



CANADA

# House of Commons Debates

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OFFICIAL REPORT  
(HANSARD)

**Thursday, November 28, 1996**

**Speaker: The Honourable Gilbert Parent**

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## OFFICIAL REPORT

At page 6813 of *Hansard* of November 27, 1996, immediately after *And the bells having rung*: should be inserted the following:

*[Editor's Note: Mr. Fred Mifflin (Minister of Fisheries and Oceans) gave notice of the intention to move a motion at the next sitting of the House, pursuant to Standing Order 78(3), for the purpose of allotting a specified number of days or hours for the consideration and disposal of the third reading of Bill C-29, an act to regulate interprovincial trade in and the importation for commercial purposes of certain manganese based substances.]*

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<http://www.parl.gc.ca>

# HOUSE OF COMMONS

Thursday, November 28, 1996

The House met at 10 a.m.

Prayers

## ROUTINE PROCEEDINGS

[English]

### GOVERNMENT RESPONSE TO PETITIONS

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

And, Mr. Speaker, I move:

That the House do now proceed to the Orders of the Day.

**The Speaker:** Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Speaker:** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And more than five members having risen:*

**The Speaker:** Call in the members.

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 187)

### YEAS

#### Members

Alcock	Allmand
Arseneault	Assadourian
Augustine	Axworthy (Winnipeg South Centre/Sud-Centre)
Baker	Bakopanos
Barnes	Bélair
Bélangier	Bellemare
Bevilacqua	Blondin-Andrew
Boudria	Brown (Oakville—Milton)
Brushett	Bryden
Byrne	Calder
Cannis	Catterall
Cauchon	Chamberlain
Cohen	Collenette

Cowling	Crawford
Culbert	DeVillers
Dhaliwal	Dion
Discepolo	Duhamel
Easter	English
Finestone	Fiis
Fontana	Gaffney
Gagliano	Gagnon (Bonaventure—Îles-de-la-Madeleine)
Galloway	Goodale
Graham	Gray (Windsor West/Ouest)
Grose	Harb
Hopkins	Hubbard
Jackson	Keyes
Kilger (Stormont—Dundas)	Kirkby
Knutson	Kraft Sloan
Lastewka	Lee
Lincoln	MacAulay
MacLellan (Cape/Cap-Breton—The Sydneys)	Malhi
Maloney	Manley
Marleau	Masé
McCormick	McGuire
McKinnon	McLellan (Edmonton Northwest/Nord-Ouest)
McTeague	Minna
Mitchell	Murphy
Murray	Nault
O'Brien (London—Middlesex)	O'Reilly
Pagtakhan	Paradis
Parrish	Patry
Payne	Peric
Peters	Peterson
Pettigrew	Pickard (Essex—Kent)
Pillitteri	Reed
Regan	Richardson
Rideout	Robichaud
Robillard	Rock
Scott (Fredericton—York—Sunbury)	Serré
Shepherd	St. Denis
Steckle	Stewart (Brant)
Szabo	Telegdi
Torsney	Ur
Valeri	Vanclief
Verran	Volpe
Walker	Wappel
Wells	Whelan
Zed—115	

### NAYS

#### Members

Ablonczy
Bachand
Bellehumeur
Bergeron
Bernier (Mégantic—Compton—Stanstead)
Brien
Chatters
Crête
Daviault
Debien
Dubé
Duncan
Forseth
Gagnon (Québec)
Gilmour
Gouk

*Point of Order*

Grubel	Guay
Guimond	Hanger
Harper (Calgary West/Ouest)	Harper (Simcoe Centre)
Hayes	Hermanson
Hill (Macleod)	Hill (Prince George—Peace River)
Jacob	Johnston
Kerpan	Lalonde
Landry	Langlois
Laurin	Lavigne (Beauharnois—Salaberry)
Lebel	Leblanc (Longueuil)
Lefebvre	Leroux (Richmond—Wolfe)
Loubier	Manning
Marchand	Martin (Esquimalt—Juan de Fuca)
Ménard	Mercier
Morrison	Nunez
Paré	Picard (Drummond)
Ramsay	Ringma
Rocheleau	Solberg
Solomon	Speaker
St-Laurent	Strahl
Taylor	Thompson
Wayne	White (Fraser Valley West/Ouest)
White (North Vancouver)	Williams—78

## PAIRED MEMBERS

Caron	Chan
Clancy	Dumas
Dupuy	Eggleton
Fillion	Iftody
Leroux (Shefford)	Loney
MacDonald	Pomerleau
Sauvageau	Speller
Tremblay (Lac-Saint-Jean)	Tremblay (Rimouski—Témiscouata)
Venne	Young

• (1045)

[*Translation*]

**The Deputy Speaker:** I declare the motion carried.

(Motion agreed to.)

\* \* \*

## POINT OF ORDER

BILL C-42

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Mr. Speaker, I am pleased to see you in the Chair, because you were present yesterday.

I would like a clarification regarding what happened during debate on the Reform Party's amendment to the amendment with respect to Bill C-42. As you will recall, it was during the period for questions and comments and I still had time remaining when the government whip presented a motion to extend the sitting, pursuant to Standing Order 26.

You entertained the motion, Mr. Speaker, and a number of things then happened. One was that you deemed that a motion to adjourn the House had been moved pursuant to Standing Order 38.

• (1050)

You then asked if the House was ready for the question, on what it was not clear. There were cries of "question" from both sides

and you set the vote in motion. You will recall that I hurried over to the Table and, at the first opportunity available to me, raised a point of order.

My point of order concerned the fact that the government whip's motion to extend the sitting was out of order. I will read the last paragraph only of the Speaker's ruling on this motion, in the hope that this will enlighten the Chair.

In view of the fact that the matter was a procedural motion and that it was proposed at a time contrary to the Standing Orders, the Chair is of the view that the motion is indeed out of order and has not been adopted.

My question today is whether, if we step back and you have immediately declared the government's motion out of order, I would still be in the period for questions and comments. Or whether, given my brilliant answers, for no one else had any questions to ask me, you would have called for debate to resume and not gone on to the vote.

I therefore think that everything that occurred between the time the government whip's motion was ruled out of order and the time that the Chair confirmed the motion out of order was illegal. Accordingly, the vote on the Reform Party's amendment to the amendment concerning Bill C-42 is illegal and should never have been held.

I would like you, Mr. Speaker, to shed some light on this, for I believe that the custom of the House would have dictated that, following the government motion, you should have said very clearly—and this should have been recorded in *Hansard*, which it was not—"questions and comments" or "resuming debate". You did not do so, probably through omission, or because government members were speaking very loudly and were in a hurry to vote in order to gag us.

Mr. Speaker, I ask you to rule on this question.

**The Deputy Speaker:** I thank the hon. member for Berthier—Montcalm. This is a very interesting point. I have reread yesterday's *Hansard*. On page 6813, I said: "Is the House ready for the question?", but the hon. member for Berthier—Montcalm, with all of his legal background, did not take that opportunity to speak.

I find this a very interesting point, but since we are both lawyers, the hon. member ought to be prepared to admit that that was when he ought to have spoken up.

The Speaker cannot be changed in mid-stream, but in this case, I believe there is nothing more to say.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, I am not a lawyer, but that does not prevent me from understanding.

**Some hon. members:** Hear, hear.

**Mr. Duceppe:** I even think these things are easier to understand when one is not a lawyer. When you asked the House if it was ready for the question, the great majority of people—and yourself, I am

sure—understood that it was on the motion of the Government Whip, which was later deemed out of order.

• (1055)

Normally a debate ends with a motion. That was what the House answered yea or nay on, not the amendment to the amendment. You ought to have asked: “Are there any questions or comments?” If no one rises, then you ask if the House is ready to vote on the amendment to the amendment, and not on the motion of the Government Whip.

**The Deputy Speaker:** On the good advice of my counsel, dear colleagues, this is what I asked:

Is the House ready for the question?

**Some hon. members:** Question.

**The Deputy Speaker:** The question is on the amendment to the amendment. Is it the pleasure of the House to adopt the amendment to the amendment?

**Some hon. members:** Agreed.

Again, I suggest that that would have been the time for the hon. member beside you to speak. Since he did not, I believe that, unfortunately, the matter is closed.

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## GOVERNMENT ORDERS

[*Translation*]

### JUDGES ACT

BILL C-42—TIME ALLOCATION MOTION

**Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I move:

That in relation to Bill C-42, an Act to amend the Judges Act and to make consequential amendments to another Act, not more than one further sitting day shall be allotted to the stage of consideration of Senate amendments to the bill and, fifteen minutes before the expiry of the time provided for government business on the allotted day of the consideration of the said stage of the said bill, any proceedings before the House shall be interrupted, if required for the purpose of this Order, and in turn every question necessary for the disposal of the said stage of the bill shall be put forthwith and successively without further debate or amendment.

**The Deputy Speaker:** Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

### Government Orders

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

**Some hon. members:** Nay.

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

*And more than five members having risen:*

**The Deputy Speaker:** Call in the members.

(The House divided on the motion, which was agreed to on the following division:)

(*Division No. 188*)

### YEAS

#### Members

Alcock	Allmand
Arseneault	Assadourian
Augustine	Axworthy (Winnipeg South Centre/Sud-Centre)
Baker	Bakopanos
Barnes	Bélair
Bélangier	Bellemare
Bevilacqua	Blondin-Andrew
Boudria	Brown (Oakville—Milton)
Brushett	Bryden
Byrne	Calder
Cannis	Catterall
Cauchon	Chamberlain
Cohen	Collenette
Cowling	Crawford
Culbert	DeVillers
Dhaliwal	Dion
Discepola	Duhamel
Easter	English
Finestone	Fliis
Fontana	Gaffney
Gagliano	Gagnon (Bonaventure—Îles-de-la-Madeleine)
Gallaway	Goodale
Graham	Gray (Windsor West/Ouest)
Grose	Harb
Hopkins	Hubbard
Jackson	Keyes
Kilger (Stormont—Dundas)	Kirkby
Knutson	Kraft Sloan
Lastewka	Lee
Lincoln	MacAulay
MacLellan (Cape/Cap-Breton—The Sydneys)	Malhi
Maloney	Manley
Marleau	Massé
McCormick	McGuire
McKinnon	McLellan (Edmonton Northwest/Nord-Ouest)
McTeague	Minna
Mitchell	Murphy
Murray	Nault
O'Brien (London—Middlesex)	O'Reilly
Pagtakhan	Paradis
Parrish	Patry
Payne	Peric
Peters	Peterson
Pettigrew	Pickard (Essex—Kent)
Pillitteri	Reed
Regan	Richardson
Rideout	Robichaud
Robillard	Rock
Scott (Fredericton—York—Sunbury)	Serré
Shepherd	St. Denis
Steckle	Stewart (Brant)
Szabo	Telegdi
Torsney	Ur
Valeri	Vanclief
Verran	Volpe
Walker	Wells
Whelan	Zed —114

*Government Orders*

## NAYS

## Members

Abbott	Ablonczy
Asselin	Bachand
Bélisle	Bellehumeur
Benoit	Bergeron
Bernier (Gaspé)	Bernier (Mégantic—Compton—Stanstead)
Blaikie	Brien
Canuel	Chatters
Chrétien (Frontenac)	Crête
Dalphond-Guiral	Daviault
de Savoye	Debien
Deshaies	Dubé
Duceppe	Duncan
Epp	Forseth
Frazier	Gagnon (Québec)
Gauthier	Godin
Gouk	Grubel
Guay	Guimond
Hanger	Harper (Calgary West/Ouest)
Harper (Simcoe Centre)	Hayes
Hermanson	Hill (Macleod)
Hill (Prince George—Peace River)	Jacob
Johnston	Kerpan
Lalonde	Landry
Langlois	Laurin
Lavigne (Beauharnois—Salaberry)	Lebel
Leblanc (Longueuil)	Lefebvre
Leroux (Richmond—Wolfe)	Loubier
Marchand	Martin (Esquimalt—Juan de Fuca)
Ménard	Mercier
Morrison	Nunez
Paré	Ramsay
Ringma	Rocheleau
Solberg	Solomon
Speaker	St-Laurent
Strahl	Taylor
Thompson	Wayne
White (Fraser Valley West/Ouest)	White (North Vancouver)
Williams—75	

## PAIRED MEMBERS

Bethel	Caron
Chan	Clancy
Dumas	Dupuy
Eggleton	Fillion
Ifitody	Leroux (Shefford)
Loney	MacDonald
Picard (Drummond)	Pomerleau
Sauvageau	Speller
Tremblay (Lac-Saint-Jean)	Tremblay (Rimouski—Témiscouata)
Venne	Young

● (1140 )

[*English*]

(Motion agreed to.)

\* \* \*

## JUDGES ACT

The House resumed from November 27 consideration of the motion in relation to the amendments made by the Senate to Bill C-42, an act to amend the Judges Act and to make consequential amendments to another act; and of the amendment.

**Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.):** Mr. Speaker, it is a pleasure today to speak on Bill C-42, an act to amend the Judges Act.

Fundamentally, the Canadian judiciary must remain independent and free of bias or coercion from outside sources, in particular those which stem from special interest groups or, in fact, Parliament.

This bill concerns Madam Justice Louise Arbour. She was appointed to be the chief prosecutor in The Hague for the UN war crimes tribunal. At the outset I would like to say that is not only an honour for her but it is an honour for all Canadians. She will take the place of Chief Justice Richard Goldstone of South Africa, a highly distinguished individual. Her appointment to this position demonstrates the confidence which the international community has in Canada and its judiciary. We are looked on as being a nation which, by and large, maintains a great deal of independence, for which we are highly respected by the international community. It is a degree of respect which is completely out of proportion to our size and our economy. A lot of Canadians do not realize the respect which the international community has for our nation. The appointment of Judge Arbour certainly demonstrates that respect.

The amendment to Bill C-42 is a good one. I must commend the Senate for bringing it to the attention of the House. Bill C-42 ensures that there will not be a cozy relationship between our judges and outside influence. Without this amendment judges, technically, could be open to influence, not only within Canada but also outside our borders.

The appropriate middle ground would be for Canadian judges to step down temporarily to take up very important appointments, such as the one we are discussing today. Judge Arbour is perhaps the most prominent of all the Canadian judges who have been appointed to a position in the recent past.

The role which the Canadian judiciary plays in enabling democratic and judicial institutions to build up in other countries is important. It is particularly important in the democratic and judicial restructuring of countries which have been wracked by war. Many of these countries do not have a proper judicial process in place. Many of them have had their judicial process destroyed.

● (1145 )

Canada has a very good judicial system. It is something that could be exported to other countries. In that way those countries could be taught how to plan a judiciary that is free of bias, free of influence and independent of the wiles and influences, powers and purses of other groups in the community. It is a basic tenet of living in a free and democratic institution, one with which everyone in the House agrees.

*Government Orders*

This bill contains a number of important considerations and concerns that Canadians have made with respect to the judiciary. One of those is the appointment process. The number one criterion in becoming a judge ought to be merit and experience. At present, though, judges are appointed on the basis of not necessarily what they know but who they know.

We have many good judges in our system. They are superb, intelligent, bright, meticulous and articulate individuals who do great honour to our system. We in the Reform and the Canadian public have a problem with the appointment of those rare individuals who come into the system, not on the basis of their skill, not on the basis of their merit but because they are a friend of the government of the day. That has to be addressed. If the government were to take that on, it would add increased credibility to our judicial system.

Recently the courts moved from interpreting the law to making laws. In fact they have shot down laws that this House has passed. It stems from the 1982 charter of rights and freedoms. The charter has given increasing powers to the judicial system, in particular the supreme court, to actually make laws.

Members of the public, when talking to me about this, find it quite perturbing, as many in the House do, that the supreme court, a group of appointed, not elected, individuals actually have the power to supplant laws that have been passed by the House. The public does not understand that and find it extremely grievous.

A better idea would be to rein in the supreme court, to make sure that its role is to interpret law, not to make law. I am not a lawyer but it would be very good if the government studied ways to revamp the judicial system to ensure that the supreme court goes back to interpreting law and not making law.

Another aspect I will touch on briefly is that Bill C-42, to which this amendment applies, deals with some extremely generous pension benefits for judges. That needs to be dealt with further, I am quite sure in the future.

Reform also finds quite grievous the way the bill is being finessed through the House. It belies an increasingly perceived cosy relationship between the Minister of Justice and the judiciary. These kind of relationships have to be severed. The judicial system, our courts and our judges have to be separate in their decision making process from this House and the Minister of Justice.

As a former correctional officer I would like to say one thing about Judge Arbour. She is most known for her scathing indictment of what went on at Kingston in the women's penitentiary and the riot that took place. I have never been on record in saying this but I would like to take the opportunity to do so.

I found, as a former correctional officer, it to be completely, grossly unfair and a scathing indictment of the correctional services. During a riot—I have seen this happen—in a penitentiary when dealing with inmates, who often do not deal in the ways we deal with each other in public, can become a very dangerous situation. Inmates can be carrying hidden weapons. It is very reasonable to ensure that those individuals are stripped searched. In a riot situation it is important to go in with overwhelming force. It is important for the safety of the correctional officers. It is also important for the inmates. Going in with less than overwhelming force actually poses a greater threat to the inmates and to the correctional officers.

• (1150)

I was greatly disappointed by the unfair and negative treatment our correctional services received. It became an issue of political correctness and trial by media. It was not an issue of fact and what is reasonable in those very difficult and trying circumstances. Most members of the public would not understand this because thankfully most people have not been in jail.

I would like to touch on an important aspect of Judge Arbour's current responsibilities, one on which Canada can take a leadership role. It has to do with the war crimes tribunals that are taking place in the Hague.

I had an opportunity to meet briefly with Judge Richard Goldstone a few months ago. He was visiting Canada to ensure that the war crimes tribunal continued. As we speak, it is in a state of flux and could potentially fall apart. This would do grievous harm to the principles of international law to which most civilians and politicians in the world adhere.

Most nations of the world follow certain rules and regulations in an effort to ensure that those who are least powerful, mostly civilians, are governed by some basic tenets of law that protect them, their property and their families.

The war crimes tribunal unfortunately came into existence because of the absolute disgusting turn of events most recently in Bosnia, Rwanda and Burundi. It also stems from previous war crimes tribunals such as the Nuremberg trials and from previous international agreements on international law over the governance of war.

If we are not going to support the war crimes tribunal and ensure that it continues, all the international laws that exist from the Nuremberg trials to what we have today will be for nothing. If we allow this organization to fall apart, which it is in the processing of doing, then it will send a message to those who would commit heinous, atrocious, appalling crimes that they are free to do what they want because no one in the world is going to bring them to justice. They will be left to continue committing these terrible crimes.

*Government Orders*

Therefore, I implore the government to back Judge Arbour and her colleagues and use its influence to get other countries to also back the war crimes tribunal taking place in the Hague. The government should also try to ensure that it becomes more effective. They are finding it impossible to work under certain circumstances. There is a lack of funding and manpower which makes it almost impossible for them to bring war criminals to trial. There are also other numerous bureaucratic entanglements which prevent them from doing their jobs.

It is going to require an increasing amount of international co-operation. We have an ideal opportunity, having a Canadian as the chief prosecutor, to pursue a course that is going to streamline and increase the effectiveness of the war crimes tribunals. Having a Canadian there will carry forward our skills as a nation and a leader in diplomatic endeavours to the Hague and to the war crimes tribunals.

We also have an enormous role to play in the world. The situation in Zaire and central Africa must be looked at for what it is. This is an impartial, apolitical issue as a half a million to a million people's lives are on the line. Some things have to be done at the outset. We have to get the agreement of the Zairean government to ensure that reconnaissance takes place in eastern Zaire to determine exactly what is going on. Humanitarian groups that are poised to go in and provide assistance to these people cannot go in because it is an extraordinarily dangerous situation.

• (1155)

I am not advocating for a moment sending in a huge mass of troops armed to the teeth to stop a war. That simply is not going to happen. We have to prioritize what we have to do. The first priority must be to ensure the safety of those half million odd civilians who are fleeing from the fighting. Many are being killed by Tutsi rebels who want to kill off male Hutus.

A possible solution would be to send a multinational force. Canada can provide the logistics, troops from the Organization of African Unity and the EU, independent of Belgian and French troops, could go into the area and ensure that safe corridors are available for the civilians to go back to be repatriated into Rwanda.

Second, humanitarian groups that are already on the ground with medicines and food must be allowed to safely go into eastern Zaire to provide these basic necessities to these people. What is faced now and in the coming days is an epidemic in these populations of malnutrition and starvation and also an epidemic of diseases such as typhoid fever and cholera that is going to kill thousands on thousands of people.

This, though, cannot be the end of it. We have seen a cycle develop in central Africa over years and years of killing and some repatriation and further killings taking place. The cycle of killing and death has to stop.

The international community cannot keep pouring money into central Africa without an end point. As politically incorrect as this is to say, perhaps we should take a very close look at working with the three governments in the area to redraw some of the tribal lines to ensure that Hutus and Tutsis live in their pre-colonial tribal areas. Maybe this is a solution that would enable the warring factions to stay away from each other.

There has to be a demilitarization of the extremists on both sides. It is extremists in the Hutus and the Tutsis that are taking a significant role in trying to continue the fighting in their areas. They are not only killing members from the opposing tribe, they are also killing moderates within their own tribes. What is left is a very fearful group of civilians powerless to change the course of events because they are ruled by extremist militias who are doing things only for the benefit of themselves and a very narrow group of political elites within their own separate countries.

We have also an opportunity in Zaire, a country that is one of the poorest in the world, as Mobutu Sese Seko recovers from prostate cancer in France, to try to convince him that now is the time for us to work with the IMF and the World Bank to build up the democratic and economic structures within Zaire which are required for long term peace. Not only does this have to happen within Zaire but it also has to occur in Rwanda and Burundi.

Without the restructuring that has to take place in these three countries, peace will not occur. All we will be doing by pouring money into the situation today is for the cycle of violence and starvation repeat itself at some time in the future.

We persistently pursue short term goals. I implore the government to work with the international community to convince them that we should pursue not only a short term solution to save the civilian populations within eastern Zaire and Rwanda but also pursue a longer term solution for economic, judicial and democratic restructuring that has to take place in these three areas.

It will require a stronger arm and more active influence. This is where the International Monetary Fund and the World Bank can come into play. Initiatives from them within the country in terms of peace building between groups that were fighting each other, in terms of blocking off arms, redressing the poverty situation perhaps through microloans, systems along those of the Grameen Bank, will all help to ensure long term peace within the area. These initiatives are absolutely essential for peace to occur.



• (1200)

As a country we do not consider our power in the international community to bring groups, nations and organizations together. Louise Arbour's being the head of the war crimes tribunal is but one example of our reputation as a nation. It is also an example of how we can be involved in international organizations to revamp them so they will truly address the problems that will affect us all in the 21st century but which very few governments and people are willing to address.

**Mr. Rey D. Pagtakhan (Parliamentary Secretary to Prime Minister, Lib.):** Mr. Speaker, the member for Esquimalt—Juan de Fuca observed in his reference to the Supreme Court of Canada that our judicial system now has more powers, now makes laws. He seemed to blame the charter of rights and freedoms and he claimed the public does not know about this. I submit that those observations are wrong.

The Supreme Court of Canada never makes laws. We know that and we have a duty to tell the citizens of the country that the supreme court does not make laws. The members of the Reform Party are laughing at this. They seem not to appreciate that the charter of rights and freedoms is a fundamental part of the Canadian Constitution, the supreme law of the land.

When the Supreme Court of Canada interprets the laws passed by parliaments or any other legislative body in the country, the Supreme Court of Canada has a duty and obligation to have the laws tested in light of the charter of rights and freedoms, the supreme law of the land. In this respect the court does not make new laws; it only interprets them to ensure that laws passed by Parliament do not contravene the fundamental law of the land.

The Canadian judicial system has received international acclaim and distinction for its independence, integrity, talent and creativity. It is creativity we see when the Supreme Court of Canada makes the ultimate interpretation when there is a potential conflict between laws passed by Parliament and the charter of rights and freedoms. When an interpretation is made and we happen to disagree with it, let us not conclude that the court has made laws. We have to re-examine ourselves as lawmakers to ensure the laws we pass can withstand the test of the supreme law of the land.

**Mr. Martin (Esquimalt—Juan de Fuca):** Mr. Speaker, I am glad the hon. member agrees with me in saying that the supreme court should only interpret laws rather than make them.

I have a lot of respect for my hon. friend. I strongly urge him to speak to the police officers and representatives of the police forces and to speak to the prosecution lawyers who find the charter of rights and freedoms hamstringing them dramatically.

### *Government Orders*

I also suggest to the hon. member that the charter is actually discriminatory. In its tenets the charter specifically says that it is acceptable to discriminate against a group of people who have previously been deemed to have had some advantages. That is not free. That is not equal. That is not ensuring equal rights for everybody. That is damaging the rights of people and is discriminatory by its very nature.

We had the bill of rights before this charter. The bill of rights worked very well. The police were happy with it, the courts were happy with it and the people were happy with it. Unfortunately in 1982 the Liberal government of the day decided to bring in the charter of rights and freedoms which has turned our judicial process on its head. It has hamstringed the courts and the police officers in the trenches who try their very hardest under extraordinary circumstances to keep our streets safe.

• (1205)

If the hon. member wanted to do the honourable thing, which I am sure he does, he would suggest to his party that we pursue the idea of going back to the bill of rights.

**Mr. Jim Abbott (Kootenay East, Ref.):** Mr. Speaker, it is interesting that this debate is a result of amendments proposed by the Senate, particularly in light of what happened in the Senate yesterday when it turned back term 17 to do with the Newfoundland school system.

This was a process undertaken by the people of Newfoundland in a truly democratic way, probably the most fundamental democratic process that could be arrived at, a referendum. As a person from outside the province of Newfoundland I would not offer any opinion as to the judgment of the people of Newfoundland. The people of Newfoundland in a true, fair, clear democratic process had an opportunity to speak and they did.

The result of the referendum then went to the Newfoundland assembly, those who were elected by the people of Newfoundland in a free, fair, democratic process. My understanding is that that House voted unanimously in favour of the motion. Then it came to this Parliament and this Parliament in a free vote substantiated the results of the referendum.

On Bill C-42, the Senate is now deciding in the same way that it did on term 17, to throw the bill back to this House. I think this indicates that within Canada's parliamentary process we truly must have absolute reform and come to a triple E Senate.

We know that the Senate is effective because it has managed to turn back term 17. We know that the Senate is effective in that it has managed to turn back Bill C-42, which is currently being debated in the House. We know the Senate is effective but the fact that it is not elected, is unaccountable and unrepresentative of

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anyone in this country other than the political masters who put the senators there in the first place says reams about the Senate itself.

The Reform Party position always has been and will continue to be that while we require a House of sober second thought such as the Senate, it is absolutely essential that the House of sober second thought gain some credibility by going through a process of being elected and accountable.

Specifically on issue of Bill C-42, the main motion being debated is an amendment to Bill C-42 introduced by the government in the Senate. That is rather interesting in itself. Bill C-42 went from this place to the Senate. Then in the place of supposed sober second thought some flaws in Bill C-42 were discovered. We have reason to believe that the government of the day decided to use this method of making the renovations to Bill C-42, rather than by directly taking them into account in this House.

This House must be the place where legislation is made. It must be the place where legislation is voted on because this is the place where members are elected and are ultimately accountable to the people of Canada.

The current Judges Act does not allow any judge to accept any employment other than from the Government of Canada. The Judges Act at the moment does not allow judges to receive compensation from anyone other than the Government of Canada.

The Minister of Justice has passed orders in council approving Madam Justice Louise Arbour to work in the UN commencing last July 1. This is part of a pattern, and if I may suggest a rather arrogant pattern, that seems to have infested both the Liberals and the Conservatives. Because they have been the governing parties of Canada since Confederation, they go ahead and do these things without reference to this elected Chamber.

• (1210)

There is this order in council which permitted Madam Justice Arbour to work at the UN commencing July 1. The interesting thing, which shows the arrogance of the Liberals and of the justice minister, is that these orders in council are in direct violation of section 55 of the Judges Act. But the government said to itself: "That is no problem. We will use the rubber stamp of the House of Commons and simply get that turned around".

Why closure yet again? Many members during the last Parliament railed against the number of times closure was used by the Conservatives. Members stood in their places and made all sorts of noises about how unjust, unfair and immoral closure was. Now we see how the government has changed. It now brings in closure at will.

Why do we have closure today? Because if this bill is not passed today the justice minister will have to issue a new order in council

because the present one will expire on November 30. The justice minister maintains that the order in council is valid because Madam Justice Arbour is still being paid by the Government of Canada. He has ignored the prohibition on accepting other employment which is laid out in the Judges Act.

Many lawyers make their money on fine print. It is a rather interesting part of the whole justice process. Indeed, the niggling details will end up shooting down a plaintiff or a defendant in a civil suit. Lawyers make their money by worrying about the niggling details.

As a matter of fact, I am given to believe that even in a criminal case which is currently before the Supreme Court—the Latimer case—they are talking about the details. There has been a conviction in that case and now Mr. Latimer's lawyer is saying: "But we did not take care of the details. Therefore, we are going to take it to the supreme court".

