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OFFICIAL REPORT
(HANSARD)

Wednesday, November 5, 1997

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Wednesday, November 5, 1997

The House met at 2 p.m.

Prayers

• (1400)

The Speaker: As is our practice on Wednesday we will now sing *O Canada*, and we will be led by the hon. member for Edmonton East.

[Editor's Note: Members sang the national anthem]

STATEMENTS BY MEMBERS

[English]

WINNIPEG BOYS AND GIRLS CLUB

Mr. Reg Alcock (Winnipeg South, Lib.): Mr. Speaker, I would like to draw the attention of the House today to the Winnipeg Boys and Girls Club and its Floodbusters program.

After the flood that Winnipeg suffered this summer, the department of human resources and the Winnipeg Boys and Girls Club got together and organized a program that hired 193 students. They worked all summer long cleaning up properties and helping homeowners repair their homes. They removed some 400,000 sandbags. They ran a summer camp for kids displaced by the flood so their parents could work on their properties. When the Red Cross was having trouble getting relief out, 12 members of the Floodbusters team worked with the Red Cross to ensure people got the compensation they needed.

The program was run by Mike Owens, executive director of the Winnipeg Boys and Girls Club, and Heather Popoff who actually directed the program. They did a superb job. I would like all members of the House to congratulate them.

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SPORTS

Mr. Jim Abbott (Kootenay—Columbia, Ref.): Mr. Speaker, why strike a subcommittee to study sports in Canada? Is it because

our national passion, hockey, is going south? Do we need a study to know the NHL is a multi-billion dollar, multinational business funded by \$80 tickets, special viewing box seats and TV revenue from mass markets?

NHL owners and players are pricing hockey out of its cradle, our home, Canada.

The committee mandate, with an emphasis on hockey, will also touch on other sports, both professional and amateur, in 30 meetings and will table a report by June 1998. This is completely unrealistic, resulting in either a lightweight study having no real value or worse a request to expand the hearings tenfold. The study is either a waste of time or a blank cheque.

Why are we doing it? Donovan Bailey, Silken Lauman, Nancy Green, Kurt Browning, Sylvie Frechette and of course Paul Henderson. Need I name more? Canadians are proud of their athletes but this study will do nothing to support—

The Speaker: The hon. member for Parkdale—High Park.

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ENVIRONMENT

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, on October 30 I held the first of a series of pre-budget consultation meetings with the constituents of Parkdale—High Park. The message I received is that they are proud of the hard work done by the government that has resulted in today's healthy economic environment.

Canadians in my riding want the government to stay the course and continue the process of debt reduction and fiscal restraint. We are all looking forward to the elimination of the deficit during this Parliament.

My constituents have told me that we should reinvest any surplus dividend in health care, education, youth employment and the environment. As well, my constituents would like to see continuing support for small business.

It may interest my hon. colleagues across the floor to learn that we did not talk about sweeping tax cuts. Canadians, especially those in Ontario, know too well the real costs of these tax cuts borne by them in the areas of the health care system and the education of their children. They are not willing to pay this huge price for political pandering.

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[Translation]

VETERANS AFFAIRS

Mr. Maurice Godin (Châteauguay, BQ): Mr. Speaker, today the Bloc Québécois expresses its thanks to all those who served in the army, navy, air force and merchant marine, all the nurses and all of the other men and women who risked their lives, or gave their lives, to enable us to overcome tyranny.

As the years pass, and the veterans of that time get older and pass on, each new generation has a duty to perpetuate the memory of their sacrifice and courage.

On behalf of the Bloc Québécois, I honour the women and men who gave their lives to defend freedom and democracy during the two world wars, the Korean war and the numerous UN peacekeeping missions.

We salute you all.

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[English]

KOREAN WAR VETERANS

Mr. George Proud (Hillsborough, Lib.): Mr. Speaker, this year's Remembrance Day poster honours our Korean War veterans. Today on the first day of Veterans Week I think it is appropriate that we pause and give some thought to the sacrifices made by these veterans.

• (1405)

For those who fought in it, the Korean War was as bloody and dreadful as the two world wars that preceded it. Perhaps, happening so soon after the second world war, Canadians just wanted to put the war out of their minds and so Korea has not had the same attention as other wars.

We should remember that when we joined 15 other nations to resist enemy aggression, Canada was the third largest contributor to the multinational force. In all, over 26,000 Canadians served in Korea, 1,558 became casualties, of whom 516 died.

In the Memorial Chamber in the Peace Tower hon. members will find the names of those 516 Canadians in the Korean Book of Remembrance. It is our great loss that they did not make it home. May they rest in peace.

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LEST WE FORGET

Mr. Lynn Myers (Waterloo—Wellington, Lib.): Mr. Speaker, on November 6, 1997 a resident of my riding, Margaret McKenna, will make a trip to Belgium for what is truly a sober reminder of the sacrifice made for us during World War II.

Margaret McKenna's eldest brother, Jack Summerhayes, was a gunner on a 426 squadron Halifax bomber, which was shot down on the night of May 12, 1944 over Belgium.

Thanks in part to the efforts of the Canadian and Belgian governments and the Belgium Aviation History Association, on September 6 of this year Pilot Officer Jack Summerhayes was found in a Belgian swamp still at his post. Jack Summerhayes and two other crew members also trapped in the bomber will be buried alongside the five other other crew members who perished that night in 1944.

As we approach Remembrance Day, may the pilgrimage of Margaret McKenna and the other Canadians travelling to Belgium to bury their loved ones some 53 years after their deaths serve as a statement that we as Canadians will never forget the supreme sacrifice they made.

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LIEUTENANT COLONEL BILLY BARKER

Mr. Inky Mark (Dauphin—Swan River, Ref.): Mr. Speaker, we can tell much about a country by its heroes and how it treats them.

This forgotten Canadian hero shot down 53 enemy aircraft during World War I. This forgotten Canadian hero received the Victoria Cross, the DSO, the Military Cross, the French and Italian military honours, six gallantry awards from King George V and others. Billy Bishop called him the deadliest air fighter who ever lived. This forgotten Canadian hero was the first president of the Toronto Maple Leafs and first acting director of the Royal Canadian Air Force.

Some 50,000 people joined or watched the mile long cortege at his funeral in 1930, yet his grave is marked as Smith in a family crypt with no indication of what he did for Canada.

Canada, it is time to give Lieutenant Colonel Billy Barker, VC, this Canadian hero from Dauphin, Manitoba, the recognition he deserves.

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PREMIER OF NOVA SCOTIA

Mr. Joe McGuire (Egmont, Lib.): Mr. Speaker, it is my great pleasure to congratulate the Premier of Nova Scotia, Russell MacLellan, on his election yesterday in the riding of Sydney North. Russell was the choice of his party and the people to be Premier of Nova Scotia.

Russell is an 18 year veteran of this place where he made his mark as a parliamentarian noted for his honesty and integrity, a great representative of his province and as a man of the people in all his deliberations.

We wish Russell well on his victory and that of his colleague Dr. Ed Kinley in Halifax Citadel. These victories bode well for a re-election of the Liberal government in Nova Scotia in the next few months.

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[Translation]

THE ENVIRONMENT

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, at a Liberal fundraising dinner at \$325 a plate, the Prime Minister emphasized that Ottawa would not be arriving in Kyoto empty-handed.

But what is going on, really? Canada is the only G-7 country without a specific target to propose at the Kyoto conference.

Has the Prime Minister forgotten that Canada made the commitment at the Rio Summit in 1992 to reduce its greenhouse gas emissions to 1990 levels by the year 2000? His government has, moreover, maintained that commitment, particularly by inaugurating a set of voluntary measures in 1995. The outcome: the Royal Society of Canada estimates that, by the year 2000, greenhouse gas emissions will be 9.5% over the 1990 reference level.

This wait-and-see attitude, backed up with virtually no strategy whatsoever, contradicts the Prime Minister's statement that "If we are really concerned about the next century—"

The Speaker: The hon. member for Vaudreuil—Soulanges.

* * *

QUEBEC PREMIER

Mr. Nick Discepola (Vaudreuil—Soulanges, Lib.): Mr. Speaker, once again we have a fine example of the "Do as I say not as I do" politics of the sovereigntist government of Lucien Bouchard.

This is how *Le Devoir* put it in its headline "Quebec City imposes its aid on Montreal". Lucien Bouchard is very good at accusing others of meddling, but I would like to know what his government is up to if it is not meddling in the management of the City of Montreal.

• (1410)

His government is going back on its promise in the financial agreement and is now telling the mayor of Montreal how to manage his city. Montreal is, to all intents and purposes, under protection.

The separatists do not think this is meddling in Montreal's jurisdiction. They are calling it a partnership. I put the question

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again: should we not look askance at any partnership Mr. Bouchard might propose to Canada?

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[English]

ENVIRONMENT

Mr. Rick Casson (Lethbridge, Ref.): Mr. Speaker, in 1966 the Liberal government rushed the sale of nuclear Candu reactors to China without following the rules laid out in the Canadian Environmental Assessment Act. Back then the Liberal government showed a complete lack of respect for the safety of citizens.

The Liberals have done it again. Now they are trying to push another Candu sale, this time to Turkey.

The Liberal government is kidding itself if it thinks that setting up a sham of a shallow assessment will stop the lid from blowing sky high on this issue. It is another sneaky backroom political deal.

The recent decision by Ontario Hydro to shut down seven operating reactors proves that safety concerns better be addressed before we sell these things to other countries.

To add even more insult to Canadians the Liberal government is using taxpayers' money to finance these deals. So much for the public input just mentioned on how best to spend Canadian tax dollars. The government has once again allowed a business deal to take precedence over the environment.

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[Translation]

CONTAMINATED EARTH

Mr. Guy Saint-Julien (Abitibi, Lib.): Mr. Speaker, PCB contaminated earth from Toronto is on its way to the Saguenay—Lac-Saint-Jean area with the permission of Lucien Bouchard's PQ government but without the permission of the people there and the people of Quebec, who were not consulted.

Fifty thousand tonnes amounts to some 2,000 trucks a year or 10 trucks arriving every work day in Saint-Ambroise with a load of contaminated earth after passing through a number of towns and villages in Quebec. The danger facing the people of Saint-Ambroise is that tomorrow it could be 100,000 tonnes of earth and 4,000 trucks a year.

It is a former minister of the environment in Ottawa who is responsible for the shipment of contaminated earth from Toronto to the Saguenay—Lac-Saint-Jean area without complying with the Quebec regulations on holding public hearings.

Oral Questions

[English]

RIGHTS OF CHILDREN

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, the Oslo conference on child labour reflects a growing concern about the urgent need to end the economic exploitation of children.

Speaker after speaker at this conference identified the liberalization of trade agreements as a key cause of the escalation of this worldwide problem. Statistics show there are 250 million child labourers in the world. Many work in conditions that jeopardize their health, their safety and their social and moral development.

Our party believes that governments and consumers in developed nations can and should use their influence to put pressure on those who exploit child labour. We believe the Canadian government should pass legislation similar to the Harken bill in the United States which would ban the importation of goods made by child labour.

Canada should join the other nations of the world in signing ILO convention No. 138 which limits the minimum age of workers entering the workforce. Canada should not enter into any international trade agreements that do not clearly outline acceptable labour standards.

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[Translation]

SMELTING INDUSTRY

Mr. André Bachand (Richmond—Arthabasca, PC): Mr. Speaker, earlier in the week, Magnola, a smelting company and a subsidiary of Noranda, announced the construction of a \$720 million magnesium smelter in Asbestos. This project will create 1,000 jobs during the construction phase and 350 once the smelter is in operation.

As a result of this announcement, Quebec and Canada will become the second largest magnesium producer in the world.

Having held the office of mayor of Asbestos until June 2, I hasten to congratulate the people at Magnola, as well as all the players in the social and economic development of Asbestos.

This very good news does credit to the people of my hometown of Asbestos, my riding, my province, Quebec, and the country as a whole.

• (1415)

[English]

REFORM PARTY

Mr. Paul Bonwick (Simcoe—Grey, Lib.): Mr. Speaker, over the past several weeks I have listened to my Reform colleagues make accusations about financial contributors to my party. I listened to them challenge the credibility of the prime minister, who happens to be the most respected politician in Canada. I have also listened to my Reform colleagues tell the government that it needs to take advice from western mining consortiums.

Reform members tell us to listen to western mining companies when setting targets for reduction in greenhouse gas emissions. They tell us to listen to these mining companies regarding the transition of authority of the Mackenzie River Valley.

Fund-raising, mining. Fund-raising, mining.

I wonder if Canadians realize that many thousands of dollars donated to the Leader of the Opposition came directly from these same mining companies. Talk about representing a special interest group.

Reformers should be ashamed. There is no end to their hypocrisy.

ORAL QUESTION PERIOD

[English]

THE ENVIRONMENT

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, for weeks now the Liberals have refused to reveal what their position is on greenhouse gas emissions. The countdown to Kyoto is just 26 days now and yet the Liberals have resorted to empty rhetoric, saying and pretending they are the only Canadians who really care about mother earth. Yeah, right.

I would like to ask the prime minister this question. Why did the government ignore its own environmental laws and sell reactors to China and Turkey without the proper environmental assessments?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the affirmation of the hon. lady is not true. We have followed Canadian regulations. The law permitted us to do what we did.

We believe that exporting Candu reactors is very important for the Canadian economy. It is extremely important for countries which will use the electricity generated by nuclear power to replace coal, which is causing a lot of climate problems.

Oral Questions

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, this government bypassed the entire process. The only environmental assessment that the Liberals are doing for these nuclear plants is some meaningless shadow assessment. The deal has already been approved for these reactor plants. It does not matter what the government does.

No nuclear reactor would ever be allowed in Canada with this meaningless, shallow shadow assessment. What a double standard.

Why does the prime minister pretend to be Mr. Green Thumb at home here in Canada and yet around the world he is known as Mr. Uranium?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, again the Reform Party is up in the House of Commons. When this bill was before the House of Commons Reform members voted against it. They did not want to have anything at all. This bill called for assessments to be done according to the laws of Canada and they voted against it.

Now they dare to get up in the House. They are not serious, they are just laughable.

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, I am dead serious about quoting from the second Liberal red book: "Domestic action alone is not enough to protect Canada's environment. Ensuring a healthy environment for Canadians is a major foreign policy goal". There is no such thing with nuclear reactor plants in China and Turkey.

I want to ask the prime minister once again, can he stand in his place here today and say that he is proud of being known as Mr. Recycle in Canada when he is actually known as Mr. Radioactive in China and Turkey?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I am happy to know that they are against nuclear energy. I am happy to know that members of the Reform Party do not appreciate the fact that we have developed in Canada the safest system in the world for nuclear energy with the Candu reactor.

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, yesterday the prime minister stood in the House and made the ridiculous claim that he gives a damn about the environment.

Let us take a look at his damn, China's Three Gorges Dam.

While in opposition the current environment minister condemned Canada's involvement in the project, calling it "the world's largest disaster", but his own government is financing at least \$153 million in loans for the Three Gorges Dam.

Can the prime minister explain his own government's damn hypocrisy?

• (1420)

Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr.

Speaker, with respect to AECL and its business around the world, as a matter of policy the Atomic Energy Corporation of Canada Ltd. conducts an environmental analysis of all its projects.

In relation to the bid process, which is still under way in Turkey, one of the bid specifications was the complete satisfaction of all relevant environmental regulations and assessments.

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, nice answer, but it is completely irrelevant. I was asking about Three Gorges Dam.

The government wants to punish the Canadian taxpayer with the Kyoto deal when it turns out it does not give a damn about the environment.

Why will the prime minister not admit the closest he has ever come to a green policy is on the golf course?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, again they do not have a position.

We want to do what is important for Canada. We want to make a serious contribution to solving this problem. It is a problem which affects all the nations of the world. The only thing the Reform Party is proposing is to do nothing.

We will not listen to the Reform Party. We will do what is right.

The Speaker: Colleagues, I wonder if I might ask you to please back away from using the word damn.

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[Translation]

DRINKING WATER

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, yesterday the Minister of Health claimed that he had "the support of all the provinces to introduce" Bill C-14 on drinking water. The Government of Quebec, however, has never given its support for this bill.

Will the minister admit that he has never had the agreement of any minister of the Government of Quebec to go ahead with Bill C-14 on drinking water?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, obviously things are getting seriously diluted.

Everyone knows that it is becoming increasingly difficult for the Bloc Québécois to justify its presence here in Ottawa. Every day, it looks for significant problems. Today, the focus is water. It is truly bizarre.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, If the minister wants to wade in, I will give him a tip: he should start by answering the questions.

I repeat my question to the plumber of health. Did he receive the support of a minister of the Government of Quebec before saying

Oral Questions

that he had Quebec's support in tabling Bill C-14? There is nothing watered down about that, that is a question he should understand.

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, the subject matter of Bill C-14 is entirely within federal jurisdiction. We have fully respected the jurisdiction of the provinces.

