Richmond—Wolfe)
Leroux (Shefford)	Lincoln
MacAulay	MacLellan (Cape/Cap-Breton—The Sydneys)
Malhi	Maloney
Marchand	Marleau
Massé	McCormick
McKinnon	McTeague
McWhinney	Ménard
Mercier	Miffiin
Milliken	Minna
Mitchell	Murray
Nault	Nunez
Nunziata	O'Brien (Labrador)
O'Brien (London—Middlesex)	Paradis
Paré	Parrish
Payne	Peric
Peterson	Pettigrew
Phinney	Picard (Drummond)
Pickard (Essex—Kent)	Pillitteri
Plamondon	Proud
Reed	Richardson
Rideout	Robillard
Rocheleau	Rock
Sauvageau	Scott (Fredericton—York—Sunbury)
Shepherd	Simmons
Skoke	Speller
Steckle	Stewart (Brant)
Szabo	Telegdi
Thalheimer	Torsney
Tremblay (Lac-Saint-Jean)	Tremblay (Rimouski—Témiscouata)
Tremblay (Rosemont)	Ur
Valeri	Venne
Verran	Volpe
Walker	Wappel
Wells	Whelan
Wood	Zed—178

NAYS

Members

Ablonczy	Althouse
Benoit	Blaikie
Breitkreuz (Yellowhead)	Breitkreuz (Yorkton—Melville)
de Jong	Duncan
Epp	Forseth
Frazer	Grey (Beaver River)
Grubel	Hanger
Harper (Simcoe Centre)	Hart
Hayes	Hermanson
Hill (Macleod)	Hill (Prince George—Peace River)
Jennings	Johnston
McClelland (Edmonton Southwest/Sud-Ouest)	Meredith
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PAIRED MEMBERS

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Cauchon
Dalphond-Guiral
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Langlois
Loubier
Patry
Pomerleau

Asselin
Caron
Crête
Fontana
Lalonde
Lebel
O'Reilly
Peters
Young

• (1805)

(Motion agreed to, bill read the second time and referred to a committee.)

PRIVATE MEMBERS' BUSINESS

[*Translation*]

RETURN TO CANADA OF KARIM NOAH

Mr. Benoît Tremblay (Rosemont, BQ) moved:

That, in the opinion of this House, the Canadian government should bring all appropriate political pressure to bear on the government of Egypt to ensure the immediate return to Canada of Karim Noah, son of Mrs. Micheline Tremblay, a resident in the riding of Rosemont, who was abducted illegally, on January 17, 1993, by his father, Mr. Moustafa Nouh, and taken illicitly to Egypt.

He said: Mr. Speaker, since my name is Tremblay as well, I would like to say right away, for the benefit of my colleagues and all those who are listening, that Mrs. Micheline Tremblay is not in any way related to me.

She is, however, a resident of the riding of Rosemont, and the reason I presented this motion on February 28 this year and the reason why we are having this debate today is that I hope to convince the Canadian government to provide some real support for what a mother, Mrs. Tremblay, is doing, a mother who has been fighting for almost four years to find her son and get him back to Canada.

Mrs. Tremblay earnestly hopes that the Canadian government will intervene politically, because she is convinced that the legal action she has taken and has continued to take in Egypt will not be enough to bring her son back.

• (1810)

The fact is that her ex-spouse, Mr. Moustafa Nouh, by abducting his child and taking him to Egypt, has simultaneously violated the Canadian Criminal Code, the Quebec Civil Code, the United Nations Convention on the Rights of the Child and The Hague Convention on International Child Abduction.

Despite these patent violations of the law, Mrs. Tremblay has been unable to see her son again for more than three years, her

ex-spouse was not arrested and the Canadian government has said repeatedly that it could not intervene in this case. Incredible but true, and I am convinced that the people who are listening will find it hard to believe and wonder how a country like Canada can let its laws and the rights of its citizens be trampled in this way.

I am also sure they wonder how a country like Egypt can agree to be a safe haven for a child abductor, a place where the law cannot reach him.

In fact, this can be largely explained by the legal context of the relations between Egypt and Canada with respect to this kind of situation and by the lack of political will on the part of both governments to change the situation.

Let me explain the legal context in a few words. I will then get back to the urgent need for the political will to do something in this case.

The ex-spouse of Mrs. Micheline Tremblay, Mr. Nouh, is a Canadian citizen of Egyptian origin. In fact, he is both a Canadian and an Egyptian citizen. When in Egypt, he is treated like an Egyptian citizen, which provides him double immunity against the charges brought against him: first of all, immunity against criminal charges, because Canada has not signed an extradition treaty against Egypt. Under the circumstances, the police find themselves virtually incapable of arresting the accused. Let us examine those circumstances.

After an investigation into the circumstances of the kidnapping of Karim on January 17, 1993, criminal charges were laid against the father, Moustafa Nouh, in Canada. A warrant for his arrest was issued, and the Canadian police asked Interpol to co-operate with them. This standard procedure does not, however, necessarily lead to an active search for the accused. The bulk of the work has to be done by the local police force, in this case the Montreal Urban Community force, which called for the co-operation of other police forces when there were any real clues.

Yet, since there is no extradition treaty between Egypt and Canada, it is impossible for the Canadian police to bring the accused to justice when he is in Egypt. Moustafa Nouh must, therefore, be identified and arrested when he is in another country, one with which Canada had an extradition treaty.

The investigation leading to such an arrest is a very long and difficult one, because it involves a knowledge of the international movements of the accused. The whole thing has to be done without the co-operation of the Egyptian authorities.

It is easy to understand how, in these conditions, Moustafa Nouh is still free to move around with total impunity in Egypt, and probably in other countries as well, despite the criminal charges brought against him in Canada.