What did the justice minister say in the House on November 22 in answer to a question from my colleague from St. Albert who raised the issue of Bill C-42? It is almost unbelievable. He said: "I invite the hon. member to rise above the niggling legalisms upon which he now relies for partisan purposes and join with this government to make sure" and so on. What kind of a justice minister does Canada have? He is the supreme lawyer in Canada and he says: "I invite the hon. member to rise above the niggling legalisms". Is that not what the law is all about? It is in the detail that lawyers make their money. Here we have the justice minister turning around and saying not to worry, not to sweat the small stuff.

In this case the small stuff happens to be section 55 of the Judges Act. That section says that Madam Justice Arbour should not be doing what she is doing and that the government should not have put her in a compromised position which has occurred as a direct result of the boldfaced arrogance of the Liberals.

Many Liberal members were very upset in the last Parliament about the numerous times closure was used by the Conservatives. They railed against it. It is really interesting that in rushing bills through the House the Liberals have used closure on Bill C-33, time allocation on third reading and report stage of Bill C-41 and limited committee discussion and time allocation at third reading and report stage of Bill C-68.

And what do we have with Bill C-68? We have a whole bunch of question marks. This same justice minister came forward yesterday with his proposed regulations. What he is not talking about is that again he not only does not consult with this Chamber, he not only does not consult with the members who have been elected by the people of Canada, whether it is on Bills C-33, C-41, C-68 or C-42, he does not consult with anybody. The Liberals are a power unto themselves.

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• (1215)

The three provinces of Manitoba, Saskatchewan and Alberta have said they will not administer Ottawa's proposed—

**The Acting Speaker (Mr. Milliken):** Order. I hesitate to interrupt the hon. member with some niggling legal point, but there is a rule of relevance in the Chamber. I urge the hon. member to address his remarks to Bill C-42, the bill we are discussing.

I recognize that in discussion of the use of closure he has a point, but when he gets off into the details of other bills he seems to be straying a bit far from the subject. As he knows, I am very reluctant to interrupt him on such a point but I would urge him to address his remarks to Bill C-42, the subject of discussion today, and the amendment moved by one of his colleagues to that motion.

**Mr. Abbott:** Mr. Speaker, I understand what you are saying. With the greatest respect, I would suggest, however, that we have within the justice department and with the justice minister a pattern relating to Bill C-42 that I would like to explore.

For example, section 745. We have today the clear, irrefutable evidence that what the justice minister should have done was completely abolish section 745 as the people of Canada asked for. This justice minister simply does not listen.

I draw to the Speaker's attention the fact that when the justice minister would turn around and in an answer to a specific question directed to Bill C-42 and say "don't sweat the small stuff, it is only niggling little detail", I suggest that the niggling detail is exactly the issue that we have to be discussing in relation to Bill C-42.

Again I cite as an example section 745. During the process of section 745 there was an obvious lack of consultation, a lack of taking into account the perspective of the people of this House and indeed the people of Canada. With regard to section 745 and the problem with it, and what they did with Bill C-45, by turning around and going forward with half measures they created a situation where they could attempt to make it appear as though they had actually done something.

Mr. Speaker, I draw to your attention a rather interesting article from the Calgary *Sun* dated September 16. This particular columnist is talking about the Liberal failure to scrap section 745 of the Criminal Code that lets first degree murderers out on parole after 15 years in jail. Because of section 745 butchers like Paul Bernardo and Clifford Olson are entitled to apply for parole.

The Reform Party has been calling for the abolition of this heinous loophole for years but it is still in effect and should be an embarrassment to any Liberal, but not to the Liberal member he is

speaking about who comes from Edmonton. Her little newsletter has a headline blaring: "Murderers Denied Parole Rights Under Section 745". But it is simply not true. The only changes that the Liberals have proposed is that murderers will not automatically get reviewed for release and that any new mass murderers are ineligible. Bernardo and Olson are still eligible for parole after 15 years. This columnist suggests in Liberal speak that is probably success.

It is the loopholes, it is the niggling details, it is the fact that this justice minister in coming to this House with Bill C-42 actually came to this House with, as it were, a Trojan horse. It was unclear at the time when he came to this House with the bill that in fact this bill had any real implications. Certainly it was unclear that it related to the issue that the Reform Party has been driving home for the last two days with respect to Bill C-42.

• (1220)

It is not only the process that the justice minister comes to this House with a Trojan horse and gets Bill C-42 through in that way, but then the government has the audacity to go to the other place to make the amendments that it wants to make when it realizes that even this Trojan horse was not put together properly.

There is a fundamental flaw with this House when the government treats this House like a rubber stamp and treats the elected representatives who are elected, after all, by the people of Canada in this way.

Let us take a look at all the bills that have come before this House. I must say that in my own committee, in taking a look at the Copyright Act, what does that have to do with Bill C-42? I will tell this House what it has to do with Bill C-42. Having had this Trojan horse brought in, having had the details not at all clear, having had the Liberals treat this House with the disrespect that they have under Bill C-42, now when Bill C-32, the Copyright Act, is before committee I, as a responsible parliamentarian, must assume that there may be a Trojan horse even in that bill.

Therefore under Bill C-42 we have the difficulty that when we have a government coming forward, treating the House with disrespect, bringing in things in a surreptitious way, we have to take a look at all the details of every bill.

With respect to the amendments that have been brought forward by our party, we have proposed in our section (b) amendment that we:

(b) strike out all the lines in section 56.1(2) and substitute the following:

"If Madam Justice Arbour elects to take leave pursuant to section 56.1(1) she may receive moving or transportation expenses and reasonable travel and other expenses, in connection with her services as Prosecutor, from the United Nations";

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(c) add the following words to section 56.1(3):

“notwithstanding any prohibition against accepting any salary fee, remuneration or other emolument described in section 57”;

(d) add the following words to section 56.1(5):

“and that benefits payable under these sections will be paid or will commence to be paid at the expiration of the leave of absence without pay”.

It is the niggling detail and it is the Reform Party that is drawing to the attention of this House and through this process drawing attention to the people of Canada that currently we have a justice minister, a justice department and the Liberal government that continuously come to this House and rather than looking at the kind of detail that I have just read to this House that the Reform Party has brought, rather than dotting the *is* and crossing the *ts* and doing the job correctly, rather than treating this House with the respect that it and the people in this House deserve, the Liberals continue to come to this House and treat it like a rubber stamp: “Oh, by the way, if we have a problem we will correct it after the fact”.

There was an example of that even in the passage of Bill C-63 the other day. With Bill C-63 there had been a number of things that had been brought up at the last minute in this House as a result of debate. The government should be commended in a small way for the fact that it did end up taking a look at some of the provisions in the bill that needed some fine tuning. I commend it for that, but I ask why we had to get into that process. Why did we not have an opportunity on Bill C-63 to actually get those issues onto the table? I suggest the reason was that government once again was treating Bill C-63 in the same way as it has Bill C-42 and all these other bills. It has treated this Parliament as a rubber stamp.

• (1225)

The government very simply went through a committee process on probably the cornerstone legislation of our government or the governing of this country, democracy in this country. It simply went ahead and had a situation where it had two weeks of hearings. The interesting thing was that one of those weeks nobody was in Ottawa. We were out in our constituencies working. So it had only one week to actually consider the terms and the details of that bill.

I suggest there is an absolute irrefutable pattern here that the Liberals continuously treat this House as a rubber stamp, treat the members of Parliament with disrespect. I say that they treat us with disrespect in that they expect us to just roll over and do what is asked. They may be good enough for the Liberal backbenchers but it is not good enough for this opposition.

**Mr. John Williams (St. Albert, Ref.):** Mr. Speaker, I really did appreciate the speech which I just listened to by the member for Kootenay East. He talked about not sweating the details. I think he was quoting the Minister of Justice in question period last week.

The point I would like the hon. member to give the House his opinion on is while Madam Justice Arbour has been asked by the United Nations to do a tremendously worthy job on behalf of all humanity, to go over there and uphold international law and to let international law be a beacon of light for civilization around the world, would it not be a sleight on the job that she is going to be doing if we have to trample over the Canadian law to let her go over there to uphold the law?

That seems to be the issue that the hon. member was arguing, that while no one is disputing the great responsibility and the fact that someone from Canada has been selected to do this particular position, in our haste to accommodate the United Nations to allow her to go over there and uphold the law we have trampled over our own rules.

It seems to me rather strange that we would do that because surely it would cast some kind of aspersion on her capacity over there if we find that the laws of Canada have been broken to accommodate the United Nations. That is one point I would ask him to consider.

The second point I would ask him to consider which I would like his opinion on too is this idea that Madam Justice Louise Arbour has been granted a leave of absence from the bench for as long as she is required because there is no return date in this particular motion. We do not know how long she is going to be gone, but she is on the bench. Although she has a leave of absence she is still a member of the bench in this country with the superior court in the province of Ontario.

She is what one might call a referee in the game of law. Yet now she is going to be a player. On one side she is going to be the prosecutor at the international court in The Hague. We get into this situation of being both the player and the referee. We have people in this House who are quite familiar with the game of hockey, for example, who know full well that you cannot be a referee and a player because the whole thing just tends to fall apart.

I would like to have the member's opinion on whether one should, can be or whether it is advisable under these conditions to be both a referee and a player and the fact that we have ignored our own internal laws to allow her to take over this position at the United Nations.

**Mr. Abbott:** Mr. Speaker, it was interesting that while my colleague was speaking I heard from the other side of the House that a person can be a player and a referee if it is a different game.

I would suggest that if the chief referee of the NHL were to suit up for the Montreal Canadiens there probably would be something of incredibility on the part of people in the stands. They would simply not accept that. In fact, even in that, which is at a totally different level to what we are talking about when we are talking

about the supreme court of Ontario, there is just no way that we could end up having it fit.

There is more to it than that.

• (1230)

The reality is that within our system we are at the mercy of the judicial system as to how it in turn interprets the law. There was a very interesting exchange earlier with the member for Winnipeg and my colleague from Esquimalt—Juan de Fuca about the whole issue of whether the supreme court actually ends up making law on the basis of the charter of rights and freedoms. As a result of Pierre Trudeau and the whole thought process of the Liberals where we now have a charter industry populated by very high priced lawyers, we now have an even more of a requirement for there to be an absolute, positive, total, utter chasm between prosecution and the defence and the judiciary.

To my colleague, I would say that the ends do not justify the means. Louise Arbour will be a prosecutor in The Hague while still a member of the impartial bench of Canada. The justice minister is on record as saying in a Senate standing committee that there are no provisions in the judges act allowing her to accept this appointment. That is an important issue. There are no provisions in the judges act allowing her to accept this appointment. He said that. Yes, I agree with my colleague, one cannot play the game and be a referee at the same time no matter what the circumstances are.

An exemption for a particular person from public policy such as Madam Justice Arbour is called a private bill. Again, this did not come to the House as a private bill. Public policy goes through the House as a public bill. There is no provision in the rules for a hybrid, public-private bill.

Again we are referring to the justice minister of Canada, the chief lawyer of Canada, who is saying do not sweat the small stuff, do not worry about the niggling details. This is not good enough, not nearly good enough. I would think that any lawyer in Canada would realize that for the justice minister to say do not sweat the small stuff, do not worry about the details, would have to question the total confidence of a person in as high a position as the justice minister of Canada.

The justice minister is contravening the rules of this House by forcing this amendment through in a public bill. What has made it even worse is that he and the government are in a process of not only forcing it through the House but forcing it through the House by closure. We know there has been closure on some bills in the House which has been rather interesting. We have even seen closure and situations of people taking different positions in the House. It seems as though there is a question in the mind of this government as to whether it can actually get down to governing in a

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proper way. It has simply gone power hungry, power crazy on closure rather than taking the time through a process of negotiation with the Reform and with the Bloc, the official opposition, to get bills through the House in an orderly manner. But it is not doing that.

We have tabled a multi-point amendment. It makes the condition of Madam Justice Arbour's leave of absence more stringent. We insist that in this process details must be adhered to. And not withstanding the *laissez faire*, do not worry about the detail attitude of our justice minister, we are going to continue to act as the guardians of the Canadian justice system, notwithstanding the fact that the justice minister says do not worry about the details.

**Mr. Randy White (Fraser Valley West, Ref.):** Mr. Speaker, it is a pleasure to be given the opportunity to speak to Bill C-42.

I want to be absolutely sure in what I say here that you understand that I am dealing with Bill C-42. I am speaking specifically on the consequences of the political interference to a large extent in the judiciary today. In doing so I will cite a number of examples which will show that what is happening in Bill C-42 is indeed part of the problem with the judiciary today. The examples come from my riding.

• (1235)

I have recently been involved with the first example. Some people will be shocked to hear it. They will wonder what exactly is going on. They will wonder how the judiciary is accountable and where we are going from here. My first example is the case of a young lady who was victimized in Aldergrove, British Columbia in my riding.

She met an Abbotsford resident, Darren Ursel, in a bar at the Alder Inn where she had gone to meet a friend who did not turn up. This young lady had a soda because she does not drink alcohol. She and Ursel got talking. Ursel suggested they go for tea. They hopped in his car, drove to Ocean Park Pizza, and stopped at a bank along the way so he could use the ATM. They had tea and coffee and he drove her back to the parking lot at the Alder Inn where her car was parked. And there the horror started.

He did not let her out of the car. He tried to kiss her. She did not want to. He became forceful and held her down. He then invaded her privacy with things that are a lot more disgusting than I should even mention in this House, and I will not. This fellow violated this woman in the worst ways one can imagine.

He went to court in my riding. The judge said that what Ursel did was aggressive, angry and sadistic to some degree and that at other times Ursel was tender. The judge took into account that Ursel had no criminal record, was remorseful and had done everything in his power to deal with the situation.

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It sounds familiar. Bill C-41 was mentioned a little while ago in relation to conditional sentencing. So let us see what good old Judge Harry Boyle gave Mr. Ursel. He found him guilty, all right. Ursel was sentenced to two years less a day conditional sentencing; not one day of incarceration. This is conditional sentencing: "If you do it again you will be sorry". He was put on three years probation.

Today that young lady is in very bad shape. The community is appalled at that decision, and understandably so. What it really says to me is the judge really said the first rape is free, there are no consequences. That kind of lack of accountability in this country is absolutely appalling. Most people in my riding think that judge should be removed from the bench and so do I.

Ursel is walking the streets today, but the young lady is not. We have not taught him a darn thing about the horrendous acts he undertook. If I told members what he did they would be that much more ashamed of the decision that was made.

To some extent that leads me to another example in my discussion of Bill C-42. Later I will explain why this is all happening in Bill C-42. I want to talk about a young man named Arron Stewart. I know his mom and dad are listening and so I will present the facts as they gave them to me.

On March 26, 1995 their son, Arron Michael Stewart, was killed by a single stab wound to the heart. He was 23 years old. The individual responsible was an 18-year old, Scott Kent.

• (1240)

When a group of males from Delta were leaving a party an altercation took place between a Langley male and one from Delta. They were separated by another Langley male. Another young fellow was accused of becoming involved in a fight and kicking another fellow down.

Kent was hit in the face by one of these young men and, in retaliation for kicking and mouthing off, Kent returned to his residence, assessed the damage to his face, stole a knife and returned to the scene. It was the crown's contention that Kent was going after another young fellow.

Kent was stopped and was asked what he had in his hand. They had seen a knife. It was mentioned that the knife was in this fellow's hand. The knife was presented. Young Aaron approached, pushed another fellow out of the way for his protection and within seconds he was stabbed. He died 15 minutes later.

This is only a very short snapshot of the events. Suffice it to say Aaron was no threat whatsoever to Kent. The evidence presented at the trial suggested that Aaron's role was that of peacemaker. He tried to disarm or defuse the situation. According to Kent, Aaron was going to assault him.

The defence's position was self-defence. Given all the evidence it was, at best, difficult to believe and a very hard sell.

Kent was on probation for assault causing bodily harm at the time. Aaron had no record whatsoever.

The judge instructed the jury, over 40 pages, not to take this information as a propensity to violence. That is what the judge said, that he has a previous record but do not consider it.

Bob and Audrey Stewart say they feel that Aaron's life was taken in a violent manner, and it was. They felt that Kent was guilty of second degree murder. On two occasions a plea bargain for manslaughter was put to the crown and rejected. They were confident that justice would prevail and Kent would be held accountable.

On October 30, 1996 at 12.15, after 16 hours of deliberation, Kent was acquitted. The last thing the parents remember the judge saying, while he was smiling, was: "You are free to go".

This young fellow murdered an innocent young man. He had already been charged with assault. He was free to go.

This is one of the few countries in the world where a person can stab someone else and not be penalized. I often wonder how it is possible for someone to be free to go when they attempted to plea bargain for manslaughter, virtually admitting what had happened.

Where do these decisions come from and why? I have studied many Canadian judicial decisions over the last several years. I want to relay a few which pertain to Bill C-42. Some of them will surprise people, but I have become hardened to the kind of decisions which are made these days. I have talked to a lot of young people about these decisions and they are appalled. They do not know how to stop it. They do not know what to do.

How do judges get on a bench? Are they political appointments? Basically. With Liberal governments being in power in Canada for so many years how can we expect anything other than many Liberal judicial decisions?

One of the Liberals, I believe, just said "and a few more yet". If that is so, then we can expect more Liberal judicial decisions like the ones I am going to read to the House.

B.C. Supreme Court Justice Sherman Hood, before acquitting a man of sexually assaulting a North Vancouver waitress, said: "'No' sometimes means 'maybe' or 'wait a while'".

• (1245)

Has anyone in their life ever heard such disgusting rulings? That is an easy one. In the Northwest Territories circuit court Judge Michel Bourassa said that sexual assaults "occur, when the woman

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is drunk and passed out, the man comes along, sees a pair of hips and helps himself". That is from this country's bench.

Many people listening may have heard B.C. county court Judge Peter Vanderhoof describe a three-year old girl. She could be anyone's child. After sentencing her attacker to 18 months probation for sexual interference as they call it today, he called the three-year old girl "sexually aggressive". Now I ask, is that reasonable? Is that in any way typical of what Canadians expect from this country's bench? Where do these decisions come from?

**Mr. Kirkby:** What does this have to do with the Judges Act?

**Mr. White (Fraser Valley West):** An individual over on the Liberal side just asked me how this relates to the Judges Act. I think I will leave that up to the listeners because he certainly does not understand what I am talking about. He does not understand the reality between this House politically appointing judges to positions and how it affects world decisions like C-42 is doing with Louise Arbour. He does not understand that but I think other people will.

I recommend that members read the book *Contempt of Court* by Carsten Stroud. They will see how relevant many of the things in this book are to C-42. Some of us from British Columbia will remember the case Stroud refers to: "David Snow was charged in Vancouver with kidnapping two women and trying to strangle a third. I quote from the judge's decision: I cannot conclude that the placing of the wire around the neck of the victim and the placing of the plastic over her head are sufficient to establish intent to kill".

If the Liberal member does not understand the relevance between the political impact of Bill C-42 and appointing judges to the bench, in many cases Liberal judges making Liberal decisions, then that is exactly what I am trying to deliver in this message: You do not understand and therefore you should pick up and get out of here.

Let us talk about Port Hardy, B.C. provincial court judge Brian Saunderson who gave 57-year old Vernon Logan an absolute discharge. This was a decision from the bench. Even though Logan pleaded guilty to possessing child pornography, the judge said: "The law banning child pornography violates the charter of rights because it is an infringement of one's freedom of thought, belief or opinion, as unfettered access to reading material is necessary to exercise those freedoms".

Members are getting rowdy over there because they do not like the message but it is just too bad what they do not like because they are going to have to listen to it. If the Liberals opposite listened a little more they might understand what some of us are trying to tell them. These judicial decisions are hurting people. They are setting bad precedents.

• (1250)

My favourite judge, Howard Wetston, about whom I have spoken several times, recently decided in yet another ridiculous ruling that federal prisoners have the right to vote under the Canadian Charter of Rights and Freedoms. I quote: "Preventing prisoners serving more than two years from voting is too sweeping an infringement". So first degree murderer Richard Sauvé won his case and now they all vote.

I cannot say that the member is now gone, can I, Mr. Speaker?

**Mr. Morrison:** Nobody knew when he was here.

**Mr. White (Fraser Valley West):** Sometimes when we do not understand what is going on it is better to vacate.

In Montreal last July two teens were sentenced to three years each in enclosed custody and two years of supervision after pleading guilty to reduced charges of second degree murder in the brutal killing of an elderly couple. The judge described the killings of the elderly couple as senseless and despicable. In delivering the sentence he also forbade those two young fellows who killed the elderly couple from possessing firearms and explosives for five years. Now is that not a dandy? In another two years they will be able to have explosives.

This country has seen it all. I am very concerned, as are my colleagues, about the relevance of politics in the judiciary today, the consequences of which are bad judicial decisions. Bill C-42 is doing just that. It will create bad judicial decisions. What do we do about it?

We heard about the judges who used cocaine and booze as an excuse for murder. Psychotic killer Michael Kruger got a few thousand dollars for being inconvenienced during a labour dispute in a prison. The judge said he was "inconvenienced for denial of showers, therapy and a swimming pool". That is kind of sick.

Now that I have told the House what some of the problems are, what are the solutions?

The two most important qualifications of judicial appointments in this country must be knowledge of the law and integrity. They should not be who you know, whom you work for and what political party is in power.

Lawyers must always be examined before their appointment to the bench. They should be examined on their competency in the areas of law where they will be making the decisions. If they fail, they should not be appointed. We must end political appointments, not begin them with Bill C-42. We must end them.

There has to be more predictability in sentencing in this country.

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There has to be a continuous testing, or time limited appointments on the judiciary. The names of candidates for judicial appointments should be made available to the public with their background information. Who they know, who was in the last corporate boardroom, and who raised money for the campaign should not enter into it. The justice minister should not be making legislation to make it convenient for an appointment.

There should be a national code of conduct and conflict of interest rules for judges. I am not dreaming this up. This came from a report commissioned by the Canadian Judicial Council. Was it done? No. The judicial council said that disciplinary hearings against judges should be open to the public. And why not? What is wrong with that? Except it does not fit in with the mode of being involved with a political appointment or the politics of the issue.

• (1255)

For absolutely certain the mandatory retirement age of judges should be lowered from 75 years to 65 years as a minimum. I think it should be lower.

**Mr. McCormick:** How low?

**Mr. White (Fraser Valley West):** I am asked how low. Let us limit the terms of chief justices in most courts to seven years. How about that?

Do not think for one moment that is coming from a political bias. That is coming from the judicial council. Maybe these members should listen.

**Mrs. Sharon Hayes (Port Moody—Coquitlam, Ref.):** Mr. Speaker, I was very interested in my hon. colleague's presentation. Certainly he reviewed not only the Judges Act as it relates to Bill C-42, but the very effect of that act on the appointments that are made and the results of those appointments. The hon. member gave us an indication of what is happening in the courtrooms across this land.

I was particularly interested in a situation he referred to with regard to an Aaron Stewart. I know my colleague's interest and I know that he works with people on the ground. Is my colleague aware of how the victims in that situation have responded to what has happened? How do they feel about this country's judicial system?

**Mr. White (Fraser Valley West):** Mr. Speaker, as it happens, Bob and Audrey Stewart never had the opportunity to present a victim's impact statement in that case. In fact today the prosecution in British Columbia is deciding as to whether or not the case will be appealed. If it is not, certainly we will be dealing with that immediately.

I want to provide the House of Commons and the Canadian people with a real victim impact statement from two parents who did not get the opportunity to present it: "Nothing prepared us for

the early morning events of March 26, 1995. Two Courtney detachment RCMP officers came to our home to inform us that our son Aaron Michael Stewart was a victim of a stabbing incident at a house party in Langley. He had died within 15 minutes. Our nightmare began.

"In a single moment our lives were changed forever. Our grief was and is indescribable. Aaron was a wonderful son, brother, grandson, nephew, cousin and friend. We had done our level best to raise Aaron and we had nothing but pride in him. Life is very precious. We thank God for the 23 wonderful loving years we had with Aaron. We were truly blessed. Death is always very difficult regardless of age or circumstance.

"The violence surrounding Aaron's passing just increased the pain. Given his love of life and his youth, his death can only be described as a senseless tragedy. A tragedy of this magnitude happens to other people. Never do we imagine the possibility of it happening to us.

"We find it difficult to even remember the last 19 months. We were thrown into funeral preparations, courtroom appearances and media coverage, to say nothing of trying to deal with our own grief and that of our family and friends. Compounding this was the shock and outrage we all felt.

"We put our faith in the legal system fully expecting justice to prevail. The show cause hearing afforded the accused bail, a \$10,000 surety and an 8 p.m. to 6 a.m. curfew. We were appalled and addressed our concerns in writing to the deputy regional crown. A new prosecutor was named and we were afforded the opportunity to be a part of the process.

"On two occasions defence counsel requested a plea bargain to manslaughter. The crown advised us of these requests but we were assured the violent nature of the crime warranted the charge of second degree murder. The requests were rejected. The eight days of preliminary inquiry in December 1995 only increased our resolve. There were 30 or 40 statements taken on that morning and over 20 witnesses called by the crown during the inquiry. We were very grateful for the overwhelming support shown by family and friends. We were never alone to face this ordeal.

• (1300)

The next step in our attempt to seek justice was the trial, October of 1996. After three weeks of testimony our world ended, the jury handing down an acquittal. Justice did not prevail. Where do we go from here?"

I can only say to Robert and Audrey Stewart that we will not give up the fight for justice. We will not give up the fight for legitimate process through the judiciary. I think the Liberals should take note of what I have said here today and go back and think about all those victims out there and try to spend a little more time helping victims and not criminals.



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**Mr. Lee Morrison (Swift Current—Maple Creek—Assiniboia, Ref.):** Mr. Speaker, a couple of days ago I had the privilege of having a rather lengthy conversation with a few security guards here on the Hill. Many of them, having been here for a number of years, are a source of much more knowledge and perhaps intellect than most of the members opposite and so they give me reasonably good guidance.

One thing that came up from two or three of them was why do we not have an elected judiciary in this country? I tried to explain to them the pros and the cons of this as I saw it. I wonder if the hon. member, since we are talking here in Bill C-42 about a band-aid bill when the government should be revising the whole lousy system, would give me his views on whether or not we should have an elected judiciary.

**Mr. White (Fraser Valley West):** Mr. Speaker, many people in this country today think we should have an elected judiciary. There are good points and consequences to that decision.

Overall, if we look at the American model, there is a tendency for judges to respond to a lot of political pressure from individual groups and so on. I am not sure how well that serves the process.

The difficulty here is that governments have really been involved in appointing judges. Members say it is an independent process, but it is really not. We can tell by Bill C-42 that a government is directly getting involved with the judiciary.

I like the suggestion from the Canadian Judicial Council that the terms of chief justices should be limited to seven years. That would make a difference. With some of the judges who have made bad decisions, as I have related here today, then we would only be stuck with some of these guys for a maximum of seven years but usually six, five, four or three.

If I had my way I would prefer to see a shorter term than an election of judges.

\* \* \*

[Translation]

## WAYS AND MEANS

### TABLING OF NOTICE OF MOTION

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, pursuant to Standing Order 83(1), I have the honour to lay upon the Table a Notice of Ways and Means motion with respect to the amendment to the Excise Tax, the Income Tax Act and the Customs Tariff.

I am tabling explanatory notes at the same time and I ask that you designate an Order of the Day for consideration of the said motion.

[English]

## JUDGES ACT

The House resumed consideration of the motion in relation to the amendments made by the Senate to Bill C-42, an act to amend the Judges Act and to make consequential amendments to another act; and of the amendment.

**Mrs. Diane Ablonczy (Calgary North, Ref.):** Mr. Speaker, for those who are watching, we are debating amendments proposed to Bill C-42. Bill C-42 attempts to legitimize the government's moves to allow Madam Justice Arbour to take a position as a prosecutor in the Hague.

• (1305)

It has been said before that the issue here is neither Madam Justice Arbour nor her credentials; nor is there any question of the honour that has been accorded to her by the UN when it asked her to take this position. The issue is the process that has been followed in order to bring this about.

It is extremely and disturbingly clear that the process followed by the government has demonstrated a disregard which amounts to contempt of the due process of the law. There has been disrespect for our legislation. There has been disrespect for the House. There have been all kinds of games played in order for the government to get its wishes through.

The most disturbing thing about this is that it has become a pattern of the government. As a new member of the House, having sat here for the last three years, I have become more and more concerned and upset about this pattern of behaviour, this pattern of dealing in the House. It is not too strong a statement to say that the democratic process is being eroded little by little, day by day, in the most overt way possible by the government.

I believe the government is doing so because it believes the citizens of Canada will not know, will not realize, will not be able to really see, as they carry on their daily lives, what is happening in this institution so it feels it can away with this sort of thing.

There are some very glaring contraventions of what would be right and proper. Mr. Speaker, I know you will be interested in hearing some of my concerns because you voiced them in the last Parliament, as did many of the opposition members. We have all seen the erosion and the blatant disregard and contravention of democratic process in the House.

The Judges Act does not presently allow any judge to accept any employment except from the Government of Canada. In order to get around that, an arrangement was made whereby this justice would continue to be paid by the Government of Canada from funds provided to it by the UN. Technically the cheque was being cut by the Government of Canada although the funds originated

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somewhere else through another arrangement. With a little sleight of hand, a little deception, a little under the table juggling, a clear provision of the Judges Act was simply rejigged because it was inconvenient.