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, my question to the Minister of Health will be clear and simple.

Could he tell us whether or not he has the Quebec government's approval to go ahead with Bill C-14?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, the answer is yes.

Let me quote a letter from the Quebec health minister dated May 2 last year, stating that "from a public health protection point of view, we have no problem with this bill being enacted". That is the answer given by the Quebec health minister.

• (1425)

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, the minister is referring to a bill from the last Parliament. Bill C-14 was introduced last Friday.

Does he have the Quebec government's approval specifically for Bill C-14, which is before us now?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, I plan to share the contents of this letter with the hon. member. I have a copy here for him.

The hon. member cannot get around the fact that the Government of Quebec was in agreement.

Some hon. members: Oh, oh.

[*English*]

The Speaker: Colleagues, question period is rough enough. Please, I appeal to all of you, do not bring our pages into our particular disagreements or debate. I would ask you not to do that.

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THE ENVIRONMENT

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, my question is for the prime minister.

Just hours before the Liberals called the spring election cabinet pulled another fast one on Canadians, approving \$1.5 billion in financing and agreeing to circumvent an environmental assessment of a Candu reactor sale to Turkey.

In six years this reactor reported 1,100 nuclear incidents. Politically unstable, Turkey has a disturbing human rights record and it is an alarmingly high credit risk.

How does this sordid deal promote environmental safety abroad and Canada's good reputation in the world community?

Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, if and when AECL is successful in its bid and actually negotiates a contract to sell a Candu reactor to Turkey it will of course comply with all applicable Canadian standards and Turkish requirements. Those Turkish requirements are in fact one of the very bid specifications.

As a matter of policy AECL conducts an environmental analysis of all its projects.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, I hope the prime minister will address this question.

Ever since he was energy minister 13 years ago, the prime minister has been bound and determined to sell nuclear technology to Turkey. Now he is at it again.

Can the prime minister not find a better way to rack up club Kyoto points than spending billions of dollars to promote the sale of nuclear technology to an economically and politically unstable country like Turkey?

Hon. Sergio Marchi (Minister for International Trade, Lib.): Mr. Speaker, the member obviously has a very profound misunderstanding about the whole financing. This is not a giveaway. This is a repayable loan at commercial rates.

Second, Canada has sold thus far nine nuclear reactors. The Canadian public has not lost one cent on any repayment. In fact, not only has it made money but it has also created jobs.

Last, the state of Turkey is guaranteeing this loan and as a member of the OECD and as an ally in NATO and as a country that has kept up with its international repayment schedule—

The Speaker: The hon. member for Sherbrooke.

• (1430)

Hon. Jean J. Charest (Sherbrooke, PC): Mr. Speaker, it is difficult for the House to take the government seriously when the Minister of Natural Resources tells us that AECL is doing an environmental assessment on itself.

I would like to know from the Prime Minister, since he is ready to manipulate the courts and also circumvent the law by producing a secret shadow assessment on the Turkish deal, if a secret shadow assessment has been done on the China deal. If yes, will he take it out of the shadows, allow it to glow in the dark and take the credit that he wants but that he does not deserve?

Oral Questions

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, everything was made public when we signed the deal with China. Everybody knows everything. We always respect the law.

Hon. Jean J. Charest (Sherbrooke, PC): Mr. Speaker, when he was the environment critic in 1991, today's finance minister said "I unconditionally support the principle of the environmental assessment legislation in Canada". I guess he just does not support the practice. He then went on to say "The environmental assessment process in this country must not be open to political manipulation". If selling nuclear reactors to other countries without environmental assessment is not political manipulation of assessment laws, what is political manipulation?

Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, as I have indicated, the policies of AECL are to conduct environmental analysis of all of its projects. The bid projects from other countries around the world typically include environmental requirements with which AECL must comply.

Finally, in terms of the application of the Canadian Environmental Assessment Act, the hon. gentleman will know that is a matter of litigation at the present time and neither he nor I should comment until the litigation is complete.

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, according to senior government sources, the Kyoto deal is going to cost Canadians billions of dollars. We want to ask the Prime Minister a straight question and we want a straight answer. I ask him not to evade it or avoid it but to just answer it.

How is the government going to pay for the Kyoto deal, by raising the gas tax or by cutting into the surplus? Which will it be? How is it going to pay for it?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we have a very good record. We have run a good government and have managed to reduce the deficit to almost zero in four years. Therefore, we know how to manage the affairs of the nation. Among the responsibilities of the nation is to make a contribution to the problem of climate change, something the Reform Party does not want us to do.

We need to have a strong position because we believe in the protection of the environment on this side of the House.

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, I asked a straight question and I got another crooked answer.

Why will the Prime Minister not tell us—

Some hon. members: Sit down.

The Speaker: We are pushing the envelope a little bit today. The question, please.

Mr. Jason Kenney: Mr. Speaker, yesterday the cabinet apparently made a decision to rack up costs on the Kyoto deal. How is the government going to pay for it? Is there going to be an increased gas tax or not? Is the government going to reduce the surplus or not? How is it going to pay for the billions of dollars of cost implied by the Kyoto deal?

Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, it is exclusively the Reform Party that is talking about this doomsday scenario.

The hon. gentleman should know that there are a variety of ways by which the climate challenge can be addressed: by broadening and deepening the voluntary initiatives in the private sector which the private sector is already anxious to do; strengthening energy efficiency, encouraging co-generation; promoting science and technology and the commercialization of science and technology; fostering renewables; the whole point about jointed limitations; the whole point about credits trading throughout the world. All of those will be part of the equation. Canada will have a position that works.

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[Translation]

DRINKING WATER

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the Minister of Health has just been capitalizing on a letter dated May 2, 1996, in which, according to him, the Government of Quebec gave its agreement.

• (1435)

If the minister has read the letter, can he deny that what is written is the following: "I would like to inform you that it is the Ministry of the Environment and Wildlife that is responsible for water management. It is the responsibility of that department to advise you of a definitive agreement on this legislative process"?

Does the minister know how to read? Does he still claim that he has the agreement of the Government of Quebec, as he has just stated?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, the plumbing is still plugged.

Some hon. members: Ah! Ah!

Hon. Allan Rock: It is too late now to protect the Bloc's position. They made an enormous mistake. We obtained the prior agreement of Quebec and of all the other provinces.

Mr. Louis Plamondon: That's not true.

Hon. Allan Rock: May I quote a letter from the Quebec Public Health Branch, which says that the bill "is a positive element to protect public health".

Oral Questions

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, let's be serious. We are in this House and we are speaking to the government. The Minister of Health has no right to falsely interpret statements, as he is doing.

How can the Minister of Health claim to have the agreement of the Government of Quebec when his letter not only comes from the Department of Health but also states that it is up to the wildlife ministry—

Some hon. members: Oh, oh!

The Speaker: Dear colleagues, I would ask that you refrain from showing letters. Letters may be quoted, but you are asked not to display them like that.

I would ask the hon. member from Roberval to pose his question.

Mr. Michel Gauthier: Mr. Speaker, my question is very simple. Is the minister aware of the letter signed by the present Deputy Minister of Health and sent to his environment colleague in Quebec, and of the denial by the Quebec Minister of the Environment of what the minister has just said in this House?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, this is really strange. I simply read what Quebec government officials wrote about this bill.

Some hon. members: Oh, oh!

Hon. Allan Rock: The simple fact is that the provinces have jurisdiction over the quality of drinking water and that the federal government has the power to make laws concerning the materials used to transport water. Our bill deals with this and it is an area of federal jurisdiction.

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[English]

VISAS

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Mr. Speaker, my question is for the Minister of Citizenship and Immigration. Yesterday, former ambassador Joe Bissett issued his report into a Los Angeles visa office with regard to the issuing of a visa to a known triad gang leader. The report contained 11 recommendations.

Can the minister advise the House and all Canadians if she agrees with those recommendations? When will she enact those recommendations not only in Los Angeles but in all visa offices around the world?

[Translation]

Hon. Lucienne Robillard (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, following a problem in the Los Angeles office, I personally asked the deputy minister to prepare a detailed report on the situation.

The deputy minister asked an outside consultant to review the processing procedures in our Los Angeles office. We just received

Mr. Bissett's report. It includes some very interesting recommendations and we intend to follow up on them.

[English]

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Mr. Speaker, my supplementary question is for the same minister. Does the minister know today where the triad gang leader is? Has her department issued a deportation order against the triad leader and his family?

[Translation]

Hon. Lucienne Robillard (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, the Reform member is well aware that the Privacy Act precludes me from providing details on the private lives of those involved in any departmental matter.

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• (1440)

NUCLEAR REACTORS

Mr. Bernard Bigras (Rosemont, BQ): Mr. Speaker, my question is for the Prime Minister.

Yesterday evening, CBC National News announced that the federal government intends to fund the sale of two CANDU reactors to Turkey, to the tune of \$1.5 billion, without conducting environmental impact studies.

Can the Prime Minister explain why his government is prepared to circumvent its own legislation for the sole purpose of selling nuclear reactors to Turkey, while here in Ontario, nuclear reactors are being closed down because of the risks to the environment?

[English]

Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, the hon. gentleman should be careful of the aspersions he may cast with respect to the Candu technology around the world. That technology has proven to be efficient and safe and is respected.

The problems he refers to in Ontario were problems related to management and processes within Ontario Hydro. They had nothing to do with the Candu technology.

[Translation]

Mr. Bernard Bigras (Rosemont, BQ): Mr. Speaker, are we to understand that the federal government is prepared to do anything for money, including violating its own laws?

[English]

Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, as I have already said, if and when AECL is successful in its bid and if and when it is successful in negotiating a contract subsequent to that bid, it will of course comply with all applicable Canadian standards and all applicable Turkish laws. Environmen-

tal specifications were a part of the bidding process imposed by Turkey.

In addition to that, AECL, as a matter of policy, has an environmental examination process that is built into every one of its projects.

* * *

THE SENATE

Mr. Bill Gilmour (Nanaimo—Alberni, Ref.): Mr. Speaker, Albertans mourn the untimely death of Senator Walter Twinn. I know that members from both sides of the House conveyed their condolences at his funeral. Since then both Ralph Klein and Alberta Liberal leader Grant Mitchell have called on the Prime Minister to let Albertans elect their next senator.

May I remind the Prime Minister that he said in 1990 "I pledge to work for a Senate that is elected". Will the Prime Minister keep his word and allow Albertans to elect their next senator?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we were for an elected Senate. It was a proposition in the Charlottetown accord that the Reform Party campaigned against.

Reformers want to have it both ways. They did not want to make any compromises and they voted down an elected Senate. I will name the next senator the same way as the father of the Leader of the Opposition was named.

Mr. Bill Gilmour (Nanaimo—Alberni, Ref.): Mr. Speaker, this does not require constitutional change. May I remind the Prime Minister that in Alberta the precedent has already been set. The late Stan Waters was elected as senator to the Senate in 1989. Now we have members of all sides of the Alberta legislature, including provincial Liberals, asking for an elected senator.

I ask again. Will the Prime Minister let Albertans elect their next senator?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the Prime Minister of the land is obliged to respect the Constitution for Alberta and the provinces of Canada.

* * *

[Translation]

SEARCH AND RESCUE HELICOPTERS

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, my question is for the Minister of Public Works and Government Services.

The government will soon announce its decision regarding the purchase of 15 search and rescue helicopters, without having even debated the issue in Parliament.

Oral Questions

Will the government do what it usually does when a difficult decision must be made and announce its choice of helicopters on Friday afternoon or next week, when Parliament will not be sitting?

Hon. Alfonso Gagliano (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the process for the purchase of 15 helicopters has been unfolding for a long time. We had four bidders whose names made the news.

We are currently studying the bids and once this review is completed, I will make recommendations to cabinet and a decision will be announced.

* * *

● (1445)

[English]

YOUTH EMPLOYMENT

Ms. Sophia Leung (Vancouver Kingsway, Lib.): Mr. Speaker, my question is for the Secretary of State for Western Economic Diversification.

Canadians know the importance of job creation for young Canadians and its impact on the future of the nation. Young people from Vancouver Kingsway want to know how western economic diversification has addressed the creation of jobs for youth in western Canada.

Hon. Ronald J. Duhamel (Secretary of State (Science, Research and Development)(Western Economic Diversification), Lib.): Mr. Speaker, western diversification has made great progress specifically targeted to young people.

The first area is in science and technology where it has created almost 100 jobs. It hires young people to help small business—

Some hon. members: Oh. Oh.

Hon. Ronald J. Duhamel: Mr. Speaker, they are not interested in jobs.

It hires young people to help small business in science and technology.

Second is the international trade personnel program which has enhanced exports and has created approximately 400 jobs.

Third is the western youth entrepreneurial program that encourages young people to get involved and start out in small business. It has created almost 500 jobs.

* * *

FISHERIES

Mr. Gary Lunn (Saanich—Gulf Islands, Ref.): Mr. Speaker, Spanish overfishing off the east coast prompted this government to respond with guns and Captain Canada. Meanwhile on the west

Oral Questions

coast, Americans continue to overfish and continue to violate the Pacific salmon treaty and this government does nothing.

My question is for the Prime Minister. Why the double standard for British Columbians?

Hon. David Anderson (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, the hon. member comes from Vancouver Island, British Columbia and he should know better than to ask such a foolish question.

The fact is that the salmon resources on the west coast are shared between Canada and the United States. To have a decision which will be lasting and in the best interests of fishermen of both countries and at the same time to protect conservation, it is essential to have a joint agreement with the Americans. There is no other way of handling this matter except through an agreement which both sides feel is in their interests.

Mr. Gary Lunn (Saanich—Gulf Islands, Ref.): Mr. Speaker, I am from British Columbia, just like the minister of fisheries. I am representing the people of British Columbia and they are insulted to be called foolish.

The people of British Columbia have heard talk for five years from this government and they are sick and tired of it. They want action. When is this minister going to get up off his seat and do something for the people of British Columbia?

Hon. David Anderson (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, at the end of the day what counts is not the rhetoric in the House. What counts is an agreement with the Americans. We must have a lasting agreement that we have not had because of the flaws in the Mulroney treaty which was negotiated in 1985.

We are attempting to overturn that through the Strangway-Ruckelshaus process. The hon. member is well aware of that process. Instead of coming here and putting forth the comments he has, he should be supporting the process so we can get to an agreement which will solve the problem we face on the west coast.

Mr. Svend J. Robinson (Burnaby—Douglas, NDP): Mr. Speaker, yesterday the fisheries committee heard eloquent evidence from B.C. coastal communities and aboriginal people about the devastating socioeconomic impact of the Mifflin plan.

I want to ask a question of the Minister of Human Resources Development. The Community Fisheries Development Centre has prepared an excellent active labour market transition plan costing \$375 million over three years. On the east coast fishery so far, \$3.4 billion was spent. I want to ask the minister to finally meet with representatives from British Columbia who are here today. Will he support their proposal and not give us more rhetoric? What will he finally—

The Speaker: The hon. Minister of Human Resources Development.

• (1450)

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, my colleague, the Minister of Fisheries and Oceans met with them yesterday. My parliamentary secretary, the member for Kenora—Rainy River, met with them today. My parliamentary secretary will be visiting them.

I think it would be irresponsible to pit one region against another and make comparisons. The situation in B.C. is serious but is on a different scale than the one we have in Atlantic Canada. I think the member will grant that. My department has already invested in a number of programs for the communities in British Columbia—

The Speaker: The hon. member for Bras d'Or.

* * *

DEVCO

Mrs. Michelle Dockrill (Bras d'Or, NDP): Mr. Speaker, my question is for the Minister of Natural Resources.

During a recent meeting with the auditor general, we were informed that a special examination of the crown corporation Devco will be concluding soon but only Devco's board of directors have the right to see the results of this audit.

Taking into account the latest questionable activity of Devco's management, and on behalf of the members from the United Mine Workers of America who are in Ottawa today, will the minister live up to the standards of openness and accountability that his party campaigned on and table—

The Speaker: The hon. Minister of Natural Resources.

Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, I am sure the hon. member shares the sentiment expressed by the union, by the Government of Nova Scotia and by our government to have success stories related to Devco.

The special examination is part of the process to try to ensure that the corporation is operating in a correct and proper basis. The study is being conducted by the auditor general. When the report is prepared, it will be handled in the appropriate way according to law. I will take the hon. member's request under advisement.

* * *

ENVIRONMENT

Mr. John Herron (Fundy—Royal, PC): Mr. Speaker, when referring to Canada's position on greenhouse gas emissions, the Prime Minister said last week in this House "Our position will, I hope, be acceptable to all Canadians".

Oral Questions

One month before Kyoto all they can do is cross their fingers and hope. Apparently it is a coin toss whether the Prime Minister impedes the progress of industry or negotiates away Canada's reputation as an environmental world leader.

Will the Prime Minister at least consult Canadians? Will he commit today to having any position derived from Kyoto subject to a vote in this House?