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In fact, Mr. Nouh is also immune from the laws of Quebec and Canada in another respect, namely the legal custody order. Child custody matters come under civil law, in this case Quebec's civil law, and the same goes for every country.

• (1815)

But there is an international convention to honour custody orders whenever a child is taken illegally away by one of the parents. This convention provides for the child's immediate return to his or her usual place of residence and recognizes that the courts in that location have jurisdiction over all legal custody matters.

Egypt has not signed the Hague Convention on the Civil Aspects of International Child Abduction, and Canada has not yet compensated for this by negotiating a bilateral agreement with Egypt. Even though Egypt has not signed this international convention, some countries, including France, have an agreement with Egypt and all French nationals are covered by this treaty.

This is what the Canadian government should do. This is what the Canadian government has promised to do on several occasions. They tell us they are trying to do so but we are still waiting and in the meantime people like Micheline Tremblay still have to deal with these tragic situations.

If Egypt had signed the international convention or if Canada simply had a bilateral agreement with Egypt, proceedings would have been fairly simple and inexpensive as well as speedy. In fact, Karim would have been returned to his mother in Canada after a few weeks, because Moustafa Nouh would have been required to assert his custody rights in Canada in accordance with the laws of Quebec and Canada.

Unfortunately, this is not what happened. Mrs. Tremblay found herself in an absurd situation in that the police were unable to arrest the kidnapper for lack of an extradition treaty with Egypt while the Canadian government said it could do nothing because it had signed no treaty or convention with Egypt.

All they could do was suggest to Mrs. Tremblay that she try on her own to assert her rights before the Egyptian courts in accordance with Egyptian laws. It must be pointed out that such proceedings entail substantial legal and travel costs as the mother has to travel to Egypt every time she must appear before the court and there is no financial support program for the victims.

Fortunately, Mrs. Tremblay's co-workers at the National Bank in Montreal organized a fundraiser so she could initiate legal proceedings. But this is a long and expensive battle that no one can take on alone.

On the other hand, Egypt is a Muslim country whose laws and customs are very different from ours, which makes it almost

impossible, in Karim's case, to obtain an order to have him returned to Canada. Let me give you an example to illustrate this.

Since Karim is a boy and his father is a Muslim, under Egyptian law, the child must be raised in the Muslim faith. Ms. Tremblay's son Karim was baptised in the Catholic faith, which is a serious breach under Egyptian law. That is why her lawyer suggested she should try to have her son's baptism annulled: to increase her chances of convincing a court in Egypt to give her custody of her son.

You can imagine that there are many more customs and considerations like this one that make it almost impossible to get Karim back without infringing in any way Egyptian law.

While realizing that laws, customs and religions may vary from country to country, and we respect that, we must understand that what we have here is a situation where a Canadian child was born to a Canadian couple and this child grew up in a setting governed by Canadian and Quebec laws until he was kidnapped and taken to his father's country of origin.

• (1820)

The law is clear, and international conventions are clear. If the father wants to return to his country of origin, he may assert the rights he has over the child before the courts in Quebec and Canada. In this case, having committed an illegal act on two counts, the father ends up in Egypt with the child, and the mother is the one who has to go over there to argue her case before Egyptian courts. In fact, it is exactly the opposite of what should be, and all this government finds to say is that it cannot interfere.

You know as well as I and everyone who is listening that this is absurd and just not true.

Mrs. Tremblay is hoping for a political intervention and we support her efforts. To date, more than 2,000 citizens of Rosemont have signed a petition to express their support.

In recent years, Canada has taken pride in the fact that it has made a number of decisions to ensure children a better future. As recently as last week, the Minister of Foreign Affairs expressed his satisfaction at Canada's action in support of children, at the 51st UN general assembly.

We want to give the minister a small opportunity to follow up on his nice speeches. We are convinced he can act and we want him to act now.

Our belief that the Canadian government can act was greatly reinforced last June. In fact, today's debate could have taken place on June 12. However, since we mentioned that the debate would then take place while Mrs. Tremblay was in Egypt, the powers that be got their act together for the first time in three and a half years.

On June 11, I received a telegram asking that the debate be postponed. For the first time, Mrs. Tremblay was able to see her child for a few hours, in the presence of the father. The powers that be had taken action.

But if we are holding this debate today, it is because the powers that be have stopped taking action. The initial co-operation is totally inadequate to settle the issue quickly. After initial progress, there were no other developments. This is why we will continue to ask people to sign the petition and to exert political pressure.

We want the Canadian government to act quickly to patriate Karim and to sign a convention to avoid other such cases.

I would like to conclude by paying tribute to the courage and the determination of the mother, Micheline Tremblay, who has been fighting for four years to be reunited with her son. I do hope she will inspire all of us to show solidarity and to urge this government to take action.

Mr. Francis G. LeBlanc (Parliamentary Secretary to Minister of Foreign Affairs, Lib.): Mr. Speaker, first of all, I would like to thank the member for Rosemont for moving this motion and this debate on the abduction of the son of Mrs. Micheline Tremblay. I would like to begin by saying that the government shares the member's frustration, as well as the distress of Mrs. Tremblay, who has been trying for so long to see her son again.

[English]

The Department of Foreign Affairs has been unrelenting in its efforts since February 4, 1993 when Madame Tremblay advised us of the abduction of her son. Karim Noah is the son of Madame Micheline Tremblay and Mr. Moustafa Noh. He was abducted by his father to Egypt in early 1993. At the time, Madame Tremblay and Mr. Noh were separated from their common law relationship and had agreed to joint custody of their son who was born on June 14, 1989. Following the abduction, a Canada-wide and then an international arrest warrant was issued for Mr. Noh.

• (1825)

[Translation]

After her son was abducted, Mrs. Tremblay made the first of many trips to Egypt, and instituted legal proceedings to have her right to custody recognized by the Egyptian courts. Throughout this undertaking, she was assisted by the Department of Foreign Affairs and staff of the Canadian embassy in Cairo.