The Judges Act does not allow judges to accept employment from any employer other than the Government of Canada. Of course, the employer in question is not the Government of Canada but the UN which has asked Madam Justice Arbour to be a prosecutor in the Hague.

The government found a certain provision in the Judges Act to be rather inconvenient in terms of what it wanted to do. There seems to have been plenty of evidence over the last three years as I have watched the operation of the Liberal government, that one of its guiding principles is the end justifies the means. Its guiding principle is: "If we think something should be done, if we intend to do something, then whatever means it takes to accomplish that, even if we have to sweep aside some rather inconvenient democratic conventions, so be it".

• (1310)

We see that in committee. Committee chairmen, instead of being chosen freely and fairly by their peers, are chosen by the Prime Minister and his advisers. Then a charade is played out in committee and government members simply stand up like trained seals and vote for whoever they are told is going to be the committee chairman.

If there are procedures in the committee which are inconvenient to the minister or the government, because committees are supposed to be the masters of their own process, there is a vote by the majority, the government members on the committee, which sweeps aside long established democratic processes in order to get on with the job. After all, as government members, they know what is best in committee. Why should the rotten opposition members be able to hold up the works?

It is extremely disturbing. Government members should be very concerned about what is happening by this process. I do not think it is a secret to anybody that the democratic process, democratic conventions, democratic protections and checks and balances are cavalierly being ignored, swept under the table and run roughshod over in order for government to do what it is going to do anyway.

The government does not want to talk about how it deals with issues and how legislation, due process and democratic convention are being contravened. If we dare to stand up and talk about it, suddenly there is a problem—

**Mr. McKinnon:** Mr. Speaker, I rise on a point of order. We are dealing with the Judges Act. I assume we will get to that point, with the member's consent?

**Mrs. Ablonczy:** Mr. Speaker, I am glad to know that the member is paying close attention. It will certainly be a different experience for some of us on this side of the House.

In order to get around the inconvenience of the prohibitions in the Judges Act with respect to the appointment of Madam Justice Arbour, as it gets around a number of other inconvenient standing orders and conventions and laws that might impede the way the government wants to do things, the Minister of Justice simply had the cabinet pass an order in council approving the appointment of the justice to work for the UN commencing July 1. We are only now debating legislation that would actually legitimize the work of this justice. Of course the Senate did not approve of the legislation which it received from the government and amended it.

Again the pattern appears, where clear laws and conventions are simply ignored at the wish of the government. Canadians need to be extremely concerned about the way the government deals with issues, legislation and conventions that are inconvenient to it.

The government is using closure almost on a daily basis. That is a procedure which the government, when it was in opposition, called morally wicked and railed against. We have closure on this bill. Closure cuts off debate. The government is not allowing the voice of duly elected representatives to be heard. We cannot voice our concerns, voice our criticisms or voice our alternatives to the way this issue is being handled. That is not something the government wants to see. It is not something which my colleague who keeps getting up and trying to interrupt the remarks and the concerns that I am bringing forward wants to see.

I hope that Canadians watching this debate will wake up and realize that we are seeing the erosion of the democratic process. It is the erosion of the commitment to follow the rule of law. I find that reprehensible.

An order in council is legitimizing what is clearly prohibited by an act of Parliament. After the fact the government is trying to ram something through in order to deal with the situation.

• (1315)

Also, there is an exemption for a particular person which is being dealt with in this bill. Such an exemption has always been dealt with by a private bill. Public policy goes through the House as a public bill, but this sort of policy goes through the House as a private bill. Again, the rules of the House are clearly being contravened by forcing this bill, this amendment, through as a public bill.

We see the disdain of the government for the democratic process in the way this whole thing is being carried out. We see the disdain

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in so many ways, by bringing in closure, in the way committees are simply run as kangaroo operations in many cases and ignoring clear democratic conventions.

Last night we saw that the government does not even want to allow Canadians to decide who to support in their own ridings for their own candidates for the Liberal Party. I think it is very clear that we are going to have to speak out more loudly and more pointedly so that Canadians can begin to realize we simply must insist that when issues are being dealt with and when legislation is in place that it is respected and not simply ignored or dealt with in the most expeditious way possible in order for the government to get what it wants. This is dangerous.

Surely government members must be able to see how repugnant their actions are by their support of closure, interruptions of speeches that try to point out how the process needs to be tightened up and even their support of this bill which clearly contravenes legislation that has been passed by the House simply because the government finds it inconvenient. It does not allow them to do what they have decided they want to do. Therefore the legislation in this instance has to be changed.

This is a very difficult situation which must be dealt with. We must look at the larger issues which are being raised about the way the bill through the government is dealing with the issue.

Canadians who are watching this debate should take the time to phone the office of their representative and find out how the process is being carried out. Where there is a prohibition for something the government wants to do, the government does anyway by an order in council. When the matter is finally dealt with in the House, the government does all sorts of things to ignore democratic convention by bringing in closure in order to ram through what the government has decided on. This is very dangerous and very unfortunate. I hope Canadians will speak out against this sort of thing.

In Bill C-42 we have a situation where a whole legislative scheme is being changed to allow one situation to be dealt with. No matter how good the end result is which is being sought, the means can do nothing but raise concern and disapproval in the minds of Canadians and some members in the House who have a duty to represent Canadians and make sure that the process dealing with their interests is fair, open and balanced. We need to spend some time considering not only some particulars of the bill but the way it is being dealt with.

We have a Judges Act which protects the impartiality, the structure of our judiciary. There are provisions in the act to deal with the very important integrity and operation of our justice system. Because of the anomaly, a different situation, that whole act is being amended in this way in a very unconventional way for one individual.

• (1320)

We in the Reform Party have tabled a multi-point amendment that puts conditions on this kind of leave by a member of our judiciary. The judges of our country are here to serve Canadians in an impartial, unbiased and unimpeded way. We have, as the House knows, put forward some amendments in order to make this kind of absence more stringent to make sure the conditions under which our judges are able to mix some of their priorities are dealt with in a way that makes it very clear that the interest of Canadians, the interest of our judicial system and judicial duties are carried out as clearly and unimpeded as possible.

I urge this House to consider those amendments carefully, to look at the fact that these amendments are intending to serve the process of this House and respect the legislation of this House and also to make sure that our judicial system does not have mixed priorities, a mixed focus, that the interest of the people of Canada come first and foremost with those who serve us on the bench. I would urge the members of this House to support the amendments that we have put forward to Bill C-42.

**Mr. Myron Thompson (Wild Rose, Ref.):** Mr. Speaker, I would like to ask the member to comment, if she would, with regard to orders in council, what the definition of that is, what it really means and what we have been led to believe what it means and how such a prescribed way of doing things can apply in this particular bill through orders in council.

I would like the hon. member to respond to Bill C-68 where orders in council were used where it appears to say that the Minister of Justice when he deems it necessary may use orders in council to make certain decisions.

It is my understanding that this is for emergency situations, and very extreme events would have to lead to its use. Here in this particular bill it appears to me that it was used just because the minister chose to do so. Who should deem an order in council to be used and how should it be used?

**Mrs. Ablonczy:** Mr. Speaker, I thank my colleague for his question.

Even before I thought of running for election, before I thought of getting involved in politics, I had heard concerns raised in a number of quarters about the increasing use of orders in council which is simply a way for the cabinet to put something into effect without having recourse to the legislative process.

As you are aware, Mr. Speaker, and as some Canadians are aware, the use of this rather high handed method of putting policy in place has increased steadily over the years. As my colleague pointed out, it is now being used in ways that originally it was never intended to be used.

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It simply is another example of illustrating the concern which I tried to raise respecting the way Bill C-42 has been dealt with and brought forward. There is a disrespect for the checks and balances in our democratic system for due process, for democratic conventions.

I appeal to government members. Only the support of all government members lets this kind of process go ahead. I know sometimes it is very frustrating when government members feel that opposition is simply putting forward roadblocks just to put them forward.

• (1325)

However, the democratic process must be allowed to work. It may be inconvenient and frustrating but it is used to protect everyone in this country. As it is continually eroded, particularly in this House which is supposed to be the bastion of our democratic ideals, I find it extremely worrisome. I would think it would worry the members of the government as well. Only members of the government can stop this sort of thing and simply tell the cabinet and those who are telling them what to do that we have to let this process work. That also applies to orders in council, closures, work on committees and everything else that is done in this House. We just have to put a stop to the direction we are moving in and bring us back into a more balanced way of dealing with things.

**Mr. Leon E. Benoit (Vegreville, Ref.):** Mr. Speaker, I would like to thank the hon. member for her intervention.

I was listening to my 17-year old twin boys a couple of weeks ago, who were studying the Canadian government in their social studies class. I caught the tail end of their conversation and this is what one said to the other: "What we really have in Canada is a pretty much fairly elected dictator". That was their assessment when they talked about how parliament and how government work in this country.

They were talking about things like the use of orders in council and something which they probably know best, Bill C-68, the gun control bill, where the Prime Minister publicly threatened any government MPs that if they dared to vote against a government bill again he would refuse to sign their nomination papers. This would mean that their political career would be ended if their papers were not signed by the Prime Minister. They cannot run as a Liberal candidate. Many got elected only because they were on the Liberal's slate last time.

Maybe my sons are not normal 17-year old kids to be talking about this kind of thing, but I am proud that they were and came to this conclusion.

I would just like to ask the hon. member to comment on the conclusions that my sons had come to about how government

works or does not work in this country in terms of being a truly democratic system.

**Mrs. Ablonczy:** Mr. Speaker, I would answer my colleague by saying that I should have mentioned that in my speech. I am glad these things are brought up. I did touch on this when I talked about having a governing party which does not even allow people in this country to decide who is going to be their candidate. As my colleague mentioned, we know this because it has been made public. However, I am sure that is just the tip of the iceberg because so many people are afraid to speak out about these things.

We know that backbench members especially are threatened that they will not be allowed to run as candidates again. Conversely, we know that there are some candidates who have been told that they will not have to face any competition for the nomination if they do the bidding of the Prime Minister. This again is another situation in the democratic process that is extremely worrisome.

I think we saw this with the elections bill that was just passed in this House where governments will now have all the foreknowledge and power to call an election at their own whim and whenever the circumstances are right for them. It now gives the opposition even less time to present their case to the Canadian people. Instead of 47 days, they now only have 36 days. By the time all the government messages that have been carefully crafted leading up to the election are de-spun who knows how easy it will be for the electorate to sort through the choices that are before it.

There are so many things where this government is more and more simply saying "we are going to do what we want and if anything gets in our way or impedes that, we are simply going to sweep that kind of opposition aside". Again I would appeal to members of this House to put a stop to this kind of movement in that direction.

• (1330)

**Mrs. Beryl Gaffney (Nepean, Lib.):** Mr. Speaker, I would like to question the member who just spoke with regard to a question that was given to her from a previous speaker who said the Prime Minister, in particular, had threatened Liberal members of Parliament not to vote against the gun bill.

If the hon. member wants Canadians to stop the cynicism toward politicians, that is the worst rubbish I have heard. I would like that hon. member to respond. Did she really believe what that member said to her in his question?

**Mrs. Ablonczy:** Mr. Speaker, I am not a member of the Liberal caucus and never expect to be. The information I have to go on is what Liberal caucus members themselves tell other members of the House and members of the public and the press. Those allegations have been widely reported. I do not think they have been challenged to any substantial degree. I would suggest that those kinds of messages do not get out unless there is some substance to them.

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**Mr. Monte Solberg (Medicine Hat, Ref.):** Mr. Speaker, it is a pleasure to speak to Bill C-42.

My hon. colleague for Calgary North and other members have done a very good job of pointing to the injustice of this particular piece of legislation. They have pointed out that the minister when he was before the Senate said that there was no means to bring about the type of changes that he is now bringing about. I am not going to belabour that aspect of it. My colleagues have done a wonderful job of bringing all of that to light.

I would like to talk about how this government really does have misplaced priorities. Bill C-42 is a perfect example of that. In a day and an age where we have rising violent crime in this country, should we not be bringing in legislation that deals with crime in this country instead of worrying about ensuring we have a prosecutor in The Hague?

Some people across the way are saying we do not have violent crime in this country or that it is on the decline. Between 1960 and 1995 the incidence of violent crime per 100,000 people has gone from about 200 to just about 1,000. I do not care how it is looked at, that is a huge increase. During the last 35 years violent crime has gone up over 350 per cent and it is still on an upward trend. That is violent crime overall.

Youth crime is a very similar type of trend. In 1986 the incidence of violent crime per 100,000 was 400 and now it is up over 900. The hon. members can state opinions all they want but when they look at the real facts it is pretty clear. It is pretty clear to most Canadians, by the way, even if Liberal members do not believe it. I am trying to make the point that the government's priorities are very mixed up.

The justice minister seems to have a pretty funny idea of just what his job is. Since he came into power about three years ago the government has done virtually nothing to deal with the huge problem that we have with crime in this country. The justice minister brought down legislation that extends gay rights. He brought down legislation that introduced gun control. It is going to cost a lot of money.

As the hon. member for Wild Rose points out all the time, for the amount of money they are going to spend on gun control getting honest citizens to register their guns they could put another 20,000 cops on the beat out there and that would do a lot more to protect this country against crime than getting honest folks to register their guns. That is another example of how the government has its priorities mixed up.

• (1335)

The third example, which we are talking about today, is a case of breaking both legs to ensure we can send a prosecutor to The Hague

to prosecute war crimes. We do not have any problem with doing that, but if the government would invest the same amount of energy in dealing with crime in this country, if it would spend the same amount of energy in giving prosecutors and police the necessary tools to deal with crime in this country, we would have a lot safer country.

The justice minister has had three years to bring in all kinds of legislation to deal with some of the problems we have in this country. He could have dealt with youth crime, with our extremely leaky parole system. We just had the example the other day of dangerous illegal refugees and sometimes immigrants in this country the government will not deal with.

We finally pressured the immigration minister recently to deal with the problem of a dangerous sex offender who was released back into the population of Calgary. We continued to pressure her until she finally got around to doing something.

There is no excuse for the government to focus on legislation like Bill C-42 when we have all kinds of problems in our own backyard. I am concerned about how this affects individual lives, about how it really impinges on our freedom.

Not long ago I travelled with the finance committee to Toronto. I went for a jog one morning through Etobicoke. I was struck by the number of houses with bars on the windows, on all the bottom windows. I remember running by a car and seeing a "Club" on the steering wheel. I can imagine if I went up to the doors of houses I would see signs saying this house is protected by such and such an alarm, or beware of dog. There would probably be all kinds of deadbolts and latches on doors.

Clearly Canadians have decided they cannot count on the government to protect them against crime so they have had to resort to various means to protect themselves. That is a very sorry commentary on what this government has done with respect to dealing with crime. It has gone to great lengths to introduce Bill C-42 but what has it done for the ordinary Canadian? Zippo. Nothing. It has done absolutely nothing.

Not long ago were speaking of Ontario. Not long ago the country was gripped by the Bernardo trial. The whole country tuned in because it could not believe what had happened in this country with somebody like Paul Bernardo raping and murdering young women. Perhaps the most offensive thing of all was that in light of that horrible crime this justice minister would not even consider a return to capital punishment.

This justice minister wants to get Bill C-42 through but he will not even listen to the 70 per cent of Canadians who say they would like to have a debate on capital punishment and would like to return to the days when we had capital punishment in this country.

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That is standing justice on its head. The justice minister does not have a clue what justice really means. I do not think he has any idea. When people sit in their homes because they are afraid to go out at night, that does not indicate that we have justice in this country.

In my own little community when my wife sends our boys off to school only a few hundred yards away she worries like crazy until they get home after school, and why would she not? Why would she not worry after we read what we read in the newspapers these days?

Violent crime in Canada has increased by 350 per cent since the sixties. Violent youth crime in Canada has more than doubled in the last 10 years. So why would people not be worried about that? Can we blame them?

• (1340)

We get petitions in this place all the time. We get petitions calling for the government to do something with dangerous offenders, to tighten up the parole system and to reintroduce capital punishment. What happens with them? These are the voices of ordinary Canadians who are concerned about their lives. What happens? Nothing.

The government responds by introducing Bill C-42. It jams through legislation that has nothing to do with the agenda of ordinary Canadians.

It was not very long ago that Canadians were railing against the justice minister's weak changes to section 745 of the Criminal Code. I do not have to tell members in this place that ordinary Canadians want to see section 745 removed. They do not want weak amendments. They do not want to see Clifford Olson and Paul Bernardo come back into their lives through television. These people will be coming forward to apply for early release. Canadians think those people should spend the rest of their lives in jail or worse. Many people would like to see them face the death penalty. Quite frankly, I am one of those people. It is unbelievable how we protect people like Bernardo, Olson and others. It is crazy.

I cannot believe we are debating Bill C-42 when we should be debating legislation which will protect the lives of ordinary Canadians.

Our party has taken a different stance from that of the government. While the government is setting up cozy little deals for its friends in the judiciary, my colleague from Fraser Valley is putting together a victims bill of rights. He is concerned about ordinary Canadians who have suffered at the hands of animals who are currently sitting in these Holiday Inns which we call prisons. He has come up with all kinds of legislation which would give victims rights in the courts, so that instead of having the justice system stand up for the rights of criminals, we would have a justice system, for once in this country, which would stand up for ordinary citizens and people who have been victimized by crime.

Why not give victims some standing in the courts when their lives have been turned upside down? Why not allow victims some say when these cases come before the parole board? Why not force some of these criminals to come up with compensation? That should be a basic right for victims. They should have the right to go after the criminals to get the money back which they lost due to a crime which was committed against them or their family. That is basic common sense. That reflects the common sense of the common people.

We have two agendas in the country. We have the agenda of regular, law-abiding, ordinary Canadians who think there should be punishment for crime and that justice means that if someone injures someone or harms their property that they should pay a price for it. Then we have the government approach, which is quite different. The government agenda is radically different. It is completely disconnected from the agenda of regular people. Its agenda indicates that somehow criminals are the victims and we need to protect their rights. My goodness, they cannot vote in jail? Let us ensure that they can vote. That is the government's approach. We cannot have them eating macaroni and cheese for dinner. We have to ensure that they get fillet mignon.

My colleague from Fraser Valley West spoke last spring about the spring ball at a prison in Ontario where, believe it or not, the prisoners were being served fillet mignon. I would argue that ordinary Canadians, thanks to the high tax policies of the government, very seldom have a chance to eat fillet mignon. According to the Liberal government nothing is too good for the criminals and the murderers of this country. Let us make sure they have a golf course. As a matter of fact, ordinary Canadians would be alarmed and amazed to know that we have golf courses for the criminals in this country.

Instead of dealing with injustices, what does the government do? It brings forward Bill C-42. While the criminals are out golfing, while they are playing racquetball in Matsqui prison, Canadians are just scraping to get by, putting bars on their windows to be protected from the criminals out there.

• (1345)

It was not very long ago when a couple of criminals walked across the golf course in British Columbia to freedom only to go on into the United States to allegedly kill somebody. This is absolutely unbelievable.

What is the priority of the government? To bring down Bill C-42 which has nothing to do with protecting the lives of ordinary citizens.

Not very long ago a prisoner who was playing racquetball at Matsqui prison in British Columbia slipped on water that was on the floor because there was a leak in the roof. He sued the government, won and taxpayers chipped in \$20,000 to this prisoner who had obviously been convicted of a crime, had done something wrong to society, but he was not being punished. He was being

rewarded. He was playing racquetball. Then he took it to the Canadian public again, and got \$20,000.

Does this legislation do anything to prevent that from happening? I do not see anything about that in here. The government's agenda is completely disconnected from the Canadian agenda. I do not care what party members come from. When they go to the doors of Canadians, first of all a lot of them are afraid to come to the door because there is so much crime out there. They do not know who is at the door. But when members do get a chance to talk to them they say the government has got to do something.

In three years the justice minister has done absolutely nothing to deal with the serious issues. It has all been window dressing.

The justice minister comes across as very sincere. That is a wonderful skill for a politician. However, it takes more than words to convince Canadians that the government cares about the havoc that is being wreaked on Canadian lives. It takes more than words. What we want is action.

I do not want to just talk about some of the things the government has done wrong. I want to introduce some ideas. Perhaps this would be an idea for the government when it brings down its next legislation so that it starts to take more seriously the concerns that Canadians have. Bill C-42 certainly does not address anything that Canadians are truly concerned about.

This place would be greatly impoverished if I did not take a chance right now to quote from Reform's fresh start for Canadians so that I can point out some of the things that the government should be doing.

A Reform government would enact a victims' bill of rights which puts the rights of law-abiding Canadians ahead of criminals. What a radical idea, putting the rights of victims and citizens ahead of criminals. Too bad Bill C-42 does not do that.

The Reform Party would reform criminal justice to provide safer communities, safer streets and safer homes. We would have bars on prison windows instead of bars on the homes of ordinary citizens. What a crazy idea. Too bad the government has not thought of it yet.

We would hold a binding national referendum on the return of capital punishment. As I pointed out a minute ago, right after the Bernardo trial, a poll was taken and something like 70 per cent of Canadians said: "We want to see a return to capital punishment". I think the people deserve to have their voices heard. We are trying to allow that to happen right now. It should happen in the form of a national referendum.

We would repeal the Liberals' costly firearms registry, Bill C-68, and replace it with meaningful laws to fight the criminal misuse of firearms. I mentioned it a minute ago but it is such a

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good statistic I think it bears repeating. The hon. member for Wild Rose said in a speech here in Ottawa the other night that if we could replace the registry and use that money for something else it would allow us to put 20,000 police back on the beat in Canada. Can you imagine how much safer our communities would be having 20,000 more police out there?

• (1350)

One thing we want to do and which is mentioned in our fresh start program is reform the parole system and abolish early release for first degree murderers. What a revelation. I am sure my Liberal colleagues across the way would be amazed to hear such talk. Imagine abolishing the chance of parole for first degree murders. What a wonderful idea.

We would replace the Young Offenders Act with measures that hold young criminals accountable for their actions. There has been a dramatic increase in youth crime. The Liberals have tried it their way and it does not work. Reform's fresh start would make it happen.

Finally, we would pursue crime prevention through social policies that strengthen families and communities. That is a debate for another day, but I could speak for a long time on that issue alone.

Suffice to say that Bill C-42 has nothing to do with the agenda of ordinary Canadians. Despite the fact that the government has been in power for three years, it has failed completely to deal with issues that Canadians are truly concerned about. I would encourage people in the House and across the country who are listening to consider the Reform Party fresh start because I believe it deals with the concerns of ordinary Canadians in a way that the Liberal government policies do not and would truly make them feel safer in their homes and communities.

**Mr. John Bryden (Hamilton—Wentworth, Lib.):** Mr. Speaker, I would like to pick up on some comments that were made in the debate with respect to what I think is an untruth. I would use a much stronger word, but I cannot according to rules of the Chamber.

It is simply untrue that the Prime Minister has threatened not to sign nomination papers simply because people—

**Mr. Thompson:** Tell it to the press. Tell it to the press.

**Mr. White (Fraser Valley West):** How do you know?

**Mr. Bryden:** Patience, gentlemen. It is simply untrue that he said that. I really resent the fact that the party that claims to speak for Canadians and which believes in truth, should actually purvey something which is absolutely untrue.

Let us compare for a second the party discipline of the Reform Party and the Liberals. It is true that in the Liberal Party and the

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Liberal caucus there has been dissent. It is true that this dissent has occurred during bills like the gun control bill.

I would remind members of the Reform Party that the nine people who voted against the bill got very minimum discipline.

**Mr. Ramsay:** Minimum? Minimum?

**Mr. Benoit:** He does not even understand the problem. He does not have a clue. I do not believe it.

**Mr. Thompson:** Why should there be any discipline?

**Mr. Bryden:** Mr. Speaker, you see, this is the party that cannot allow another member to speak.

There are many members in the Liberal caucus like myself who have voted against bills, motions and amendments in the House. I have voted against a bill at second and third readings.

I was not banished from my party and I received no threats about my nomination. In fact, I continue to believe that I am highly regarded by the Prime Minister and by my colleagues. I simply voted against a motion that I believed was wrong. I voted my conscience. I voted for my constituents. I voted what Reformers claim they do, but do not do.

**Mr. White (Fraser Valley West):** You will be disciplined.

**Mr. Bryden:** Many of my colleagues have done the same thing because the Liberal caucus and party accepts what we as MPs who sometimes must act on our conscience. There has been no discipline, no banishing to the back of the bus, as has been the case with the Reform Party.

If we make a comparison, we find that the member for Athabasca, the member for Nanaimo—Cowichan have been thrown out of the caucus.

**Mr. White (Fraser Valley West):** What about the member for York South—Weston? Where is he today?

**Mr. Bryden:** The member for York South—Weston did leave the Liberal caucus. But I would point out that he voted against a confidence motion and he personally attacked a minister of the government. He also played to the press. We are a party and a caucus where if a member has reason for dissent, if a member acts according to his or her conscience and does not go directly to the press, then they remain a member in good standing.

• (1355)

**Mr. Solberg:** Mr. Speaker, I rise on a point of order. I accept that the member can make comments, but I am looking for a question. As we get close to the end of the 10-minute period, I see no question coming.

**The Speaker:** There are comments and questions. Both are legitimate. However, I know in my heart that the hon. member is coming to his question.

**Mr. Bryden:** Thank you, Mr. Speaker. If my colleagues in the Reform Party would just give me the opportunity to pose the question I shall.

I remind the Reform Party that it banished two members from its caucus for speaking out and later lost a member entirely. It banished the member for Calgary Southeast entirely. Seven MPs will be resigning, all because of the form of party discipline that the leader of the Reform Party imposes.

My question for the hon. member for Medicine Hat—

**Mr. White (Fraser Valley West):** Mr. Speaker, I rise on a point of order. The hon. member is stating something that is not true. The last individual he was talking about, who he said was banished, that is not true.

**The Speaker:** We are going to take that question right now.

**Mr. Bryden:** Mr. Speaker, the question is simple. Is the Reform Party not the party of the iron fist? Is this not the party of punishment? Is this not the party of intolerance when it comes to dissent among members of its caucus?

**Mr. Solberg:** Mr. Speaker, that is complete nonsense. I point out, as the member acknowledges, members in his party have been disciplined and kicked off committees. They have been warned that if they do not go along with legislation they will be kicked out of the party and will not have their nomination papers signed.

I also want to point out that it has been the Reform Party that has led the way in introducing parliamentary reform by allowing our members to speak up for their constituents. Our members stand up and vote for their constituents and have done so on numerous pieces of legislation. No one sees our leader saying that our members are not allowed to do that. Absolutely not. In fact I would argue that the Reform Party, of all parties, has introduced the whole notion of parliamentary democracy and democratic change. Hopefully some day the iron fist in the Liberal Party—

**The Speaker:** I wish I had been here earlier. It sounds like it's a good one.

Not that I want to cut this off but it is almost two o'clock. I am going to stick around after question period because I want to hear the rest of it. We will go to Statements by Members.

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## STATEMENTS BY MEMBERS

[English]

### MRS. DOREEN JANES

**Mr. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.):** Mr. Speaker, I would like to acknowledge the dedication of one special volunteer from my riding, Mrs. Doreen Janes of Corner Brook, Newfoundland.



Recently Mrs. Janes was selected to receive a Canada Volunteer Award Certificate of Merit. This award recognizes her involvement with the Huntington's Society of Canada since 1980.

Mrs. Janes lost her loving husband to this terrible neurological disease. Since that time she has been involved in numerous community events, leading the fight against Huntington's disease. Her unselfish work and dedication have helped rebuild the local chapter of the Huntington's Society. Doreen has enlisted family, friends and anyone who shared her genuine interest to donate their time to this deserving cause.

The local chapter is now able to provide a network of educational resources to persons affected by the disease and to their families. She continues to make herself available to sit down and talk to all those affected. Doreen shows us why Canada is one of the greatest countries in the world.

I would like to congratulate Doreen Janes.

\* \* \*

### CHILD POVERTY

**Mrs. Sharon Hayes (Port Moody—Coquitlam, Ref.):** Mr. Speaker, today I want to speak briefly to the issue of child poverty.

Recently the Liberals have awakened to the human consequence of their misguided social and fiscal policies of the last quarter century: hungry children, fractured homes and hopeless youth.

• (1400)

A federal debt of over \$600 billion is not just a number. It is \$26 billion in increased annual tax grabs since the last election. It is an average family with \$3,000 less than in 1993 to meet their needs. It is skyrocketing divorce, unchecked poverty, teen suicides and violence. It is the working poor working poorer.

More money and more Liberal programs with more bureaucracy will only perpetuate the failure.

Reform policies will leave hard earned money where it belongs, in the hands of families. Reform policies will remove over one million Canadians from the tax rolls altogether. Reform policies will allow parents to direct their attention to their children instead of the tax man.

\* \* \*

[Translation]

### HUMAN RIGHTS

**Mr. Stéphane Bergeron (Verchères, BQ):** Mr. Speaker, Amnesty International has just released its report on the human rights situation in Turkey.

According to the report, since the early 1990s the number of violations of fundamental rights in that country has multiplied, the

excuse being national security. Extrajudicial executions, disappearances, torture and the repression of freedom of expression have become widespread in Turkey. This is an intolerable situation.