Hon. Christine Stewart (Minister of the Environment, Lib.): Mr. Speaker, the government is committed to legally binding targets in Kyoto. We are dealing with every partner in this country in reaching our goals and timetables. We are open to any consideration and any suggestions from other parties in this House. We would like to encourage all Canadians to be involved in this very important agenda.

Mr. John Herron (Fundy—Royal, PC): Mr. Speaker, my question was quite precise. I asked whether any positions derived from Kyoto would be subject to a vote in this House? That was the question I asked.

The Minister of the Environment has just stated that she has been in dialogue with her provincial counterparts. Next week on November 12 there is a meeting with the provincial energy ministers and provincial environment ministers and today they still do not know what the agenda for that meeting will be. When will they know the agenda? What will be discussed? More important, they will be asked to sign on to a position that they have no idea—

The Speaker: The hon. Minister of the Environment.

Hon. Christine Stewart (Minister of the Environment, Lib.): Mr. Speaker, I and my colleagues are in constant dialogue with all the partners on this important agenda, including the provinces. Yes we will be meeting with the energy and environment ministers next week in Regina. The agenda for that meeting is known to them.

* * *

CUSTOMS TARIFF ACT

Mr. Janko Perić (Cambridge, Lib.): Mr. Speaker, my question is for the Minister of Finance.

The Customs Tariff Act is currently before the House. Concerns have been raised by many, including Toyota in my riding of Cambridge, whether any changes will be made to the current tariff policy on imported automotive parts.

Can the minister assure this House a level playing field for all auto manufacturers in the country, including Toyota—

The Speaker: The hon. Minister of Finance.

• (1455)

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the hon. member has been an extremely strong advocate for the interests of the auto makers in his riding. I can assure him that the

government will not remove the provision that permits duty free entry for auto parts used in vehicle assembly in Canada from the tariff simplification bill.

I can also assure him, as he has asked, that we sent a letter last week to the Canadian Motor Vehicle Manufacturers' Association confirming this commitment.

* * *

IRAQ

Mr. Bob Mills (Red Deer, Ref.): Mr. Speaker, Saddam Hussein is asking Canada to drop trade sanctions against Iraq. The minister has two choices. He can go with France and Russia and drop the sanctions, or he can go with the U.S. and stick with the sanctions.

Does the minister have a position, or is he going to waffle like this government does on most issues?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, the fact is that we stand four square behind the United Nations' decision to have sanctions against Iraq.

* * *

[Translation]

BILINGUALISM

Mr. Louis Plamondon (Richelieu, BQ): Mr. Speaker, my question is for the President of the Treasury Board.

Yesterday, the Commissioner of Official Languages stated that budget constraints had resulted in a 20% reduction in the number of federal offices designated bilingual.

How can the President of the Treasury Board, himself a francophone, justify this kind of doublespeak on the part of his government, which claims to support French-speaking minorities while continuing to cut services?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, quite the contrary. Last year's report by the official languages commissioner shows steady improvement in the use of French in French-speaking groups and in offices serving Canadians in both official languages.

* * *

[English]

VETERANS AFFAIRS

Mr. Peter Mancini (Sydney—Victoria, NDP): Mr. Speaker, for over 50 years the men and women who bravely served in Canada's wartime merchant navy have been treated as second class veterans, deprived of many of the benefits accorded veterans of other services.

Points of Order

The Minister of Veterans Affairs when questioned on this in the House yesterday referred to Bill C-48, which he knows full well excludes members of the merchant marine from many of the benefits received by others.

Will the government show the veterans of the merchant marine the honour and respect they deserve before it is too late?

Hon. Fred Mifflin (Minister of Veterans Affairs and Secretary of State (Atlantic Canada Opportunities Agency), Lib.): Mr. Speaker, the bill was C-84. It was passed in July 1992.

The hon. member, when he refers to this government, should know that the main agitators for that bill were three members of the opposition party, which was the Liberal Party, and a member of the NDP. It was the initiative of those members which caused the government of the day to come across with a bill which basically allowed those brave merchant seamen to receive the same benefits as those veterans in uniform, including a veterans independence program—

The Speaker: The hon. member for Sherbrooke.

* * *

FISHERIES

Hon. Jean J. Charest (Sherbrooke, PC): Mr. Speaker, my question is for the Prime Minister. It has to do with the west coast fishery. I see he has just stepped out of the House. I hope he will be able to join us again.

Some hon. members: Oh, oh.

The Speaker: If the hon. member for Sherbrooke has a question, I would like him to put it now.

Hon. Jean J. Charest: Mr. Speaker, the Minister of Fisheries and Oceans in question period referred to envoys Ruckelshaus and Strangway. Both envoys met with Premier Clark last week and his advisory committee. Both envoys said they were ready to submit an interim report when there is a bilateral meeting between the Prime Minister and the President during the APEC conference.

Will the government accept their offer and finally do something for the people on the west coast who want some action on this issue?

Hon. David Anderson (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, it was the hon. member's party which signed a treaty which is so defective that the annexes ran out after seven years. There was no provision in it for continuing those annexes or for settling disputes. His party signed that defective treaty which is the cause of our current problems.

• (1500)

Strangway and Ruckelshaus are able to report when they wish. However, we will not make the same mistake that the Conservative

Party made in putting on artificial deadlines. That led the treaty to come forward to the shamrock summit when it was not ready.

* * *

PRESENCE IN GALLERY

The Speaker: I have two groups to introduce to hon. members today. I wish to draw to your attention the presence in our gallery of the members of the Committee on Environment and Natural Resources Protection of the National People's Congress of the Republic of China.

Some hon. members: Hear, hear.

The Speaker: Second, not in my gallery but in the public galleries, we have a group of teachers from all parts of our country who are participating in the second annual Teachers' Institute on Canadian Parliamentary Democracy. The objective of this forum is to promote a greater understanding of the Canadian political process.

[*Translation*]

Let us welcome, dear colleagues, these teachers who are educating future generations of Canadian citizens.

Some hon. members: Hear, hear.

* * *

[*English*]

POINTS OF ORDER

TABLETING OF DOCUMENTS

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, according to citation 347 of Beauchesne's and according to the reference within that section to Standing Order 32, there are two methods in this House by which documents can be tabled.

Today during question period, documents were passed from the health minister to the leader of the third party and vice versa. I would ask that those two documents be properly tabled in the House so that all of us can be aware of the contents. I hope that that process does not occur again.

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I know of no provision for tabling a document coming from an opposition member but in so far as the government document is concerned, I will endeavour to have it tabled before the end of the day.

• (1505)

The Speaker: The hon. House leader for the Reform Party is accurate in what he says. If ministers quote from documents, they should be tabled. I would not like to see any minister using one of the pages during question period to bring a document across the floor of this House. The pages are here to help us and they should not be brought into our debates or battles.

I take the word of the hon. government House leader that the documents that were quoted from will be tabled. I urge him to have these tabled before the end of today's session.

ROUTINE PROCEEDINGS

[English]

INTERPARLIAMENTARY DELEGATIONS

Mr. Bill Graham (Toronto Centre—Rosedale, Lib.): Mr. Speaker, I rise pursuant to Standing Order 34(1). I have the honour to present to the House, in both official languages, the report of the Canada European Parliamentary Association to the sixth annual meeting of the Parliamentary Assembly of the Organization of Security and Co-operation in Europe, the OSCE, which was held in Warsaw, Poland from July 5 to July 9, 1997.

* * *

[Translation]

COMMITTEES OF THE HOUSE

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

Mr. Bill Graham (Toronto Centre—Rosedale, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the first report of the Standing Committee on Foreign Affairs and International Trade.

[English]

In accordance with its mandate under Standing Order 108(2), your committee has considered the fifth and seventh reports of the Standing Committee on Foreign Affairs and International Trade presented to the House during the second session of the 35th Parliament, entitled respectively "Ending Child Labour Exploitation, a Canadian Agenda for Action on Global Challenges" and "Canada and the Circumpolar World Meeting the Challenges of Co-operation into the 21st Century" and has concurred in the findings of these two reports.

In accordance with the provisions of Standing Order 109, the committee requests that the government provide a comprehensive response to these reports.

Mr. Speaker, this may seem rather unusual. It is a rare procedure that reports presented in the last House after an election are re-presented. Our committee is of the view that these reports are extremely important and therefore want to re-present them to the House so we can get the government's response.

LIBRARY OF PARLIAMENT

Mr. Gurbax Singh Malhi (Bramalea—Gore—Malton, Lib.): Mr. Speaker, I have the honour to present, in both official lan-

Routine Proceedings

guages, the first report of the Standing Joint Committee on the Library of Parliament.

PROCEDURE AND HOUSE AFFAIRS

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

If the House gives its consent, I intend to move concurrence in the seventh report later this day.

• (1510)

PROCEDURE AND HOUSE AFFAIRS

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have the honour to present the eighth report of the Standing Committee on Procedure and House Affairs regarding its order of reference from the House of Commons of Thursday, October 23, 1997, in relation to supplementary estimates A for the fiscal year ending March 31, 1998, in regard to Vote 5a under Parliament (House of Commons).

The committee reports the same.

[Translation]

ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

Mr. Guy Saint-Julien (Abitibi, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the first report of the Standing Committee on Aboriginal Affairs and Northern Development.

The committee has considered Bill C-8, the Canada-Yukon Oil and Gas Accord Implementation Act, and reports it back to the House without amendment.

* * *

[English]

PRIVACY ACT

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.) moved for leave to introduce Bill C-275, an act to amend the Privacy Act.

He said: Mr. Speaker, the purpose of this bill is to vest the privacy commissioner with the power to determine whether personal information should be disclosed by a government institution under subsection 2(1) of the Privacy Act. The power is currently exercised by the head of such an institution, namely a cabinet minister.

This bill will ensure that ministers cannot hide behind the Privacy Act for political reasons.

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

*Routine Proceedings***CRIMINAL CODE**

Ms. Libby Davies (Vancouver East, NDP) moved for leave to introduce Bill C-276, an act to amend the Criminal Code (protection of children).

She said: Mr. Speaker, I have the honour to table a bill today, the purpose of which is to repeal section 43 of the Criminal Code of Canada. Section 43 allows corporal punishment of children by parents and teachers.

I believe that section 43 contravenes the charter of rights and freedoms and the UN Convention on the Rights of the Child.

We hear a lot about societal violence and abuse of children. This section of the Criminal Code legally sanctions corporal punishment which leads to the physical and emotional injury of children.

It is high time that this section of the Criminal Code was repealed to make it clear that this ancient law no longer has a place in a society that upholds and values the rights of children.

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

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COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if the House gives its consent, I move that the seventh report of the Standing Committee on Procedure and House Affairs, presented to the House earlier this day, be concurred in.

(Motion agreed to)

* * *

PETITIONS

CRIMINAL CODE

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, it is my pleasure to present petitions today.

I have another three petitions with a total of 1,090 signatures asking Parliament to amend the Criminal Code regarding sentencing for those convicted of sex offences. The petitioners mention a variety of ways in which they think we could tighten up the Criminal Code to make it safer for Canadians.

● (1515)

VIOLENT OFFENDERS

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, the next two petitions with regard to Bill C-41 contain 61 signatures.

They ask that all violent offenders are excluded from conditional sentencing. I am happy to support that.

JOYRIDING

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, the next two petitions, containing another 208 names, ask parliament to increase the penalties for those convicted of joyriding.

It would be my pleasure to present my private member's bill on that very subject at the end of regular business today.

[Translation]

HUMAN RIGHTS

Mr. Eugène Bellemare (Carleton—Gloucester, Lib.): Mr. Speaker, I have the pleasure to present three petitions.

In the first, the petitioners are asking that the phrase sexual orientation not be included in the Canadian Human Rights Act.

[English]

NATIONAL HIGHWAY SYSTEM

Mr. Eugène Bellemare (Carleton—Gloucester, Lib.): Mr. Speaker, my second petition urges the federal government to join with provincial governments to make the national highway system upgrading possible.

[Translation]

GOODS AND SERVICES TAX

Mr. Eugène Bellemare (Carleton—Gloucester, Lib.): Mr. Speaker, in the last petition, the petitioners call on the government to eliminate the GST on books and periodicals.

[English]

HUDSON, QUEBEC

Mr. Nick Discepola (Vaudreuil—Soulanges, Lib.): Mr. Speaker, I have the honour to present a petition which has been signed by almost 80% of the residents eligible to vote in the town of Hudson.

They urge parliament to make clear and present a commitment to honour and protect the Canadian territorial status of the town of Hudson pursuant to the expressed will of its residents as herein presented and demonstrated by the local results of any future provincial referendum on separation.

I would like to pay tribute to Mrs. Thompson, who is the initiator of this petition. She is in the gallery and has worked very hard and diligently to keep our country united. For that I salute her.

NUCLEAR WEAPONS

Mr. Rick Borotsik (Brandon—Souris, PC): Mr. Speaker, I am pleased to present a petition on behalf of concerned constituents of Brandon—Souris, more particularly the town of Killarney, Manitoba.

Routine Proceedings

It has to do with the abolition of nuclear weapons. It requests parliament support the immediate initiation and conclusion by the year 2000 of an international convention that will set out a binding timetable for the abolition of all nuclear weapons.

As it seems the House has done such a wonderful job on land mines, I think it is now time to go up one more stage and accept the petition on the abolition of nuclear weapons.

CRIMINAL CODE

Mr. Leon E. Benoit (Lakeland, Ref.): Mr. Speaker, it is with great pleasure that I present two petitions on behalf of my constituents.

In the first the petitioners are concerned that the possible removal of section 43 of the Criminal Code would strengthen the role of bureaucracy. They petition to affirm the duty and responsibility of parents to raise their children according to their own conscience and beliefs. They want to protect section 43 of the Criminal Code.

RIGHTS OF CHILDREN

Mr. Leon E. Benoit (Lakeland, Ref.): Mr. Speaker, the second petition is with regard to the United Nations convention on the rights of the child and the fact that not all provinces support that move on the part of the government.

They petition support for Motion No. 300 which would recognize the fundamental rights of individuals to pursue family life free from undue interference from the state and furthermore recommend the fundamental right and responsibility of parents to direct the upbringing of their children.

It is with great honour that I present these two petitions.

CRIMINAL CODE

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I have a petition to present today calling on the government to end the legal approval of corporal punishment of children by repealing section 43 of the Criminal Code of Canada.

RIGHTS OF FAMILY

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I have three petitions to present today. The first ones has to do with the family.

The petitioners would like to bring to the attention of the House that managing the family home and caring for preschool children is an honourable profession which has not been recognized for its value to our society. They also point out that the Income Tax Act does not take into account the real costs of raising children.

The petitioners therefore pray and call upon parliament to pursue initiatives to assist families who choose to provide care in the home to their preschool children.

LABELLING OF ALCOHOLIC PRODUCTS

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the second petition has to do with the issue of alcohol misuse.

The petitioners would like to bring to the attention of the House that the consumption of alcoholic beverages may cause health problems, particularly fetal alcohol syndrome and other alcohol related birth defects which are 100% preventable by avoiding alcohol consumption during pregnancy.

The petitioners therefore pray and call upon parliament to mandate the labelling of alcoholic products to warn expectant mothers and others of the risk associated with alcohol consumption.

• (1520)

PUBLIC SAFETY OFFICERS

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the final petition has to do with our everyday heroes, police officers and firefighters.

The petitioners would like to bring to the attention of the House that police officers and firefighters are required to place their lives at risk on a daily basis.

The employment benefits they receive often provide insufficient compensation to the families of public safety officers killed in the line of duty. They also point out that the public mourns those losses.

Therefore the petitioners pray and call upon parliament to establish a public safety officers compensation fund for the benefit of families of police officers, firefighters and other public safety officers killed in the line of duty.

CRIMINAL CODE

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, it is a pleasure to present a petition, pursuant to Standing Order 36, containing well over 12,000 signatures. All the petitioners are from the Kamloops constituency.

They call upon the government to do away with section 745 of the Criminal Code, the section which in a sense does not mean that a life sentence is a life sentence. It means it is only a shortened sentence and it allows criminals like Clifford Olson and so on to make appeals. Thousands of people from my constituency are saying that this does not seem right at all and should be repealed.

I have another petition that has to do with section 43 of the Criminal Code of Canada. That is the section that permits people to violently beat their children. I suppose we could put it that way.

Government Orders

The petitioners feel that it is not right for parents to inflict physical pain on children at young ages. When they are determining their values and the basic morals of society it is not right for parents to inflict pain on children for disciplinary purposes and goes against the spirit of the Charter of Rights and Freedoms. They are asking for a repeal of section 43.

NATIONAL HIGHWAY SYSTEM

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, I have a whole list of truckers from the Kamloops constituency.

They call upon parliament to develop a national highway system upgrading program, using infrastructure money to make sure Canada's highway system is in first rate condition from coast to coast.

TAXATION

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, another set of petitioners are concerned about the unfair tax system in Canada presently.