She was unfortunately unsuccessful in having her right to custody recognized by the Egyptian courts, but finally obtained visiting rights, already a considerable achievement. Thanks to the many efforts of the Canadian embassy in Cairo, and the co-operation of Egyptian authorities, the child's location was finally confirmed and Mrs. Tremblay was able to visit her son last June 18.

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Interpol Egypt, moved by this mother's plight, spared no effort to find Karim and co-operated closely with embassy staff so that Mrs. Tremblay could visit her son in complete safety.

[English]

The government through the Department of Foreign Affairs and International Trade and the Canadian embassy in Cairo have been directly involved in assisting Madame Tremblay in her efforts to have her son returned. We are committed to continuing with our support and assistance.

Over the years of this matter we have made numerous representations to the Egyptian authorities. Our embassy in Cairo follows every possible aspect of Karim's well-being. It is always available to the father and holds ongoing meetings with both the Ministry of Foreign Affairs and Interpol Egypt with a view to reaching a solution.

[Translation]

There are a number of tragic cases similar to the abduction of Karim Noah by his father, cases where a child born in Canada is abducted and then taken abroad in contravention of Canadian laws and without the agreement of one of the custodial parents. This is an important international problem, which adds to the suffering caused by the breakdown of the family and the separation. It affects numerous countries.

Canada is a leading country in the search for a solution. It saddens me that our efforts and the efforts of all the other interested countries have not resulted in a satisfactory solution. The government is determined to pursue its efforts, not only to support Mrs. Tremblay, but also to put in place a mechanism that will help us to settle all the other similar cases.

[English]

The international community has provided a partial answer. For some abducted children that answer can be found in the provisions of the Hague Convention on the Civil Aspects of International Child Abduction. This treaty was negotiated in the early 1980s and was based on a proposal by Canada. Since then it has been ratified by more than 40 countries, including Canada.

The treaty in essence provides for the prompt return of a child who has been wrongfully removed or retained from his country of habitual residence in breach of rights of custody. It has proven an excellent vehicle for many parents who have faced situations like those faced by Madame Tremblay.

The success of the Hague convention is limited by the fact that only about 42 countries have ratified it. Canada along with other countries regularly seeks to encourage other countries to sign but progress has been slow. This is mainly due to the fact that many countries have difficulty in accepting and implementing the basic

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requirements of the treaty due to cultural, religious and legal differences.

Egypt is not a signatory and therefore the treaty is not available to assist in child abductions such as that of Karim Noah. The former Minister of Foreign Affairs as well as the current minister have been well aware of the problem with the treaty in respect of Egypt as well as the personal tragedy of Madame Tremblay.

I am happy to report that the Egyptian authorities shared our view that it is a matter requiring urgent action. It was subsequently agreed to enter into discussions to see if an arrangement could be established to deal with cases such as that of Karim Noah as well as other consular problems.

• (1830)

A Canadian delegation visited Cairo in March 1996. We are hopeful that an arrangement can be finalized in the near future.

[*Translation*]

The government is determined to conclude effective co-operation agreements that will make it possible to settle cases of international child abduction. I must add that it is an issue with complex legal, social and religious overtones.

Mrs. Tremblay has remained steadfast in her efforts to have her right to the custody of her child recognized by the Egyptian authorities. We are all sorry that this has not been possible. I can assure the members, particularly the member for Rosemont, that we are still determined to assist and support Mrs. Tremblay. I can only hope that our efforts will bear fruit.

[*English*]

Mr. Bob Mills (Red Deer, Ref.): Mr. Speaker, I rise today to also speak to Motion No. 169 which deals with the abduction of a young Canadian from Quebec.

The hon. member for Rosemont is asking the Canadian government to bring the appropriate political pressure to bear on the Government of Egypt to ensure the immediate return to Canada of Karim Noah who was abducted illegally on January 17, as we have heard.

I would first like to note my respect for the hon. member's obvious concern for one of his constituents. I congratulate his efforts to represent his constituent in the House.

Child abduction is a serious and complicated matter in Canada, as it is in many other countries of the world. Canada has been a good example to the rest of the world in matters like this, one in which we have consistently showed our concern for the rights of children.

It is especially noteworthy that Canada played a leading role in drafting the process of the convention of rights of children and in convening the 1990 world summit for children.

Canada is also a member of The Hague convention on the civil aspects of international child abduction. This convention was created out of the desire to protect children internationally from the harmful effects of wrongful removal and to establish a procedure to ensure their prompt return to their habitual state of residence.

This convention was adopted by the 14th session of The Hague conference. The convention sets ground rules for dealing with child abduction cases, both when the harbouring nation is a signatory of the convention and for those cases when the harbouring nation is not a signatory.

In this case the harbouring nation is Egypt, which has neither signed nor ratified this convention. In cases such as this one, when the harbouring state has not ratified the convention, the Department of Foreign Affairs can provide some assistance, as has already been done in this case.

It is my understanding that the Minister of Foreign Affairs spoke with his Egyptian counterpart in November 1995. We have been updated regarding the progress that is occurring there.

Unfortunately because Egypt has not ratified The Hague convention, this case is governed by domestic law in Egypt. Therefore the Egyptian government is not solely responsible for the resolution of this case and the Egyptian courts will also have to become involved.

The authorities in Canada have also become involved by issuing a warrant for the father's arrest and ensuring the mother receives aid from the missing children's registry. While this is not a lot of help to the mother desperately seeking the return of her son, I have been informed that the role of the federal government in abduction cases is rather limited.

Family law falls within the exclusive jurisdiction of the Canadian provinces, therefore it is the provincial authorities that deal with the hands on work related to The Hague convention and associated child abduction cases.