I therefore wish to ask the Canadian government to act as a responsible member of the international community and put pressure on the Turkish government to respect international law on fundamental rights, legislation which it freely ratified as indicated in its own Turkish legislation. Canada has, in any case, a duty to promote respect for human rights.

\* \* \*

[English]

### CHILD POVERTY

**Mr. Len Taylor (The Battlefords—Meadow Lake, NDP):** Mr. Speaker, at a national child welfare conference in Ottawa yesterday, Premier Roy Romanow and the province of Saskatchewan were acknowledged as leaders in caring for our nation's children.

In the words of the award presented to the premier, Saskatchewan was acknowledged for its commitment to investing in children as a key priority and a co-ordinated approach to policy development and delivery.

We are very proud of our province, our provincial party and our provincial premier.

Members may remember that in 1989 a resolution brought forward by then NDP federal leader Ed Broadbent to eliminate poverty by the year 2000 was passed unanimously in this House. Since then 46 per cent more children are living below the poverty line, a shameful illustration of the failure of this government to act on one of this country's most critical issues.

In congratulating Premier Romanow and the province of Saskatchewan, I also encourage the federal government to follow Saskatchewan's lead and make the elimination of child poverty a priority and begin that effort today.

\* \* \*

### SKY HAWKS

**Mr. Jesse Flis (Parkdale—High Park, Lib.):** Mr. Speaker, this year marks the 25th season for the Canadian forces parachute team, the Sky Hawks. This team gave an outstanding performance at the 198th Permanent Joint Board on Defence meeting in Trenton. Indeed everyone was impressed with the show, including the audience from the United States. I was particularly pleased to see the Canadian flag on the team's parachutes which symbolizes our Canadian pride.

The Sky Hawks are an excellent role model for Canada's youth by demonstrating fitness, teamwork and professionalism. Together with the Royal Canadian Mounted Police the team works to

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promote a drug awareness program which encourages a healthy lifestyle to Canadian youth.

I applaud the Sky Hawks for the excellent 25 years of service they have provided. They are a great source of pride for Canada.

\* \* \*

**RUTH REDMOND**

**Mr. Gary Pillitteri (Niagara Falls, Lib.):** Mr. Speaker, today I rise in this honourable House to recognize Miss Ruth Redmond, a constituent of Niagara Falls. On December 1, 1996 she will officially receive the Gabrielle Léger award for her work in preserving a significant part of the historical Lundy's Lane Battlefield site.

Miss Redmond was educated at Queen's University and has had a long and honourable career as a teacher, serving at Stamford Collegiate in Niagara Falls from 1926 until her retirement in 1967. Among the many students who considered Miss Redmond a mentor was Judy LaMarsh, former Liberal member of Parliament for Niagara Falls and a former federal cabinet minister.

The Gabrielle Léger award, given under the patronage of Madam Gabrielle Léger, wife of the late Governor General Jules Léger, is the highest award given by the Heritage Canada Foundation.

I am sure that all in this House will join me today in congratulating the efforts and the admirable commitment that Miss Redmond made to future generations by helping to preserve our past.

\* \* \*

• (1405)

**SEARCH AND RESCUE**

**Mr. John Murphy (Annapolis Valley—Hants, Lib.):** Mr. Speaker, in recent weeks we have all heard about the valiant efforts of search and rescue teams on the Labrador Sea.

I am proud to say that the crew members of the Hercules 311 which rescued a crew member aboard a Danish fishing vessel on November 12 were dispatched from CFB Greenwood 14th Wing in my riding of Annapolis Valley—Hants. Members of this crew braved frigid temperatures and blizzard conditions in order to perform their duties.

I also want to recognize the work of the crew members aboard the Canadian forces Griffon helicopter that crashed, and their rescuers who are also from CFB Greenwood 14th Wing, for their bravery in the face of tremendous adversity.

I ask all members of this House to join me in recognizing the outstanding efforts of all those Canadians involved in search and rescue operations. They provide a service for which we should all be thankful.

[Translation]

**ISRAELI PRIME MINISTER**

**Mr. Philippe Paré (Louis-Hébert, BQ):** Mr. Speaker, on behalf of the Bloc Québécois, I would like to say we are profoundly disturbed by the intransigence of the Israeli Prime Minister. This week he again defied the Palestinians and the international community by going to the Jewish settlements on the West Bank to support their plans for expansion. Such plans are a real time bomb.

Instead of taking serious risks by pursuing a policy of confrontation, Prime Minister Netanyahu ought to speed up negotiations relating to the peace process and wind up the talks on the Israeli withdrawal from Hebron.

We hope that this new episode, which comes after the tunnel in Jerusalem, will not trigger a new wave of violence. The Canadian government should openly condemn this behaviour by the Israeli authorities.

\* \* \*

[English]

**CANADIAN AIRLINES**

**Mrs. Diane Ablonczy (Calgary North, Ref.):** Mr. Speaker, why is it that Canadians are forced to put up with the elites of this country deciding what is good for us? We saw it when the Tories brought in the GST; people we elected to represent us said: "We don't care about your objections. This is good for you and we are voting for it".

This Prime Minister has followed that elitist tradition. For example, he intends to grant one of our provinces distinct society status even though that would go against the wishes of the majority of Canadians.

Now in the case of Canadian Airlines we have some of the union elites taking hefty dues from workers, then arrogantly telling them that workers are not capable of deciding what is in their own best interest. The CAW and CUPE members of Canadian Airlines should be allowed to decide for themselves whether the restructuring plan is good for them and their families.

The old way of thinking is to have elites tell us what is good for us. The new way of thinking, the Reform way of thinking, is to give Canadians more say, be it in the union halls or in the Parliament of Canada.

\* \* \*

**HOUSING**

**Mr. Pat O'Brien (London—Middlesex, Lib.):** Mr. Speaker, co-op housing in Canada has a long and successful history. This type of housing has given hundreds of thousands of Canadian families their only realistic opportunity to buy and own their own home. In the city of London and in my riding of London—Middle-

sex, co-op housing is the best solution to the housing needs of many of my constituents.

For many years the federal Government of Canada has played a vital leadership role in ensuring this important housing option is available to Canadians. As the provinces of Canada seek to assume the lead role in the field of housing, it is absolutely necessary that the federal government retain some involvement. My constituents feel that consistent and acceptable national standards in co-op housing will only be assured if the federal government maintains a presence in this vital field.

The irresponsible attacks on the health care system by the governments of Alberta and Ontario have caused serious concerns that the next victim of the right wing slashers will be co-op housing. This government must never let that happen.

\* \* \*

### AIDS

**Mrs. Jean Payne (St. John's West, Lib.):** Mr. Speaker, I am pleased to remind the House that Sunday, December 1 is World AIDS Day.

It is my hope and also that of all my colleagues in this House that World AIDS Day will further our awareness of AIDS. I hope in particular that it will spur our empathy and support for those suffering from this terrible disease.

I applaud the government's efforts in promoting groundbreaking research through its national AIDS strategy. With the assistance of this government initiative, drugs such as lamivudine, or 3TC, have benefited those who suffer from HIV.

I ask that our government continue its support for this cause and that it continue to engage in a search for therapy, treatment and indeed a cure for HIV.

\* \* \*

● (1410)

### ELLIOT LAKE

**Mr. Brent St. Denis (Algoma, Lib.):** Mr. Speaker, I rise today to speak about the great things that are happening in Elliot Lake in my northern Ontario riding of Algoma. Known as the jewel in the wilderness, Elliot Lake has undergone an amazing transformation in the past few years, moving from a city dependent on uranium mining to one with a diverse economy, a growing population and a renewed sense of optimism.

Innovative efforts like the ongoing mine decommissioning research and Elliot Lake's retirement living program, which has attracted thousands of new residents to the area, have heralded the dawn of a new day for Elliot Lake.

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Due to focused and concerted efforts on the part of Mayor George Farkouh, Elliot Lake city council and other community leaders, a number of promising economic diversification initiatives have been launched which should attract new and promising enterprises to the area.

We must build upon the successes to date to ensure this positive trend continues. I call upon both levels of government and the mining companies which benefited for so many years from operations in Elliot Lake to continue their commitment to work with the community to reach its goal of long term economic stability.

\* \* \*

[Translation]

### YOUNG CONSUMERS

**Mrs. Maud Debien (Laval East, BQ):** Mr. Speaker, teachers, parents and a number of stakeholders met in Ottawa this week to attend a conference on the children of Canada as the future of this country. In doing so, these people want to reiterate their commitment to the children and young people of Quebec and Canada and promote ways to create a better environment for their development.

At the same time, an entirely different event is taking place in Toronto, which also affects children. I am referring to the Canadian conference on young people as consumers. A major objective of this conference is to help companies sell their products to young people.

The Bloc Quebecois agrees with the position taken by teachers and parents who object to the philosophy behind this conference.

We condemn this marketing strategy which is targeted to vulnerable children. We cannot let all the values of our society be subordinated to the sole concept of profit.

\* \* \*

[English]

### JUSTICE

**Mr. Randy White (Fraser Valley West, Ref.):** Mr. Speaker, a young girl in my riding was repeatedly sexually assaulted for 90 minutes in a car by Darren Adam Ursel. The terrible things this animal did to her will not be spoken of by me.

I do want to spend some time telling Canadians the disgraceful way Judge Harry Boyle handled the case. Judge Boyle sentenced Ursel to two years less a day conditional sentence, no jail time, and three years probation.

Judge Boyle sent some clear messages to criminals: in rape cases the first one is free; in sexual attacks female victims are no better than the criminals and we should feel sorry for the criminals, not the victims.

*Oral Questions*

Judge Boyle said that Ursel had no criminal record, was remorseful and was trying to deal with the situation.

Darren Adam Ursel is on the streets in our community today. Women should be aware that Judge Harry Boyle put him there.

**The Speaker:** Colleagues, I am always loath to interfere in statements by members, but we should be very careful not to directly attack the character of any of our judges and we were coming very close in that statement.

\* \* \*

[Translation]

**HON. MEMBER FOR ROSEMONT**

**Mrs. Eleni Bakopanos (Saint-Denis, Lib.):** Mr. Speaker, the Bloc member for Rosemont used his parliamentary privileges for partisan and unauthorized purposes, that is to support separatist candidates in an election.

He sent 500 letters, at the expense of the House of Commons, to separatist sympathizers in his riding, and even to a few constituents in my riding of Saint-Denis. In these letters, the member for Rosemont invited people to support the candidacy of two well-known separatist militants for the board of directors of a local community service centre, the CLSC La Petite Patrie.

[English]

He is not the first Bloc member to do this. His colleague from Laurier—Sainte-Marie also used public funds to promote his wife's candidacy during school elections.

[Translation]

Bloc members can attempt to circumvent all the laws and regulations they want, they will not convince Quebecers of the soundness of their separatist project by stacking boards of directors.

\* \* \*

**INVESTMENTS**

**Mr. Bernard Patry (Pierrefonds—Dollard, Lib.):** Mr. Speaker, yesterday, the Japanese federation of economic organizations, which made a fact-finding trip to Canada this past September, submitted its report to our Prime Minister.

Let me quote some excerpts from this document. "Following our visit, we now wish to inform our business people of the favourable economic conditions they may find if they invest in Canada. Canada never provided a more conducive environment for Japanese investments".

• (1415)

Then, in reference to Quebec's political context, the federation said: "The Quebec issue is only a slight concern to us. That being said, we may be hesitant to invest in that province".

Generally speaking, we are very pleased with the report. We only hope that the Government of Quebec will put an end to the uncertainty generated by its separatist project, so that Quebec can also benefit from the investments that the Japanese are about to make in Canada.

**ORAL QUESTION PERIOD**

[Translation]

**CANADIAN AIRLINES**

**Mr. Michel Gauthier (Leader of the Opposition, BQ):** Mr. Speaker, the Minister of Transport made a last minute offer yesterday evening to save Canadian Airlines from financial disaster. He is apparently prepared to provide a rebate on fuel taxes.

My question is for the Minister of Finance. Could the Minister of Finance tell us whether the jet fuel tax rebate the Minister of Transport refers to is just for companies in financial difficulty, as we first learned?

[English]

**Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.):** Mr. Speaker, this gives me the opportunity to announce that the government has remained consistent with its message that there will be no bailout of Canadian Airlines. The government has come forward with a tax rebate program on fuel for the aviation industry. It will allow carriers which have significant losses over a number of years to claim rebates against aviation fuel taxes.

[Translation]

**Mr. Michel Gauthier (Leader of the Opposition, BQ):** Mr. Speaker, the process is a rather odd one. Usually, the Minister of Finance announces reductions or increases in taxes. Things seem, shall I say, a bit in disarray in the government. It was much the same thing in the case of cigarettes and the Minister of Health, until the Minister of Finance set him straight. Perhaps he will have to set his colleague in transport straight. I nevertheless have a question for the Minister of Finance.

Given how easy it is for a company to post a deficit using certain accounting practices, would the Minister of Finance not agree that a program like this, intended solely for companies that show an operating deficit, might encourage all Canadian airlines to show a deficit through the use of certain accounting tricks in order to benefit from a substantial reduction in fuel tax too? Does this measure make any sense?

*Oral Questions**[English]*

**Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.):** Mr. Speaker, I will first address the subject of procedure that the hon. member raised. When the Minister of Transport is busy doing his job across the country, and in this case in British Columbia facilitating discussions on all sides in the Canadian Airlines dilemma, then it falls to the duty of the parliamentary secretary to answer the questions in the House of Commons and I have the privilege to do that.

On the issue of substance in the hon. member's question, it is important to understand that there are still some details to be worked out on the aviation fuel tax rebate. Quite frankly that rebate will only apply if certain conditions are met.

As we have stressed day after day for the last month, there will be no bailout from the federal government for Canadian Airlines. The conditions are that the British Columbia government and the Alberta government come on board. Just yesterday the Minister of Transport congratulated Premier Ralph Klein for coming on board on that restructuring plan. Of course the Canadian Airlines family, that is the company and the union membership have to come on board. That entails all six unions. Finally, American Airlines and the creditors to the airline also have to be part of the restructuring package.

*[Translation]*

**Mr. Michel Gauthier (Leader of the Opposition, BQ):** Mr. Speaker, it is absolutely incredible that companies showing a deficit will enjoy a partial reduction in taxes. Is this not encouraging companies to show a year end deficit, to show they are in the red, so they can enjoy the government's generosity?

• (1420)

Would the Minister of Finance not agree that this makes no sense and that the solution for the airlines has to be much more thought out, much more credible—one that could resolve the problem and not create perhaps another ten more?

*[English]*

**Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.):** Mr. Speaker, this government believes that our two national airlines are of major national significance and importance. Quite frankly, they are equal.

Maybe I could put it into a better perspective for the leader of the Bloc. Most of us in the House have children. I have two daughters and I consider both of them to be equal, but they have individual and different needs.

In this situation, I find the questions from the opposition member rather hypocritical because quite frankly they have distinct needs.

**The Speaker:** Colleagues, I would ask you to please stay away from terms like hypocritical. They sort of stir up our emotions in here, and we do not need that.

*[Translation]*

**Mr. Paul Crête (Kamouraska—Rivière-du-Loup, BQ):** Mr. Speaker, my question is for the Deputy Prime Minister.

Yesterday, we learned that the premier of British Columbia was in Dallas for a meeting with American Airlines officials to explore the possibility of American buying a larger share of Canadian Airlines International.

Did the BC premier receive the assurance of the federal government that increasing the foreign ownership of Canadian would not be a problem?

*[English]*

**Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.):** Mr. Speaker, to the best of my knowledge we are unaware of the discussion that took place between the Premier Clark and the president of American Airlines. No foreign investment discussion has been initiated or requested by Canadian Airlines to the Minister of Transport.

*[Translation]*

**Mr. Paul Crête (Kamouraska—Rivière-du-Loup, BQ):** Mr. Speaker, how can the Minister of Industry regard a merger between Air Canada and Canadian Airlines as an insult to western Canada when his own government does not see any problem with American Airlines taking over Canadian Airlines?

*[English]*

**Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.):** Mr. Speaker, the government refuses to get into a dialogue that the hon. member wants to draw us into because we believe that Canadian is going to become a viable, strong airline in this country.

**Mr. Preston Manning (Calgary Southwest, Ref.):** Mr. Speaker, we are pleased to see that the federal government has indirectly lowered the aviation fuel tax for Canadian Airlines. We disagree with the way that it has been done, but we do think it is a step in the right direction. And if it is done, it should save Canadian about \$20 million a year in the short term.

The other stumbling block, as members know, to the restructuring of Canadian Airlines is that the leadership of the CAW and CUPE will not let their members vote on the company's restructuring proposal.

Every Canadian employee should have the basic democratic right to vote on their own future and the futures of their families.

My question is to the parliamentary secretary. Does the government agree that Canadian's employees, in particular the members

*Oral Questions*

of the CAW and CUPE, should be permitted to vote directly on the company's restructuring proposal?

**Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.):** Mr. Speaker, yes we do.

**Mr. Preston Manning (Calgary Southwest, Ref.):** Mr. Speaker, we are glad to hear that. Flight attendants and ticketing agents at Canadian are demanding a vote on the company's restructuring proposals but their own union bosses are refusing to let them exercise their democratic right.

Buzz Hargrove does not work at Canadian. He does not have a personal stake in whether the airline succeeds or fails and he does not appear to care. Canadian employees must have the final say on their own jobs and the future of their airline.

Since the parliamentary secretary said he agrees the employees have this right, what specific action is the government taking to ensure that Canadian's employees will be able to vote directly on the company's restructuring proposals?

• (1425)

**Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.):** Mr. Speaker, I guess the hon. leader of the third party was listening to the same interview as I was listening to this morning on "Newsworld". We probably heard the same thing, that some of the employees were talking about how they have been trying to contact their leadership at the Canadian auto workers.

First, the CUPE employees have been told apparently that they will be able to have their vote on December 7. They believe that is too late and they would like to get on with the opportunity of voting tomorrow if possible.

Mr. Hargrove's job is not on the line, according to the employee on "Newsworld" this morning, that he is ignoring the facts, he has not done the due diligence search on the books of Canadian that the pilots union and the largest union, the machinists union, have done. They say that the threat is real. Mr. Hargrove is doing what he is doing despite the fact that quite apparently his membership wants the opportunity to have that vote on this restructuring package.

**Mr. Preston Manning (Calgary Southwest, Ref.):** Mr. Speaker, the question is not whether this position is the position of the employees. My question was what is the government going to do about it to ensure that their rights are exercised.

There is a section in the Canadian Labour Code, section 108.1, that authorizes the Minister of Labour to direct that a vote of the employees be held on a collective bargaining agreement offer by an employer if it is deemed to be in the public interest.

Surely it is in the public interest that Canadian Airlines employees be permitted to vote directly on a restructuring proposal, but that it does not appear to be covered by the code.

We and the employees of Canadian would appreciate a direct answer to this question. Would the government be willing to introduce forthwith an amendment authorizing the Minister of Labour to direct an employee vote on restructuring offers such as that being put forward by Canadian Airlines to its own employees?

**Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, this is not regular collective bargaining. Therefore the section the member refers to in the Labour Code does not apply in this case.

This is a negotiation between the two parties. Therefore the Minister of Labour has no authority to intervene. It is up to management and the unions to decide and find the necessary procedure to have a vote on this matter.

However, if both parties would like me to intervene, on their request I would be glad to and I am ready to appoint a mediator so they can facilitate their negotiations.

\* \* \*

[Translation]

### SPACE AGENCY

**Mr. Nic Leblanc (Longueuil, BQ):** Mr. Speaker, my question is for the Deputy Prime Minister.

We have just learned that the space agency chairman, Mr. Evans, is claiming monthly rental fees of \$1,300 for a luxurious apartment in Montreal. In addition, Mr. Evans has the use of an official car to travel between Saint-Hubert and Montreal on a regular basis.

Will the Deputy Prime Minister confirm that, while all employees of the space agency are required to live in Montreal, the agency chairman does not, although he is provided with a \$1,300 a month apartment at taxpayers' expense?

**Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.):** Mr. Speaker, it is true that relocated employees usually have the option of changing their place of residence. But the Treasury Board manual does provide for some exceptions on the basis of a number of objective factors that I would like to outline.

Under section 5.9.1 of the personnel management manual, there are cases in which employees are required to live outside their metropolitan or headquarters area for a number of months or years. The Deputy Minister must consider all aspects of the employee's situation, including the length of stay, family considerations, whether the employee rents or owns, to determine if it is practical,

more economical and less disruptive for the family to help the employee maintain a second residence or to authorize relocation.

In this case, relocation costs would have been much higher than the rental subsidy.

• (1430)

**Mr. Nic Leblanc (Longueuil, BQ):** Mr. Speaker, why is it then that all other employees are required to live in Montreal, save one, a former advisor to the Minister of Industry, namely Mr. Evans, who receives special compensation? This is outrageous, especially since Mr. Evans earns between \$117,000 and \$142,000 a year.

**Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.):** Mr. Speaker, as I just said, this is not a special situation. There is a Treasury Board regulation authorizing the Deputy Minister to make a choice and determine the employee's conditions of employment.

In this case, not only must the employee work in Ottawa two days a week, but his spouse works in Ottawa and they have young children. There is no doubt in my mind that the Treasury Board policy was properly interpreted and applied.

\* \* \*

[English]

#### CANADIAN AIRLINES

**Mr. Stephen Harper (Calgary West, Ref.):** Mr. Speaker, I would like to follow up on the question from the leader of the Reform Party to the Minister of Labour which the Minister of Labour did not answer.

The Reform Party has offered to facilitate the government's passing amendments immediately and as quickly as possible to extend the provisions of the Canada Labour Code that allow a democratic vote of the workers of Canadian on the offer of the management on the basis of public interest.

There are provisions in the code right now that are too narrow for that but we would certainly be willing to extend them to these circumstances. Would the Minister of Labour be prepared to do that forthwith?

**Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, right now there is a labour code that has been in the country for over 20 years. I would like to remind the member that we are in the process of amending the existing legislation which is before the committee. Therefore we are following the regular process.

Let me remind this House that what we are arguing about is not a collective bargaining system that we know and that we are trying to improve. Restructuring a company is a business transaction and

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both parties should find a way to reach an agreement without the government's having to intervene all of the time.

I am surprised that the Reform Party would ask such a question when not long ago the critic of labour for the Reform Party said that we should get rid of the Minister of Labour and any labour department. Now it is asking the Minister of Labour to intervene right away. Those members should make up their minds.

**Mr. Stephen Harper (Calgary West, Ref.):** Mr. Speaker, what we are asking for is for the employees of Canadian Airlines themselves to be able to intervene in their own future rather than take the 100 per cent pay cut that some of their union leaders seem to want them to take.

Does the minister not realize that we have a public and pressing interest here? We do not have time for the games. The future of the company and jobs are at stake. We do not have time for a lengthy mediation. Will he introduce in this House legislation that will allow the workers to speak on their own economic future?

**Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, in case the Reform members did not understand, I will repeat this is not a collective agreement negotiation. This is a restructuring business plan. I do not think it is the business of the government to interfere in the relationship between the membership of the unions and its leadership. Let the membership take care of its own leadership problems.

\* \* \*

[Translation]

#### EMPLOYMENT INSURANCE

**Mrs. Francine Lalonde (Mercier, BQ):** Mr. Speaker, my question is for the Minister of Human Resources Development.

Monday, in the House, I asked the Minister to tell us when the new employment insurance regulations would be ready and available. He replied, and I quote: "I looked, among other things, at some interpretation documents concerning the act that will ensure everyone can properly inform beneficiaries in the coming weeks".

• (1435)

In light of the serious consequences that the new employment insurance provisions taking effect January 5 can have for unemployed workers, can the Minister of Human Resources Development tell us when the regulations will be ready, and whether they will include transitional measures?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, we will shortly be making some very minor administrative changes to the regulations. Now, I would like to reassure the opposition that these changes will in no way affect service to our clients and that the regulations will be

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communicated to our offices promptly. But the changes are extremely minor and will not affect service to clients.

**Mrs. Francine Lalonde (Mercier, BQ):** Mr. Speaker, in the interpretation document the minister has referred to, the following appears, and I quote: "For claims effective January 5, 1997 or later, a minimum of 910 hours of work is required" to qualify, in other words, an increase from 26 15-hour weeks to 26 35-hour weeks. For the average person, this is a huge difference.

On January 5, will the minister enforce the legislation as it stands, or will there be transitional measures softening the blow for the average person?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, I have already explained on a number of occasions in the House that the system was of course going to come into effect at the beginning of January, as scheduled. Certain workers will, of course, receive less coverage, but those working under 15 hours will now be covered.

There are people who, until now, were caught in a cycle—

**Mrs. Lalonde:** That is not what we are talking about.

**Mr. Bellehumeur:** Be serious for once.

**Mr. Pettigrew:** But I am perfectly serious. I do not understand why the opposition does not want to hear the answer. They are asking me questions—

**Mr. Bellehumeur:** That is not what we are asking.

**Mr. Pettigrew:** The system will take effect at the beginning of January. Interpretation measures have already been communicated to our main offices, and I can assure you that things will go very well.

\* \* \*

[English]

**TOBACCO LEGISLATION**

**Mr. Grant Hill (Macleod, Ref.):** Mr. Speaker, today the finance minister, who has been the biggest obstacle to anti-tobacco legislation, has announced a hike in the tobacco taxes. I guess the finance minister and the health minister have kissed and made up.

Since the finance minister is now on side, where is the health minister's anti-smoking bill?

**Hon. David Dingwall (Minister of Health, Lib.):** Mr. Speaker, I am tempted to say very soon. Later this day I will be able to provide details in terms of the tobacco strategy of the Government of Canada.

**Mr. Grant Hill (Macleod, Ref.):** Mr. Speaker, we are making progress. Last week we had a promised announcement; today we will hear about the strategy.

However, Reform is really interested in legislation. When will the government bring this legislation in? Is the minister ready to fast track this legislation so we can get it into law as fast as possible?

**Hon. David Dingwall (Minister of Health, Lib.):** Mr. Speaker, I want to thank the hon. member and Reform members for giving their support to the government to fast track legislation as it relates to tobacco.

As I said in my first answer, later today I will be able to provide details of the contents of our strategy.

\* \* \*

[Translation]

**POVERTY**

**Mrs. Christiane Gagnon (Québec, BQ):** Mr. Speaker, my question is for the Minister of Human Resources Development.

Although the government promised in its red book to attack poverty, never in the entire history of Canada have we had so many children living below the poverty level. The government's action in this area is a miserable failure.

How can the government answer to the citizens of Canada today for its inaction toward child poverty, when even the Minister of Health stated the day before yesterday that this government's actions had not kept pace with its fine words?

• (1440)

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, I would most certainly like to thank the opposition for its question, since it will give me the chance to reassure Canadians and to tell them that the first meeting of federal and provincial social affairs ministers, which was touted this morning as the most harmonious federal-provincial meeting in years, specifically addressed the priority we wished to give to children.

That is what we discussed all day yesterday, and we reached a certain consensus on solutions. In fact, yesterday the council of ministers asked some of our officials to prepare options on a system which would specifically benefit children over the next few years.

More than ever before, this federation will be making a very great effort for children in a spirit of co-operation between the provinces and the Government of Canada.

**Mrs. Christiane Gagnon (Québec, BQ):** Yet, Mr. Speaker, the premier of Saskatchewan, Roy Romanow, said yesterday that the problem would be far less crucial if the federal government had made fewer cuts in transfer payments to the provinces.

Will the minister admit that the cuts in social transfers have only increased child poverty, despite what he says?



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**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, I greatly appreciate this somewhat offensive rhetoric, considering the great importance of child poverty, but this is no laughing matter.

What took place yesterday was a remarkable consensus between the provinces and the federal government. What we have done today is serious work, not petty rhetoric. The Government of Canada has doubled the income supplement for low income families. We have introduced an employment insurance program which includes measures to put Canadians back to work faster and to protect low income recipients with children.

Our government spends \$5 billion a year on Canada's children. That is what we are doing.

\* \* \*

[English]

**TOBACCO INDUSTRY**

**Mr. Sarkis Assadourian (Don Valley North, Lib.):** Mr. Speaker, my question is for the Minister of Health.

Last year the Supreme Court of Canada struck down the Tobacco Products Control Act. With 40,000 Canadians dying prematurely every year and \$3.5 billion in direct health care costs to Canadians, the toll of tobacco on society is clear.

Can the Minister of Health tell the House when he will bring forward new legislation to deal with this issue, the health of Canadians and the tobacco industry?

**Hon. David Dingwall (Minister of Health, Lib.):** Mr. Speaker, I thank the hon. member for his question. He has long been an advocate of new tobacco legislation.

As I said earlier in question period, later this day we will be providing the details of our tobacco strategy with the provision of notice for the purpose of tabling the bill. We hope to be able to table the bill early next week.

\* \* \*

**SOFTWOOD LUMBER**

**Mr. Charlie Penson (Peace River, Ref.):** Mr. Speaker, my question is for the Minister of Foreign Affairs.

We were told when Canada signed the softwood lumber deal with the United States that it was because the industry wanted it. However, there is growing evidence that lumber companies are unhappy with this deal. Many companies are facing bankruptcy because of inadequate or no quota. Others are facing shutdown and job losses, all at the same time that the government is realizing increased taxes through penalties charged on softwood lumber companies.