They point out that it is unjust, unfair, biased and a disaster, to put it mildly. They consider it to be so haywire that it needs a complete overhaul.

They call for a cost benefit analysis for every tax exemption to ensure, whatever the cost is, that the people of Canada, in particular the taxpayers of Canada, are getting the best bang for their dollar.

NATIONAL HIGHWAY SYSTEM

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, this is a request by petitioners to dedicate the federal excise tax on gasoline, or at least a part of it, to rehabilitate Canada's crumbling highway system, again a dedicated tax for highway construction.

NUCLEAR WEAPONS

Mr. Howard Hilstrom (Selkirk—Interlake, Ref.): Mr. Speaker, I have a petition from concerned Manitobans with regard to the non-proliferation of nuclear weapons.

Canada and all state parties to the 1968 United Nations treaty on the non-proliferation of nuclear weapons reaffirmed their commitment in May 1995 to undertake to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date.

The petitioners simply would like the House and the government to enter into a binding timetable for the abolition of all nuclear weapons.

* * *

[Translation]

TABLING OF LETTERS

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, I wish to table in the House copies of two letters to which I referred during oral question period.

QUESTIONS ON THE ORDER PAPER

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

The Acting Speaker (Mr. McClelland): Is that agreed?

Some hon. members: Agreed.

* * *

• (1525)

MOTIONS FOR PAPERS

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I suggest that all notices of motion for the production of papers be allowed to stand.

The Acting Speaker (Mr. McClelland): Is that agreed?

Some hon. members: Agreed.

* * *

[English]

COMMITTEES OF THE HOUSE

FISHERIES AND OCEANS

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

That 10 members of the Standing Committee on Fisheries and Oceans be authorized to travel to St. John's, Witless Bay, Harbour Breton, Marystown, Burgeo, Deer Lake, La Scie, Blanc Sablon, îles-de-la-Madeleine, Miramichi, Shelburne and Sambro for the week of November 23 to 30, 1997; and

That the necessary staff do accompany the members of the committee.

(Motion agreed to)

GOVERNMENT ORDERS

[English]

PARENTING ARRANGEMENTS

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.) moved:

That a Special Joint Committee of the Senate and the House of Commons be appointed to examine and analyze issues relating to custody and access arrangements after separation and divorce, and in particular, to assess the need for a more child-centred approach to family law policies and practices that would emphasize joint parental responsibilities and child-focused parenting arrangements based on children's needs and best interests;

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That seven Members of the Senate and sixteen Members of the House of Commons be members of the Committee with two Joint Chairpersons;

That changes in the membership, on the part of the House of Commons of the Committee, be effective immediately after a notification signed by the member acting as the chief Whip of any recognized party has been filed with the clerk of the Committee;

That the Committee be directed to consult broadly, examine relevant research studies and literature and review models being used or developed in other jurisdictions;

That the Committee have the power to sit during sittings and adjournments of the Senate;

That the Committee have the power to report from time to time, to send for persons, papers and records, and to print such papers and evidence as may be ordered by the Committee;

That the Committee have the power to retain the services of expert, professional, technical and clerical staff, including legal counsel;

That a quorum of the Committee be twelve members whenever a vote, resolution or other decision is taken, so long as both Houses are represented, and that the Joint Chairpersons be authorized to hold meetings, to receive evidence and authorize the printing thereof, whenever six members are present, so long as both Houses are represented;

That the Committee be empowered to appoint, from among its members, such sub-committees as may be deemed advisable, and to delegate to such sub-committees, all or any of its power, except the power to report to the Senate and House of Commons;

That the Committee be empowered to adjourn from place to place within and outside Canada;

That the Committee be empowered to authorize television and radio broadcasting of any or all of its proceedings;

That the Committee present its final report no later than November 30, 1998; and

That a Message be sent to the Senate to acquaint that House accordingly.

She said: Mr. Speaker, it is a great pleasure for me today to rise and speak on the motion to establish a special joint Senate and House of Commons committee to examine child custody and access issues.

Before I do, since this is my first opportunity to rise in the House while you have been in the chair, Mr. Speaker, I want to say what a great pleasure it is. You are a fellow Edmontonian. We have contiguous ridings. On behalf of my constituents in Edmonton West I want to say what a great pleasure and honour it was for all of us when you were appointed Assistant Deputy Speaker in the House. I look forward to working with you in the months and years ahead.

The motion calls for a special committee to examine and analyse issues relating to custody and access arrangements after separation and divorce and, in particular, to assess the need for a more child centred approach to family law policies and practices that would emphasize joint parental responsibilities and child focused parenting arrangements based on children's needs and best interests.

I know there is a great deal of interest and concern about these very important issues. When a marriage breaks down, arrangements have to be made for the care, upbringing and maintenance of the children.

Some parents, many parents, are able to work together to decide what these arrangements should be. They are able to focus on the interests of their children and can agree on where the children will live and how decisions will be made about the children's schooling, religious upbringing, medical care and participation in extracurricular activities.

● (1530)

For other parents, however, this is a difficult task. Divorce is a complex and emotional time in people's lives. As parents, most will want to try to do what is best for the children, but they may be confused, hurt or angry. They may be unable to agree about what arrangements are best for their children. They may vie for the loyalty of their children.

There can also be genuinely complex issues that need to be resolved. In these contested cases is the family law system that governs custody and access determinations. I know that many criticisms have been raised about the current family law system. Courts that address family matters are the forums for deciding parenting disputes and there are many complaints about the high costs and delays associated with the legal process.

There are also concerns that parents who cannot agree about parenting issues involving their children must often resort to an adversarial system that tends to promote the anger and hurt associated with separation and divorce. Many believe that the very terminology of custody and access in family law legislation reflects a winner and loser approach that encourages the parties to compete with each other for the status of real or best parent. Too often the legal process contributes to the conflict between the parents and results in outcomes that do not resolve matters but in fact further promotes ongoing difficulties and pain.

Recent experience with child support reforms suggests that these issues to be dealt with by the committee will promote vigorous debate, dare I say at times probably contentious debate.

There are many different views about what problems should be emphasized and about what reforms are required. The difficult and controversial nature of the issue should not dissuade us from beginning the process of reform.

The many transitions and reorganizations that accompany family breakdown greatly affect the children involved. While the long

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term effects of divorce should not be exaggerated by any of us, there is no doubt that divorce is a painful experience for children. There is a real need to look at custody and access issues and attempt to reform the family law system to minimize the negative impacts of divorce on children.

The motion asks that the committee specifically look at the need for a more child centred approach to family law policies and practices. I believe this is very important. The goal must be to identify the legal rules, principles and processes that will emphasize what is best for the children. This can be done if the committee is steadfast in focusing on children. I believe there is an obligation to examine this issue through the lens of the needs and rights of children. All concerned Canadians, ourselves included, must reject the temptation to cast this debate as one between the interests of mothers versus fathers. If we are to move forward in dealing with the challenge of parenting after divorce, both individually and in our public policy, we must be vigilant in making the needs and rights of children our primary source of inspiration.

To help in this task the committee can review the professional literature about the developmental needs of children and examine models being used in other jurisdictions that have attempted to alleviate the negative impact of divorce on children. The committee can also meet with and listen to the many individuals and groups that care about the quality of life for our children. I know there is a great deal of interest, concern and insight that Canadians will bring to these issues.

I urge all members of the House to support the motion. It is time to find ways to help parents better resolve their differences and focus on what is in the best interests of their children.

Unfortunately, because of prior engagements, I have to leave the House in a few minutes. But I want everyone to know that I am going to follow and review with interest the speeches that follow in this debate because I do believe this is an opportunity for all of us, in the Senate and the House of Commons, all parties, to work together to do something that is not only right but very important to ensure a better quality of life for all our children and families as we approach the millennium.

Mr. Bob Kilger (Stormont—Dundas, Lib.): Mr. Speaker, I rise on a point of order. I am also pleased that the Minister of Justice is still with us. There is another matter before that department, Bill C-16. There have been deliberations among all the parties about this subject matter.

• (1535)

I believe I have the consent of the House for the following motion:

That, notwithstanding any standing order, if Bill C-16 has been reported from committee no later than November 6, 1997, the House may consider the said bill at the report stage and at the third reading stage on November 7, 1997.

The Acting Speaker (Mr. McClelland): The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Ref.): Mr. Speaker, I rise to speak to the motion to establish a joint committee of the House of Commons and the Senate.

Last February a rather historic and public discussion ensued across the country on Bill C-41, an act to amend the Divorce Act. By the time the bill got to the Senate, alarm bells began to be heard in the community.

The groundswell was enormous and powerful. Public support for the Senate's actions to slow down and review Bill C-41 was profound and unprecedented. Public concern for fairness in the divorce law was strongly expressed.

We only have the motion today because the government was forced into a situation in order to get Bill C-41 passed in the last Parliament.

The government ignored the pleas of Canadians last time. Now that we have a committee we hope to make it work.

The government, in rushing the bill to passage, rushed the committee's work. In fact, public support for the position taken by the Senate surprised the government.

The dominant public wish and the one which most frequently and repeatedly was articulated was the wish that we in Parliament would return balance, fairness and equilibrium to the Divorce Act, to the practice of family law, to the courts and to the administration of justice.

I quote one letter written by Toronto lawyer Bruce Haines, Queen's counsel. He wrote in part:

For over thirty years I have practised family law in Ontario and during that time I have watched the development of the law and the dramatically changed social conditions which have not only seen a very high percentage of married women move into the work force in most every area but have also seen a significant narrowing of the income differentials between men and women. During that same period I have watched spousal social expectations change in that husbands have embraced a full participation in all aspects of family functions, particularly in the nurturing and raising of their children.

Changes to the divorce law have rarely kept pace with changing attitudes and, despite the gender neutral language of the Divorce Act, its actual implementation in the

areas of child custody and child support has continued to be marked by an entrenched systemic gender bias that “mother knows best and father pays best”. The administration of justice does not treat spouses equally when it comes to assigning child custody. By and large, custody is almost always assigned to mothers and the most fathers can hope for is a generous access order. Where fathers interfere with custody orders they will ordinarily bear the full weight of the law while mothers who flaunt access orders will, by and large, receive judicial admonitions with usually little other consequence.

Section 16(10) of the Divorce Act requires courts to take into consideration the willingness of the person for whom custody is sought to facilitate contact of the child with each spouse. Practising family lawyers know that this section is almost never invoked.

—you have an opportunity to correct at least some of the mischief inherent in this deeply flawed legislation.

I urge—to reject Bill C-41 in its present form and to approach all of the issues on a remedial basis. In considering custody and child support, there is a need to restore greater balance between the rights of mothers and fathers. I have not ventured into other areas of family law where the similarly entrenched systemic gender biases seems to exist.

● (1540)

This was one of the many letters of the view that divorce legislation must be balanced and fair. That was widely held across the country by most Canadians, men and women.

Senators amended Bill C-41 and passed the amended bill on February 13, 1997. The House of Commons concurred with the amendments the next day. As part of the passage of Bill C-41, the government, in response to the concerns of senators and non-custodial parents, committed itself to studying the issues of custody and access. The Minister of Justice and Attorney General of Canada said:

—this government will take the steps necessary to introduce a motion in this session to establish a joint Senate-House of Commons committee to study issues related to custody and access under the Divorce Act. The government is offering this commitment in response to concerns raised by some senators on behalf of non-custodial parents, who believe that this issue should be re-examined.

Family issues are fundamental to our society. In the last election our party made a commitment to make families a priority. We said among other things that we made a commitment to the country to make families a priority and ensure that government policies and regulations are family friendly. We said that we would extend the \$3,000 to \$5,000 child care deduction to all parents including those who care for their children at home. We would increase the spousal amount from \$5,380 to \$7,900, levelling the field for parents who chose to stay at home to look after young children and help families to meet the needs of a more demanding economy.

We would help provinces and local governments ensure that deadbeat parents live up to their responsibility to support their children when families break down. We would ensure that agree-

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ments concerning access to children are respected and enforced. A zero tolerance policy would be enacted on family violence and we would crack down on child prostitution and child pornography.

We also said that we would make families a priority. I quote from our literature:

While the federal government has been catering to special interest groups, the voice of Canadian families in the policy debate has grown weaker and weaker. This has resulted in social and economic policies that undermine the security of Canadian families, causing unnecessary levels of stress, burnout, and financial hardship.

Family time is not a luxury. It is absolutely essential if we are to preserve health and happiness in our homes. It's time to make families a priority again.

For too long these issues of custody and access have been begging Parliamentary committee study. Witnesses related to the numerous and extensive problems in the areas of custody and access and the problems facing non-custodial parents. They also described many problems including parental alienation syndrome, commonly known as PAS, and false sexual abuse allegations in divorce and custody disputes.

The new payment guidelines of Bill C-41 sound good, but I have a letter from one parent who claims that the change has brought a loss to the children, a loss of relationship. He says in part:

As you may have gathered I am one of the so called non-custodial parents. I have paid my share of my children's expenses through child support payments for the past eleven years. Now the government has decided that I am really just a wallet for my kids—It seems to me that pressures have swung the pendulum all the way to the other side.

I am now having to pay so much to my ex and Revenue Canada that I will no longer be able to visit with my children or have them come to stay with me.

I think that when the law was enacted too much consideration was given to the custodial parents—and not enough to the non-custodial parents.

Again I tell you that this law has now made it so that this will be the last summer that I will be spending with my children and I don't anticipate visiting as often as I live 600 kilometres away. I just cannot afford the luxury and that is what the new law has made it.

I hope you understand what is happening and can do something about the law to make it fair.

Parental alienation syndrome is an effort by one parent, the custodial parent, to eliminate access between the children of divorce and their non-custodial parent. Elimination of access is often a significant indicator in an effort to alienate the non-custodial parent, eliminating access on a permanent basis.

Dr. Richard Gardner coined the term parental alienation syndrome to describe the process whereby one parent initiates the systematic vilification of the other parent by manipulation of the child with the intent of alienating the child from the other parent. The manipulation of time becomes the prime weapon in the hands of the alienator.

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• (1545)

Parent alienation syndrome occurs when one parent is engaged in an attempt not merely to destroy the other parent and the other parent's relationship with the child but also to cause the child to join in the process. The child enters the dynamic becoming a weapon, a spokesperson, a co-combatant in the process.

Another problem is the use of false sexual abuse allegations in divorce and custody proceedings. The use of false allegations in divorce and custody proceedings has become epidemic in this country and it has been described as the weapon of choice in custodial disputes.

Of particular note is that these peculiar false allegations arise in the context of divorce and custody disputes. False allegations, as in the case *Plesh v. Plesh*, the trial judge, Mr. Justice Carr of the Manitoba Court of Queen's Bench in his 1992 judgment stated about an applicant "I conclude she never believed that their son had been abused, not when she reported the abuse and not now".

These are only some of the many problems in the operation and application of the law with respect to custody and access.

In the last Parliament, former member of Parliament Daphne Jennings championed a grandparents' right private member's bill to extend better legal standing for grandparents in court contested custody cases.

On the issue of access, the 1995 Supreme Court of Canada decision in *Gordon v. Goertz* was significant. The issues for adjudication were custody access and contact between the child and non-custodial parent. In her reasons for judgment Madam Justice Beverley McLachlin wrote "Important as contact with the non-custodial parent may be, it should be noted that not all experts agree on the weight to be given to such contact in assessing the best interests of children". That statement and judgment caused a lot of anxiety and anguish to non-custodial parents across this land and caused many to ask Parliament to study the issues of custody and access.

As Mr. Haines pointed out earlier in the letter that I quoted "Marriage and society in general have moved toward joint parenting and joint responsibility for children. You may divorce your spouse, you don't divorce your kids".

So too in many jurisdictions has divorce law moved toward joint or shared parenting. Some jurisdictions have even abandoned the antiquated term "custody" in favour of the modern term "parenting". As a former divorce mediator, I have special awareness of these kinds of problems.

However, in 1991 the justice minister, then professor of law, wrote a discussion paper for the Alberta Advisory Council on Women's Issues entitled "Women and the Process of Constitutional Reform". In this paper she argued that constitutional devolution

of federal government powers to the provinces would give provincial governments control over the family, such as that certain proceedings in separation and divorce would fall under provincial jurisdiction by virtue of the provinces' power over property and civil rights. Such devolution, she believes, would result in joint custody after a divorce.

She apparently was not in support of it. She stated "If through constitutional reform, divorce became a matter of exclusive provincial jurisdiction, provinces could legislate comprehensively in the area of the family. Some provincial legislatures may choose to impose a presumption of joint custody and require mandatory mediation in the resolution of family disputes".

The minister also said "An increasing number of commentators now suggest that joint custody may simply perpetuate the influence and domination of men over the lives of women". What an incredible statement.

The public's rejection of ideology in family law drove the public support for a second look at Bill C-41. Therefore I support the terms of the committee. The terms have been read out by the Speaker.