I am sure all members in this House would urge the province of Quebec, along with the federal government, to work as diligently as possible to secure the return of this child.

Generally the federal government only acts as a conduit between foreign authorities and Canadian provincial authorities. The federal government does play a significant role along with the Canadian Department of Justice in liaising with the provinces regarding the access of new states to The Hague convention. Mostly it assists in general matters requiring liaison between foreign governments and those provinces.

• (1835)

The Canadian government assisted in this way when the Department of Foreign Affairs contacted the Egyptian minister. This was

the appropriate political action outlined by The Hague convention. Therefore while the motion of the hon. member for Rosemount clearly shows his desire to help his constituent, I would hope the Canadian government has done and is doing and will continue to do everything to help move the case forward.

Because family law falls under the jurisdiction of the provinces there is not much more that the Canadian government can do, according to my research of this case. However, due diligence is required.

While the Canadian government is restricted in its dealings with this specific abduction case, I would argue that we can become more involved with the broader issue of international child abduction.

We can start by persuading other nations to ratify the Hague convention using whatever pressure we may have, through aid or other things, to put pressure on countries to sign. For those states that were members of the 14th session of the conference on private international law, the convention enters into force between them and the other member states as soon as they deposit their instruments of ratification with the ministry of foreign affairs in the Netherlands.

There are currently six member states at this conference that have failed to ratify the convention. One of these is Egypt, the harbouring state in this case.

Those states that were not members of the 14th session can also be persuaded to ratify the convention. Once they register their ascension with the foreign affairs ministry in the Netherlands their ascension will have effect with the contracting states and they will be quickly accepted.

Once on board, the convention aids in the return of wrongfully abducted children by setting up the formalities between the harbouring state and the initial resident state of the child. Under The Hague convention these two states co-operate with each other and promote co-operation among the competent authorities in their respective states to secure the prompt return of the children. The convention also outlines the appropriate measures to be taken by both states.

The more nations that ratify this convention, the better the co-operation will be among nations in abduction cases, allowing for the speedy return of abducted children. This is an area in which the Canadian government can get more involved and can put more pressure on governments.

Too often we do not tie things like this to aid programs, to co-operative programs. I think it is time we started to do that. This is a serious problem not just for this one child but for many parents throughout this country and others. The Canadian government can

also help end international child abduction by encouraging the use of a preventive method promoted by the convention.

The new ease with which people can move around the globe has caused an increase in international child abduction. Therefore the use of preventive methods must be increased. Ultimately prevention is the only true way to combat this rising phenomenon.

While the motion's purpose seems to have already been partly played out, the role of the Canadian government in dealing with international abduction cases has not. I challenge the government to increase its involvement in the issues of child abduction by encouraging states like Egypt to ratify The Hague convention and by promoting the preventative methods highlighted by that convention.

Again I point out that we write off debts for countries like Egypt. Maybe we should tie some other requirements before we do that sort of thing. I believe we can pull some strings so that we will not have to deal with cases like this in the House.

Being a parent, I can understand the terrible pain the parent is going through and I certainly sympathize with her.

Ms. Jean Augustine (Etobicoke—Lakeshore, Lib.): Mr. Speaker, I too want to join with my colleagues to address what I would call a tragic question. As a mother I can empathize with this mother and her specific situation in this case.

My hon. colleagues have addressed some of the issues and I will also. Child abductions are difficult enough to resolve when they occur within Canada, but when they occur outside our borders in other countries it is doubly so.

• (1840)

When they involve other countries and other cultures the problems multiply. Because each international child abduction is unique, the approach taken must vary from case to case. What has to be done in one case may be the very thing to be avoided in another.

We will continue our efforts to engage other countries in finding solutions either by encouraging them to sign on to The Hague convention on the civil aspects of child abduction or, when they are unwilling, to seek other agreements of a bilateral nature to safeguard the best interests of children everywhere.

The Hague convention, which we heard a great deal about from previous speakers, and the United Nations convention on the rights of the child serve as our base from which to work for greater understanding and a more complete international response to this painful problem.

We must use our reputation as a country in the forefront of the battle for children's rights to save children from the deprivation and isolation that is the result of these criminal acts. This necessi-

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tates our closest attention to both the individual child and the problem as a whole.

At the same time, we must use our increasingly sophisticated communication systems and networks of relations to more quickly locate such children. We must verify their well-being and enter into informed negotiations with the other parents and country of residence. I understand in this case we are proceeding to do just that.

Important, the government strongly believes that in addition to trying to cope with abductions once they occur, we must ensure that Canadians are well informed about these cases and that every effort is made to prevent them from occurring.

The Departments of Foreign Affairs and International Trade co-operate closely, as we heard from the parliamentary secretary, with non-governmental organizations dedicated to dealing with this problem, including provincial social service agencies, legal and police authorities, the RCMP's missing children's registry, Canada customs and Citizenship and Immigration Canada in order to provide advice and guidance to parents facing the possibility of the abduction of a child to another country.

As a contribution to that effort, the Department of Foreign Affairs has just published a manual on the subject for parents and involved professionals. It is being distributed now. It is an excellent document and copies will be made available to members of Parliament. As members will note, it provides comprehensive information, guidance and advice for parents and we are hopeful that it will be of help in dealing with this very tragic problem.

Karim Noah is both a real person and a symbol. As a child, he is separated from his mother at an age when this should not happen. His mother is to be commended for the dedication and zeal with which she has sought to have him returned to Canada. As a symbol, Karim is a beacon for all of us to continue the action necessary to deal with this international social dilemma.

I can assure the hon. member for Rosemont and indeed all members that the Departments of Foreign Affairs and International Trade will always be there to assist parents such as Mrs. Tremblay. Equally, the Department of Foreign Affairs will redouble its efforts for agreements with more countries that would provide for a more effective way to deal with these tragedies.