When will the government admit it was wrong to accept the export caps and scrap the softwood lumber deal?

**Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.):** Mr. Speaker, the hon. member should know that a better rendering of the history of the agreement on softwood lumber would demonstrate that it was arrived at through a full, deep and engaging consultation with all the softwood lumber firms that closed. The proposals that were put on the table were really a product of the companies themselves.

• (1445)

**Mr. Charlie Penson (Peace River, Ref.):** Mr. Speaker, I am not sure who the trade minister and the Minister of Foreign Affairs were consulting, but it certainly was not the hundreds of companies that are feeding information to us that they are in serious trouble because of this deal.

A recent survey we conducted shows the industry is ready to fight this case instead of living with the quota system. They want the government to scrap this deal and if the United States counter-vaits us, to fight this at the World Trade Organization. Will the minister commit to that?

**Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.):** Mr. Speaker, there is no question that the establishment of a quota system put limits on the amount that could be exported to the United States; limits that were at historically high levels.

Many of the companies went ahead and used up their full quota before the year was out. The minister has already put in place a reserve bank which companies can draw on to increase their production.

The reality is that the provincial governments that were involved representing the lumber interests, the companies and the industry affiliations were all deeply involved in coming up with a plan. They cannot change their mind half way through the course. They have to live with the consequences because it was their decision to make.

\* \* \*

[Translation]

**PROGRAM FOR OLDER WORKER ADJUSTMENT**

**Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ):** Mr. Speaker, we know that the Minister of Human Resources Development has no compassion for children. I hope he does for older workers.

The Program for Older Worker Adjustment, funded jointly by the provinces and the federal government, helps older workers who are victims of mass layoffs. The federal government has informed the provinces that POWA will end on March 31, 1977. Ottawa will accept no new applications, but has agreed to honour its financial obligations in cases currently being processed.

Knowing that the workers of the Peerless company, considered eligible for the POWA program by the Canada-Quebec joint analysis committee, are still awaiting their benefits because Ottawa is refusing to release the funds, would the minister confirm that applications made by older workers between the announcement of

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the government's withdrawal from this program and March 31, 1997 will be honoured?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, allow me to first reject the totally inappropriate introduction by the opposition member on my lack of compassion for children. I can tell you that yesterday was a great day for children in Canada and I am delighted to have been part of it, despite the rhetoric the other side takes such pleasure in.

The federal-provincial program you mention was so successful that its budget was used up much more quickly than planned. It is also a fact that not all provinces participated and that certain provinces do not want us to continue.

I too am concerned about the future of POWA. It is however a program that will have to be terminated. In the coming years, the less populous provinces—

**The Speaker:** The hon. member for Hochelaga—Maisonneuve.

**Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ):** Mr. Speaker, does the minister realize that although the Société québécoise de développement de la main-d'oeuvre, the SQDM, has already set money aside, more than 500 workers currently eligible for the program will be deprived of benefits because he is not honouring his financial commitment to POWA? That is the reality.

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, would the Government of Quebec like to continue the program? It would be interesting to find out. What I can say is that up to now only the more populous provinces have agreed to take part and that the less populous regions have been put at a disadvantage by the system.

The Government of Canada is trying to find another way to help older workers, which will be fairer to all regions, because too many of them are not participating in the system at the moment.

\* \* \*

• (1450)

[English]

**SOFTWOOD LUMBER**

**Mr. Bill Gilmour (Comox—Alberni, Ref.):** Mr. Speaker, because of the softwood lumber deal negotiated with the United States, U.S. lumber companies are reaping huge profits from increased lumber prices. Meanwhile, Canadians are losing sawmill jobs.

American consumers want this bad deal cancelled because according to the American National Association of Home Builders, the deal is costing Americans \$3,000 more to build a house.

Canadians want the deal cancelled because mills are forced to shut down, costing Canadian jobs.

The only group benefiting from this softwood lumber deal is the American lumber lobby, the same group the government caved in to during negotiations.

Will the minister take steps to immediately cancel the softwood lumber deal with the United States?

**Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.):** Mr. Speaker, the prescription offered by the hon. member would create total chaos and disruption in one of the most important dollar earning export markets in Canada. It is simply a recommendation of lunacy.

**Mr. Bill Gilmour (Comox—Alberni, Ref.):** Mr. Speaker, the minister should listen to my colleagues on this side: 600 jobs in one riding, 400 jobs in another riding. If chaos is being introduced, he has introduced it. Cancel the lumber deal. Cancel it now.

**Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.):** Mr. Speaker, I fail to see any germ of a question in the hon. member's outburst.

However, I remind him that this is a multi-billion dollar industry which provides hundreds of thousands of jobs. To provide an orderly arrangement with our largest customer requires us to play by the rules. We know that the Reform Party is not used to playing by the rules. They do not even know there are rules.

If we are going to protect the industry and protect the jobs, we must make sure that the rules are honoured. Those rules were arrived at in full consultation with the provinces and the industry involved. That is why we intend to keep the rules in place.

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**OFFICIAL LANGUAGES**

**Hon. Warren Allmand (Notre-Dame-de-Grâce, Lib.):** Mr. Speaker, my question is for the Minister of Human Resources Development.

In his discussions with the provinces regarding the transfer of labour market training to the provinces, has the minister taken steps to ensure that the principles of the Official Languages Act will continue to apply? Does he have an assurance that francophones outside of Quebec will continue to be able to get their training in French and anglophones in Quebec to get their training in English?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, I am well aware of the concerns about official languages generated by the Government of Canada's proposal for an expanded role for the provinces in the design and delivery of labour market programs.

I am very confident that the necessary safeguards have been put in place to ensure the linguistic needs of Canadians will be met

under the new arrangement. Actually, the Employment Insurance Act provides for: “the availability of assistance under the benefit and measures in either official language, where there is significant demand for that assistance in that language, no matter who delivers the program”.

[Translation]

So I am fully confident that the current round of negotiations with the provinces will be a unique opportunity to improve employment services for Canadians and to deliver labour market development programs targeted to the needs of Canadians in this new economy.

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### SINGER COMPANY

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, my question is directed to the Minister of Human Resources Development.

Last Wednesday, in response to a question about the Singer company, the minister claimed that lawyers from the department were engaged in talks and would be reporting to him by the end of the week. The minister also promised to report to this House. Clearly the minister spends too much time talking and not enough time on his files.

Considering that so far, counsel for the retired employees has not been approached, could the minister now tell us what the government's position will be in the dispute between the government and the retired Singer employees?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, yesterday I was given a report on the Singer company which I have not had time to read yet. In fact, what I spent too much time doing was discussing child poverty with the provinces all day yesterday in the council of federal and provincial ministers, all of which took place in a great spirit of co-operation.

• (1455)

I can assure you that was the situation I talked about all day. Our department is very active, since the recommendation is on my desk, and I will look at it within the next few hours.

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, the minister confirmed what I just said. He spends his time talking and does not spend enough time on his files. That is what he does.

This case has been dragging on for years. Three ministers have succeeded each other in this position in three years, and none of them bothered to pay any real attention to this case, and the present minister is no better than his predecessors.

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The minister wastes his time moralizing and showing how compassionate he is, but what explanation does he have for his lack of consideration towards a group of retired employees who were given a raw deal and whose average age is 80?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, precisely because I wanted to spend some time on this case, on the substance of the case.

It has now been seven weeks since I became Minister of Human Resources Development. We are busy with negotiations on the transfer of manpower programs, as well as with the social union and the ministerial council. So when people say I waste my time talking, they are wrong. When I do say something, it has to be to the point. That is probably what bothers them. They do not like it when I talk, because we are working on co-operation.

We have a lot of compassion for the Singer employees, and because these workers deserve more than pretty speeches, we will examine the substance of the case.

\* \* \*

[English]

### POLITICAL CONTRIBUTIONS

**Mr. Chuck Strahl (Fraser Valley East, Ref.):** Mr. Speaker, there was kind of a sordid little deal at work this last week. A memo was circulated by a private company in Ottawa, MDS Aero Support Corp., that asks its employees to give over \$1,000 each to the Liberal Party. In return the company would give a bonus to cover the donation, the employees get their money back, plus a tax credit from Elections Canada. The company gets to write off the bonuses as a business expense and the taxpayer gets the shaft.

This has broken in the news. The company has since withdrawn the offer and returned the cheques.

Will the Deputy Prime Minister agree that this type of activity is unethical and what steps will she take to make sure that this type of activity is not only unethical but will be illegal in the future?

**Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.):** Mr. Speaker, the government in no way supports or condones this type of scheme. The government was not aware of it before it came into the press. Revenue Canada has already said it considers this scheme improper and the company has called it off.

I am advised that amendments to the law are not required because the law currently says very clearly that this should not be done.

**Mr. Chuck Strahl (Fraser Valley East, Ref.):** The company is certainly fortunate that it broke in the news if that is the case.

*Privilege*

I have spoken to officials in Elections Canada and the elections act apparently does not prohibit this type of activity. I would like the minister to consider that.

This type of behaviour is also coercive toward employees. It forces employees to make a choice. The boss says give donations to the Liberal Party and it is written between the lines—you can read it—your future depends on it.

This company received over \$1 million in federal contracts. The president of the corporation paid tens of thousands of dollars to the Liberal Party. This thing stinks to high heaven and the minister knows it.

How can the minister make sure that this sort of thing does not happen and what steps will he take to make sure it will not happen in the future?

**Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.):** Mr. Speaker, the election expenses provision of the law is administered by Revenue Canada, as I understand it, when it comes to the matter of income tax receipts and deductions. I am advised that Revenue Canada considers the practice in question improper. They intend to monitor these situations very carefully to help ensure they are not repeated.

As I have said, I am advised that amendments to the law are not necessary. It is very clear that this type of scheme is not supported by the government and Revenue Canada will be following this very closely.

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**CHILD POVERTY**

**Mr. Len Taylor (The Battlefords—Meadow Lake, NDP):** Mr. Speaker, Canadian children living in poverty need more than the minister's commitment to have his officials look into possible solutions to their crises.

Yesterday Saskatchewan's premier, Roy Romanow, called for immediate federal-provincial action to restore and enrich support for children that have been eroded by deficit cutting measures.

• (1500)

The premier called for a national plan for children modelled on Saskatchewan's, which includes reviewing all legislation for its impact on children, appointing a children's advocate and setting up local children's centres to provide services in health, nutrition, child care, abuse prevention and recreation that are now pieced out to various ministries.

Is the minister, on behalf of the government, prepared to heed the premier's call?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, yes, the government is presently answering the needs of children.

Yesterday Mr. Ned Shillington of the Government of Saskatchewan was part of the ministerial council that identified children as the priority of our ministerial council's work. I was extremely pleased with that.

There seems to be a consensus on a national benefit for children. The government will consider it and I will certainly inform my colleagues of the ministerial council's evolution in that favour.

We are extremely pleased at the great mood of co-operation which was a very good start for the ministerial council and I am proud of its priority on children.

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**CENTRAL AFRICA**

**Mr. John English (Kitchener, Lib.):** Mr. Speaker, my question is for the Minister of Foreign Affairs.

All Canadians are pleased to see some positive developments in the great lakes region of Africa, notably the presence of General Baril in Zaire. We are also aware that the minister has participated in intensive consultations on this subject. Could he please tell the House the results of those consultations and what Canada can do to resolve this tragic situation in Africa?

**Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.):** Mr. Speaker, I am pleased to report to the House that as of about noon today we have received indications from over 20 countries that they are prepared to work with us and support our proposal to establish a multinational headquarters in Uganda, that we will undertake a capacity for drops for humanitarian purposes and that we will continue to work on reconnaissance missions.

That means we have succeeded in establishing a multilateral mechanism to help in the basic humanitarian needs in that area. With the kind of commitment we have received, plus the work our NGOs are doing in the area, the work of our military, the work of Ambassador Chrétien, Canadians can be very proud that we are in a position to really help the people of central Africa.

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[Translation]

**PRIVILEGE**

## STATEMENTS BY MEMBERS

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, I have a question of privilege first.

**The Speaker:** Did this take place today during question period?

**Mr. Duceppe:** Yes, I sent a page to inform you.

**The Speaker:** Well, if it is something that took place during question period, I recognize the official opposition House leader.

*Privilege*

**Mr. Duceppe:** Mr. Speaker, during the period for members' statements, the member for Saint-Denis made some remarks about me that were inaccurate, accusing me of having used my householder, and therefore government money, my position and my budget as an MP to support my wife in a school board election in Montreal. This is not true.

For one thing, my wife's name has never been mentioned in any of my householders, and for another, the electoral territory of my wife, who is a school trustee in Montreal, is completely separate from my electoral territory. As a result, my householder could not reach my wife's potential voters. I therefore ask the member to withdraw her remarks, which are inaccurate.

**The Speaker:** Was this in a statement?

**An hon. member:** Yes.

**The Speaker:** Dear colleagues, in a member's statement such as that, it is sometimes one member's opinion against another's.

**Some hon. members:** Oh, oh!

• (1505)

**The Speaker:** I do not wish to start a debate. The hon. member for Saint-Denis is here. I do not wish to see a debate, so if she wishes to—

**Mr. Bellehumeur:** She should apologize.

**The Speaker:** No? So that is the way it is.

**Some hon. members:** Oh, oh!

**Mr. Bellehumeur:** Mr. Speaker, it will be a free-for-all in here.

**The Speaker:** I see that, when there are statements, your speaker cannot always know what is going on everywhere in the country. We have had a statement by an hon. member and another who says that this was not correct.

In my opinion, this is something—

**Some hon. members:** Oh, oh!

**The Speaker:** The hon. member has had the chance to correct it, and I gave him the chance to speak. In my opinion, this is not a question of privilege.

**Some hon. members:** Oh, oh!

**The Speaker:** In our debates here in the House, there are always two points of view on almost everything. If the hon. member has something to add, he may do so very briefly, but this is not a question of privilege. I am, however, giving him a few seconds.

**Mr. Duceppe:** Mr. Speaker, if the hon. member maintains what she has said, let her do it from her seat, for she lied.

[English]

**The Speaker:** The hon. member for Saint-Denis made a statement in the period allotted for Statements by Members. What I heard of the statement I found to be legitimate. She did not use any unparliamentary language.

• (1510)

Statements by members are opinions of one member speaking in the House according to the fact as she knows them. I heard the hon. member for Laurier—Sainte-Marie saying that the facts were inexact and of course when one hon. member stands in this place we take his or her word on the facts.

However, perhaps in my leniency because I want to clear this up, I made the decision and I have given my decision that it is not a point of privilege. At that point, the hon. member for Laurier—Sainte-Marie rose to his feet and he did use language which was unparliamentary.

This Speaker does not judge the content of any statements that are made here, but you have given the responsibility to your Speaker to decide what language is acceptable and therefore parliamentary or unparliamentary.

I find that the words "elle a menti", "she lied", are not acceptable in this House. I implore the House leader of the Bloc Quebecois to please withdraw those words "elle a menti". The point was made as to what he wanted to do. I would ask the hon. member to please withdraw those words.

[Translation]

**Mr. Duceppe:** Mr. Speaker, I will never put up with hypocrisy.

**Some hon. members:** Hear, hear.

[English]

**The Speaker:** I address myself directly to you, my colleague, the hon. member for Laurier—Sainte-Marie. This is no longer a question of what one member said or what another member said.

• (1515)

My colleague, we surely do not want to precipitate the crisis which would prohibit the House from continuing with its work for the day.

The hon. member suggests it was a personal attack. I will undertake later on in the day to review the blues to see if it was a personal attack. In the meantime, my colleague, it is no longer a question of whether it was a personal attack, what was said and what was not said, it is a request from your Speaker to withdraw the words "elle a menti".

I would once again ask the hon. member if he would withdraw those words so that we can get on with the business of the House.

*Government Orders*

[Translation]

**Mr. Duceppe:** Mr. Speaker, in light of your decision to reconsider the matter, to study the statements made, I withdraw my words and we shall reconsider our attitude, subsequent to your decision, in the period for Statements by Members. We shall act as we feel we should, otherwise we will act like her.

**Some hon. members:** Hear, hear!

**The Speaker:** I thank the hon. member for withdrawing his words. We are now ready to get down to work.

\* \* \*

**BUSINESS OF THE HOUSE**

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, I am asking the government what is on its legislative agenda for the coming days.

[English]

**Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, we will continue this afternoon with the business already listed. Tomorrow will be the day allotted for final consideration of the third reading stage of Bill C-29.

Next week it will be December which means that there are only two weeks until the date on which this House is scheduled to begin its year end adjournment. In order to be helpful to the House, I wish to indicate our priorities for this period.

On Monday at noon the government shall propose concurrence in a number of notices of way and means. It appears that it will be necessary for the House to consider again in accordance with section 47 of the Constitution Act 1982 the resolution regarding the terms of union with Newfoundland. This will be the subject of debate on Monday.

Among the bills to be introduced on Monday on the basis of the notice of ways and means will be the bill regarding sales tax harmonization. It is our intention to commence debate on second reading of this bill on Tuesday.

Early next week we expect the report of the finance committee on its prebudget consultations. As usual we intend to set aside two days for a prebudget debate.

Those are our three priorities for December. As hon. members know, there is a long list of 32 bills awaiting consideration, including 14 bills in committee and nine bills at report stage or at third reading. Whenever we have the time during the next two weeks, we will also attempt to make progress on these measures and we will encourage the committees to attempt to do the same.

I am saying this not as a form of pressure but in order to permit members to make their plans. As matters now stand, it does not appear it will be in the public interest for the House and especially

its committees to expect to go from December 13 to February 3 without sitting for legislative work.

• (1520)

**Mr. Ray Speaker (Lethbridge, Ref.):** Mr. Speaker, to facilitate our planning in the Reform Party and to assist the government as much as we can, my understanding is that the Minister of Health will be introducing a major piece of legislation on Tuesday, the tobacco legislation.

I would like the parliamentary secretary to the government House leader to indicate whether there is any other legislation like that or major bills yet to be introduced that we are not aware of so that we can work them into the plans of the House and facilitate things the best we can.

**Mr. Zed:** Mr. Speaker, I thank the hon. member for his intervention. I have nothing further to add other than what I said in the business statement.

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**GOVERNMENT ORDERS**

[English]

**JUDGES ACT**

The House resumed consideration of the motion in relation to the amendments made by the Senate to Bill C-42, an act to amend the Judges Act and to make consequential amendments to another act; and of the amendment.

**The Speaker:** My colleagues, when we broke just before question period, the hon. member for Medicine Hat had the floor. There were still a few minutes remaining, but I presume that he has chosen not to take up those minutes. I am going to go to the next speaker.

**Ms. Shaughnessy Cohen (Windsor—St. Clair, Lib.):** Mr. Speaker, I am pleased to address the House today on Bill C-42. Before getting to the core of the bill, I would like to say a few words in response to some of the things that were said earlier today by members of the Reform Party with respect to the justice agenda of the government.

It is amazing to me that it does not matter what we are talking about in the House, but the Reform Party always ends up going back to the issue of guns. Bill C-68 is one of our stronger law and order measures. I want to point out that 12 per cent of Canadians oppose that legislation, which is the exact percentage that support the Reform Party nationally, according to the latest polls.

The member for Medicine Hat spoke at length about his perception, or perhaps it was his exaggeration of the way people in Canada feel about law and order. He suggested that the present Minister of Justice has not done enough. Let us talk about his

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record and about the Liberal record on law and order issues, on safe homes and safe streets.

Let us talk about the establishment of the National Crime Prevention Council which was announced in July 1994 by the Minister of Justice and the Solicitor General. It will work to unify crime prevention efforts across the country and to provide advice to both the Minister of Justice and the Solicitor General on issues of law and order, in particular on crime prevention. Crime prevention is something which in the words of the member for Burlington who is well versed on these issues will help us prevent there being further victims in our country.

Bill C-68 on gun control, Reform's favourite, strengthens our gun control legislation. It provides for stiff four-year mandatory minimum sentences for the use of a firearm during the commission of a violent crime.

Really, that is what this is all about. It is about guns. With these boys, it is always about guns.

Bill C-37, the Young Offenders Act. Reform opposed this one too. It establishes tougher sentencing for violent young offenders while encouraging the rehabilitation of young offenders and discouraging the use of prison sentences for non-violent crimes, something Reformers talk about a lot but voted against.

Bill C-41, sentencing reform, is something that really gets them. This one includes principles and approaches to sentencing that consider public safety, the needs of the victims—where have we heard that before—for restitution, principles that serious offenders should be treated differently than minor first time offenders. Because it seeks to protect people that the Reform Party does not want to protect, because of the inclusion of those two little words “sexual orientation”, Reformers voted against the whole thing.

• (1525)

Bill C-104 concerns forensic DNA analysis. This improves the investigative tools available to police by clarifying circumstances for which a judge may issue a warrant allowing police and peace officers to obtain bodily samples for forensic DNA analysis. This bill has already done good in terms of criminal investigations in our country.

Bill C-72 amends the Criminal Code so that people remain accountable for violent acts committed while they are intoxicated.

There is the self-defence review. On October 4, 1995 the Solicitor General and the Minister of Justice announced the appointment of Madam Justice Lynn Ratushny to lead a review of cases involving women convicted of killing their abusive partners, spouses or guardians.

Bill C-9 re-establishes the Law Reform Commission.

Bill C-16, the contraventions act, increases efficiency in the justice system.

Bill C-33 is the Canadian Human Rights Act amendment. Of course Reformers are opposed to that one too. One might ask this question of them: By giving rights to others, how could that possibly diminish any rights that they have? But they do not care because there are those words “sexual orientation” again and off they go.

Bill C-17 contains Criminal Code improvements and they are opposed to that. Every attorney general in this country wants Bill C-17. It modernizes the Criminal Code. They need it to help them in law enforcement, but the Reform Party thinks it is important for us not to take advice from attorneys general and instead to cram unworkable and ridiculous procedures down their throats.

Bill C-25, the regulations act, will be reported in the House tomorrow. It reforms and updates the regulatory process to make it more efficient.

Bill C-27 concerns child prostitution, child sex tourism, criminal harassment and female genital mutilation. It amends the code to make sure that those who commit certain violent acts against women and children face tougher penalties.

There are also Bill C-41, child support; Bill C-45, the judicial review of parole ineligibility; Bill C-46, production of records in sexual offence proceedings; and Bill C-55, the high risk offenders legislation.

If that is not enough, there were a few things that we did which were not even in the red book or that were not promised. We launched a national flagging system as part of the Canadian Police Information Centre to help crown attorneys deal more effectively with high risk offenders at the time of prosecution. We established an anti-smuggling strategy to combat illegal trade in tobacco, firearms and alcohol. We continue to implement the war crimes strategy announced in January 1995. We expanded efforts to fight organized crime by seizure and forfeiture of assets and provisions against money laundering, and on and on and on.

Never, I would venture to guess in the history of our country, has there been a more prolific Minister of Justice. Never has there been a government so closely aligned with concern for Canadians and for their safety.

This morning the member for Medicine Hat went out of his way to reinforce what Reform hammers home and that is the scare tactics, the irresponsible creation out of the air of statistics that are not valid. Crime has not increased. Youth crime has not gone up.

**Mr. Thompson:** On a point of order, Mr. Speaker, I would like to ask about the Reform scare tactics and what part of Bill C-42 does that fit into.

*Government Orders*

**The Speaker:** That is not a point of order. The hon. member for Windsor—St. Clair.

**Ms. Cohen:** Mr. Speaker, the boys are restless today. In any event, let us get down to the nub of this. The nub of this is that we have responded to Canadian concerns. The 12 per cent solution is unable to respond to those concerns. What do they do? They stir it up and they let it go.

• (1530)

They do that in debate on a bill which is of very great importance. They say it is not important to ordinary Canadians. However, in my riding there are many ordinary Canadians who talk to me on the weekend when I am home and who call my office. They were concerned about what was going on in the former Yugoslavia. They were concerned about what is happening in Africa. They want Canada to participate. They want Canada to do something to make things better. One of the things we can do is contribute the time and the resources of a wonderful Canadian jurist to prosecute for the international war crimes tribunal.

There is a tradition and I am often able to find it linked directly to my home community of Windsor, Ontario. In the fifties, following the second world war, a gentleman by the name of Bruce J.F. Macdonald, who was then a crown attorney and who subsequently became a judge of the court of the County of Essex, as it was then, became one of Canada's prosecutors at Nuremberg. As a result, many Canadians who live in Windsor have a great interest in this. We hear about it from time to time.

One of my constituents has just completed scholarly work, a book, on the history of Canadian involvement in war crimes prosecutions.

The Hon. Madam Justice Louise Arbour of the Ontario Court of Appeal is not someone we have foisted upon the international court. She was chosen by the secretary general of the United Nations, Mr. Boutros Boutros-Ghali, as a result of a recommendation from the outgoing prosecutor, Mr. Justice Richard Goldstone of South Africa. She was the first choice of the UN for the position of chief prosecutor.

This does not in any way take away from her ability to continue as a judge in our court of appeal in Ontario when she returns. In fact, I would dare say that the legal community of Ontario and the citizens of Ontario would be well served by having a woman on the bench who will be a heroic figure as a result of her work with the United Nations. She will be a heroic figure who will return to sit on the bench of the Ontario Court of Appeal.

The position that the Reform Party is taking on this bill diminishes her. It is a terrible shame. This woman is honourable. She is distinguished. She is learned in the law. We in Ontario should be and are very proud of her. The fact that she has been asked to assist the world community in a very difficult, high profile

task with the international war crimes tribunal is a great honour to us.

For the Reform Party to take the position which it has is shortsighted and obstructionist.

This bill is a small part of the justice agenda of the government. However, it reaches beyond our borders. It is important for the Canadian people to understand and recognize our stature in the international community. It is particularly important that we be allowed to serve, as a country, our friends around the world.

World peace is a very important and precious commodity. This is one small way in which Canada can yet again contribute to a desirable end.

I would like to suggest that the comments of the hon. member for Medicine Hat, in view of the so-called fresh start that the Reform Party is proposing, were unfair to the Minister of Justice, in particular, but in general they were unfair to the government. Making and keeping our streets safe is a very important goal. It takes more than rhetoric to do that.

• (1535)

At a recent address in Toronto, the Minister of Justice said that it takes more than just statutes written in a book on a shelf somewhere in Ottawa. That is insightful. It takes a lot more than that. So while the Reform Party is busy criticizing the government for what it considers to be our inaction in matters of justice, perhaps its members should take a look at their own proposals.

Community safety has to do with the health of those communities and the health of those communities has to do with their levels of economic development and with the type of social safety net those communities have.

We are struggling hard in this government to deal with the deficit which we almost have licked. We are struggling hard to put the country's finances back in order. We are struggling hard to do all these things so that Canada will remain strong, so we will have economic development and jobs, so we will have a good social safety net and so we will have a safe place for our children to grow up in.

I do not believe that giving people a tax rebate that they do not want and that they are not asking for is the way to do that. Our government's approach is a much healthier, much better organized and much more insightful approach to the problems of Canadian society.

But we do not do anybody any good when we get up in the House of Commons and rant and rave about bars on windows, locks on doors and people cowering in their houses. That is not the normal state of being in our country. The Reform Party knows that and Canadians know that. We do not serve them well by suggesting that crime is out of control or beyond the control of our law enforcement agencies. We do not do our citizens any good by simply pandering to the basest fears of citizens who are being misinformed



by politicians who are simply exploiting their fears. We do not do any good when we do that.

As a government we have to do what the justice committee is doing with respect to youth justice, for example. We have to go out there and we have to find out what is going on. When we define the problem and we see what is going on and we see the state of things, then we have to look to those who are involved in the area, to parents, to children who are at risk and who are in trouble with the law, to teachers, to educators, to social workers, to crown attorneys, to police officers and others. We have to go to them and ask them what we have done that is not working. We have to ask them what we can do that will work and what we need to do more of.

I look at the six point plan of the Reform Party. Point number four has to do with making our streets safe again. How do Reformers want to do that? They want to eliminate the Young Offenders Act. There are certain linkages in society. It is very shortsighted to think there is a quick fix. In the Reform lexicon, first they tell people there is more crime and then they tell people that they will have capital punishment to deal with it.

There is a lot that goes between the commission of the crime and the final result. There is an awful lot that goes before the commission of the crime. That is what we have to deal with, crime prevention.

Instead of going on and on about Bill C-42, instead of trying to take up the House's time and the government's time with a bill that simply allows Canada to be honoured on the international stage by having one of our leading jurists go to Europe to prosecute war criminals, instead of worrying about that, why do we not talk a little about what we can do for our children who are at risk to offend, about what misery they are living in, what problems they are having that are putting them in harm's way? Why do we not work on trying to fix that? Why do we not work on trying to find more jobs for Canadians?

• (1540)

Why do we not stop worrying about tax cuts and worry about how we are going to get jobs for those parents so that their children can grow up in safe, economically healthy and emotionally healthy surroundings? These are the important issues that are troubling Canadians.

On the issue of ordinary Canadians, I would like to point out that the House of Commons, quite frankly, is full of wonderful and devoted people on all sides of the House who are ordinary Canadians who have been called to an extraordinary calling and most of whom do a very good job at it. We do represent the views of ordinary Canadians and we represent them very well. Ordinary Canadians put us and our policies here and asked us to follow our agenda.