In general the courts typically deal somewhat acceptably with money, but they deal very poorly and handle with great difficulty custody, access and guardianship. The federal Divorce Act and similar provincial family court acts leave a messy jurisdictional problem within the area of family law. Therefore, the renewed parliamentary attention to outstanding issues on family law is welcome. Reformers recognize the fundamental importance of family to society and Reformers agree that changes to family law need to be addressed to ensure the rules are more family friendly.

• (1550)

We will certainly emphasize the need for such an issue to be raised in Parliament in order to raise the profile of the family and family issues as it clearly is a priority topic in the community. Consequently we will fully participate and will work to ensure reasonable cost in the conduct of the committee while we also ensure we have balanced deliberations.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, this is a rather odd motion we have before us today. When I first looked at it, I was not all that surprised at the government's approach, because as justice critic I have had to look at a number of bills and am becoming increasingly aware that the federal government is, under the guise of the preponderance it claims to have under the Constitution, under the guise of peace, order and good government, or under the guise of criminal law, encroaching more and more on areas under provincial jurisdiction.

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This week we had another striking example, Bill C-14 on drinking water. Is there any area more provincial than water? No, yet the federal government is interfering.

Things are getting more and more complicated with the government over there. A while ago, we found it somewhat amusing to watch the matter of which jurisdiction the St. Lawrence River came under. You will see that there is a parallel in this. What they said was "The bottom of the St. Lawrence is federal. The water is provincial. The fish swimming in the St. Lawrence are provincial. As soon as they are caught, taken out of the water, and put into the boat, they are provincial fish in a federally registered boat, constructed under provincial regulations, and governed by federal safety regulations". So there you are, what a fine great country Canada is.

Finally, we address a subject similar to this motion. When a couple separates in Canada—this is referred to directly in the motion—this is provincial legislation. But when they divorce, this is federal legislation. And if that were not sufficiently complex, the federal government has decided in its wisdom as a centralizer, of course, to table a motion and mandate some of the dear senators. I hope they will find enough of them awake to fill the positions. There will be 7 senators and 16 MPs with the two co-chairs, making up a nice little committee to examine child custody, visiting rights, parenting and so on.

This motion is worded so broadly that it encompasses large areas directly under provincial jurisdiction. I will give you a few examples of this. In Quebec, the mechanisms for implementing custody and visiting rights when there is a separation come under the Civil Code. The federal government has nothing to do with it. Parenting of children comes under parental authority, a jurisdiction of the Quebec National Assembly. The federal government has nothing to do with this. As regards the school system, which is under provincial jurisdiction, the federal government has no business intervening.

Then there is the federal government's unwarranted intrusion in the lives of individuals. The motion talks about "practices that would emphasize joint parental responsibilities and child-focused parenting arrangements based on children's needs and best interests". What is the federal government doing in this area? Tell me. It is provocation, pure and simple. It has no business in this area of jurisdiction.

• (1555)

I wondered how the people opposite, who are supposed to be intelligent, can be guilty of such provocation?

An hon. member: They are supposed to be.

Mr. Michel Bellehumeur: Yes, they are supposed to be, as one of my colleagues said. But, perhaps we should look at the background to this motion.

We have to go back to the 35th Parliament, where little deals were made here in the House, not with the duly elected members sitting here, but with the two or three senators who were not sleeping in the other place. Deals were made with the federal government and they were told "Let Bill C-41 on child support pass, and we will find you a little something to do. We will arrange it so you can look at the issues of custody and access after divorce". That was the deal made at the time to get C-41 through.

What is this motion about? It concerns both divorce and separation. It is much broader. However, the many members opposite who support the minister's motion should open their ears to what a member of the Bloc Québécois has to say on the matter rather than watching what is happening above. Our comments are important, and perhaps if they paid a little more attention to Quebec's historical demands, we would not be here discussing the distribution of powers or anything else. The problem between Canada and Quebec would have been settled 35 years ago.

That having been said, I understand that the topic, which has to do with child custody from a financial or parenting point of view after separation, is a serious one. We are not saying that it is not serious or important. On the contrary, it is very much so, but it is up to the provinces, not the federal government, to legislate in this area.

As far as Quebec is concerned, I am well placed to address this issue, first because I am an MP from Quebec, and second because I am a lawyer. I argued matrimonial cases before I was elected to office. Since that time, things have even improved in Quebec with the recent reforms introduced by the PQ government, some of which took effect on May 1, 1997, and others of which took effect recently on September 1, 1997.

We in Quebec have a model for setting support payments that reflects the importance Quebec places on its children. This model takes into account the income of both parents and the length of custody. In addition, a form and a guide for determining amounts are made available to parents, mediators, counsel and judges. The model is so good that the federal government has agreed to apply it in cases of divorce, while we naturally applied it in cases of separation, since separation comes under provincial jurisdiction. And all this has been in effect since May 1, 1997.

They are talking about family mediation as though it were the discovery of the century. Family mediation was already around in Quebec when I was practising law, between 1986 and 1995, but since September 1, we have improved our approach, making it much more structured. This family mediation, which we have Minister Serge Ménard to thank for, is free for the first six sessions

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and may be conducted by lawyers, notaries, guidance counsellors, psychologists, social workers and so on. In 1996, there were 459 mediators in Quebec; today there are 735. There is therefore a market, and this service is used in Quebec.

The legislation provides for a process of registering decisions with a special clerk in order to speed matters up, because there is also an important issue at stake: there is no stalling around when it comes to children's rights, parents' visiting rights, salary, family income; decisions must be taken quickly. A follow-up committee will submit a report on the process to the Minister of Justice, in the fall of 1998. Serious work is being done; measures are being applied and a follow-up will take place.

• (1600)

As you can see, whether it is child support setting, mediation, children's rights, the right to attend school, alimony, etc., Quebec has already adopted major legislation on all these issues. Today, if the federal government really wanted to show its good will in this regard, it could withdraw without any problem from family law and even divorce matters.

It could immediately decide to get out of these areas. A whole section of the Quebec civil code has been passed but is not being applied, because it is beyond our jurisdiction. The National Assembly could immediately and without any problems start dealing with divorces, which would improve harmonization and better reflect what really goes on in Quebec, with a very comprehensive civil code. Our code deals with the appropriate issues and truly meets the needs of Quebec families.

We can dream, but we know the federal government will not do it. In the last 30 years, it has been increasingly interfering in areas under provincial jurisdiction, including those of Quebec.

The motion shows that, when it comes to parenting, the federal government does not hesitate to get involved in this area, which comes under provincial jurisdiction. As I said earlier about the federal government interfering in people's lives, I think that too is not its jurisdiction.

All this to say that my initial reaction to this motion was to say "We in the Bloc Québécois must not take any part in this charade. We in the Bloc Québécois must not be a party to this centralizing approach, an approach that does not in any way reflect Quebec's demands".

However, after talking the matter over with the hon. member for Longueuil in particular—she is very sensitive to the needs of women's groups in Quebec and has met with many groups involved in this matter—I realized that these groups also agree that the federal government is stepping in areas that are none of its concern. They nevertheless wanted us to be involved. They wanted us to be there to voice our opposition to this extremely centralizing bill. And that is what we shall do.

The hon. member for Longueuil, whose professionalism is well known, will take part in this committee to represent Quebec's point of view. She will also make the point that, in Quebec, we are at the forefront in several areas, and family issues in particular.

If at all possible, because I am a perpetual optimist, we in the Bloc Québécois will try to bring the government and those senators who are not asleep round to our opinion. We will try to convince them that they should not interfere in this area but rather give it over to each province's legislative assembly.

But if we are unable to change their minds on a matter as important as this one, I am confident that the hon. member for Longueuil will let our caucus know and, if the government does not yield to the Bloc's arguments, in her wisdom, she will table a minority report.

That having been said, you will understand that, yes, we will take part in the work of this committee if it is struck. We will pay close attention and very strongly insist that Quebec's demands in this area of jurisdiction be met.

I have been hearing all sorts of comments coming from the other side since I rose to take part in this debate. There is one thing I would like to say: if it is true that the members opposite are so committed to the interests of children, why then have they not yet endorsed the Quebec-France agreement on child support? This agreement directly concerns the children of Quebec, and yet the government opposite is wrangling over procedures, scrutinizing every comma and preventing thousands of Quebec families from receiving child support from overseas.

• (1605)

If the government is truly committed to the interests of children, it should endorse the agreement that has been signed between Quebec and France, and maybe then we will be able to believe them when they say they are committed to families, to sound management in this area of responsibility that does not belong to them.

We will be showing openness by attending the hearings to be held by this committee, although we find it useless and a waste of time, and I hope that the government opposite will at least be smart enough to listen to our demands and to take them into account in any future legislation.

Mr. Claude Drouin (Beauce, Lib.): Mr. Speaker, I was listening to my colleague opposite speaking about his experiences and his background in the legal profession. I was once a political adviser at the provincial level and I can tell you that I have seen more than one woman having difficulties with provincial laws. I don't think there is much to be proud of in this respect. Either he is out of touch, or he was being selective in his choice of cases.

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He often makes reference to the senators. I can introduce him to some of them and he will realize that they are people with a lot of experience and knowledge and that, even if a few were caught with their eyes closed, that does not mean they are all sleeping. It is important that he realize this.

I have a question for the hon. member. If a couple separates and one of the partners moves to another province, would national standards not make it easier to settle matters?

That was my comment and my question.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I would ever so politely say to the hon. member that he ought to have remained a political adviser, because as a politician, at least as an MP representing a Quebec riding—unless I am mistaken—he ought to know that the remarks he has made are totally inaccurate, totally coloured by very negative stereotypes on Quebecers, who have passed family legislation that is superior to what there is in many other provinces.

There are many MPs who speak in this House but are rarely seen in committee. I invite the hon. member to the justice committee, among others, where subjects like this will be discussed. I hope that the hon. member will, at the very least, be appointed to the joint committee which will examine this matter and which will hear qualified witnesses in this area, from Quebec and elsewhere. Very often, people from outside Quebec are the ones who quote Quebec legislation. I often heard, during the 35th Parliament, people from Vancouver, from Alberta, from the maritimes, quoting legislation, citing Quebec's various social measures as examples. I think that the hon. member across the way is completely unaware of this.

For that reason, I repeat that he might have been better off remaining a political adviser. I can understand that perhaps giving opinions like that to the MP he worked for before may be what put an end to his career as a political adviser.

As for the rest, I do not understand the hon. member's question on how divorces in Ontario, in Quebec, in some other province, can be handled if it is not the same law that applies. What happens with separations? The same law does not apply, it depends on whether it is in Quebec, Ontario, British Columbia or the maritimes. But do some people end up worse off as a result? No. Because the provinces have passed legislation which reflects what they are.

• (1610)

We in Quebec do things differently than they can in Ontario, for example, or in western Canada. The men of the 1990s in Quebec are not the same as those of the 1970s. Nor are the women involved in cases of divorce and separation in the 1990s the same as the women of the 1970s.

Our experience in Quebec is not necessarily the same as that of Ontario or western Canada. This is why it is absolutely essential

that the government opposite understand that it must not interfere in the family law sector, that it must back off and leave the provinces to deal with parenting, support payments, separation and divorce. It must understand that, for the well-being of the public and in the best interests of Quebec families, among others—I will argue for my parish and for Quebec—it must cease to meddle in matters that do not concern it.

[English]

Mr. Peter Mancini (Sydney—Victoria, NDP): Mr. Speaker, it is with pleasure that I rise to speak to the issue before the House today. It is one that I have some particular interest in.

Hon. members indicated in their earlier comments the experience they have had. My own experience in this area goes back as a legal aid lawyer for some 12 years, dealing with people in society who do not perhaps have the financial ability in many cases to afford social workers or counsellors and who find themselves locked into litigation of the courts and litigating over the custody of and access to their children.

It is no argument that family law lawyers who deal with these problems deal with one of the most difficult and fractious areas of law in the country. It is no argument that social workers who deal in this area of the law find themselves confronted on a daily basis with very difficult decisions. It is no exaggeration to say law enforcement agencies that are forced in some cases to enforce court orders dealing with custody and access find themselves in very difficult situations.

I know because I have seen the children put in police cars when one parent demands to exercise access. I have also seen children tortured and torn between two parents saying on one hand "I want to be with this parent" to please the custodial parent and on the other hand "I want to be with this parent" to please the access parent.

It is clear in the area of divorce and family law that we are not dealing in a very sensible and certainly not in a very effective way with the needs of the children who find themselves caught in that arrangement.

At the end of the day there has to be a better way to deal with family breakup. I am pleased to support the structuring of this committee. I welcome its views. It can perform a very real service for all the people I have mentioned who work in family law services and in the family courts by helping us come to grips with what should not be an adversarial process but a conciliation process dealing with children.

Before I was a member of Parliament, as a lawyer and a private citizen I submitted a report to the then minister of justice in the last parliament which sought to reform the Divorce Act. I dealt with the very issues this committee will be examining, whether or not there ought to be a presumption of joint custody, whether or not there

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ought to be other presumptions in terms of determining which parent has custody.

When we look at the Divorce Act as it currently stands, unfortunately in many ways it encourages litigation and takes us away from a reconciliation process or a mediation process. The framers of the act did not intend this but once we take the family and put it before the courts in a litigious manner, in an adversarial manner, then right off the bat we find ourselves acting in ways that might be in the best interests of clients or might be in the spirit of the legislation, but are not in the spirit of the family.

• (1615)

Just as an example, section 16 of the Divorce Act allows for an interim order for custody. As every family lawyer knows, the courts have developed over the years many tests to determine which parent ought to be the custodial parent. I can go back to the parents patria jurisdiction of the court, the tender years doctrine, which was used by the courts for many years to determine in most cases that the mother ought to be the custodial parent of children who were of tender years. The courts then revised that and dealt with the status quo doctrine.

Of course the overriding principle is always the best interests of the child but it is the difficulty in determining that which the courts have to grapple with. It is with that difficulty that these tests have been developed.

One of the predominant tests is of course the status quo doctrine, which is that the parent who has custody of the children and provides a good environment for them immediately after the separation ought to be the parent who has custody. It is not good for the children to have constant upheaval.

As sensible as that test may be, when we put it into the litigation context, it encourages family law lawyers to make an application for interim custody right off the bat. They know that in many cases the first one at the bar takes all. If the lawyer is successful on the interim application, with the courts being overburdened as they are, the actual litigation of the divorce process and the custody hearing may take four, five, six or eight months, which automatically gives one parent the advantage. However the child does not necessarily have the advantage.

When we look at it in that adversarial context, that is the kind of thing which the act encourages.

For families that have sufficient means, and the justice minister alluded to some families who are able in many situations to work out their own custody and access arrangements, many parents can. Many poor parents can because they put the needs of the children first and allow themselves to work within that framework. However

er there may be more success among wealthier people because of course they can avail themselves of mediation services which in many provinces are currently privately run and run for profit.

Obviously there is a need to take this out of the litigation process and move it into a more conciliatory process. As I have indicated, that is one section of the Divorce Act which encourages litigation.

While there is a presumption of joint custody or access, the act itself looks at other factors. It says that the court ought not to look at the past conduct of a parent in determining which parent ought to have custody or access. Yet we know that many judges in the litigation process are influenced by many things. While the court says we ought not to look at past conduct unless it is in relation to the children, if we are in a win or lose situation, it is not unusual for litigation lawyers in a family law practice to bring up events from the past which have no impact on raising the children but which may appeal to a particular judge's sense of what is morally correct and what is not.

The act itself in its current form may encourage litigation which is not always in the best interests of the child and certainly does not go the distance in helping to determine a better mode of dealing with the children who are the subject of divorce proceedings.

The tests that I have indicated filter down into provincial legislation. My hon. colleague in the Bloc talked about the jurisdictional problems. Those jurisdictional problems are there. There is no question that upon separation, the family finds itself in family court. Upon divorce, they find themselves in the federal or supreme courts. Therefore what has been determined by a lower court is not necessarily binding in the federal court.

• (1620)

It is extremely difficult. Those of us who have practised family law will know the absolute incredulity of our clients when we tell them "I know we have litigated all of this in family court. Now you are proceeding to divorce and yes you have a custody order but it is not binding and it reopens the door". So the jurisdictional problem is one I think this committee could look at in a very real way.

It would be remiss if I did not say, coming from a legal aid background, that unless we look at resources in the legal aid system which deals with the vast majority of family law cases in this country, unless we look at ensuring there is a solid legal aid system in place in each of the provinces, all of the rhetoric about the best interests of the children and all of the conclusions this committee can come to will be nothing more than a report placed on a shelf to be dusted off occasionally. Unless we are committed to putting in place mediation services, legal aid services, family court services, then it may well be a waste of time.

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I respect the comments made by the hon. member, my colleague from the Reform Party, when he talked about the presumption of joint custody. I think most parents would agree on that until such time as there is a breakup. At that time families need someone to discuss with them the interests of their children separate and apart from maintenance payments and support payments in a way that they can understand the joint obligations as well as the joint rights that parents have.