Therefore I join with other members in thinking at this moment of Mrs. Tremblay and the difficult situation that we all face.

[*Translation*]

Mrs. Maud Debien (Laval East, BQ): Mr. Speaker, I was pleased to accept the opportunity to speak today in support of the motion by my colleague, the hon. member for Rosemont.

This motion deals with a subject very close to my heart: child welfare. Even if the wording of the motion refers to calling upon the Canadian government to undertake negotiations and political representations in order to ensure the return to Canada of a child kidnapped by his father, nevertheless the individual really at the centre of any such matter is the child.

• (1845)

I shall therefore focus my speech on that aspect. As I have already said, we are speaking of a three year old who has had his mother brutally taken away from him. This is how we need to focus any discussion on the abduction of children.

The very real consequences, to get down to earth, to get down to the every day nitty-gritty of it, is that little Karim has not seen his mother for three years, is growing up without her, without her presence, without her care, without her love. All this because one adult has decided that is the way things will be, for reasons that have nothing to do with the child.

This is a cruel reality, with the risk of very negative consequences for the child. I am not saying, and am far from believing, that it would be more acceptable for a child to be deprived of the care of his father. On the contrary. The presence of both parents is necessary for a child to develop properly, but that presence can take a number of forms, depending on the circumstances. In the case of concern to us today, one of the two parents disappears completely from the child's life, for reasons that have absolutely nothing to do with him.

Unfortunately, children are often the victims of the bitterness and anger which eats up a family during and after a separation. According to the 1995 annual report of the RCMP'S Missing Children's Registry, often the abductor tells the child that the other parent no longer loves him, or worse, that the other parent is dead.

As well, the abductor often neglects the child's education and health, not to mention that he or she is left alone for long periods of time, which predisposes him or her to antisocial behaviour. In the case of Karim, we are told that he is ill. He was seen again this summer for the first time since January 1993.

Such situations are unacceptable and in fact criminal. They are criminal and punishable under the law. The Criminal Code provides a maximum prison sentence of 10 years for a parent who acts like the father of Karim.

With this legislation, our society recognizes how important it is for a child to live in a stable emotional environment, irrespective of the quality of the relationship between the adults who take care of him. Our society recognizes the importance to the child of having access to both parents.

Finally, our society feels it is important, in case of a conflict, to let a third party, in this case the courts, take on the difficult task of determining how the interests of the child are best served. A parent who abducts his child and deprives him of the presence of his other parent is a criminal who only thinks of his own interests and causes considerable damage to the child.

Little Karim is unfortunately not the only child to have been taken abroad illegally. In recent years, cases of child abduction and taking children to other countries have increased. This is partly due to the greater ease with which people are able to travel quickly over large distances.

In these cases, dispute resolution procedures are complicated because of their international nature. Even if one parent has been given legal custody of the child in Canada, we cannot be sure that this decision will be respected elsewhere. Consequently, and this is particularly true in the case before us today, a parent or guardian may be tempted to abduct a child, expecting to be safe from the Canadian justice system abroad, as in the case of Karim's father.

There are no statistics in Quebec today that establish with any accuracy the total number of Quebec children that have been displaced or are being detained abroad annually by one of the parents. After checking with the Missing Children's Registry of the RCMP, it seems the situation is the same at the federal level.

Figures are of course available. However, these indicate the number of abductions committed by a parent and brought to the attention of the police, but they do not indicate which of these abductions are international in nature.

• (1850)

In this context, it is still difficult to evaluate how widespread the problem of international child abduction really is.

However, even if the number of Quebec and Canadian children who are abducted is relatively low, we should not lose sight of the hardship suffered by these children.

Again, the real victim of an abduction is the child himself. In this particular case, it is young Karim, who has suffered and is still suffering from a loss of balance and stability caused by the trauma of being separated from the parent with whom he had always been. He is the one who has to put up with the uncertainties and the frustrations related to having to learn a new language and adapt to a new culture.

The ability to make contact with the abducted child and the chances for a quick resolution vary greatly, depending on whether or not the country of refuge is a signatory to the Hague Convention. The convention aims primarily to prevent the international

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movement of children by promoting close co-operation between the legal and administrative authorities of the contracting states.

However, Egypt, where Karim was taken, is not a signatory to the convention. We also know that, to this day, a small percentage of children abducted and taken to a country which is not a contracting state of the convention have been returned to Quebec and to Canada. In such cases, the co-operation and legal mechanisms established by the Hague Convention and by the Canadian legislation are not available to those parents who need help.

Locating a child becomes more difficult and may require the use of private investigating agencies. The parent must also seek legal representation abroad and pay for the related costs, as is the case for Karim's mother.

In addition to all these problems, the legal battle is subject to the national laws of the state, where the rules greatly differ from the ones that we have here.

Given this situation, I join the hon. member for Rosemont in asking the Canadian government to really do something about Karim's plight, and to show its support to the mother by exerting all appropriate political pressure on the Egyptian government to ensure the immediate return of young Karim.

Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, I have listened with attention to the speeches made today by my hon. colleagues, and I, too, would like to take a few minutes of this House to address this issue.

Of course, unlike the hon. member for Rosemont, I do not know the child or his family personally, but I was closely involved in a similar case several years ago.

Back in 1982, when my daughter was in kindergarten, one of her little classmates disappeared. The child in question, Tina Lynn Malette, had been abducted by her father. A short time later, the family contacted me. I was then a member of the provincial legislature. I wrote to all the school boards in Ontario, then to those in Quebec and finally, in April 1983, we found out that Tina was in Tunisia. This is somewhat similar to the case that our colleague across the way has just described.

Like today, there was no extradition treaty covering such cases and Tunisia had not signed any conventions either.