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When it comes to the justice agenda, we have done what we promised. We have delivered on our promises and in a reasonable and productive way which finds a balance between the rights of Canadians who are before the courts and the rights of Canadians who have suffered. We try to take care of our people because that is what we were elected to do. As good Liberals, I would suggest we are meeting those obligations and our promises to the people of Canada.

If along the way a wonderful circumstance arises for our country, a circumstance which allows us to take one of the most prominent jurists in our country and place her in a position of international importance and responsibility, who are we to stand in the way of that? Who are we to fuss over that wonderful prospect for our country?

Madam Justice Arbour is serving Canadians and the citizens of the world. We should be proud of her and help her do that.

**Mr. Myron Thompson (Wild Rose, Ref.):** Mr. Speaker, I have a couple of quick questions.

I assume the member is a lawyer, which is not too important, but if she is maybe should would understand the definition better than I would. It is my understanding that orders in council were brought into this House for the purpose of emergency decisions, things that come up that are really of emergent nature, like during wartime giving ministers the authority to do certain things that were required because of a very emergent type situation. It has been my understanding and it has been confirmed by other politicians from the past that orders in council were not to be used as they were in Bill C-42.

I think what is in question is that the orders in council were in direct violation of the Judges Act. Since it is in violation of the Judges Act should it not be debated and questioned? We certainly would not want orders in council to start being abused. We know that possibility exists and that is what we do not want to happen.

Second, could the member explain to me why the numbers in the victims' groups such as CAVEAT, CRY, MADD, FACT, et cetera are growing by the hundreds? They are demanding more and more each day that we do something about the problems. If things are so rosy, could the member explain to me why the membership in these victims' groups is growing steady and why we have millions of signatures on petitions that have been tabled in this House demanding that we do something about the crime in this country?

**Ms. Cohen:** Mr. Speaker, I did not suggest that things were rosy or that the numbers were rosy. What I suggested was that the Reform Party speakers who have gone before me on this debate, one in particular, the member for Medicine Hat, have exaggerated the state of the Canadian psyche in terms of their fears. Quite frankly, politicians, journalists, commentators and others who do

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that are pandering to fear and attempting to create in the minds of Canadians a false impression.

• (1545)

Victims groups have come to the government on many occasions and on many bills. In fact I have met with a great many victims organizations and not part of organizations, in my riding and in my capacity as a member of Parliament and a member of the justice committee.

What is important in dealing with these groups is that we have a full and frank discussion and that we then work toward helping them. What is equally important is to work to prevent crime so that there are fewer victims. On the issue of victims, the government has a good and a steady record of listening, of consulting and of dealing with their concerns.

On the issue of orders in council I am afraid I am not clear on what the hon. member was alluding to, but I would like to suggest it is important for us to get on with Bill C-42. It is important for us to let Madam Justice Arbour know that she has the support of Canadians in the very important work that she is doing.

**Mr. John Williams (St. Albert, Ref.):** Mr. Speaker, I want to ask the hon. member a couple of questions.

In her speech she said it was important to get on with this and to pass Bill C-42 because it is important to get on with fighting crime. There are all kinds of crime: white collar crime; violent crime; embezzlement; forgery, you name it. The Criminal Code is inches thick.

What concerns Reform is that on October 7, when the Minister of Justice was before a Senate committee he said, and I am paraphrasing: "There is no provision in the Judges Act for Madam Justice Louise Arbour to accept this appointment with the United Nations". Madam Justice Louise Arbour is already over in the Hague working in this new position. It conflicts with the Judges Act and it conflicts with the minister's actual words. Yet at the same time he puts through an order in council which states that the whole thing is legitimate. Hence, the Reform Party is asking these questions, I believe quite legitimately. I would like to hear the member's comments on that.

Second, she says the justice committee is working hard and doing its job well. We know full well that the hon. member for Wild Rose had to come into the House to get the chairman of the justice committee—the member in question—to do the job that she is supposed to do as chairman of the committee, which is to listen to the Reform members who want to make motions.

Mr. Speaker, you have ruled that the Reform Party's position was perfectly correct. We had the opportunity to make these motions which were ruled out of order by this particular member, who is the chairman of the justice committee. I do not feel that is doing the work in the justice committee.

**Ms. Cohen:** Mr. Speaker, on the first question let me quote precisely what the Minister of Justice said. He did not say what the hon. member for St. Albert has suggested. In fact, he said: "There is no provision in the Judges Act for a federally appointed judge such as Madam Justice Arbour to be granted a leave of absence without pay to work for an international organization such as the United Nations. Nor does the act permit the salary and expenses of a judge during a period of leave to be paid by any organization or entity other than the Government of Canada, or in the case of expenses by the government of a province".

His point was this. The amendments contained in Bill C-42 which have the full support of the chief justice of Canada and the judicial council would permit this type of arrangement to be entered into by Madam Justice Arbour.

• (1550)

The issue is not whether she can work, the issue is whether she can legally be paid by the United Nations to do so. It is a technicality to allow Canada once again, I repeat, to be honoured in the international forum by having one of our leading jurists conduct a very important function.

With respect to the other matter, unlike the Reform Party, as chair of the justice committee I am prepared to make a ruling, to stand by that ruling and to await the word of the Speaker. The Speaker has spoken on the motion, not exactly the way the hon. member has suggested. I was pleased to have his advice and I am pleased to abide by that ruling.

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## THE ROYAL ASSENT

[English]

**The Speaker:** I have the honour to inform the House that a communication has been received which is as follows:

Government House  
Ottawa

November 28, 1996

Mr. Speaker:

I have the honour to inform you that the Honourable John Major, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy Governor General, will proceed to the Senate Chamber today, the 28th day of November, 1996, at 6 p.m., for the purpose of giving royal assent to certain bills.

Yours sincerely,

Anthony P. Smyth,  
Deputy Secretary,  
Policy Program and Protocol

## GOVERNMENT ORDERS

[English]

### JUDGES ACT

The House resumed consideration of the motion in relation to the amendments made by the Senate to Bill C-42, an act to amend the Judges Act and to make consequential amendments to another act; and of the amendment.

**Mr. Ted White (North Vancouver, Ref.):** Mr. Speaker, I am pleased to speak on Bill C-42.

The member for Windsor—St. Clair tried desperately in her speech to twist Reform's position with respect to this bill by implying that we were criticizing Madam Justice Louise Arbour. We are not. We are criticizing the process that is being used by the government to deal with this matter.

She also tried to take credit for a number of bills for which she read out the numbers, bills that achieved certain things in the justice area. Most of these bills would never have been presented if there had not been a Reform presence in this place. Most of those bills did not go even a fraction as far as the people of Canada would have liked them to go.

The one that was really outstanding and which she tried to take complete credit for from the Liberal perspective was Bill C-102, the DNA bill. The fact is it was the member for Wild Rose who initiated that bill. Everyone will remember that right here in the House during question period he manoeuvred the Minister of Justice into giving a commitment to deal with the bill within a 48-hour period. It is the member for Wild Rose who deserves congratulations for that. It was a fantastic bill.

The very first case which was solved using that bill was in my riding of North Vancouver. I am certainly one person, and my constituents are a whole group of people who are very grateful to the member for Wild Rose for having initiated that bill.

Another thing the member for Windsor—St. Clair said that really needs correction is that Reform would introduce capital punishment. How many times do we have to say this to get it through to these Liberal members who obviously have some hearing impairment? It is Reform's position that we would put the question of capital punishment to the people of Canada directly in the form of a binding referendum.

I suspect that the member for Windsor—St. Clair knows what the outcome would be. The fact is there is no Reform policy on capital punishment per se, but there is a Reform policy on giving the people of Canada the right to decide. If the outcome was that the people of Canada wanted the return of capital punishment, I am

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sure it would be terribly distressing to the member for Windsor—St. Clair who seems to think that she knows better than the people of Canada how to handle justice issues. I can understand why she would be upset at Reform policy, but I would not want anybody out there to get the wrong impression about what Reform policy is on capital punishment.

• (1555)

As the member for Wild Rose mentioned, the membership in victims groups is growing by leaps and bounds. It is just exploding because of the lack of action on things like the Young Offenders Act. The member could not possibly tell me with a straight face that she does not still receive lots of letters and phone calls complaining about the Young Offenders Act.

The fact is that the twiddling with the edges of it that occurred in this House, compliments of the justice minister, were ineffective. They just made it worse. They have not done anything to deal with the real problems in that act.

Finally, in dealing with items that were raised by the member in her speech, when she talked about prevention of crime, I gave a speech in this House a couple of months ago where I gave detailed statistics from the Institute of Justice, statistics which indicated quite clearly from the United States that states which had higher incarceration rates had lower rates of crime. The estimate was that over a 20-year period there were tens of thousands of rapes prevented by having repeat rapists locked in jail. Hundreds of thousands of burglaries and robberies were prevented by having known robbers and burglars kept in jail.

A component of crime prevention is recognizing the people you are not going to rehabilitate and protecting society from those people. If we could get it through the heads on the other side of this House to start looking at that, we would not have these ridiculous, idiotic decisions coming out of immigration and refugee boards, coming from judges across this country that are just letting all sorts of criminals run free in our environment. Most Canadians are fed up to the hilt with it and they just wish we could get on with protecting society.

The motion which is being debated is an amendment to Bill C-42 introduced by the government through the other place. It removed the section dealing with a new public policy allowing judges to accept international assignments. The government replaced it with a specific exemption to the Judges Act to allow Madam Justice Louise Arbour to accept a position at the UN as a prosecutor for international war crimes at the Hague.

It is interesting that the Senate made this amendment and sent it back. I have been quite surprised at the amount of involvement of the other place in the activities of this House over the last couple of

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years. They have modified and sent back items to this place a number of times.

It has been Reform policy for a long time that the other place needs an overhaul. It needs to be made elected, equal and effective. It is actually quite impressive that there has been some sober second thought. Some material has been sent back here. I am actually quite impressed in some ways.

There is an interesting little twist which has to do with that place which comes out of something that took place in this House on December 7 last year when the justice minister announced that B.C. would henceforth be considered as a fifth region in the country on a par with the prairies, Ontario, Quebec and Atlantic Canada. A journalist in the Vancouver area, Barbara Yaffe, wrote a piece about this and it was quite interesting.

A problem has been created as a result of that and it really has not had much exposure in the House. The B.C. Liberal members have been fretting about it. I guess they were hoping that it would never come to public notice but it has. If B.C. is a fifth region, why does it not have an appropriate share of the Senators?

Historically each of Canada's four regions were accorded 24 Senators. As a result of being lumped in with the prairies in the previous four regions model, B.C. has only six Senators. As a fifth and separate region, surely its Senate numbers should be adjusted up to 24 or at the very least have the rest of the other place adjusted downward in numbers so that proportionately it is back in balance.

That is a very interesting idea. It could really have an effect on the type of actions that are taken by that other place in returning bills like this Bill C-42 with amendments and degrees of sober second thought for us to reconsider in this place. That would be a major improvement for the other place. I hope it has not been too embarrassing to have brought that up in the House today for consideration.

• (1600)

Returning to Bill C-42 specifically, we have been very distressed, as a number of members have mentioned, that time allocation has been moved on the bill. The number of times that time allocation has been moved over the past few months is very distressing. If memory serves me right, time allocation has been used by this government more often than by the Mulroney Tories. After all the hoopla in the red book about how democratic this place was going to be, it has actually turned out to be a complete disgrace.

**Mr. Benoit:** Worse.

**Mr. White (North Vancouver):** Worse, as my colleague says. Much, much worse.

One of their own members has spoken out publicly about how bad it has become. On August 9, 1996 at a meeting of the Rotary Club of Toronto, the York South—Weston Liberal MP gave a speech which he titled: "Honesty, Ethics and Accountability: Does it exist in Canada's political system?" He spoke about all sorts of things, including closure. He talked about how MPs, in order to advance in the power structure of this place, usually have to sacrifice the public interest to their own ambitions.

We have a situation where members of the government will vote for closure or time allocation because they are afraid that if they do not, there will be some sort of punishment coming down the pipe. Yet they know in their hearts there should be more discussion on issues such as this one which has come back from the Senate.

The member for York South—Weston said in his speech: "The real power, the ability to influence, is concentrated in the office of the leader of each of the parties. It is most pronounced in the case of the government, where the power is in the Prime Minister's office, or the PMO as it is known. Surprising as this may sound, in fact, this country is run by half a dozen people, half of whom are unelected. This may not be something that Canadians realize, but it is something they should be extremely concerned about. These unelected officials have a tremendous influence over public policy and the careers of individual MPs. They determine who is rewarded and who is punished, and with that control they have the real influence, and with that influence they have the real power".

That says a lot about the types of processes that take place in the House which lead to closure on a very important issue like this one.

We are not criticizing the individual justice who has been honoured with a request that she go to the United Nations to work on a special tribunal. That really is not the point. The point is the way the government has handled this issue which could potentially place a judge in a conflict of interest position upon her return to Canada.

Time allocation and closure are not the only problems we have in this place. There are other problems which impinge upon the ability to properly function democratically and to discuss these issues in a fair and honest manner. One of those issues was brought up by my colleague, who mentioned that he had to go to you, Mr. Speaker, for a ruling as to whether he was free to speak in a committee of this House.

There are serious problems with the committee structure. In fact, the member for York South—Weston in his speech to the Rotary Club of Toronto, in talking about chairs of committees said: "Committee chairs should be elected by their peers as opposed to the present soviet style system. Elections for chairmen are currently a farce. The PMO selects a person and government MPs go through a phoney ritual to vote for the PMO choice".

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That was certainly borne out by my observation of the system. For example, in September not only did the Vancouver area Liberal MPs vote for the PMO choices for chairs, but they also voted for members of the Bloc to be the vice-chairs. They voted for separatists. We know they are controlled by the PMO. That is very clear.

• (1605)

As the member for York South—Weston said as he closed his speech that day: “Restoring real power to individual MPs will ease cynicism and restore confidence in our system of government because it will make every single voter more powerful. By reforming the parliamentary system, the current concentration of power will naturally break down and that will, in my opinion, be a large step in the right direction”.

That is very telling. It is a shame to hear today that the Liberal government has intervened to disband the riding association of the member for York South—Weston, to impose its Liberal bagmen appointed riding association to remove from nomination a member who chose to represent his constituents. It is a disgrace that we have to bring that sort of thing to the notice of the public. It should not be happening. Individual MPs in this place should have a great deal more power.

It extends so far into everything we do. I had a complaint from the Canadian Plywood Association in my riding. A market access subsidy in plywood is provided to eastern based manufacturers but has been discontinued for western manufacturers. Where is the fairness in that? These things are mostly done for political reasons. It makes people very upset in the west that they are constantly left out of decisions or are treated very shoddily. Certainly the Canadian Plywood Association is very upset by that decision. I was asked to mention that in the House so I am pleased I was able to bring it into my speech today.

Bill C-42 in allowing the appointment of a judge to the UN to work on a tribunal on war crimes really relates to the whole area of justice. We have heard several Reform MPs talk about how the justice system has deteriorated here in Canada and what a disgrace it is. I certainly have had my share of problems with illegal refugee claimants in my riding who continually commit crimes so they can use the system to stay in Canada.

There is quite a dramatic case in my riding. I will quote from another local columnist who states:

If you are caught doing something naughty, like forging and selling passports, make sure you come up before B.C. Supreme Court Associate Chief Justice Patrick Dohm, who is full of the milk of human kindness.

The judge sentenced an Iranian passport expert to all of three months, to be served at home with an electronic beeper.

The maximum sentence for forging passports is 14 years. What does Associate Chief Justice Patrick Dohm do? He gives him three months at home with an electronic beeper. What an excellent opportunity for a home based business. The man was working from home in the first place, no taxes to pay, no business licence and no GST returns. It is a wonderful home based business facilitated by a decision of an associate chief justice. Is it any wonder that people are disturbed with the way our justice system has gone when they hear that sort of thing.

The considerate court went on to say that the offender, Mr. Ashrafinia, was just a spoke in the wheel of a larger passport forgery operation. Now I ask, does being a spoke in the wheel mean that there is no responsibility and he should only get three months for forging passports? This man was charging \$1,200 and \$1,500 per passport. It sounds like a pretty profitable enterprise, especially since there is no GST or taxes to pay. Anyway, we should probably bring out the violins because the lawyer complained. He said that jail time for his client would be a hardship because he does not hear very well. There it is.

I am also quoted in this article as saying that I hope that we never start electing our judges because elected judges would probably begin reflecting community values and that associate chief justice would then have to start handing out the sorts of prison terms we would expect for that sort of disgraceful conduct.

In fact, if this House would pass my private member's bill dealing with the Immigration Act, we could deport these people in lieu of a sentence. We could get rid of them right out of the country without having to worry about years and years of Immigration and Refugee Board appeals, all sorts of nonsense that just drags the system on and on and on.

• (1610)

The member who spoke before me said that the Reform Party uses scare tactics to get people upset. The fact is the newspapers are full of this stuff. I have here a folder which is full of pages and pages about the disgrace of our justice system. It goes on day after day after day.

In the Vancouver *Sun* of Friday, October 25: “Deportation of Ontario drug dealer overturned as unfair”. It is unfair to deport a drug dealer. The article states:

A federal judge has overturned the deportation of a convicted drug dealer, dealing a blow to a controversial law allowing some people to be deported without a hearing.

Justice Barbara Reed, of Federal Court of Canada, ruled it was unfair to deport Jeffrey Hugh Williams because the law did not require he be told why he was considered a danger to the Canadian public.

Tell me, does a convicted drug dealer need to be told why he is a danger to the public? My goodness, to the Liberals opposite, obviously he does. So we are stuck with him and he is released out into the public again to do it all over again. Mr. Williams is a

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34-year old who came to Canada from Jamaica when he was nine. He was sentenced to a four-year prison term in 1992 for possession of a narcotic for the purpose of trafficking.

I had another case in my riding. It took me five years working prior to my being an MP and as an MP to get rid of a convicted home invader and heroin trafficker in my riding. The Immigration and Refugee Board after he had been convicted of home invasion and imprisoned—home invasion is something that Canadians never even thought about 10 years ago and here we have home invasions going on.

Anybody who lives in the Vancouver area knows that home invasions have become something that we read about fairly regularly in the newspapers. If the member who spoke before me thinks there is not a problem, she should live in Vancouver for a little while.

This man was locked up for home invasion. The Immigration and Refugee Board listened to his appeal hearing on the deportation order and said: "He feels so remorseful about it, he is really not a bad person. We will give him another chance". Within three months he was on the streets again dealing drugs.

The IRB is so naive it should be disbanded right away. All of this relates right back to the whole way that this government approaches things. It brings closure on very important justice bills and forces us into having to deal with all these issues in just a matter of hours.

**Paul Forseth (New Westminster—Burnaby, Ref.):** Madam Speaker, the member for Windsor—St. Clair, who I can say is probably the worst chairperson of a justice committee that I have ever seen, was really self-serving and over the top in the defence of the Liberal justice agenda. She went on to talk about the Reform Party opposing merely for the sake of opposing.

We say three things about our role in this House. First we have a duty as an opposition party to hold the government to account and test the veracity and merit of what it brings forward in legislation and how it delivers its governance. Second, we desire to compliment the government when it goes in the right direction. Third, if we heavily criticize, we must be prepared to present thorough and realistic alternatives on the table for all to examine.

We are doing this specifically with Bill C-42. I have in my hand the Order Paper which contains the specific amendments we have brought in which would make this bill acceptable to our party. I would like the member to talk about the unacceptable approach the government has taken and also to highlight the solutions we have brought to this House to be voted on that would find Bill C-42 acceptable to us.

**Mr. White (North Vancouver):** Madam Speaker, that was a great comment about the committee process that was raised by the

member and also questions on what we would do in bills like this one. I would like to treat that in a general sense because I have experienced similar sorts of problems. He talks about the justice committee and how bad that chairperson was.

• (1615)

I was on a subcommittee dealing with Bill C-25. We had a whole day of hearings supposedly set aside and what happens? The Liberal majority passed a whole bunch of clauses in that bill. I think it was clauses 26 to 109 or 119 in one batch. Just one lump sum. The whole thing.

How can you deal with a very complicated technical bill or very complex justice bills by passing 70, 80, 90 clauses in one batch? The only reason it happens is because in that committee we were told absolutely, distinctly they would not tolerate any substantive amendments.

That is the sort of abusive process that goes on behind the scenes in this place. It is this kind of abusive process that raises the sort of comment that was just mentioned by my colleague for New Westminster—Burnaby, the whole issue of chairmanship of committees, what happens there and our inability to introduce meaningful amendments.

For example, we had a number of amendments to Bill C-42. The hon. member for Crowfoot, seconded by the hon. member for St. Albert, put forward an amendment:

That the motion be amended by deleting all the words after the word "that" and substituting the following: "a Message be sent to the Senate to acquaint their Honours that this House disagrees with the amendment 1 made by the Senate to Bill C-42, an act to amend the Judges Act and to make consequential amendments to another act, and that this House agrees with the principle set out in amendment 2, but would propose the following amendments:

(a) insert the words "for a period not to exceed three years" after the words "judicial duties" in section 56.1(1);

(b) strike out all the lines in section 56.1(2) and substitute the following:

"If Madam Justice Arbour elects to take leave pursuant to section 56.1(1) she may receive moving or transportation expenses and reasonable travel and other expenses, in connection with her services as Prosecutor, from the United Nations".

(c) add the following words to section 56.1(3):

"notwithstanding any prohibition against accepting any salary fee, remuneration or other emolument described in section 57";

(d) add the following words to section 56.1(5):

"and that benefits payable under these sections will be paid or will commence to be paid at the expiration of the leave of absence without pay".

Even if people were not able to follow that closely because they did not have the bill before them, I think that everyone would be able to tell that a lot of thought went into the wording of that amendment. It is substantive. There is a lot of meat to discuss and we really should have extensive discussion of that in the House. Instead of that we get these things rammed through. We get

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closure, we get committees shutting us down and it really is unacceptable.

**Mr. Leon E. Benoit (Vegreville, Ref.):** Madam Speaker, I would like to have the hon. member comment on something that I talked about in the House earlier today. It is a conversation I overheard between my 17-year-old sons. They were talking one night while doing their social studies homework. They study Canadian government. They were discussing some things about the Canadian government which clearly are not democratic.

One of my sons in commenting to the other said: "Really, what it seems to me we have in this country is a Prime Minister who is pretty much fairly elected". I could not have put it better myself. I was so proud of them, their teacher and their fellow students for having come to that conclusion. I believe that really reflects the system that we have in this country.

We have seen closure used so many times routinely. Orders in council are used instead of bringing issues before the House. We have heard of the Prime Minister threatening Liberal MPs that if they do not toe the party line they will not be running as Liberals again. This was done publicly as I am sure it is done privately.

• (1620)

Could this member comment on my son's evaluation of government in Canada?

**Mr. White (North Vancouver):** Madam Speaker, I can best handle my total agreement by reading a short quote from the speech given by the Liberal member for York South—Weston to the Rotary Club of Toronto on August 9: "The whip's role is to tell people when and how to vote." It is a sad reflection on our system of government when people, presumably intelligent people, have to be whipped into voting a certain way. It is also contrary to the public interest and it feeds the cynicism and almost contempt that Canadians have for their elected representatives. "The notion of disciplining reasonably intelligent adults who were given the trust of their constituents is a practice that Canadians reject. If the leader cannot count on the majority of members of his own team to support a particular policy based on its merits, obviously there is something wrong with it.

"Allowing free votes on every issue would show true leadership in this country, whether it is the leader of the government or of any of the opposition parties".

That answers perfectly the comments that were made by the member's sons when they recognized, without even having to be here, that it is basically a five-year dictatorship.

**Mr. George S. Baker (Gander—Grand Falls, Lib.):** Madam Speaker, I have been sitting here listening to the Reform Party talk about everything under the sun: the meetings in York South—West-

on, the colour of grain, the Prime Minister, the red book. Reformers have been talking about things that happened years ago. One wonders what the opposition parties are up to.

A very simple piece of legislation is before the Chamber today. It is a wonderful piece of legislation. The bill has only seven clauses. A moment ago the hon. member talked about 80 and 90 clauses in a bill. I do not know what bill he was talking about. This bill has seven or eight clauses.

He just talked about amendments to the bill that had to do with remuneration of judges while the judges were away. The bill clearly spells out that the judges will not receive remuneration from the Government of Canada while they are in those capacities in the international arena.

So it is again that there is something wrong, especially with the Reform Party members. We could say they are frustrated. They are frustrated with the lack of support they have from the Canadian people and they are frustrated with the amount of support the government has from the Canadian people. Therefore they direct their attacks in very selective areas.

As the opposition points out, this debate is on amendments from the Senate, which the Reform Party does not like. They say they do not like anything from the Senate. What was the last bill with amendments from the Senate that the Reformers absolutely loved? Which bill was it? There were amendments from the Senate which indicated the direction of the Senate.

The Reform Party members and the Bloc members stood up and they loved it. They fell over one another. They were so happy, overjoyed. They fell over one another they were so happy. They were overjoyed. They were just heating up. They loved it. The Senate could not have done better. The Senate should have gone even further. "We love the Senate. Come on Senate, bring us more".

• (1625)

What was that? Does the House recall? It was not very long ago. Yes, I can see that you remember, Madam Speaker. It was the gigantic tax breaks that the Senate wanted to give to the rich. Remember that?

That was an international bill as well. This bill deals with international activities of our judges. That bill dealt with international activities of money that was made in Canada and invested in foreign nations. They loved that international bill.

What did they particularly love about the bill? They loved the portion of the bill that said the huge foreign companies operating in Canada would get a 50 per cent tax cut. They loved it. Of course, the Government of Canada would not allow the Senate to go as far as these political parties wanted it to go. Those dividends, those profits from the subsidiaries, would have gone back to the parent

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companies in another international setting in that other international bill. They loved it.

As well, they loved the reduction in the taxes on royalties and trademarks. That is the money that goes to international firms that have their head offices in other parts of the world. The Reform Party just loved it. Reformers loved it so much that they did not even want to speak on it. The Senate brought in the amendments and they were tripping over one another telling each other: "Do not speak on this". They selected only one member to speak on it.

The other section that these Reform Party people loved was the interest that was made on investments in Canada by international banking institutions. That is the 30 per cent tax cut that they wanted to see.

There were other things which are too numerous to mention. However, we can tell that Reformers are very selective in what they like about the Senate. When the Senate follows their party philosophy of giving more to the rich, of supporting the banks, of supporting the international profits made in Canada and cutting taxes, they love it.

It did not stop there, as we will recall. The Bloc loved the last bill which the Senate sent to us. That bill said that people who have property in the United States and other nations worth over \$600,000 should receive a tax credit in Canada for it. They just loved that provision which was sent from the Senate.

The opposition is very selective in whether it likes or dislikes from the Senate.

They do not particularly like Canada's reputation on the international scene. Our reputation in the rest of the world has dramatically changed in the past three years. The Government of Canada, under the administration of the hon. member for Saint-Maurice, has been in power for three years. The Reform Party and the Bloc should be standing up every day and praising the Government of Canada for its international reputation.

• (1630)

I suppose the reason the opposition parties are so frustrated is because their policies, the things they said in their policy materials before the last federal election, were about the international scene. Reformers talked about Canada's reputation. Their policies were about Canada's deficit in relation to the GDP, but compared to whom? It has to be compared with somebody. The leader of the Reform Party kept comparing Canada to the United States, Japan, Germany, France, the United Kingdom and even Italy in some of his speeches. What has happened?

In the last three years—

**An hon. member:** It's best you don't talk about the G-7.

**Mr. Baker:** The hon. member talks about the G-7. Today there is the OECD in Paris with economists from 28 nations. When they

looked at Canada, what did they say about the G-7? Who did they name as being the most progressive, the nation with the lowest deficit/GDP of the G-7, the one with the most economic growth this year and next year and the year after, the one that was placed on the best financial footing of all?

**Mr. Kirkby:** Who was that?

**Mr. Baker:** Which country was it? Was it Italy?

**Some hon. members:** No.

**Mr. Baker:** Was it France?

**Some hon. members:** No.

**Mr. Baker:** Was it the U.K.?

**Some hon. members:** No.

**Mr. Baker:** Was it Germany?

**Some hon. members:** No.

**Mr. Baker:** Was it Japan?

**Some hon. members:** No.

**Mr. Baker:** Was it the United States?

**Some hon. members:** No.

**Mr. Baker:** There is only one left. It was Canada.

**Some hon. members:** Hear, hear.

**Mr. Baker:** When Reform Party members look at these international reputations, when they look at the international setting of Canada, when they look at our reputation in other countries, they do not particularly like what they see on the basis of economics, the very basis on which they ran their last election campaign.

There is a simple solution to the problem of the Reform Party. It should tear up its policy papers. It should tear up its budgets. How do Reformers expect the people of Canada to follow their party when they are suggesting that we cannot afford medicare any more? Imagine a political party in Canada today that says we cannot afford medicare any more. Notice they are not denying it.

**An hon. member:** Tell the truth, George.

**Mr. Baker:** The hon. member says that I am stretching the truth.

I keep their budget in my desk just for the occasion when they say that I am not telling the truth about their platform.

**Mr. O'Reilly:** What page is it on?

**Mr. Baker:** It is on page 24. The document is called "The Taxpayer's Budget: The Reform Party's plan to balance the federal budget, provide social and economic security for the 21st century".