There has been some indication that this committee will look at all of those questions. It may well lead to guidelines in the Divorce Act that can then be applied to provincial acts. I look forward to hearing and examining the situation in Quebec that has been referred to by my hon. colleague. I would support the committee and the creation of the committee. It can only benefit the children and the families of this country as they struggle in what is obviously a difficult situation.

The Acting Speaker (Mr. McClelland): It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Winnipeg Centre, Labour; the hon. member for Lévis, Railway Transportation; the hon. member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, Tip Employees.

* * *

BUSINESS OF THE HOUSE

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I believe you will find unanimous consent for the following order:

That at the conclusion of today's debate on Government Business No. 7, the Speaker shall put all questions necessary to dispose of the said government order, a recorded division shall be deemed requested and deferred until the expiry of government orders, Tuesday, November 18, 1997.

The Acting Speaker (Mr. McClelland): Is it agreed?

Some hon. members: Agreed.

* * *

PARENTING ARRANGEMENTS'

The House resumed consideration of the motion.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I have in my hands a press release issued by the

Government of Quebec. I will read the first paragraph only, after which I will have a question for the hon. member.

September 2, 1997

In Montreal this morning, Quebec's Minister of Justice and Attorney General, Serge Ménard, unveiled the new family mediation program. As of yesterday, there is a new way to approach separation or divorce in Quebec and it is free. Bill 65, an act adding family premediation to the Code of Civil Procedure and amending other provisions in this Code, which was passed by the National Assembly on June 13, came into effect on September 1. For the first time in Quebec, it will now be possible for couples with children to reach agreement on custody, visiting rights, outings, support payments and even the division of property, at no cost.

• (1625)

That is pretty clear, as press releases go. I also think it is pretty clear as to the approach taken by the National Assembly.

My question for the member who has just spoken is this: Does he think that the other provinces should follow Quebec's example in the treatment of families when they separate, and under the new bill, when they divorce as well, with respect to mediation? Does he not think the federal government should withdraw entirely from the family law sector and leave this completely up to the provinces?

Mr. Peter Mancini: Mr. Speaker, I would like to answer the hon. member's question in French, but my French is not good enough.

[*English*]

So I am forced to answer in English. I certainly would concur with my colleague that the model he cites which is being used in the province of Quebec is the kind of thing that I certainly would be advocating for the province of Nova Scotia. In fact I should advise him that the legal aid system under which I worked took some of our own tight budget and directed it toward a pilot mediation program to attempt to indicate to the provincial government the need for this kind of program.

Unfortunately the program is not in place in the way that we would like in the province. I would see an opportunity at the federal level. If this kind of program could be enacted as divorce mediation at the federal level, the different provinces might then see the benefit in this kind of a program and follow the federal lead.

I certainly commend the province of Quebec in taking this type of action but I would not at this point indicate that the federal government ought to withdraw completely. I think it has a role to play, as a leader, in those provinces that might not be as forward thinking as the province of my hon. colleague.

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[Translation]

Mr. Michel Bellehumeur: Mr. Speaker, the hon. member does agree with my point about Quebec's being at the forefront in this area. However, he concluded by saying that the federal government ought not to withdraw completely, because it has a role to play, as leader.

I would like to know exactly what he means by "role to play, as leader" in the area of child custody, alimony, education in terms of level of studies and access. I would like him to tell me not in terms of the Constitution we want, but in terms of the Constitution of 1982. There is something we must not forget. There is a Constitution where Quebec's hand was forced. Perhaps not the hand. I should say it was jammed down our throat, because we did not sign it.

I would like the hon. member to tell me what leadership role, under the Canadian Constitution, the federal government could play in the area of family rights?

• (1630)

[English]

Mr. Peter Mancini: Mr. Speaker, perhaps my English is not as good as it could have been in delivering the previous answer.

What is the role I see for the federal government. I will use as an example my own province. Obviously the parties have the option of separating and dealing with provincial jurisdiction later on, or immediately the option of divorce and dealing with federal jurisdiction.

In provinces that do not have the types of mediation services or programs alluded to by my colleague from Quebec, and if the committee was to determine that there ought to be federal funding in place for mediation at the divorce level which is a federal jurisdiction, then certain individuals in a province where there may not be provincial mediation available could avail themselves immediately of the Divorce Act as opposed to the provincial statutes under which they might otherwise operate. They could avail themselves of what might be available and provided at the federal level in the supreme courts of the provinces with federal funding.

That would be the leadership role I would see in child custody and access cases.

[Translation]

Mr. Michel Bellehumeur: Mr. Speaker, I think that the debate we are having this afternoon is a very interesting one.

The hon. member has just said that the federal big brother may be there to protect his province in the event that there is not enough money available to set up family mediation.

He says that there might be financial assistance to set up mediation. Should the federal government once again decide to stick its big nose into this, we in Quebec already have a mediation service, one that costs several million dollars a year. Would he be in favour of a bill that would have the federal government compensate Quebec 100% for its mediation service?

[English]

Mr. Peter Mancini: Mr. Speaker, I would have no objection to the federal government paying the way, in whatever province.

[Translation]

Ms. Diane St-Jacques (Shefford, PC): Mr. Speaker, I would like to start by congratulating the government on presenting this motion to set up a joint committee to examine custody and access in response to the concerns expressed by certain senators on behalf of non-custodial parents.

The government must provide direction on this issue, as it did earlier this year on Bill C-41, an act to amend the Divorce Act, with respect to child support payments.

In the course of the debate on Bill C-41, many parents requested on behalf of non-custodial parents, whose access rights are guaranteed by order, that similar legislation be passed regarding support orders. They wanted legislation that would provide for more effective and less costly ways to enforce access orders.

The points raised by witnesses at the hearings on Bill C-41 included questions on the effectiveness of existing mechanisms to enforce access rights, the rights of second and third families, the opportunity for mandatory mediation in the case of divorce, the rights of grandparents or third parties to apply for custody or access, parents' freedom of movement after the divorce, the right to information and other non-custodial parent rights and the effects of divorce on a child's mental health and development.

We must look at the language of divorce in terms of the divorced parents and the children, as Senator Jessiman pointed out during the debate on this motion.

The language of divorce, the terms used, such as "custody" and "access", come from criminal law and property law and are not appropriate to designate the relationship between parents.

A joint committee should be struck to look at how things are done elsewhere, in Quebec or the United States, for example.

The parental approach to custody and access has been taken in a number of states, where joint custody is considered the best solution for divorcing couples, and sole custody is accorded only if it is in the child's best interest. Some people are opposed to joint custody.

• (1635)

In 1991, when she was teaching law at the University of Alberta, the Minister of Justice wrote a working paper for the Alberta

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Advisory Council on Women's Issues entitled "Women and the Process of Constitutional Reform".

If, through constitutional reform, divorce were to become an exclusively provincial jurisdiction, the provinces could pass comprehensive family law. Some people would opt for the presumption of shared custody and make mediation obligatory in the resolution of family disputes. Increasingly, commentators feel that sole custody serves only to perpetuate the influence and domination of men over the lives of women.

We all know that education and mediation are the best solution in any dispute, and some witnesses have spoken about education with respect to divorce, an approach that has been taken in a number of Canadian and American cities. Parents seeking divorce take courses about the impact on their children of certain behaviours or attitudes they might adopt—such as involving their children in their dispute—and which are the most likely to have harmful psychological effects on the children.

One of the witnesses before the Senate Standing Committee on Social Affairs, Science and Technology, Paul Carrier, a family counsellor with the Royal Ottawa Hospital, said: "Disputes over custody and access affect children's self-esteem—In the interest of children, it is preferable for parents to maintain a harmonious relationship. Money is important, but the quality of the relationship is even more important. Many people have grown up in poor environments but are still happy. Money is important, but it is not the only thing. The quality of the relationship is still more important".

In connection with Bill C-41, he said: "The bill does not address the question of access properly. Its approach is not in the children's best interests. It could, and should, attach more importance to parent-child relationships. If the division of resources does not foster more prolonged contacts between parents and children, the legislator will be neglecting one of children's basic needs".

Article 9 of the UN Convention on the Rights of the Child states as follows: "A child shall not be separated from his or her parents against their will, except when this is in the best interests of the child. A child who is separated from one or both parents has the right to maintain personal relations and direct contact with both parents on a regular basis".

Article 18 states that "both parents have common responsibilities for the upbringing and development of the child. States shall render appropriate assistance to parents in the performance of their child-rearing responsibilities".

I have raised some of the questions I wish to see the joint committee examine. This is an important study and one which, I am sure, will generate measures that will make it possible to create a custody and access system to protect the rights of the child as

defined in the UN Convention and will also enable children to continue to benefit from the presence of both parents.

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, I would like to ask the hon. member whether she finds it acceptable for the federal government to be striking a special committee to examine questions of agreements on custody, visiting rights and parenting after parental separation or divorce, when separation is known to be a provincial jurisdiction and the federal government has no right to meddle in this area of provincial jurisdiction?

Ms. Diane St-Jacques: Mr. Speaker, the member was saying that separation is a provincial matter, but divorce is federal. I think that the committee will be set up in the best interests of the children. It should be set up.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I did not quite understand the hon. member's approach. She cited the rights of children and they indeed have the right to visit their parents and to have a relationship with them. I support that 100%. Even the UN supports these rights.

• (1640)

Is the hon. member saying that a province such as Quebec could not legislate the rights its children are entitled to? Is she, in her centralist and federalist way, saying that provinces like Quebec cannot provide for children the rights they are entitled to?

Ms. Diane St-Jacques: Mr. Speaker, I am not saying that Quebec is not able to provide the same rights to children. What I am saying is that these issues could perhaps be raised before the committee. I think today's debate concerns the establishment of a joint committee to try to find ways to improve the situation for children. That is what I am saying, and we can raise these issues before the committee and perhaps they can be decided there.

[*English*]

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, I enjoyed listening to the speech.

The questions I have are on the creation of this committee and the recommendation that we go ahead with this committee so that we ensure that if this type of parenting proposal becomes legislation that it recognizes that fathers as well as mothers have every right to nurture and provide for the children. In many cases, we have found in the past that there seemed to be a preponderance of decisions that favour giving the children to the mother when that need not necessarily be the most appropriate decision.

I wonder what the member's thoughts are on these types of issues. As we recognize, the need for equality and for the lack of discrimination in this country are extremely important, but it shows up in more than one place. Here is an example where it has shown up and it has been quite detrimental for many fathers who have made representations to me in my constituency office. They felt that they have been denied access to their children and are looked

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on as a means of providing cash. It is one of the serious injustices that we have.

I would like to get the comments of the member as to how she feels about ensuring that the legislation, if it does become legislation, demonstrates a commitment to equality.

[*Translation*]

Ms. Diane St-Jacques: Mr. Speaker, I think in my speech—I am not sure the member was here earlier—I mentioned that we preferred the option of joint custody, with both parents having access.

Should one of the parents be unable to care for the child, then things would be different. But our preference goes to joint custody.

[*English*]

Mr. Gurmant Grewal (Surrey Central, Ref.): Mr. Speaker, in my riding I have a constituent who is a Canadian citizen. His wife is an American citizen and a Jordanian citizen. They had a two-year-old daughter. Unfortunately they are divorced. When my constituent was divorced he obtained legal custody of the child. Thereafter the mother abducted their two-year-old child and took her to Jordan. This situation happened seven or eight months ago.

The father who had legal custody could not have access to the child. He went to Jordan to fight for his rights with the government and the legal system there so that he could bring the child back to Canada because his daughter is a Canadian citizen.

The legal system had him going up and down and back and forth. After many months he could not get the child and bring her back to Canada.

I would like to ask the hon. member how she feels about this kind of situation when the children are abducted and they are carried out of the country. They are not in a position to come back to Canada and the Canadian government has been unable to follow it up. What would be the hon. member's reaction and what would she feel this motion might do to follow up on these kinds of situations?

[*Translation*]

Ms. Diane St-Jacques (Shefford, PC): Mr. Speaker, I am very sad for those to whom this happens, but this is precisely the kind of problems that could be brought to the joint committee so that a solution can be sought.

• (1645)

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, either the member misunderstood the question by the Bloc Québécois member for Drummond or I misunderstood her answer.

I shall be brief. One thing is clear: the whole area of separation is under provincial jurisdiction. Members on both sides will agree that separation is under provincial jurisdiction. Divorce, however, under the Canadian Constitution, is a federal jurisdiction.

Is the hon. member in favour of having a joint committee consider the issues of custody, visitation rights and parenting following separation or divorce? Had the government across the way stuck to the deal it made with the other place last year to consider the issue of what happens after a divorce, I would understand, but can the hon. member, who is a member from Quebec, accept that, under the guise of a nice little joint committee and the pretence of protecting the rights of children, they jump in, with both feet, and interfere with the rights of Quebec—because I am a member from Quebec—and discuss separation and divorce as a single issue, mixing everything up as they do on a regular basis? Can she tolerate that?

That was my question.

Ms. Diane St-Jacques: Mr. Speaker, my answer is that, if he attends the joint committee, the hon. member will have the opportunity to raise his question there and we can discuss it in then and there.

The specific purpose of this motion is to set up a joint committee and, personally, I am in favour.

[*English*]

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, I have a few short comments to make on this topic.

I find it passing strange that included in the motion is a clause saying that the joint committee made up of senators and members of the House of Commons be given the authority to incur travel costs. There is a cute little phrase in it saying “inside and outside the country”.

I am not sure whether they will find it necessary to meet over in some foreign countries. Perhaps in the middle of winter it would be nice to go south and have a government paid trip. Maybe this is what is contemplated. I sincerely hope not. I find it strange that the government should include in the motion the phrase that they should be able to travel outside the country as well. Surely what we should be looking at is the experience, the needs and the aspirations of Canadian parents.

We have many children who are the products of relationships where the parents are not married to each other. I am not sure the motion will direct the committee to look at the implications of that. Many of those couples stay together for a while. They produce one, two or more children, fall into disagreement and walk away from each other. Those children are just as much at risk as those who suffer the experience of a divorce.

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I do not know if all members have had experience with couples who have gone through this, but my wife and I have. It is heart wrenching to see the children being jerked around.

My last comment in this extremely short intervention, which I know is unusual for me, is that I think we need to pay attention to equality. We have heard many times today the expression—and I know it is often true—that women are automatically assumed to be the best parent and the fathers are cut out. Now there is a cry to bring equalization into it so that fathers also have access to their children and the children to their fathers. That is a noble goal.

My concern is that when it comes to judging these matters it is a false assumption that the courts always evaluate it correctly. Sometimes we land up with built-in prejudices and biases. I am afraid that perhaps the bias could go the other way so that in these cases family court judges would have a predilection to choosing fathers instead of mothers for equal or greater advantage. That may not necessarily be the case.

• (1650)

I simply urge that in all studies like this one we truly urge objectivity and a true evaluation. That would include much more than just highly paid, court appointed counsellors and psychologists, very frankly some of whom I am not convinced are really competent in their job. Once again the children are the ones who suffer.

These are the few comments I wanted to make in the moments available to me.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Madam Speaker, I am pleased to ask a question to the Reform Party member, with whom I sat on several occasions, during the 35th Parliament, on the Committee on Justice and Legal Affairs. Unfortunately, we had rather different views on many matters. But that was part of the debate, and each one presented his arguments.

As for the motion we have before us, I have a question similar to the one I asked to other members in this House, but I would like to know his opinion as a Reform member. Does he believe that in the interest of greater harmony, of better enforcement of family law, this whole issue of rights relating to custody, support, visits, and other rights concerning separation or divorce, would be better dealt with if it were the province that had complete jurisdiction in this area?

[*English*]

Mr. Ken Epp: Madam Speaker, I never was on the justice committee. I think the member is recalling days when he substituted on public works and government services. Perhaps it was the ethics committee that we worked on, the Bill C-43 committee.

Be that as it may, in answer to his question, where should jurisdiction lie? Is it provincial or is it federal? It is one of those areas where there is a crossover, as I understand it.

In general principle the closer to the people we have the jurisdiction, the better democracy is served. Sometimes it is very difficult to get politicians in distant Ottawa to hear the concerns of the people, whereas those who are in our provincial legislatures simply because they are closer geographically will sometimes be able to get the message a little better.

I give guarded support to saying let us have the legislation as close to the people as possible, in general principle in the provinces. Where a federal law currently has jurisdiction it is under the terms of parliament.

Perhaps the committee should look at how to devolve the issue to provincial courts, provincial child care agencies and so on, the people who deal with these issues, so that we get the absolute best expression of concern for the children and their welfare.

[*Translation*]

Mr. Michel Bellehumeur: Madam Speaker, I wish take the opportunity to set a matter straight for the member. We sat together on the ethics code committee. We did not succeed in agreeing there more than on the justice committee.

He made a particular comment that I agree with 100%. He said that very often we should ask ourselves which jurisdiction could more properly deal with the matter. He said that we should always give the responsibility to those who are closest to the people. I do not think there is a matter more appropriate than this one, on that score.