• (1855)

What was difficult for everyone involved, including your humble servant, is that I knew the child and her family personally. I lived through this situation; her classmates, including my daughter, even asked me where Tina was.

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We worked for years. I remember going to see the Tunisian ambassador to bring him petitions signed by 7,000 Canadians asking him to take whatever steps were required to return the child to Canada. In the beginning, the ambassador did not know or at least claimed he did not know where the child was, but later everyone knew where she was. She was in Tunisia. It was no secret.

Worse yet, the child's father had no legal authority over her. First of all, the parents were not married, not that it would have made much of a difference in this case. Second, the father and mother had been separated for years, and the mother had sole custody of the child. Third, he was not officially recorded as the father in the birth register, although he was the father, a fact the mother did not deny. So this is an abduction very similar to an abduction by a total stranger.

Just moments ago, I tried to reach Tina Lynn Malette's aunt on the phone, seeing that she is a neighbour of mine. I still do not know if the child's whereabouts have been established yet. I checked a little while ago. I keep inquiring. Today, my daughter is 19 years old and a university student. She has never seen Tina again, and neither have I nor my neighbour for that matter—the one I just referred to, who had custody of the child when her father kidnapped her, on the pretext of a Sunday afternoon visit. He had no visiting rights by the way.

In a nutshell, these are the facts of this case. I am sorry for telling such a sad story, a story that may even sound discouraging to those close to the child our hon. colleague opposite just told us about.

My goal in bringing this case to the attention of the House is certainly not to discourage this child's parents, but rather to share with this House my sadness around this kind of situation and also to show how frustrating it can be for those involved. In this, I share the sentiments of our colleagues, who raised this matter today. I hope that the governments that have not signed such treaties will do so.

I would also like to take this opportunity to say how important it is, in the field of international relations, for everyone in this House to take an interest in this question of extradition treaties and so on.

Some of us in this House, and this happens at certain times, try to take a somewhat isolationist approach. I am thinking of a certain political party, and I apologize for being partisan at such a sad time. They even try to get themselves exempted from delegations of parliamentarians who are exchanging points of view between countries. If only there were no other reason, but there are several others, on which we must reach agreement and come to an understanding between the countries of the world. It is for the very purpose of ensuring that there are laws to prevent this sort of situation from happening again in future.

• (1900)

At the risk of being pessimistic, there will probably always be countries in the world that will refuse to sign treaties and ensure that there is the good understanding necessary for relations between countries, of course, but, above all, to ensure the safety of children here and elsewhere.

In conclusion, we should all work together to put an end to this sort of problem, to resolve it to the extent that all governments are interested in doing so, and I hope that ambassadors, emissaries of other countries who may read the debates of this House, or even hear them live, will take note of what has been said by all members today.

I think that it is the wish of all parliamentarians to put a stop to situations allowing certain stronger parents, in conditions that are advantageous to them, but not to their children, to carry out abductions like this, to cause the difficulties about which our colleague, the member for Laval East, spoke a few minutes ago, the cultural difficulties faced by Karim Noah, and by Tina Lynn Malette when she left South Peele, Ontario, Canada, to go and live in Tunisia, and God knows whether she is still there.

A few years ago, my daughter had an opportunity to correspond with Tina Lynn, to send her a letter and a photo, although she had not seen her for perhaps ten years. Today, I no longer even know where Tina Lynn is.

The Deputy Speaker: The member's time has expired.

Mr. Maurice Bernier (Mégantic—Compton—Stanstead, BQ): Mr. Speaker, I welcome this opportunity today to rise in support of the motion of the hon. member for Rosemont and also to raise another aspect of this question which was mentioned by the hon. member for Rosemont and the hon. member for Laval-Est.

Aside from the human aspect, it is necessary to give hope for parents who experience this kind of situation. I just heard the government whip tell us about what happened to people he knew, and the situation has not been cleared up yet at this moment, so that the family, the mother still wonders whether she will ever see her daughter again.

One would also expect, and this is not intended as a partisan remark, the government to do more than just being understanding. I heard what was said by the Secretary of State for Foreign Affairs. It is all very interesting to hear the Secretary of State say that he sympathizes with the family, that he understands the problem very well, and that he hopes we will find a solution will be found to the problem now facing Mrs. Tremblay, but I think they should also tell us—not only tell us but do something—they should also tell us what they are going to do in concrete terms to find a solution to this problem.

Unfortunately, I have to say that this government's past record does not hold out much hope for Mrs. Tremblay and others in a similar situation. We saw this in the case of Trần Triêu Quân, which my colleague from Louis-Hébert has raised in this House on several occasions. As far as the government and the Minister of Foreign Affairs are concerned, the case is closed.

• (1905)

As in the case before us today, no specific action was taken, so that Mr. Quân is still in prison in Vietnam. For the past three years, Mrs. Tremblay has taken legal action upon legal action to obtain the return of her child, of whom she has custody. Unfortunately, three years later we are asking the same questions and making the same requests.

I do not want to waste your time, but I want to tell this government's representatives that they must approach the Egyptian government in order to find a definite solution. Of course we can deplore the fact that Egypt did not sign The Hague Convention concerning this type of situation, but we must find a concrete solution. The government must stop talking and start acting.

I refuse to believe that the Minister of Foreign Affairs cannot intervene directly with the Egyptian government and make it listen to reason in this particular case.

The Deputy Speaker: The time for consideration of Private Members' Business has now expired and the order is dropped from the Order Paper.

ADJOURNMENT DEBATE

[*English*]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

JUSTICE

Mr. Andy Mitchell (Parry Sound—Muskoka, Lib.): Mr. Speaker, further to my question to the Minister of Justice I wish to emphasize my constituents' concern about safe homes and safe streets for themselves and their families. They have made this clear during two very well attended forums in my riding to discuss justice initiatives which gave my constituents an opportunity to voice their concerns, in particular with reference to the Young Offenders Act.