**Mr. Hanger:** Lost your place, eh?



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**Mr. Benoit:** You can't find it, George?

**Mr. Baker:** I was not going to read all of it but I will now. This is according to the Reform Party of Canada. This is why its members are so frustrated with their lack of support: "The public may in time agree that although access to a broad range of basic health care should be guaranteed to everyone, the original medicare model in which everyone received everything health care professionals wished to deliver is not only intolerably expensive, it is undesirable". Imagine. What a position for the Reform Party of Canada to take.

• (1635)

Reform members not only say to the Canadian people that we cannot afford our medical services and medicare, they also say that if they are elected they are going to see the medicare system go down the tubes. They make other ridiculous claims. They want, for example, the banks to own our roads.

**Some hon. members:** Oh no.

**Mr. Baker:** Oh yes. They want the banks to own our bridges. They want the banks to own our airports. I notice nobody across the way is saying no to this because I was going to read it out. It is on page 14. It states: "Typically, physical infrastructure refers to traditional features like highways, ports, railways and airports. Given our current fiscal climate, however, governments are ill-equipped to spend money on massive improvements. In Canada, privatize airports and allow private sector companies to build and maintain roads and bridges". Tollgates. Imagine the tollgates in Canada if the Reform Party ever got elected.

If one notices, there is a likeness. There is another political party in Canada that now has practically identical policies to the Reform Party. That party passed at its most recent conference a resolution stating that we no longer can afford the Canada pension plan. Imagine passing a resolution at a national conference stating that we can no longer afford the Canada pension plan. While the Government of Canada and the provinces are struggling to try to fix it, along come the Tories, that great Tory party that was wiped out, having a policy meeting and stating: "Let's allow people to invest their money in a bank account and take the interest".

It made the same statement as the Reform Party of Canada when it talked about medicare. It stated: "Canada can no longer afford our present medicare system and for other reasons", they claim, "it is undesirable".

What we have is a situation where we are asked today to pass a bill that will allow judges to take part in international activities on invitation from other nations, international tribunals and organizations. We have the obstructionist tactics of the official opposition and the third party in the House, namely the Reform Party, to pass a simple bill of seven clauses.

The reason is that the Reform members are frustrated. The bill came from the Senate. They only want to see things from the Senate that match their policy, that is, give more to the rich, give it to the billionaires, give it to the big corporations. That is what they supported in the last amendments from the Senate and that is what they love to see. That is what they put through the House with only one speaker for a period of seven or eight minutes.

The other reason why the Reform members are so frustrated is because Canada is seen today on the international scene as progressing more than any other industrialized democracy in this world. We are now placed on the top by every international standard, from the IMF to the OECD whose job it is to examine the economies of industrialized democracies around the world. That is why Reformers are so frustrated. They do not know what they are going to do because they know they are going to end up in defeat again after the next federal election.

• (1640)

**Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.):** Madam Speaker, that was certainly a very eloquent, very refreshing, very exciting speech of the hon. member and certainly one that Canadians would appreciate.

Perhaps the hon. member could talk a bit about what could be the reason for this hesitancy on behalf of the Reform Party to participate in international tribunals, to take part in very just and worthy enterprises within the international community. Canada has a tremendous reputation in the international community for participating, for helping, for working hard to make sure that the rule of law is obeyed and enforced at all levels.

I wonder if the hon. member could tell us why the Reform Party is so reluctant to participate in these very noble endeavours.

**Mr. Baker:** Madam Speaker, first of all let me congratulate the hon. member for Prince Albert—Churchill River for the magnificent job he has done in this Chamber since his election and his great contribution to the passage of legislation and also the great speech made by the hon. member for Windsor—St. Clair a few moments ago.

In response to the hon. member's question, the answer probably is this. Since the Reform Party has been a member of this Chamber it has seen Canada internationally become somewhat of a hero not just in the economic field, not just in the field of peacekeeping, but also in the field of making international law, of standing up for the environment, of passing legislation that says that nations around this world can no longer plunder the resources of the sea and get a way with it; that Canada has led the way in the United Nations, at the United Nations conferences of the sea and the environment and

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has consistently led the way in practically every issue that has dealt with the environment in the past three years; and also our economy.

I think that is why mainly the opposition party really does not want to become involved in any of these international activities of the Government of Canada. But of course the one exception is if these international agreements that we pass in the House help along, I suppose we could say their policies, that will assist in some way in their philosophical direction; that is, in giving tax breaks to the very wealthy or in having tax treaties, for example, that is fine.

The House will notice that whenever a tax treaty is introduced they always have been, if we examine the committee proceedings, very interested in giving huge tax breaks to the international corporations of the world who do business today. They are not too anxious to talk about transfer pricing or anything like that, but they are certainly interested in those across the board tax cuts to those very large U.S. corporations who do business in Canada and elsewhere in the world.

**Mr. Leon E. Benoit (Vegreville, Ref.):** Madam Speaker, I would like to begin by commending the hon. member opposite for being a very eloquent speaker. That is a rare gift and it is very entertaining indeed to listen to the hon. member. I do congratulate him for that. The substance clearly is another issue entirely. There was a noticeable lack of substance to the member's speech.

I am here to talk about Bill C-42 which is a bill which was presented to the House from the Senate. I want to make it clear that what we are objecting to today is process. We are not objecting to Madam Justice Louise Arbour being appointed to do this international service that the member opposite talked about. Just to make it very clear, it is process which we are concerned with.

• (1645)

We have seen a complete lack of regard for democracy and a complete lack of democratic process in this House over the past three years. Actually, sometimes it sickens me. Closure is invoked almost daily. Legislation is rammed through by order in council day after day after day.

The Prime Minister tells government members of Parliament that they had better not vote against a government bill because if they do, they will not be running again as members of the Liberal Party. The Prime Minister did that when Bill C-68 was being debated in the House. That is a threat which clearly throws out the whole concept of democracy. The Prime Minister says to his own members of Parliament: "I am going to end your political career if you do not toe the party line".

The former Liberal MP in his speech in Toronto to the Rotary Club stated it very well. He said that the Liberal government is run by the Prime Minister and two or three key people.

We are arguing against the process. Reform does not believe that this bill should be passed. Therefore, pursuant to Standing Order 26(1), I move:

That the House continue to sit beyond the ordinary hour of daily adjournment for the purpose of considering amendments made by the Senate to Bill C-42, an act to amend the Judges Act and to make consequential amendments to another act.

• (1650)

**The Acting Speaker (Mrs. Ringuette-Maltais):** I would like to inform the hon. member for Vegreville that I cannot accept this motion since a time allocation motion dealing with this particular bill has already been accepted in this House.

**Mr. Williams:** Madam Speaker, on a point of order. The time allocation order that you refer to states: "and, 15 minutes before the expiry of the time provided for government business on the allotted day of the consideration of the said stage of the said bill, any proceedings before the House shall be interrupted".

We now have a motion, which is in accordance with our Standing Orders, which extends the time provided for government business. The time allocation motion is still in effect except that if the House approves the motion by the member for Vegreville, the House would now make another decision with respect to the time provided for Government Orders. Therefore I believe, Madam Speaker, you will find the motion in order because it is within the time allocation motion made earlier today by the government.

**The Acting Speaker (Mrs. Ringuette-Maltais):** On your point or order, the hon. member for St. Albert, I remain and I stand on the decision I have made on the motion for the member for Vegreville. We are now continuing debate. Does the hon. member for Vegreville want to continue on debate?

**Mr. Benoit:** Madam Speaker, as I was saying before I presented the motion, Reform will not support Bill C-42 because of process. I was talking about what has been wrong with the process in this House for the three years we have been here and before. This is not new.

This government has had three years to at least make it look like it is honouring some of the commitments which it made in the red book with regard to making this place more democratic, making government more accountable. In fact we have seen that it has moved farther and farther away. The government is now farther away from having a democratic government than anything we have ever had before. That is why we had better talk about process here.

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I would like to comment on what should take place in this House and some changes that Reform has put forth. They are in our fresh start platform. They are part of our guarantee to Canadians that what we promised during an election campaign will be honoured. In this fresh start guarantee as we call it we give the power to the people in this country. We give the power to the people.

Some Liberals across the way are pretty uncomfortable with this and so they should be. They have heard the threats from the Prime Minister. He has told them they had better support government bills or they will not be running as Liberals next time. They know what happened this morning. A former Liberal member had his whole executive thrown out by the Liberal Party. How democratic is that? His whole party executive in his constituency was thrown out by this government. That is the most recent demonstration of the lack of democratic process in this place.

Reform wants to change this and we have put forth several specific proposals for doing that. They have actually been presented in the House before.

One example is the right to recall a member of Parliament. We want to give people the direct power to fire their members of Parliament between elections if they are not representing the constituents' views in this House. Clearly members of Parliament are not representing the views of their constituents in this House if they live under this threat by the Prime Minister. They will not be allowed to run again under the Liberal Party banner because the Prime Minister will not sign their nomination papers.

• (1655)

We know there are not many members of Parliament who win as independents. Some of these Liberals sitting across the way should be thinking about that because quite possibly some of them will not be allowed to run again under the Liberal banner. Their chances of getting elected as independents are very slim. There are very few who could in fact do that.

The member of Parliament for Beaver River has twice sponsored a bill in this House which would have given to the people the power to fire their member of Parliament between elections if the member was not representing the wishes of the constituents. Twice it was shot down by the Liberals and the Bloc who voted against the bill on both occasions. They teamed up and shot down this bill which would have given that kind of power to the people.

There was a second piece of legislation which was sponsored by the member for Mission—Coquitlam, a Reform member of Parliament. It would have put in place freer votes in the House of Commons. It was a very simple change which would have made it so a government bill could be defeated without defeating the government. It would require a separate non-confidence motion to

pass the House to bring the government down. The bill was shot down by the Liberals and the Bloc.

And they are laughing about denying Canadians the right to be represented in this House by members of Parliament who are responsible to the people rather than to the government and the Prime Minister. They are laughing about that kind of thing. Quite honestly I find that sad. It is sad. I would not laugh about that.

The member for Mission—Coquitlam sponsored the bill, a change that was made in the House in Britain probably 20 years ago. It was shot down by the Liberals and the Bloc, a second major change.

Let us talk about what would have happened had the recall bill and the bill which would have put in place freer votes in the House of Commons passed. Imagine what that would give to Canadians. It would give Canadians a power that they have never had before.

When the Prime Minister and the whip of the party tell the members that they will toe the party line whether or not their constituents back the bill, at that time the people back home would say: "You listen to us because we will recall you. We are going to fire you before the next election". The choice for the member would be either not to have the nomination papers signed or to be fired by the people back home. It would give more power to the people back home.

The freer votes would give members of the governing party, these same people who are heckling and laughing at these changes which really would give the power to the people, the right to represent the majority of their constituents in this House without the fear of defeating the government. They could defeat a bill. We as an opposition party might bring forth a non-confidence motion. Only if the motion passed would the government be defeated. The bill would not pass but the government would not be defeated.

These two changes would completely change the relative power of the people and of the Prime Minister and the little select group that runs the country now. They would change the system from a system that my two 17-year old sons recognize pretty much as an elected dictatorship. That is their own evaluation of our system which I think is very accurate. They would change the system to one in which Canadians really did have the power over their members of Parliament and where their views really would be represented in this House. That will be a change that Canadians will welcome and a change that is long overdue.

• (1700)

Those two changes alone completely retit the balance of power toward the people. We are also proposing a triple E Senate, a Senate that is elected by the people, not appointed by the Prime Minister and that small group of people who run the country, according to my sons' evaluation, with an equal number from each province, not the imbalance that we have now, and a Senate which

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is effective enough to stop legislation that is unfair to any region of this country.

I know and people from Alberta and western Canada certainly know that we should have had that when the national energy program was put in place. It would have never been put in place. The triple E Senate would stop this kind of nonsense.

Another change that we put in our fresh start guarantee is the use of national referendums to settle issues like capital punishment, abortion and physician assisted suicide. These are important social issues and important to a wide range of Canadians. This change would put power directly in the hands of the people. They would not have to go through their member of Parliament any more. This would give people an equal say on settling these important issues, abortion, capital punishment, physician assisted suicide and so on. That is a change which Canadians certainly would welcome.

These members scoff and laugh at that change because they just do not understand that we could have a system that is that democratic. That is the kind of system Reform wants, the kind of system supporters of Reform want and the kind of system that we are going to do our best to put in place.

At this time I would like say that these changes are changes that Canadians do support right across the country. These are changes that this Liberal government has had three years to put in place and which Liberal governments of the past have had 20 years out of the past 30 to put in place. They have not been put in place.

It is a sad commentary on the lack of a belief in true democracy on the part of this government, and Canadians, I believe, will not tolerate it. This next election will be as much about making the system democratic as it is about anything else. Reform is the only party that will offer a true democratic government in this country. We know that because the Liberals have shot down all these motions and bills that we have brought forth which would have made the changes needed to make this country democratic. They should be ashamed.

**Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.):** Madam Speaker, thank you for this opportunity to make a few comments and ask some questions of the hon. member for Vegreville with respect to Bill C-42.

This is certainly a great opportunity for Canada to participate in the international stage and once again show the leadership that Canada is known for. It is probably enforcing and assisting to enhance the role of the rule of law in the international forum. We know that it is out of respect for Canada's integrity, its peaceful

nature and its reputation for fairness that it has been asked to participate at such a high level in prosecuting war crimes, war crimes that involve some of the most heinous and violent activity, activity which can only be viewed as an abomination. Certainly, right thinking people who view nations as having a responsibility to participate in enhancing this role and in bringing those to justice who have perpetrated these crimes would support participation.

• (1705)

The Reform Party is suggesting that there is a technical breach. There is not. It is quite clear that proper authorization was given to Madam Justice Arbour to participate in this forum. The purpose of this bill is to allow the United Nations to pay Madam Justice Arbour directly in order to allow compliance with United Nations rules. Clearly the steps which have been taken have been entirely appropriate in complying with the law and in changing it in order to facilitate the applicability of UN rules.

I put a question to hon. members of the Reform Party. When it comes to international activity, to helping other nations, to standing up for the rule of law, international fairness and morality, and to ensuring that we take a tough stance against violence in the international forum, why is it that every time we seek to engage in such noble purposes the Reform Party tries to undermine us by bringing forth erroneous objections? I would like to know why the Reform Party is stalling and filibustering when this activity is so important to Canada and its reputation.

**Mr. Benoit:** Madam Speaker, I am saddened that the member of the governing party has completely distorted what Reform has done on international issues. Our member of Parliament for Red Deer has done an admirable job in giving advice to the foreign affairs minister, in particular, with respect to serious situations. That advice has been heeded in some cases, although not enough.

We made it very clear that we do not object to this judge's doing that work. We object to the process that is being used. We object to the government's breaking the law. We do not think it should be violating the Judges Act. That is what we believe.

**Ms. Marlene Catterall (Ottawa West, Lib.):** Madam Speaker, I have some questions for the Reform Party.

I have listened to the debate throughout today and yesterday and I have heard some very disturbing comments. The member for St. Albert said yesterday: "Surely they could have found someone else. Surely there is somebody else who could do this important job. Surely there is somebody else who is equally qualified".

I do not know why Reform members have such problems being proud that a Canadian was chosen by the United Nations as the best person to do this job and why they have such a problem facilitating

a competent Canadian who has been internationally recognized as being capable of doing this job.

Perhaps Reformers are suggesting that Madam Justice Louise Arbour should do this job and not receive any salary while she is doing it. I am totally confused about what their purpose is. I do know they have chosen to waste a full day to debate a bill and to complain at the same time about wasting the time of the House of Commons in dealing with this.

• (1710)

They have complained that we are not obeying the law. We recognize there is a section of law that has to be changed to accommodate this very unusual situation. Canada and Madam Justice Arbour have been honoured by this appointment.

Why, if they are so concerned about this, have they spent the entire day debating everything except the subject matter of the bill before us at a cost to the Canadian taxpayers of \$80,000 an hour for every hour the House of Commons sits? Why do they have so much trouble accepting that the international community wants to honour one of our own? Why have they chosen to spend more than a full day debating issues unrelated to this bill, issues that they can choose to debate on any opposition day? I wish they could answer those questions.

**Mr. Benoit:** Madam Speaker, once again, we are not objecting to Madam Justice Louise Arbour. We are not reflecting on her character or her capabilities in any way. We have made that very clear throughout this debate.

We are objecting to process. We clearly do not believe the government should break the law even if it is only breaking it by a little bit. We do not believe it should be violating the Judges Act. Let us make the appropriate changes in a democratic way.

**The Acting Speaker (Mrs. Ringuette-Maltais):** Questions and comments.

We will resume debate with four minutes left.

**Mr. Williams:** Madam Speaker, I rise on a point of order. I move that the member for Wild Rose now be heard.

**The Acting Speaker (Mrs. Ringuette-Maltais):** I will recognize the hon. member for Wild Rose, but I would like to advise him there is only one minute left in the debate.

**Mr. Myron Thompson (Wild Rose, Ref.):** Madam Speaker, one minute of debate. That is not much. If you are going to talk about what is wrong with this government you need about four days.

Just a quick note. Among all the things we heard today was that the Prime Minister was not going to sign the nomination papers of those who would not vote the right way like on the gun bill and a few other things.

The members on that side of the House kept saying that is not so. I wonder if they could explain this article:

### *Government Orders*

Toronto—Rebel MP [for York South—Weston's] riding association was disbanded by Liberal Party brass yesterday in an effort to prevent the GST martyr from seeking re-election.

That is Liberal democracy. That is the one thing they deny all the way. Even this member who would like to run for the—

• (1715)

[*Translation*]

**The Acting Speaker (Mrs. Ringuette-Maltais):** Pursuant to order made earlier today, it is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the report stage of the amendments made by the Senate to the bill now before the House.

The question is on the amendment. Is it the pleasure of the House to adopt the amendment?

**Some hon. members:** No.

**Some hon. members:** Yes.

**The Acting Speaker (Mrs. Ringuette-Maltais):** All those in favour of the amendment will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Mrs. Ringuette-Maltais):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Mrs. Ringuette-Maltais):** In my opinion, the nays have it.

I declare the amendment lost.

(Amendment negated.)

**The Acting Speaker (Mrs. Ringuette-Maltais):** The next question is on the main motion.

**Mr. Laurin:** On a point of order, Madam Speaker. The question is on the amendment to the amendment, right?

**Some hon. members:** No.

**The Acting Speaker (Mrs. Ringuette-Maltais):** Yesterday's amendment to the amendment? We are now discussing the main motion.

**Mr. Laurin:** Madam Speaker, I understood that the question was on the amendment to the amendment. So I apologize. The amendment having been dealt with, it is normal for us to return to the main motion. Thank you, Madam Speaker.

**The Acting Speaker (Mrs. Ringuette-Maltais):** Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Mrs. Ringuette-Maltais):** All those in favour of the amendment will please say yea.

*Government Orders*

**Some hon. members:** Yea.

**The Acting Speaker (Mrs. Ringuette-Maltais):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Mrs. Ringuette-Maltais):** In my opinion, the yeas have it.

*And more than five members having risen:*

**The Acting Speaker (Mrs. Ringuette-Maltais):** Call in the members.

(The House divided on the motion which was agreed to on the following division:)

*(Division No. 189)*

## YEAS

## Members

Assadourian	Augustine
Baker	Bakopanos
Barnes	Bé langer
Bellemare	Bertrand
Bevilacqua	Blondin-Andrew
Bodnar	Boudria
Brown (Calgary Southeast/Sud-Est)	Brushett
Bryden	Byrne
Calder	Campbell
Catterall	Cauchon
Cohen	Copps
Cowling	Crawford
Culbert	Cullen
De Villers	Dhaliwal
Dion	Discepolo
Easter	English
Finestone	Finlay
Flis	Gaffney
Gagnon (Bonaventure—Îles-de-la-Madeleine)	Galloway
Goodale	Graham
Grose	Harb
Hopkins	Hubbard
Jackson	Keyes
Kilger (Stormont—Dundas)	Kirkby
Knutson	Kraft Sloan
Lastewka	Lincoln
MacAulay	MacLellan (Cape/Cap-Breton—The Sydneys)
Malhi	Maloney
Marleau	Martin (LaSalle—Émard)
Massé	McCormick
McGuire	McKinnon
McLellan (Edmonton Northwest/Nord-Ouest)	McTeague
Milliken	Minna
Mitchell	Murphy
Murray	Nault
O'Brien (London—Middlesex)	O'Reilly
Pagtakhan	Parrish
Patry	Payne
Peric	Peters
Peterson	Pettigrew
Pickard (Essex—Kent)	Pillitteri
Reed	Regan
Richardson	Robichaud
Rock	Serré
Simmons	St. Denis
Steckle	Szabo
Telegdi	Torsney
Ur	Valeri
Vanclicf	Verran
Walker	Wells
Whelan	Zed—102

## NAYS

## Members

Abbott	Bélisle
Bellehumeur	Benoit
Bergeron	Bernier (Mégantic—Compton—Stanstead)
Brien	Canuel
Chatters	Crête
Daviault	de Savoye
Debien	Dubé
Duceppe	Duncan
Epp	Forseth
Frazer	Gauthier
Godin	Gouk
Grubel	Guay
Hanger	Harper (Calgary West/Ouest)
Hill (Macleod)	Hill (Prince George—Peace River)
Jacob	Johnston
Kerpan	Lalonde
Landry	Laurin
Lebel	Leblanc (Longueuil)
Leroux (Richmond—Wolfe)	Loubier
Marchand	Ménard
Mercier	Morrison
Nunez	Paré
Ringma	Solberg
Speaker	Strahl
Taylor	Thompson
Williams—51	

## PAIRED MEMBERS

Alcock	Anderson
Asselin	Bachand
Bethel	Caron
Chan	Clancy
Dalphon-DGuiral	De Villers
Dumas	Dupuy
Eggleton	Fillion
Gagnon (Québec)	Godfrey
Guimond	Iftody
Leroux (Shefford)	Loney
MacDonald	Phinney
Picard (Drummond)	Pomerleau
Sauvageau	Speller
Tremblay (Lac-Saint-Jean)	Tremblay (Rimouski—Témiscouata)
Venne	Young

● (1740)

**The Acting Speaker (Mrs. Ringuette-Maltais):** I declare the motion carried.

(Motion agreed to and amendments read the second time and passed.)

● (1745)

**The Acting Speaker (Mrs. Ringuette-Maltais):** The House will now proceed to consideration of Private Members Business as listed on today's Order Paper.

*Private Members' Business***PRIVATE MEMBERS' BUSINESS***[English]***BANK ACT**

**Mr. Sarkis Assadourian (Don Valley North, Lib.)** moved that Bill C-335, an act to amend the Bank Act (foreign banks), be read the second time and referred to a committee.

He said: Madam Speaker, it is an honour for me to rise to debate at second reading my private member's bill, Bill C-335, an act to amend the Bank Act, with particular focus on foreign banks. I am sorry that the committee did not see fit to make this bill a votable item. However, we are here to discuss the issue and to make a point.

The purpose of the bill is to open the Bank Act to foreign competition so that they can provide more money to small business people in Canada and create more jobs.

This bill amends the Bank Act to require the minister to consider a commitment to serving small and medium size business in Canada as a factor in deciding whether to grant letters patent to foreign banks to operate in Canada.

It is interesting to point out at the outset the interest which the banking industry has taken in this bill. I have received correspondence from the Canadian Bankers Association which states that over 80 per cent of small businesses have their loans approved and that Canadian banks are giving strong support to Canada's small businesses.

I have statistics which were prepared by the hon. member for Trinity—Spadina which indicate that the Bank of Montreal increased its loans to small business by \$110 million in the period September 30, 1995 to December 31, 1995. The CIBC decreased its loans to small business by \$152 million. The National Bank decreased its loans to small business by \$600,000 during the same period. The Royal Bank decreased its loans to small business by \$111 million. The Scotiabank increased its loans to small business by \$171 million. The TD Bank decreased its loans to small business by \$116 million. The net loss to business people in Canada was \$104 million in that period as compared with the previous period.

I mention these statistics because, as we all know, banks have announced profits of over \$6 billion this week. That is a 20 per cent increase in their profits, but they have decreased their loans to small business.

Recently Toronto-Dominion's incoming chief executive told an audience in Ottawa that a strong and healthy country requires strong and healthy banks. It is also true that strong and healthy banks require a strong and healthy country.

• (1750)

Small businesses create over 80 per cent of the new jobs in Canada. Greater competition in the banking system will accelerate the funding of small and medium size businesses and create more jobs for Canadians. Economic growth will allow Canadians to work. It is better than depending on social work programs.

I believe the increased competition will generate better service and lower the costs that Canadians now pay for their banking services.

This week I picked up three brochures from the Bank of Nova Scotia, Bank of Montreal and CIBC. When I checked their service charges some of them were identical. Just like the gas stations, they charge the same price. For example, it costs the same amount for an NSF cheque, for each cheque you write, for monthly service charges. It does not matter which bank you go to, all charge the same price. Maybe my colleague can tell me that in western Canada they do not do the same but here in Ottawa, the nation's capital, that is how they charge.

My bill mirrors the opinion of two recent parliamentary committees, the Senate banking committee and the House of Commons finance committee. In separate reports they both recommended that we open the system to foreign banks in order to have more competition so consumers and business people alike will have flexibility in dealing with their bank.

In announcing the House of Commons standing committee on finance recommendations, the chairman and my colleague, the member of Parliament for Willowdale said: "This will allow greater flexibility for and more financial assistance for more financial institutions to come into Canada and provide more competition and services to Canadians". The recommendations of the committee are in response to the federal government's white paper on financial reports released earlier this year.

Foreign banks have been restricted by current restrictions and have warned that their numbers will decline unless the rules are eased. There used to be 62 foreign banks operating in Canada and now we have only 46. The less foreign banks we have the less competition there is and more freedom for the banks to charge as they wish.

The foreign banks have indicated that easing the rules will prompt them to expand their lending activities and look for new markets in the area of small and medium size businesses. Other foreign banks that have not yet entered Canada will take a second look and come in to operate in this market.

I should point out that the Canadian Bankers Association is in agreement with the committee's proposals. A spokesman for the CBA said that the proposed changes will bring economic benefits. The CBA's position is: "This is very positive for the foreign banking community. If the proposals are adopted, it would make Canada attractive to foreign lenders. I would expect you would see

*Private Members' Business*

the Americans looking at entering the market again, and the British banks”.

The changes proposed by Bill C-335 will ensure that any foreign bank wishing to operate in Canada will intend to make and will be capable of making a contribution to the financial system in Canada by promoting the financial stability of and providing support for small and medium size businesses.

The Young Liberals at their convention also pushed through a resolution critical of chartered banks' record in financing small and medium size businesses. These young Canadians recognize the importance of this sector and their resolution shows that greater attention should be paid to how the big six banks meet this important need. After all, the future belongs to them. They are concerned with their future. We have to support them in their resolution so we can see competition in the banks.

In conclusion, I ask for the consideration of my fellow members in debating the merits of Bill C-355. My bill is consistent with the policy of the Government of Canada and with the findings of the parliamentary committees. It should be viewed as an extension of the job creation strategy of the government.

The central point of government policy is that the ownership of financial institutions is a privilege, not a right. With privileges come responsibilities and this bill merely requires new foreign banks to satisfy the minister as to how they will meet those responsibilities.

• (1755)

[*Translation*]

**Mr. Maurice Bernier (Mégantic—Compton—Stanstead, BQ):** Madam Speaker, I am pleased to rise in this debate on Bill C-335 introduced by the member for Don Valley North.

The aim of this bill is to amend the Bank Act in order to require, as it says in the summary of the bill, the minister to consider commitment to serving small and medium size enterprises in Canada as a factor in a decision whether to grant letters patent to a foreign bank to operate in Canada.

In other words, so the ordinary folks may understand, the intent of this bill is to add another condition to those already governing foreign banks wanting to do business in Canada, a sort of requirement to provide more help to small and medium businesses.

I would first like to point out that there are already, as I have just mentioned, conditions governing the entry of new banks into the Canadian market. They should be identified, before we discuss the relevance of the condition added by the member for Don Valley North.

Section 27 of the Bank Act provides a number of conditions foreign banks must satisfy in order to receive their letters patent,

and they are as follows: the nature and sufficiency of the financial resources of the applicant or applicants as a source of continuing financial support for the bank. They want to know whether the bank will be viable once it is operating in Canada.

The second condition is the soundness and feasibility of plans of the applicant or applicants for the future conduct and development of the business of the bank.

The third is the business record and experience of the applicant or applicants.

The fourth condition is whether the association will be operated responsibly by persons who are fit as to the character, competence and experience suitable for involvement in the operation of a financial institution.

Finally, the fifth and last condition, the best interests of the financial system in Canada.

The purpose of Bill C-335 is to add one of these conditions, and, again, this is to require, or to encourage, the banks—this is not made clear in the various clauses in the bill—to assist small and medium sized businesses. It would be hard not to be in favour of this. Of course we recognize the good intentions of this bill and, as far as its principle is concerned, we have no objection to such a condition being added.

It would, however, be a good idea to clarify a number of points. Perhaps it is a printing error, or merely an error in the French version, but since I am a former French teacher, these are matters of interest to me.