Which jurisdiction, the province or the federal government, can more properly apply the law on divorce or separation? I believe that the answer is obvious, it is the provinces.

• (1655)

There is already a lot of social legislation to assist families. I think this is like a puzzle and there is a piece of this puzzle that is missing and without which Quebec and the other provinces cannot have full jurisdiction, and that piece is divorce legislation, which would complete the whole area of family law.

But my question is the following: Is the Reform member familiar with the Quebec example in the area of family law, including separation? Also, is the Reform Party member familiar with how we have decided to proceed in Quebec since September 1, 1997 in the area of family mediation, which is offered to everyone free of charge, which accelerates the process for separation and divorce, and which deals with the issues of custody, child support, joint accounts, assets and other things? Is the member familiar with the Quebec example and does he recognize that it goes well beyond what the federal government can provide by asking a committee to review this issue?

*Government Orders**[English]*

Mr. Ken Epp: Madam Speaker, I must concede that I am not aware of the full details of the Quebec bills. I have heard of them and he has alluded to them in the debate today.

One of the very valuable things that happens in the House is that we get to know more about each other. We understand each other better and we see where we are all coming from. I certainly agree with the member that if there is a good system in place in that province it should be allowed to work. There is absolutely nothing wrong with that idea.

However, when we are talking about the welfare of children it is very important for children to be in a home in which there is a stable relationship between their parents.

It is distressing to me when I look at the demographics across the country that there is a variation among people who enter into long term, permanent, legal relationships with each other in order to make a family and have children.

I simply respond to the member by saying that the issue in Quebec is no less than it is in any of the other provinces with respect to the care of children. We need to make them our focus. There is a great need there. Many of our children are growing up in homes where the parents are not permanently committed to each other. In those situations statistics show that children are at greater risk in terms of their own personal well-being and welfare.

Personally I think we ought to emphasize more the stabilization of families. One book I read recently indicated that one of the greatest stresses in a marriage relationship is financial. More husbands and wives argue about money than just about anything else. In this country we are nigh taxed to death. The government with its high taxation rates is adding to the stresses of families and thereby contributing to family break-up.

If we could only get that part solved and leave more money in the hands of families so they could provide for each other and their children, we would have less stress and a smaller problem in terms of looking after children from broken homes and from broken relationships where there was no marriage. We should be placing the greatest emphasis on the welfare of those dear children.

I am a grandparent now. When I had my own children they were very special to us. Now we have grandchildren. They just touch my heart. When I see how important they are, how I wish that every family would look at their children with respect, deep love and caring so that we could keep our families together and keep the children in a nice, stable home where they have the best advantages and the greatest security that are important to them.

• (1700)

[Translation]

The Acting Speaker (Ms. Thibeault): Pursuant to order made earlier this day, the question on the motion before the House is deemed to have been put and a recorded division deemed deferred until Tuesday, November 18, 1997, at the end of the period reserved for Government Orders.

Mr. Yvan Bernier: Madam Speaker, I rose earlier to ask a question and when you announced we were resuming debate I thought a member opposite was going to speak before me. Then you informed us of the questions to be raised at the time of adjournment. After that you sat down and the clerk announced that we were going to debate another bill. I wish to inform the Chair that I still had something to say on the previous motion, which is why I rose.

I would like to know if it was my turn to speak on the motion dealing with child custody, or if it was the turn of the hon. member opposite.

The Acting Speaker (Ms. Thibeault): I must tell the hon. member I did not see him at that moment. With the House's consent, we can resume the debate.

Does the House give its unanimous consent?

Some hon. members: Agreed.

The Acting Speaker (Ms. Thibeault): Resuming debate. The hon. member for Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok.

Mr. Yvan Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok, BQ): Thank you, Madam Speaker. Could you also tell me whether I have 20 or 10 minutes, as I am unsure where I stand in the order of things on this?

The Acting Speaker (Ms. Thibeault): You have 20 minutes.

Mr. Yvan Bernier: Madam Speaker, I also thank hon. members for allowing me to address this motion. Sometimes, there are issues in this House about which we care deeply.

For the benefit of those who just joined us, in the House and at home, allow me to point out that we are addressing a motion on custody and access arrangements after separation or divorce.

The motion, in part, reads as follows:

—to examine and analyze issues relating to custody and access arrangements after separation and divorce, and in particular—

They are talking about creating a special joint committee to look at this issue.

—and in particular, to assess the need for a more child-centred approach to family law policies and practices that would emphasize joint parental responsibilities and child-focused parenting arrangements based on children's needs and best interests;

You will understand that this motion is of great concern to us in the Bloc Québécois. The subject of children strikes a chord. We believe—not only do we believe, but it is a legislative fact—that the education of children is a matter of provincial jurisdiction. Separation is a provincial matter as well.

• (1705)

Going further, to divorce, which is federal, application of custody rights come under the Civil Code of Quebec. Allow me to point this out very loudly and very indignantly.

When the federal government decides to strike a committee to examine a question, I have never seen it—in my short experience at any rate—spend time addressing a subject and then come up empty, saying “Oh no, we are not going to deal with that any longer”.

Why, when writing these lines, this motion, did the minister or ministers concerned not say “That's not really our jurisdiction. We have no business messing about where we don't belong. There are provisions already in place”.

They say that the purpose of this is to clarify things for people.

I would just like to address the comment by the Reform member who has just said that this issue merits examination because children undergo great upheaval at the time of separation. Yes, I can imagine. It is precisely to avoid having both a provincial and federal inspector looking into the welfare of the child. I do not want to see any more battles over who is in charge of what, jurisdictional squabbles between the province and the federal level when parents separate, ending up with the children having two sets of people concerned with their well-being, looking into their case. It is all the more confusing when the children are already the victims of a problem between their parents, children who are undergoing the emotional shock parental separation or divorce can represent.

The wording of the motion embraces—a fancy word—areas under of provincial jurisdiction just a little too much. The word “embraces” may be rather inappropriate when used in connection with divorce or separation, but it is important to point out that what this committee wants to examine embraces areas under provincial jurisdiction too much.

I have already said this, but it bears repeating. The mechanisms for implementing custody and visitation in the case of a separation in Quebec come under the Civil Code. Child rearing comes under parental authority, and when it involves the education system, under the province.

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The strangest part of the motion is the tail end—and I would say that it is scary—as it refers to an approach that will focus on the responsibilities of each parent to assess the children's true needs.

This approach focusses on the responsibilities of each parent, on the needs of the children and their best interests at the time agreement is reached on their education. If education is a provincial matter, what business do they have sticking their noses in this?

An hon. member: Meddling.

Mr. Yvan Bernier: Yes, meddling. I thank the hon. member opposite. Sometimes you have to grab their attention.

I think this is inexcusable intrusion by the federal government in family matters. I recognize that the federal government wants to get involved in a relationship where the family is on its last legs, but this means going into the bedroom after the parties have left it. It means going into the parents' bedroom to see if the parents are making the right decision on the education of their children. I find that outrageous.

For the benefit of members from other regions besides Quebec, I would like to mention certain elements of Quebec legislation.

• (1710)

In the past year, Quebec has passed two laws. I will identify them and then we will discuss them a bit. The first is a model for setting support payments. It has in effect since May 1997 and reflects the importance Quebec accords its children. The second concerns family mediation and has been in effect since September 1997.

What does this mean? It means that Quebec looks after parents who are separating or divorcing. The model for setting support payments takes the incomes of both parents into account along with custody time. A formula and a guide for setting the amount of support are also available for the parents, mediators, lawyers and the courts. It is already set up. Family mediation is a new program allowing couples with children to agree at no cost on issues such as custody, visiting rights, child support and the division of assets in every judicial district.

The important thing in all this is that people are doing something. I see some movement across the floor. Members opposite are waking up, finally. Some are even laughing at me. It does not make sense. I realize it is getting a little late.

I want to make sure we will not let the federal government stomp all over areas under provincial jurisdiction. That is the purpose of my speech this afternoon. I want people to know that.

Moreover, I do not understand why a committee is being set up to review this issue, when everything is already in black and white. As I said earlier, I have never seen the federal government review

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something and then say that it does not make sense, that the government will not to come up with something.

However, I will give other members an opportunity to address this issue and I am prepared to answer questions if there are any.

The Acting Speaker (Ms. Thibeault): Pursuant to order made earlier this day, the question on the motion before the House is deemed to have been put and a recorded division deemed demanded and deferred until Tuesday, November 18, 1997, at the expiry of the time provided for Government Orders.

(Division deemed demanded and deferred)

* * *

[English]

DRINKING WATER MATERIALS SAFETY ACT

Hon. Fred Mifflin (for the Minister of Health) moved that Bill C-14, an act respecting the safety and effectiveness of materials that come into contact with or are used to treat water destined for human consumption, be read the second time and referred to a committee.

Ms. Beth Phinney (Hamilton Mountain, Lib.): Madam Speaker, Canada has a remarkable history of collaboration and co-operation among the federal government, ten provinces and two, soon to be three, territories in the north. I say remarkable because this is a vast country, an impressive land mass of nearly 10 million square kilometres from the tip of St. John's, Newfoundland, in the east to the Queen Charlotte Islands off the coast of British Columbia in the west.

This level of agreement and working together is something most countries have come to envy and in some cases study to see how we do it. The protection of drinking water is one of our proudest co-operative achievements.

• (1715)

This new legislation, Bill C-14, the drinking water materials safety act demonstrates our continuing partnership with the provinces and territories and the vigilance with which we guard the health and safety of all Canadians. According to the Constitution acts of Canada, drinking water quality from the source to the tap falls under the provincial and territorial jurisdictions. The federal government however is responsible for protecting Canadians from unsafe materials that come into contact with that water along the way, from the raw water intake through the filtration plant and then through the water mains to our faucets.

[Translation]

The new act will help better protect drinking water by guaranteeing the safety of the materials that come into contact with that water while it is moved to the consumers.

[English]

Again we are doing this with the support of the provincial and territorial health authorities. Canada has one of the largest safest supplies of fresh water in the world. We want to keep it that way. But the quality of that water has often been threatened and in the 1990s it is falling prey to some new hazards.

A rapidly increasing population puts more pressure on the existing water supply and distribution systems. There are new concerns about the use of pesticides and chemical effluents runoff from spraying farmers' fields. In recent years there has been an alarming increase in cases of animal waste washing into municipal water systems and making many people sick. This has put provincial and municipal governments under growing pressure to safeguard their drinking water. The public at large is becoming more and more concerned about its tap water and is rightly demanding guarantees of safety.

Municipalities need to replace aging infrastructures and they need health based standards to ensure that new materials they buy are safe. In some cases costly new kinds of treatment systems are required to deal with the emerging problems such as cryptosporidium infections which cannot be eliminated by chlorination.

All of these concerns and more were cited when the provinces and territories put their support behind the drinking water materials safety act currently before this House. I cannot emphasize too strongly that the distinct federal, provincial and territorial jurisdictions with respect to drinking water quality will continue to be recognized after the introduction of this bill.

In fact this bill affirms both the federal government's responsibility to provide guidance and expertise in the area of drinking water quality and the right of the provinces and the territories to define legally enforceable standards within their own areas of authority. This bill also acknowledges the federal government's role in developing water quality research in collaboration with the provinces and territories.

Responsibility for the overall quality of water that flows through the system will remain with the provinces. The federal government with this new bill will guarantee that all the materials that come in contact with our water are certified to national health based standards. We will be responsible for the regulation of drinking water materials that make up the distribution system along the way. These fall into three categories: treatment devices, treatment additives and system components.

Quite simply, drinking water materials can be anything, including products and substances, that comes in contact with our drinking water from the time it leaves the water supply until it touches our lips. That includes the chlorine added to municipal water supplies, the pipes that carry the water, right down to the filters you may attach to your faucets at home. All of these products and many others I have not mentioned will fall under this legislation.

Why do we need to do this? Because safe drinking water is an essential resource. Because Canadians expect their water to be protected. And because present federal legislation and existing voluntary compliance on water materials safety are inadequate.

• (1720)

I know that just moments ago I was boasting about our enviable supply of safe drinking water. Indeed we have some of the best drinking water in the world. This is partly a fortunate circumstance of history and geography.

But the ongoing protection of our fresh water is no accident. In partnership with the provinces and territories, we have spent years developing the guidelines for Canadian drinking water quality. Since 1968 Canada has published these guidelines for safe drinking water. They recommend maximum levels of many chemicals, micro-organisms and radioactive substances. We are pleased to note that the sixth edition of these important and respected guidelines was published last fall.

These guidelines serve as the basis for drinking water quality enforcement in the provinces and territories. Alberta and Quebec have both enacted water quality regulations based on these guidelines. Other provinces are enforcing them through their own provincial mechanisms.

This partnership has been working extremely well but we must do more. These guidelines do not have the added weight of being federal law. The provinces and territories have asked us for that added leverage in protecting drinking water materials right across Canada.

This bill will ensure that drinking water materials are certified to health based standards enforced by law. They will give Canadians better control over potentially hazardous drinking water materials that could contaminate drinking water.

Home water filters are a good example. There are many of these products available to consumers at every hardware store, department store and shopping mall.

[*Translation*]

When we buy one of these filters, we have no guarantee that it will do what the maker claims, which is to improve the quality of drinking water.

[*English*]

In fact we know that while many of these products are reliable, a full 50% would fail a health based test. This is a growing industry. There are false health and safety claims being made and consumers do not always have the means to compare one product against

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another. This bill will allow direct comparison based on the same standards tests. These devices are just one area of concern.

There is the sale of chemicals of uncertified quality to water treatment plants and the leaching of contaminants, such as lead and cadmium, from water storage and delivery systems. This bill will guarantee the quality of these chemicals and the safety of water system components.

I am also proud to say that the drinking water materials safety act will build upon the unique collaborative and co-operative working relationship Canada has enjoyed with the other jurisdictions in this country.

The Assembly of First Nations in partnership with Health Canada and the Department of Indian Affairs and Northern Development is currently working on a project to identify solutions to assist First Nations communities in protecting and enhancing the quality of their drinking water. This project is known as the drinking water safety program for native people. Since the drinking water materials safety act is national legislation which will regulate all drinking water materials on the market in Canada, it would of course affect future purchases of material for use on Indian lands.

Ongoing discussions with provincial and territorial members of the subcommittee on drinking water indicate continued support for federal legislation to improve the safety and effectiveness of devices, additives and components. Direct consultation with the provincial departments of health also revealed strong support for this legislation.

When Health Canada crafted this legislation, its officials wanted to make sure they were not adding a layer of red tape to the existing guidelines. This proposed legislation will not duplicate or replace local and provincial plumbing codes for example. In fact it will give much needed support to the provinces in their efforts toward compliance and enforcement of these codes. Current Canadian plumbing codes do not contain health based performance standards and the vast majority, a full 70%, of plumbing materials are not certified as free from harmful contaminants. This is simply unacceptable.

• (1725)

Again provincial drinking water authorities have asked the federal government to act as a clearing house by guaranteeing health based standards through a process of third party certification. This bill will do that. It would be far too costly for each province to run its own separate certification program. If they did, a costly and confusing patchwork of legislation would result.

I also want to assure my colleagues that this bill will not force the provinces and territories to rip out their existing water systems and put in new ones. What it will do however is ensure that those municipalities who need to build new water distribution systems will buy safe infrastructure materials.

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The provinces and territories will also find their home grown products on a level playing field, opening the door to international markets but closing the door to unscrupulous manufacturers and substandard products which right now can easily be dumped into Canada because there is no federal legislation to prevent it.

I think many members of this House and many consumers will be shocked to discover that a country like Canada has not had such a basic piece of legislation in place long before now. In fact drinking water legislation was first proposed by a Liberal government in 1983 but it is only now that the Liberals are finally in a position to make good on this commitment to protect the health of Canadians.

[Translation]

The public is worried about issues concerning health and the environment, such as the contamination of drinking water.

[English]

Canadians will remember this government's strong commitment to protect the health of women and children and the need to stop long term toxic pollutants from entering our water. This legislation will make good on these promises.

As I said earlier, the protection of drinking water quality is a co-operative venture in Canada, one which we can all be proud of. We have made great strides in making drinking water safer over the past century and we have done so in partnership with our many distinct regions.

I urge my colleagues to seize this opportunity to once again work in conjunction with our provincial and territorial constituencies. I urge members of the House to give their wholehearted support to this legislation.

The Acting Speaker (Mr. McClelland): Before we resume debate I should inform the House that the House will be moving to Private Members' Business at 5.30 p.m. The hon. member for Macleod will have two minutes and would then come back when the legislation comes forward again.

On a point of order, the hon. opposition whip.

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, I wonder if you might find the unanimous consent of the House to see the clock as reading 5.30 p.m. so that rather than split up the hon. member's speech we could hear it in its entirety at the next opportunity.

The Acting Speaker (Mr. McClelland): Is there unanimous consent to call it 5.30 p.m.?