The justice minister's initiative about dangerous and long term offenders is of great interest to me and to the people in my riding who attended those sessions and others. Tough new restrictions on high risk violent offenders will make Canadian homes and streets

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safer. These new initiatives go hand in hand with a whole series of initiatives designed to improve the quality of life for Canadians.

The list of these initiative is impressive: the creation of a national crime prevention council which works on strategies that address the underlying causes of crime; increased sentences for young offenders who commit violent crimes; the creation of a flagging system using the Canadian Police Information Centre to help provincial prosecutors identify high risk offenders; a new mandatory five-year sentence for those convicted of using violence to force children into prostitution; the classification as first degree any murder committed while stalking; increased sentences for those convicted of stalking; a specific outlawing of the practice of female genital mutilation.

We have introduced child support guidelines to help protect children from financial hardship resulting from marital break-downs. We have increased minimum sentences by 400 per cent for those who commit crimes using a firearm. We have classified smuggling of firearms as an enterprise crime with a sentence up to 10 years. We have introduced amendments that end self-induced intoxication as a defence against crimes of violence. We have provided the basis on which police can serve warrants on suspects to take samples for DNA testing. We have improved legislation with respect to proceeds of crime.

I have reintroduced my private member's bill to establish a victim's bill of rights in the Criminal Code.

Added to this list are proposals to create a new category of long term offender. Long term offenders will include those convicted of sexual assault and other sexual offences. To better protect the community, offenders in this category will be subject to an additional period of supervision of up to 10 years after they have completed their parole and prison sentences.

Further, specialized conditions can be added to ensure close supervision of the offender such as regular reporting to the assigned supervisor and mandatory participation in counselling, electronic monitoring and other rehabilitation programs.

These are all good initiatives but once again, I say to the minister that it is essential that young offenders also be subject to the provisions and sanctions included in Bill C-55.

• (1910)

It is my hope that the justice minister will take this view into account when proceeding with this much needed and important legislation.

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I would like to thank the hon. member for his persistent and thoughtful efforts at improving and toughening the criminal law across the land and for making representations on behalf of his constituents to ensure that our streets and homes are safe.

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Bill C-55 is explicitly and unapologetically aimed at high risk adult offenders with long histories of violent behaviour. The government has listened to a public demand for Criminal Code amendments that will effectively target sex offenders, particularly pedophiles who present an ongoing risk to the community. The two improvements that are being made by Bill C-55 are the new long term offender sentencing option along with the dangerous offender improvements to that designation as well.

The concern with both these issues as with the long pattern of offending, unfortunately in both these categories pedophiles often have a very long track record of aberrant behaviour and conviction.

In both these types of procedures, long term and repetitive behaviour is required in order to bring them into question. The question therefore arises, are young offenders likely to be a target group for both these types of sentences?

It is possible, in answer to the hon. member's question, that young offenders who are transferred to adult court could be subject to these provisions. There is required to be a pattern of repetitive behaviour, a serious past record of violent offences for these types of designations to apply. It is possible that the new legislation would apply to young offenders.

I thank the hon. member for his question and will take his representations to the minister.

[*Translation*]

FRENCH LANGUAGE COMMUNITIES

Mr. Ronald J. Duhamel (St. Boniface, Lib.): Mr. Speaker, my question of September 24 was as follows:

The French speaking residents of the village of Laurier do not have a facility to house the students of the Franco-Manitoban school division. In spite of its constitutional obligations, the provincial government has made no decision acceptable to the parents.

Will the federal government take action to ensure that section 23, dealing with minority language educational rights, will be complied with?

The minister replied, and I quote:

Mr. Speaker, to be sure the community of Laurier has good reasons to invoke section 23 of the charter, and I am convinced that the education minister will show her willingness to settle a situation which contravenes this section of the charter.

From discussions I have had recently, I hear there is a possibility of this willingness, and I hope that this is so, for this situation has been talked about for a long time and ought to have been settled a long time ago.

The question I raised is important, not only in itself, but also because of its far wider implications. We are still talking about services for minorities, in this case the francophone minority outside Quebec.

We are still talking about the roadblocks faced by these minorities. Despite the protection provided them, the communities still have to fight for their fundamental rights, in this case the right to an education in French.

Yes, the government has just signed an agreement, yesterday, aimed at funding minority language education, and I applaud this initiative. I am proud of it. But the parents to whom I referred, as far as I know, are still lacking facilities for their Franco-Manitoban school division.

What I am demanding for Manitoba, and in all of Canada moreover, is that, when we are faced with such a situation, the entire country be considered, the entire Canadian population. What happens in Manitoba has an impact on the francophone in Newfoundland, the francophone as far away as British Columbia or the Northwest Territories, everywhere in the country. What we require is great willingness and open-mindedness from all.

• (1915)

Unfortunately, each time there is an altercation of this nature in the francophone community outside Quebec, the Bloc Quebecois and other separatist forces tend to use it to serve their own purposes.

Does the federal government have a role to play in ensuring that section 23 of the Charter, which deals with the right to education in French, is 100 per cent respected in Manitoba and elsewhere? I believe that the answer to that is yes.

I would add that I also believe that the government must provide the necessary financial support to these minorities, whether for education, for television, for radio—everything they require to improve their situation.

Mr. Guy H. Arseneault (Parliamentary Secretary to Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, I am quite familiar with my hon. colleague's concerns about French schooling in Laurier, Manitoba.

It is essential that French-speaking children be provided with suitable accommodation and access to the necessary services to get a good education. Discussions were held between the Franco-Manitoban school division and the Turtle River school board to find a mutually acceptable solution for this year.

The parties reached an agreement providing for portables to be installed on the grounds of the Laurier school and for francophone students to have access to the school's washrooms, gymnasium and library.