In clause 2 of the bill, where small and medium enterprises are defined, a medium size enterprise is defined as follows in paragraph (a), and I quote:

“moyenne entreprise” Entreprise qui, avec les entreprises qu'elle contrôle et celles qui la contrôlent:

(a) soit compte au plus cent, mais moins de cinq cents, employés—

• (1800)

There seems to be a problem with the wording. My understanding of this section is that a medium size enterprise is an enterprise that has more than 100 employees and fewer than 500. That is what is meant.

In paragraph (b), there is also a reference to a medium size enterprise that has an activity other than manufacturing, an enterprise that has more than 50 employees but no more than 500 employees. We should say fewer than 500 employees. I therefore suggest that the hon. member check the wording of clause 2 and perhaps make appropriate corrections that would improve the clarity of his bill.

A few moments ago I said we had no objections to the purpose of this bill which is to ensure that the banks serve small and medium size businesses, especially at this time of the year when most banks



file their financial statements and we see fantastic, even excessive profits being made by Canada's chartered banks.

This week, the Bank of Nova Scotia announced profits of over \$1 billion. Last week, it was the Bank of Montreal announcing profits of more than \$1 billion. We can expect that next week, at the latest, the Royal Bank will confirm a substantial increase in its profits.

When we look at the profits banks make on the backs of the little people, it stands to reason they should care about small and medium size businesses. We should not have to tell them so.

I also want to take this opportunity to point out the work done by the hon. member for Portneuf. Last week, together with colleagues from the other parties in this House, he presented a request to Canada's chartered banks, asking them to reduce the interest rates charged on credit card balances. We all know these rates are extortionate, and this is not an overstatement. In some cases, we would call it outright robbery. I think the banks will have to examine their consciences. If this debate does no more than recall these facts, it will have achieved something.

As for the bill itself, I would like to add a few comments. I said earlier that the wording of the sections defining small and medium size enterprises was not entirely satisfactory. And I think defining a small or medium size business on the basis of number of employees alone also creates problem. There should be other criteria such as turnover.

The bill gives the impression that it is up to the minister to grant or not to grant letters patent to a foreign bank to operate on the Canadian market. I think there may be a conflict of interest if the minister alone is responsible for the decision. There should be more details in the section that deals with the decision to be made by the minister.

In concluding, I wish to point out that this bill is not a votable item. We in the official opposition support the purpose of the bill, but we want to take this opportunity to point out to the members of this House, and especially to the government, the need for a broader debate on the activities of banks in Canada and especially on how their enormous profits are used.

• (1805)

[English]

**Mr. Herb Grubel (Capilano—Howe Sound, Ref.):** Madam Speaker, I agree with one of the premises underlying the hon. member's bill. Canada's financial system would benefit from more competition generally and foreign competition in particular. This view is reflected in the Reform Party's minority amendment to the government's report on the hearings on the review of the financial sector held by the finance committee this fall. In this amendment we opposed the government's proposed legislation which would

have made it more difficult and expensive for foreign banks to operate in Canada.

However, I cannot agree with the second part of the hon. member's legislative initiative which would require foreign banks to commit themselves to increased lending to small business as part of obtaining a licence to operate in Canada. I oppose this provision on two grounds.

First, it is out of touch with a modern relationship between business and government. It is sometimes efficient and equitable for government to set general rules of operation to assure public safety, as for example the rule which requires banks to maintain equity at a certain per cent of its deposit base. This rule assures the systemic stability of the banking system in case of a serious economic slowdown and many bankruptcies.

However, it is not wise for the government to set out specific rules about the composition of the banks' loan portfolios. Such regulation represents an indirect tax on the banks which they pass on to other clients. It also represents an indirect subsidy—

\* \* \*

[Translation]

#### MESSAGE FROM THE SENATE

**The Acting Speaker (Mrs. Ringuette-Maltais):** I have the honour to inform the House that a message has been received from the Senate informing this House that the Senate has passed Bill C-68, an act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1997.

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#### THE ROYAL ASSENT

[Translation]

A message was delivered by the Gentleman Usher of the Black Rod as follows:

Madam Speaker, it is the desire of the Honourable the Deputy to His Excellency the Governor General that this honourable House attend him immediately in the chamber of the honourable the Senate.

Accordingly, the Speaker with the House went up to the Senate chamber.

• (1815)

*And being returned:*

**The Acting Speaker (Mrs. Ringuette-Maltais):** I have the honour to inform the House that when the House went up to the Senate Chamber the Deputy to His Excellency the Governor General was pleased to give, in Her Majesty's name, the Royal Assent to the following bills:

Bill C-6, an act to amend the Yukon Quartz Mining Act and the Yukon Placer Mining Act—Chapter 27.

*Private Members' Business*

Bill C-54, an act to amend the Foreign Extraterritorial Measures Act—Chapter 28.

Bill C-68, an act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1997—Chapter 29.

Bill C-42, an act to amend the Judges Act and to make consequential amendments to another act—Chapter 30.

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## PRIVATE MEMBERS' BUSINESS

[English]

### BANK ACT

The House resumed consideration of the motion that Bill C-335, an act to amend the Bank Act (foreign banks), be read the second time and referred to a committee.

• (1820)

**Mr. Herb Grubel (Capilano—Howe Sound, Ref.):** Madam Speaker, before we were asked to march to the other Chamber, I had commented on the hon. member's bill by saying I supported the principle that the financial sector in Canada would benefit from having more competition, in particular foreign banks, but that I opposed the requirement that he would like to impose on these banks that before they could enter Canada they would have to commit themselves to having a certain proportion of their portfolio dedicated to loans to small business.

I suggested that one reason was that it was out of touch with the present climate in the treatment of business. It involved a level of direct regulation which is not good for the economy. I said that if a bank is forced to make loans to specific customers which it would not do voluntarily it would involve a financial sacrifice. That financial sacrifice would of course be passed on to other consumers.

Therefore this bill would tax other customers of the bank. A basic rule in economics is that if there is an industry like small business that is worth subsidizing let the government do so openly and out of general revenues, not by hiding it in a government regulation where it is surreptitiously passed on to others. It is inefficient and serves no economic purpose to give this subsidy through the regulation of banks.

The second fundamental reason for opposing the proposed legislation benefiting small business is that foreign banks operating in the territories of other countries rarely, and only for historic reasons, are involved in retail banking. Their business is almost totally limited to serving wholesale markets and business head-quartered in their home countries.

These foreign banks take deposits only from large businesses and in large quantities and make loans only to large businesses all in the context of relations with these firms and their dealings around the world.

In conclusion, I commend the hon. member for the good intentions underlying his private member's bill and the sentiment that Canada's financial sector would benefit from more foreign competition. However, I cannot support his idea that foreign banks' rights to operate in Canada should be made dependent upon their making increased loans to small business. They are not in this business and probably never will be.

If some day, contrary to my expectations, they will enter the retail business in Canada they should not be required to subsidize small business any more than domestic banks are. Small business may be worth subsidizing but if it is let the subsidy be open and financed out of general revenues.

**Mr. Barry Campbell (Parliamentary Secretary to Minister of Finance, Lib.):** Madam Speaker, before turning to the specifics of Bill C-335, I would like to commend the hon. member for his efforts on behalf of the small business community in Canada. The government shares his concern because we fully recognize the benefits that derive from a strong and vibrant small business sector.

Small businesses play an increasingly important role in our national economy. Small and medium size enterprises have been the dominant sector for job creation over the last decade and, as such, their success is fundamental to securing economic growth and job creation for Canada as a whole.

A recognition of this fact and our commitment to this sector is demonstrated by the broad array of initiatives in support of this sector introduced by our government. This include expanding the mandate of the Business Development Bank to place greater emphasis on smaller and knowledge based firms, tripling the amount of funding available under the Small Business Loans Act, and refocusing the activities of the regional development agencies so that their programs are now directed almost exclusively to the small business sector.

Our government has also made clear, especially in the 1995 budget, that we concur with the views of the House of Commons industry committee that Canada's chartered banks have a special obligation to their small business customers. In turn, fairness demands that we recognize that the banks have worked to respond to this challenge. For example, the seven largest banks now publish comprehensive statistics on their small business lending activities. The major banks have also established new internal complaint handling systems, a code of conduct for dealing with the small and medium size enterprise sector and have introduced internal ombudsmen to deal with customer concerns.

• (1825)

As well, the banking community established a national Canadian banking ombudsman to address the concerns of small business customers who have unresolved problems with their banks. In this regard, I should note that the first annual report of the Canadian ombudsman's office will be released at the end of this month. The

ombudsman will report on the activities of the individual bank ombudsmen.

Much has been done to support small business in Canada. However, this government recognized that we cannot stand on past achievement alone. We must remain vigilant and continue to take appropriate action to ensure that the small and medium size enterprise sector has the right environment in which to flourish and grow.

Appropriate action for small business requires more than good intentions. It must pass the test of effectiveness and not provoke unwanted, unintended side effects. This takes me to the problems with the legislation before us.

The proposed amendment to the Bank Act calls for the government to oblige new foreign banks to make a commitment to support small and medium size enterprises. While I fully agree with the sentiment embodied in this proposal, there are significant concerns with Bill C-335 and that is why it should not be supported by the House.

To begin, I should note that the Bank Act was established to set out the regulatory framework for banks operating in Canada. This statute is designed to ensure that we have strong, sound financial institutions which can compete anywhere in the world.

Broadening the scope of the legislation to support a specific purpose, small business, would be inconsistent with the prudential and regulatory objectives of the act. Moreover, it would set a precedent for similar requests from other sectors of the economy that feel they also deserve particular recognition and attention.

Such tinkering should be avoided, not the least because, as I have already noted, there are other, more direct means of assisting this sector.

In addition, we have to be mindful of the trade implications of the proposed amendments. By limiting the application of the proposed amendment to foreign banks, Canada's obligations under both the North American Free Trade Agreement and the General Agreement on Trade in Services of the World Trade Organization could be contravened.

One of the fundamental principles which applies in each of these international agreements is that of national treatment. As a party to the NAFTA and a member of the WTO, Canada is obliged to accord to the financial institutions of other countries treatment no less favourable than it accords to Canadian financial institutions.

An amendment to the Bank Act which would require only foreign banks operating in Canada to provide support for small and medium size enterprises would likely be considered a discriminatory action against such banks and could, therefore, be a contravention of the national treatment obligations of both agreements.

### *Private Members' Business*

I should also note that by imposing this requirement only on new foreign banks the proposed amendment would result in a two tiered regulatory regime, one for new banks and one for banks already operating in Canada. This structure might place new foreign banks at a competitive disadvantage and potentially reduce the business case for establishing their operations in Canada, which is precisely the opposite of what I believe the hon. member intends to happen.

I am convinced that any bank that wants to prosper and grow in the Canadian environment will recognize the opportunity and the obligation represented by the small business sector. If there is evidence of endemic problems or failure in this arena, then our government will take the concrete steps required.

This legislation, while well intentioned, is not needed or wise at this time, and so I must respectfully urge the House to reject it.

**Mr. George S. Baker (Gander—Grand Falls, Lib.):** Madam Speaker, I rise to congratulate the hon. member for Don Valley North on this legislation.

I would like to point out to all sides of the House that the new foreign banks which the hon. member is talking about would come under a new regime. Right now the foreign banks that operate in Canada, which stood at about 62 and are now down to 48, reduced their numbers because they had to have a capital base in this country.

The new recommendations of the Senate banking committee and the finance committee of the House of Commons would allow subsidiaries of foreign banks to operate in this country without having the restriction they presently have. In defence of the hon. member for Don Valley North, he understood this point perfectly. On that point the hon. member is absolutely correct. He is on firm ground and everybody should understand that.

• (1830)

The other reason I am speaking in support of the excellent intentions of the hon. member for Don Valley North is to point out that here is a true Liberal versus the Conservatives versus the party that is really nowhere. The Bloc rose in this House today to address this question and suggested that we have more discussion, that there is a bigger question here. The hon. member for Don Valley North is saying no, that the question is only as big as the fact that a fellow who wants a \$5,000 loan cannot get it, but the multinational corporation that wants a \$500 million loan can get it. That is his point.

**Mr. McTeague:** And it doesn't have to pay it back.

**Mr. Baker:** An hon. member points out that it does not have to pay it back in some cases.

We move from the Bloc that does not really want to agree with anything constructive, even the intent of the hon. member's bill, the thought behind it. Then we move to the Reform Party which takes a similar position to what I imagine the Tories would take. It

*Private Members' Business*

is quite simple. The Reform Party and the Tory Party of Canada say this about this bill: "Oh no, you can't restrict the banks. You can't place any restriction on the banks to tell them they should be lending money to a small or a medium size business. You can't tell the banks to pay more attention to them than they do to the multinational corporations".

I point out to the hon. Bloc member who stood in this House and said that there was something wrong with the way they define small and medium size business. The reason the hon. member for Don Valley North made a distinction in this legislation and had different limits was that he is making a distinction between manufacturing and non-manufacturing businesses. In other words, he is giving a priority, as we do under the Small Business Loans Act, as we do under the Income Tax Act. He is making that distinction. That is what the Bloc member did not understand.

Let us get back to the philosophy of the Reform Party and the Tories that you should only lend money to the big multinational corporations. In effect that is what they are saying. This is the serious problem we have. As the hon. member for Don Valley North points out, 80 per cent to 85 per cent of the jobs in this country are in small and medium size businesses.

Over half the trade in the world today is done between related multinational corporations. It is an incredible fact in our world today. It is an incredible reality about those corporations. The banks welcome them. Look at the list of loans. Look at where the investments have gone and are going today. They are going to businesses that can arrange their affairs to show either profits or losses in whatever country they want.

We could check with the transfer pricing office of the Department of Finance and ask it a simple question. If we asked if it is true that no foreign multinational corporation operating in Canada pays any income tax, we would get an interesting answer. I believe the answer would be just as it is in a great many countries around the world, none, the return is nothing.

Look at the profits of the banks in the first three-quarters of this year. The hon. member for Don Valley North pointed out that the Royal Bank and the CIBC reached their \$1 billion profit in the first three months. And the Reform Party says: "Oh no, do not put any restrictions on them to lend to that little guy who is trying to start a business. Only give it to the big fat cats, the big multinationals, the multimillionaires. They are going to lend to somebody. Leave them alone so they can give it to the big guys but do not tell them they have to look at the little guys".

• (1835)

That is all this legislation says. It does not order them. It says they must have it in their business plan, a direction to small and

medium size businesses which create jobs in this country, to the little guys. It says encourage—

**An hon. member:** You will never make cabinet.

**Mr. Baker:** Is the hon. member talking about a Reform Party cabinet?

The Liberal Party of Canada has always stood on the principle. As the hon. member for Don Valley North pointed out, the young Liberals' resolution was in support of small and medium size business. They talked about the fact that since 1994 the profits of individual banks have reached over \$1 billion. It is up to the \$1 billion mark.

In a week's time we will see what are called performance bonuses going to the corporate heads of our banks, over \$1 million for each one who has made a profit of \$1 billion a year. Show me the person who goes into a bank anywhere in this country and wants a \$5,000 loan—without some expensive study being done—who can actually get one and that is probably a first. We have the cases. MPs have cases from the poor areas, from the high unemployment areas of this country.

With respect to the intent of the hon. member, he is absolutely correct. Six of our big banks today will each reach \$1 billion profit this year. This year, the corporate heads of those banks will get a Christmas present from those profits, some over \$1 million. A Christmas present.

The hon. member for Don Valley North was asking that we look at the new foreign banks that come in. He is not even asking to look at the present banking system. Let us look at it for the new banks. Why? Because the Senate banking committee and the House of Commons finance committee have come in with recommendations to expand the banking market of this country.

It is pretty clear. There is a Liberal. There he is, the hon. member for Don Valley North and his supporters. Over there is the Reform Party of Canada that says: "No, you should not interfere with their banking and tell them they should be looking at the small and medium size businesses. Tell them they can deal with the multinationals, the billion dollar boys with millions in their pockets". That is what the Reform Party just said a moment ago. That is what the Tories say. And the Bloc are trying to wiggle their way out of it by saying: "Well no, we cannot really look at this because there is a bigger question".

The hon. member should receive the congratulations of this House of Commons from all the small business people in this country. He points out the distinction between manufacturing and non-manufacturing in his bill. The Government of Canada and the people of Canada have a responsibility to make sure that our chartered banks pay more attention to the people who create the jobs in this country: our small and medium size business people.

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**Mr. Chuck Strahl (Fraser Valley East, Ref.):** Madam Speaker, being someone who cannot possibly compete with the oratory of the member for Gander—Grand Falls, I should not even try.

As the pontification got grander—not Gander, but grander—and as his eloquence waxed into the evening here, and as we tried to follow his logic, I feel compelled to say a few choice words. Perhaps he will go home after this to heavily rewrite the blues. I would hope that he will look at the blues when he gets back to his office and thinks: “If this ever gets out, the logic will escape not only the people from Gander—Grand Falls but it will probably escape the entire nation”.

• (1840)

Here is the logic as I understand the member put it forward today. Today he says we have a true Liberal bringing forward the true Liberal policies that his party is famous for. Of course the parliamentary secretary will not support it. The cabinet will not support it. His own party will not support it. The business community will not support it. The international community will not support it. WTO rules will not allow it. NAFTA rules will not allow it. The rules of law, which I think he would support, do not allow it, but who cares?

If we want to talk about loans in this House of Commons, and the member for Gander—Grand Falls likes to talk about the loans that the poor small business people cannot get their poor little fingers on and all the rest. Two days ago a member from the Liberal Party was talking about how many small businesses have been started by the women of this country—and I take my hat off to those women—because they got loans from the banks to put forward small business proposals that they have been very successful at. Of course, my hat is off to them. That is the entrepreneurial spirit. They are a success, so say the Liberals.

**Mr. Assadourian:** More, more.

**Mr. Strahl:** The hon. member says he wants more. The only way you can be sure of getting more in this country, the easiest loan at the lowest rate, as a matter of fact at a zero rate is to be a constant and prolific giver to the Liberal Party. If you are and your name is Bombardier, you can bypass all this nonsense with the loans.

Loans are so difficult to arrange at the banks. You have to go in and fill out all the forms, prove your assets and how you are going to pay the loan back, technicalities like that. But if you are a Liberal donor in spades and your name is Bombardier, you can get \$80 million without having to fill out any forms. The only form to fill out is the one giving \$170,000 to the Liberal Party. Other than that, it is interest free, do not pay it back with interest and maybe never pay it back. Do not go to the banks. Go to the government.

If the member for Gander—Grand Falls is serious, then perhaps he should address that when he talks about loans and giving money.

More than that, I would like to get back again to the idea of the true Liberal versus the non-true Liberal. The true Liberal, as I understand it, is someone who supports this bill.

The parliamentary secretary does not support the bill, that dirty dog. What kind of a person is he? Obviously not a true Liberal. The cabinet does not support this bill. Oh, the skulduggery of that cabinet. It does not support it. I guess it cannot be a true Liberal. Goodness sakes. Thankfully I am not a true Liberal either. On this one it is easy to identify me as not being a true Liberal.

True Liberals apparently want to intervene in the marketplace, coerce the banks to do something that does not make any economic sense, fly in the face of anybody here who happens to even have a sniff at the front bench, because they might have a sniff of what is going on. If you have any of that, you are not a true Liberal.

I do not know what the parliamentary secretary is going to do. I hope he goes to the next caucus meeting. I hope he does not suffer the fate of the member for York South—Weston who had his people yanked out from underneath him the other day because apparently he is not a true Liberal either.

The difference is obvious between the true Liberals on this side over here, far from the front benches, thankfully far from the control power centre of this government, but for some reason they think that is the true Liberal way. It will be interesting to see what happens when we head into the next election campaign.

• (1845)

Let me get this straight. The true Liberal way is to force banks to lend money to people to whom they may not otherwise lend money.

Let me make a few more comments on the member's speech. We have to bring in legislation to limit the profits of the banks? I would suspect that legislation from the member for Gander—Grand Falls is pending.

Let me get this straight. We will limit their profits. That would be his wish. That is a true Liberal wish. We would limit profits, force banks to lend money to people to whom they would not normally lend money, because of who knows what restrictions, but it does not matter because a true Liberal will force people to lend money when they would not normally lend it.

A true Liberal will ignore the NAFTA, the WTO, the Bank Act and all logical economic theories that they could get our hands on. They will ignore all of that, intrude into the marketplace and force this to happen.

Then the hon. member followed it up with an example. The example, with the odd exception of course, is that heavy Liberal donors will be able to bypass the banking system entirely. They will not have to pass go. They will not have to collect \$200. They

*Private Members' Business*

will collect \$80 million, interest free, if they donate to the Liberal Party.

Today in the House during question period I pointed out another little scheme that was within a couple of days of coming to fruition. If an employer can get his employees to sign money over to the Liberal Party, the company will bonus it up so that it is not recorded as a donation, take it off its taxable income, the employees will get a rebate from Elections Canada and no one will know the difference. This will be cooked up behind the scenes. The Liberals will get the money. The taxpayers will pay for it. The company will write off the expense and it will be able to take it all the way to the bank.

There is another job making prospect. There is a way to put money away. There is a way to finance a business. Ignore the Income Tax Act and the elections act. Ignore the advice of the parliamentary secretary. Ignore the cabinet. Ignore the Reform Party. Ignore everything. A true Liberal would think that is a good idea. It is the ultimate money laundering scheme. They will never get caught and they can finance their business that way because they do not pay taxes. They get more than \$1 million in contracts of which \$273,000 was not tendered.

Of course, that would be outside the parameters of Treasury Board guidelines. But a true Liberal looks after his friends. A true Liberal does not worry about the niceties of whether it makes economic sense. A true Liberal does not have to worry about whether it would create a job, because it would create jobs at Liberal Party headquarters. A true Liberal thinks that is all that really matters.

**Mr. Roy Cullen (Etobicoke North, Lib.):** Madam Speaker, I am pleased to be able to speak on this bill today.

I am not sure where Reform members who have spoken on this bill have been over the last few years if they have not heard small and medium size business talk about its need to find greater access to capital, perhaps it explains why their political fortunes are declining.

I would like to comment on the points made by the hon. member for Capilano—Howe Sound. Normally he is fairly versed in matters economic and business. He talked about foreign banks having no interest in lending money to small business in Canada. He must not have been at the finance committee meeting where we heard from a number of representatives of foreign banks.

One in particular that struck me was the Wells Fargo Bank. That bank is dying to get into Canada to lend money to small and medium size business. In fact, it has a record in the United States of establishing a program, which has been highly successful, that is based on the very simple premise that risk and rate of return are linked and that if there is a higher risk there should be a higher rate of return.

• (1850)

It has nothing to do with the member for Fraser Valley East talking about taxing banks more. This is totally extraneous to the bill that the member for Don Valley North has presented to the House and I congratulate him for doing that.

The Wells Fargo Bank and other U.S. banks started these programs which state that if a company cannot be financed by the commercial or normal conventional bank they will step in. They will loan money and demand a higher rate of interest commensurate with the risk. They tend to rely less on asset financing and look more to cash flow and good business plans. They have been very successful with that program.

When they were asked: "If you were allowed into Canada to loan money to small business how do we know you are going to stay in that line of business and not revert over time to the more conventional lending practices of the commercial banks in Canada?" They said: "It has not happened in the United States and in fact we have grown on that line of business".

I am sure the commitment is there. And I am sure they would follow through and find that business profitable because what the banks are saying is that if one balances the risks with the rate of return, the business is profitable, small and medium size businesses make money and everybody is happy.

The notion proposed by the member for Capilano—Howe Sound that the international banks are only interested in servicing the clientele of their related companies in Canada and offshore is, with respect, somewhat misguided because some banks came before the finance committee and made very strong cases to come into Canada to provide this niche market that is missing, small and medium size businesses, particularly for amounts up to \$500,000. The small businesses just cannot get the capital they require.

There is lots of venture capital money around but it tends to be in the \$500,000-plus range. The banks are not able to justify the cost of administering the loan application and doing the due diligence. Therefore, many companies looking for start up and seed capital where the amounts they are looking for are \$50,000, \$70,000, \$140,000, are getting lost in the shuffle.

Committees of the House have reported that we should be allowing more foreign banks in. They should be allowed to come in and create a more competitive environment for the Canadian commercial banks, which, in fairness, have been stepping up to these issues.

The Bank of Commerce, for example, recently started a high technology risk capital fund and other banks are following suit. That is a good sign. The banks are finally listening to what Canadians are saying and what small businesses are saying. They are trying to change a banking culture that had been predominantly

based on loaning on assets to loaning now on cash flow, solid business plans and trying to adapt to the new reality.

The new reality is that many companies today do not have huge investments in capital, equipment and machinery. They are knowledge based companies so they cannot put forward many assets as security and are in a huge predicament.

The bill proposed by the hon. member for Don Valley North is not really an attack on the Canadian commercial banks. The Canadian commercial banks are moving to fill these voids. However, providing this competitive environment will lead to the establishment of bigger pools of funds for small and medium size businesses. It will also create a more competitive environment. It will cause the banks that are allowed in here to lead the way in this area because companies really need that kind of support.

The parliamentary secretary made a number of good points in my view about some of the initiatives we are taking as a government. The Business Development Bank is moving very quickly to be more responsive to small and medium size businesses. We see that every day. The Export Development Corporation is targeting small and medium size enterprises. I think this is all very positive.

● (1855)

This bill says that if we are going to allow more foreign banks into Canada we should attach some strings to it. With respect to the member for Fraser Valley East, perhaps he is a lawyer and has researched these legal matters extensively but I cannot see anything that would be contrary to the law and contrary to our world trading agreements.

As the member for Gander—Grand Falls indicated, the bill reads that they be encouraged. It would be part of their business focus. They would have a certain commitment to step up to small and medium size businesses and provide some needed seed and start up capital.

For that reason I hope members present would support this bill. It has nothing to do with good Liberals and bad Liberals. It has to do with small and medium size business and job creation. These companies are desperate for some support and this bill provides the kind of support that is needed.

**The Acting Speaker (Mrs. Ringuette-Maltais):** There are two minutes left in debate.

**Mr. Dan McTeague (Ontario, Lib.):** Madam Speaker, I am quite privileged to be able to speak on behalf of a very good bill which I believe deserves the attention of members of Parliament. It is also timely in the way it is able to address the very strong concerns that a lot of business people and certainly consumers have with respect to the under capitalization of our markets.

### *Private Members' Business*

I am very cognizant of the fact that banks are trying to do a better job. There is no doubt that much improvement has been made. A lot of it can be credited very directly to the prodding of the government but more needs to be done.

Today I read a bulletin issued by one of the major banks. It indicated that 60 per cent of its profits and portfolio was done in foreign markets. It is time for the banks to at least accept that if they can do well in foreign markets, so should foreign banks be given the same privilege to come into Canada.

It would be difficult not to agree with the member for Gander—Grand Falls in his very eloquent and passionate speech. It was so convincing that we have been able to convince the member for Fraser Valley East to join us on this side of the House, at least for the next 30 seconds.

**Mr. Strahl:** I think not.

**Mr. McTeague:** We can have stable banks. We can have stable, fundamentally important banking and lending institutions in this country, but we must make sure it is not done against the backdrop of poverty and misery. For this reason I commend the member. I hope this is a starting point, not the end to his bill and that Canadians and consumers can work with their banks to make a better banking system for all Canadians.

**The Acting Speaker (Mrs. Ringuette-Maltais):** The time provided for the consideration of Private Members' Business has now expired and the order is dropped from the Order Paper.

**Mr. Peter Milliken (Kingston and the Islands, Lib.):** Madam Speaker, were you to seek it, I believe you might find there is unanimous consent on the part of the House that you not see the clock for a few minutes so the House could dispose of Bill C-270, an act to amend the Financial Administration Act at the report stage and at third reading without debate.

**The Acting Speaker (Mrs. Ringuette-Maltais):** Is there unanimous consent?

**Some hon. members:** Agreed.

\* \* \*

[Translation]

### FINANCIAL ADMINISTRATION ACT

The House proceeded to the consideration of Bill C-270, an act to amend the Financial Administration Act (session of Parliament), as reported (with amendment) from a committee.

**Mr. Peter Milliken (Kingston and the Islands, Lib.)** moved that Bill C-270 as amended be concurred in at report stage without debate or amendment.

*Private Members' Business*

**The Acting Speaker (Mrs. Ringuette-Maltais):** Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**The Acting Speaker (Mrs. Ringuette-Maltais):** I declare the motion carried unanimously.

(Motion agreed to.)

**The Acting Speaker (Mrs. Ringuette-Maltais):** When shall the bill be read the third time? With leave of the House, now?

**Some hon. members:** Agreed.

**Mr. Peter Milliken (Kingston and the Islands, Lib.)** moved that the bill be now read the third time and passed.

**The Acting Speaker (Mrs. Ringuette-Maltais):** Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**The Acting Speaker (Mrs. Ringuette-Maltais):** I declare the motion carried.

(Motion agreed to, bill read the third time and passed.)

[*English*]

**Mr. Milliken:** Madam Speaker, I thank my colleagues on all sides of the House for their co-operation in passing this bill. I appreciate it very much.

[*Translation*]

**The Acting Speaker (Mrs. Ringuette-Maltais):** It being 7 p.m., the House stands adjourned until 10 a.m. tomorrow, pursuant to Standing Order 24(1).

(The House adjourned at 7 p.m.)

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