All those concerned realize this is only a temporary solution. We urge the Manitoba Minister of Education to look into the case so she can respond to the needs of the francophone community in Laurier. We are convinced that the problem will be settled to the satisfaction of all concerned.

I would point out that this government has made a firm commitment to official language communities and will continue to support them. We have an agreement with Manitoba, which provides for assistance in observing section 23 of the Charter and putting in place structures for school administration. We also have an agreement with the province for the provision of provincial services in French.

The federal government also supports many projects which the community feels are important to its development. For instance, a federal contribution of \$1.5 million was made towards the construction of le Centre du patrimoine franco-manitobain.

We also concluded an agreement worth \$10.2 million over a period of five years with the francophone community to help with its development.

All these interventions reflect the federal government's firm commitment to a flourishing Franco-Manitoban community.

[English]

GASOLINE PRICING

Mr. John Solomon (Regina—Lumsden, NDP): Mr. Speaker, last spring gas prices increased 8 cents to 10 cents a litre across Canada without justification. When I called for action by the Liberal government to stop this gouging by their masters, the big multinational oil companies, the Liberals blamed the provincial governments which by the way have no jurisdiction to regulate nationally established pricing practices.

NDP MPs organized a boycott of Imperial Oil for one week in May resulting in thousands of consumers joining the boycott and effectively driving down prices in Saskatchewan by about 4 cents a litre and in British Columbia between 2 cents and 3 cents a litre.

Finally the Government of British Columbia launched an inquiry as did New Brunswick. In June the federal government, through the Bureau of Competition Policy, initiated a criminal investigation of the oil companies' gas pricing practices. The boycott was called off pending the outcome of the criminal investigation.

During the course of these inquiries being announced, the oil companies dropped their prices to create the perception that there was some competition. Yet all companies dropped their prices at about the same time to the same level. In late August and early September prices went up again. In Saskatchewan they went up 3 cents to 4 cents a litre.

The reasons given by the oil companies were laughable. In the spring big oil said prices were up because of the expectation of Iraq oil coming to market. In the latest increase big oil said prices were going up because of the expectation that Iraq oil would not be coming on to the market. Then when people laughed at these

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stupid, unfounded bizarre explanations for Saskatchewan's increase, big oil said that the increase was due to local conditions.

What are local conditions? According to Imperial Oil's own gas station managers, they were called by their head office in Calgary and instructed to increase their prices locally. That is what oil companies call local conditions.

The real reason for the increase is clear. There is a big increase in spring which is seeding time in Saskatchewan, and a big increase in the fall which is harvest time in western Canada, in Saskatchewan. Gouge farmers early, gouge farmers often. That is the slogan of the oil companies when there is no choice but to buy fuel for the two crucial business cycles: seeding and harvest.

These silly, stupid antics by the oil companies only hurt middle class working Canadians and business while increasing big oil's profits which leave Canada. Imperial oil this year took out \$1 billion Canadian by buying Exxon shares which were held by Imperial Oil. These are reasons enough not to just investigate gas pricing but to have an energy price review commission which would have oil companies justify their prices with accuracy and truth, not smoke and mirrors.

As a result of this latest increase, Saskatchewan is paying 4 cents to 12 cents a litre more than other provinces. Quebec now is being charged 54.9 cents a litre; Ontario, 53.9 cents; Manitoba, 57.9 cents; Alberta, 50.9 cents. When the tax differences are factored out, Saskatchewan is still paying 4 cents to 6 cents a litre too much. That is in a province where we produce, refine, process and export our gasoline.

That is why I have asked the director of criminal matters in the Bureau of Competition Policy to focus its criminal investigation in Saskatchewan to ferret out the unfair gouging practices of the oil companies. I feel assured that the criminal investigation into the pricing practices of oil companies in Saskatchewan will be helpful in reducing the gouging which currently exists. Hopefully, it will call on the oil companies to account honestly for their actions.

Mr. Morris Bodnar (Parliamentary Secretary to Minister of Industry, Minister for the Atlantic Canada Opportunities Agency and Minister of Western Economic Diversification, Lib.): Mr. Speaker, as the hon. member is aware, on May 13, 1996 the director of investigation and research commenced an inquiry under the Competition Act into allegations of conspiracy by gasoline producers and marketers. This inquiry was commenced after the initiation of a six resident application for an inquiry under the Competition Act by the member for Ottawa Centre. If evidence of a criminal offence is uncovered, I am sure appropriate measures will be taken by the director.

Some people are suggesting that prices should be regulated. The authority to regulate gasoline prices falls within the jurisdiction of the provinces. It is not a federal matter. In the member's province

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of Saskatchewan it is for the NDP government to take action if it feels that gasoline prices should be regulated.

As a matter of general principle, the best regulator of gasoline prices is a competitive market. Prices set by government usually result in higher prices to consumers. This is in addition to the cost that taxpayers must bear to set up and administer a regulatory regime. The decision in July 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 the competitive market forces.

Regulation would also remove the incentive for petroleum suppliers to be more efficient. Price controls weaken the stimulus for firms to either swiftly adapt themselves to change in demand or to develop more efficient methods of distribution. It is easier to ask

the regulatory body to increase the controlled price than to attempt to lessen their operating costs.

In conclusion, it remains my view that the best interests of Canadians will continue to be served if gasoline prices are set in the competitive marketplace. As I indicated at the outset, unlawful anti-competitive behaviour will be appropriately addressed under the Competition Act.

Recently my colleague, the minister responsible for FORD-Q, discussed the issue of gasoline prices with his provincial and territorial counterparts.

The Deputy Speaker: The member's time has expired. A motion to adjourn the House is now deemed to have been adopted. The House stands adjourned until tomorrow at 2 p.m.

(The House adjourned at 7.23 p.m.)

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Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

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