Some hon. members: Agreed.

The Acting Speaker (Mr. McClelland): It being 5.30 p.m., the House will now proceed to the consideration of Private Members' Business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[English]

CRIMINAL CODE

Mr. Chuck Strahl (Fraser Valley, Ref.) moved that Bill C-209, an act to amend the Criminal Code (joyriding), be read the second time and referred to a committee.

He said: Mr. Speaker, it is always a pleasure to rise and speak on a private member's bill. Private Members' Hour in the House of Commons is a special time for ordinary backbenchers. They do not have to be a member of the government. They can find an issue that is of importance not only in their community but to the country and try to convince other members in the House in a non-partisan way that it is a good idea.

• (1730)

I would like to take a few minutes to outline the reasons for introducing the joyriding bill, a bill I originally introduced in December of 1996 and reintroduced in this Parliament because of the ongoing problem with joyriding.

I suggest that joyriding is actually a misnomer for what is really a very serious criminal offence. At one time joyriding was equated to someone coming along and borrowing uncle Jim's car and going to a barn dance. That was called a joyride. Times were different when that section of the Criminal Code entitled joyriding was brought in.

Joyriding is no longer a joy. It is now very much a serious crime. It is not a victimless crime. It is something that causes a lot of dollar damage, a lot of social problems and unfortunately a lot of injuries and deaths.

I brought forward this bill to try to correct this, the Criminal Code amendment, because of the problem of widespread auto theft in Canada. In the city of Montreal there are 40,000 auto thefts every year. There is a total of \$1.6 billion in damage and loss of vehicles in this country due to auto theft and joyriding. Most of the vehicles that are taken out for what used to be called a joyride are indeed taken, damaged and left. They are not necessarily sold for parts or anything else, just straight malicious damage, and it seems the police are having a difficult time dealing with it.

The practice of joyriding is covered under section 335 of the Criminal Code under the title "Offences Resembling Theft". It reads:

Everyone who, without the consent of the owner, takes a motor vehicle or vessel with intent to drive, use, navigate or operate it or cause it to be driven, used, navigated or operated is guilty of an offence punished on summary conviction.

The problem is that this section of the law dealing with joyriders is so weak that young offenders do not even worry about it. Young offenders, underage drivers, are the most common abusers of this section of the Criminal Code. They do not do it for the money.

They do not do it to sell the cars. They realize that if they get caught there will not be serious consequences. So they steal cars.

The average joyrider causes \$4,000 in damage per car. That is not a joyride. That is a serious crime and a serious amount of damage to the vehicle of the unfortunate victim of this crime.

This section of the code is unfortunately tailor-made for young offenders. It does not want to saddle the teenager who is out for a thrill, so it just calls it resembling theft. Unfortunately, because of the changing societal problem we have, this misnomer means that teenagers caught stealing cars do not pay a serious penalty for it.

The average young offender stealing a car in Canada receives a \$100 fine. That is the median fine for car theft. The courts allow some discretion for judges. If it is your car that got ripped off with an average of \$4,000 damage done to it, it is a little disturbing when the penalty does not fit the crime. A \$100 fine for \$4,000 average damage is out of proportion and needs to be fixed. That is why this bill is before us today.

There are 160,000 motor vehicles stolen in Canada at a total cost of \$1.6 billion. There is only \$3.5 million a year stolen in bank robberies. We are justifiably worried about bank robberies and take the necessary steps to make sure we call it a serious crime. This is a case of \$1.6 billion in penalties and we shrug our shoulders and say boys will be boys. I do not think we should continue with that.

I say that because too much damage is done and too many innocent people are injured by so-called joyriding.

A couple of years ago my brother, a logging contractor, was going to work in the morning and found a kid on the road all covered in mud. He waved him down and asked for help. He stopped and helped the kid. He had driven off the road, down into a creek. His friend, who was in the car, had a broken back. My brother got on his cell phone and called for an ambulance and the police.

• (1735)

When the police arrived on the scene they said to this young guy "hi, Jim, took another car, eh?" They bundled up the poor innocent victim who was the passenger in the car. He had a broken back.

They took the other fellow down to the police station. Before my brother could get there to fill out the papers about being a witness to this event, the young man was on his way out of the police station. He waved at him and said "see you around".

He did that every weekend. It seemed as though there was nothing the police could do. They caught the guy. They knew who he was and yet that young guy went away, shrugging his shoulders. He was an underage driver. He had almost a chronic problem with

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car theft. Nothing could be done. The innocent victim, his friend who came along for the joyride, ended up with a permanent lifetime disability. That is very unfortunate.

In my riding of Fraser Valley people held an auto theft awareness town hall meeting. An RCMP officer gave a presentation at that meeting. I was asked to give my point of view with respect to a Criminal Code amendment.

The RCMP officer informed us of things we could do to prevent auto theft. ICBC was there as well, our local insurance company. They also went through some of the things we could do. They told us to always lock our cars and to put an auxiliary lock on the steering wheel. They suggested an increased use of bike squads, an increased use of auxiliary police, as well as the use of crime stoppers and community patrols, such as block watch and citizen patrols. They went through all the things we could do to address the crime of auto theft.

In my home town of Chilliwack auto theft went up 90% last year. It went up 150% in Prince Rupert. Manitoba had the biggest increase in the country. It is growing exponentially.

There is a bunch of things we can do to prevent it, but the bottom line is after the patrols are done and the bike watches and other community efforts are made, and the cars are locked up, put in the garage and everything else, the net result is a 90% increase in auto theft.

The average claim in Chilliwack is \$4,000. That does not count the disruption and the anxiety. I would even argue that it is a bit like the horse thievery of the old days. It is more than just the \$4,000 in damages. When someone comes out in the morning, expecting to go to work, and their car is not there, the damage is more than in dollars. There is the loss of wages. There is anxiety. The family is disrupted. It is a big problem.

The RCMP officer went on to say that it is not a police problem, that it is a community problem. It is a national problem. He asked how the police could do their job when they go through all the work involved in arresting and processing the young offender and the courts fine them \$100 and ask them not to do it again.

This bill would address that problem. It would give direction to the police and to the courts. My bill would make this a serious offence under the Criminal Code. It should be treated as a serious offence.

My bill would establish minimum and maximum sentences for jail terms; if not jail terms, at least there would be some way of dealing with these young offenders. They could be sent to a group home or to another appropriate facility.

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This bill also stresses the fact that at times it is possible to tell parents of young offenders that they too share a responsibility.

• (1740)

The bill particularly addresses the idea that where it can be shown and where the judge is convinced that the negligence of a parent or guardian has contributed to the crime, then the parent or guardian would be obligated to help pay for the damage.

In other words, a young offender might have a curfew already imposed by the court with restrictions on travel or where they could be or whatever the court has imposed. The parent might say "What can you do with these young people? Jimmy steals cars and that is the way she goes". Under the bill, if the court were convinced there was negligence it could tell the parent "Your kid has stolen a car. He was out at one in the morning, but he was told to be in at midnight. Therefore we are going to hold you responsible for some of the damages".

I think that could give parents and guardians some second thoughts as to whether they should be negligent in their duties.

I hope people here in the House recognize the seriousness of this problem. I believe it is a national problem and one that affects not only the criminal justice system, the courts and the police, and the people who have their cars stolen, but it affects the victims of joyriding, people who are passengers, people who may be involved in a hit and run situation or someone who goes along as an innocent person in what they think is a fun trip to a show and it turns into a very serious accident. It also affects the young people themselves.

I would argue that in dealing with young offenders who are beginning a habit of breaking the law at a very young age, the kinder thing would be for our police, court system and community not to shrug our shoulders and say that is the way it goes, they are just growing up.

As a country and as a Parliament I think we have an obligation to step in and say that it is serious and we are going to step into their lives at a young age, while they can still possibly be saved from the hardened criminal life. We should get them help, let them know it is a serious problem that we also take seriously. If we could send that message clearly to young offenders, perhaps we could start the clean-up.

I think of cases in New York where they have now started to prosecute very minor crimes such as graffiti, defacing walls, breaking windows. They are starting to prosecute the small stuff because they are finding that if they look after the small stuff then people do not progress in their criminal activity to become habitual criminals.

I hope people will take this into account and I hope the minister gets a draft of the bill and of the message I am trying to send today.

I hope the House of Commons will accept the idea that this has been a long time coming and it is now time to deal with it.

I wonder if there would be unanimous consent to make this a votable motion, to send it to committee for consideration at that stage.

The Acting Speaker (Mr. McClelland): The hon. member has asked that his bill be made votable. Is there unanimous consent?

Some hon. members: No.

Mr. John Maloney (Erie—Lincoln, Lib.): Mr. Speaker, the hon. member for Fraser Valley has presented several amendments to section 335 of the Criminal Code which he claims will create a tougher and more effective law, one that will have a real deterrent effect on joyriding by young people. I would like to commend him for his work in this field.

However, these changes will result in a more draconian law. I would like to outline a few of the changes: a minimum penalty of six months imprisonment; a minimum fine of \$1,000, with a maximum of \$5,000; a provision for damages to be paid by the offender directly to the victim; a clause which would make the parents of a joyrider, if he or she is a young offender, liable for any fines or damages in certain circumstances.

As responsible parliamentarians we have an obligation to examine any change in the criminal law very carefully to determine whether tougher penalties will be effective and fair. We have a special responsibility to scrutinize any law that would impose additional imprisonment and fines on young people who come into conflict with the law. As we know, joyriding is predominantly a young persons' offence.

• (1745)

The question I ask is this. Is there objective evidence to show that the existing law in section 335 has failed to do the job? In order to answer that question we should examine how the courts have actually used the joyriding section.

In case I am accused of diminishing the importance of this offence, let me state for the record that I do regard joyriding as a very serious offence. In fact, I was a victim of such an offence. I know firsthand.

The involvement of a young person in the appropriation of an automobile is always a significant matter. It is all the more serious because joyriding so often results in personal injury or costly damage to property.

The problem with Bill C-209 is that its drafters have not paid sufficient attention to the way section 335 is used by prosecutors and the courts in relation to other criminal charges, in particular the offences of theft, criminal negligence and the possession of stolen property.

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The hon. member suggests that there are a huge number of joyriding incidents but relatively few convictions. I will not debate the numbers but I do recommend that he look at the number of convictions for theft and possession of stolen property at the same time as he analyses the joyriding statistics. He will likely find that joyriding incidents frequently result in more serious charges or charges in addition to joyriding.

Several decades ago Parliament wisely decided that joyriding should be a distinct offence separate from the theft of a motor vehicle. The difference lies in the intention of the person who takes the vehicle. In a theft situation, the thief intends to steal a car for purposes of reselling it. Joyriding, as the name implies, is more often an impulsive act and the offender may take the vehicle for thrills rather than profit.

The Supreme Court of Canada upheld the distinction between theft and joyriding in a 1972 decision, stating that the joyriding offence was created in order to provide a penalty where it may be difficult or impossible to establish the offence of theft. The difference lies in the intent of the taker. The courts have said that if the intent is to merely drive a car and then return it to the owner, then that is not theft but rather a separate offence.

These decisions provide the key to understanding how joyriding should be dealt with under the criminal law. If joyriding charges are not laid as often as the hon. member would like, it is because serious joyriding incidents, which result in injury to other persons or damage to the car or to other property, are often prosecuted with a charge of theft or possession of stolen property, perhaps criminal negligence, careless driving or dangerous driving.

An obvious concern arises here. Can someone who steals a car claim that he really intended to return it to the owner and therefore avoid a theft charge? The courts have provided us with the answer. Each case must stand on its own facts. For example, how long did the offenders keep the car? How far did he drive it? Did he make an effort to return it? Did he drive the car recklessly? All the circumstances must be considered.

This is what I am asking the hon. member to ponder. Rather than applying a mandatory minimum jail term in every case, why not give the courts some flexibility in structuring the penalties for the young joyrider in view of all the circumstances of the individual case?

What about the youth who has no previous record? There are so many ways to handle this problem short of sending every young joyrider to prison. A probation order for a first time offender combined with an order of restitution may be quite adequate.

I would also point out that it is unusual to see a custodial term imposed for a first offence of possession for stolen goods. I do not

see why we would opt for mandatory minimum of six months jail time for a first offence here.

I also cannot understand why the hon. member wants to take sentencing out of the realm of the Young Offenders Act. The bill says, notwithstanding the Young Offenders Act, the offender is liable to a term of imprisonment. I would point out that he is also liable to imprisonment under the Young Offenders Act. Young offenders can also be forced to pay restitution. The Young Offenders Act provides all the remedies needed in conjunction with a penalty structure of the Criminal Code. Section 3 of the Young Offenders Act sets out 10 principles that apply to the sentencing of youth offenders. I quote the first principle:

Crime prevention is essential to the long-term protection of society and requires addressing the underlying causes of crime by young persons and developing multi-disciplinary approaches to identifying and effectively responding to children and young persons at risk of committing offending behaviour in the future.

These principles should be applied so that all of the circumstances surrounding the offence, including parental involvement, can be considered.

● (1750)

I can see that Bill C-209 would continue to require that young offenders be tried in youth court but I cannot understand why he would want to add a notwithstanding clause that would suddenly take sentencing outside the structure of the Young Offenders Act. I have no objection to prosecutions under section 335. Joyriding is a problem in itself, aside from damage to property or personal injury that may result from it.

In the last session, the government introduced a series of amendments to the Criminal Code in Bill C-17, which is now chapter 18 in the Statutes of Canada, 1997. These amendments included section 335, a change that for some reason is not reflected in the hon. member's bill before us today. The amendment deals with the responsibility of occupants of the vehicle.

Young people who take cars often do so in the company of others and these passengers may be aware of their immunity from prosecution even when they clearly know that the car has been taken without the consent of the owner.

Furthermore, it is often difficult to determine who took the vehicle when several young people are involved. The new law solves this problem by making passengers liable to a charge of joyriding unless they make an effort to leave the vehicle. This amendment shows that the government does take the section of the code very seriously.

Let me give an example of how section 335 has been used. In 1991 in a Saskatchewan case, an offender took a vehicle and claimed that he was going to use it to pull another vehicle out of the

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mud. However, he made no attempt to restore the vehicle to its owner and the accused appeared to be responsible for the later destruction of the car in a fire. The offender received a conditional discharge combined with 18 months of probation but he was forced to pay restitution to the victim for the loss of the vehicle.

This is an example of how section 335 in combination with the restitution sections in the Criminal Code can be used to benefit the victim where property damage and loss have occurred. The amendment in Bill C-209 is not really necessary.

Let me give a quite different example. This is an Alberta case. The offender admitted to taking the vehicle for purposes of joyriding. He began driving too fast, misjudged a turn and slammed into a trailer parked on the other side of the road. Of what was he convicted? Not joyriding as the offender hoped, but rather dangerous driving, which carries a maximum penalty of five years imprisonment and 10 years if there is personal injury.

Finally, I wish to comment briefly on the second part of the bill which tries to make parents responsible for fines and damages incurred by a young person who is convicted of joyriding.

This idea was examined recently by both the House of Commons committee and a federal-provincial task force on youth justice. Neither group recommended that parents be required, under the Criminal Code, to pay damages for neglecting to exercise due care. The task force did recommend that provinces develop legislation governing the civil recovery from grossly negligent parents for damages or losses arising from the criminal acts of their children.

I understand that Manitoba recently created legislation making parents civilly responsible to a limit of \$5,000 where it is proven that the parents bore some responsibility for the offence. In terms of the parents actually participating in an offence, the Criminal Code and the Young Offenders Act already contain offences of aiding and abetting.

For these reasons, I suggest that the amendments of Bill C-209 are not needed and will not improve the capacity of the criminal justice system to deter joyriding.

The Acting Speaker (Mr. McClelland): Before we return to the debate, the Chair would confirm that the member for Fraser Valley West did not receive unanimous consent to have this bill made votable. Unanimous consent was not received. This is for the record.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, it is sad to see a bill like this one being used to try to misrepresent the facts, because of a lack of understanding, exaggeration or what not. The problem is not as bad as it seems or as the member from the Reform Party made it out to be.

What does the Criminal Code provide in this respect right now? Section 322 of the Criminal Code deals with theft per se. Let us call a spade a spade. Let us call things by their rightful name. To take a vehicle with intent to use it—when there is, in legal terms, *actus reus* and *mens rea*, that is to say acting wilfully with criminal intent—it is just that, theft.

• (1755)

The other thing the lawmakers saw fit to add to the Criminal Code under the heading of offences resembling theft is subsection 335 (1), which the hon. member from the Reform Party would like us to amend.

What does this subsection say?

335.(1) Every one who, without the consent of the owner, takes a motor vehicle or vessel with intent to drive, use, navigate or operate it or cause it to be driven, used, navigated or operated is guilty of an offence punishable on summary conviction.

This is another offence which, while not being as serious as theft, is also punishable. This is the case where a young person, or an adult for that matter, decides to use an automobile or another vehicle without the owner's consent, but does not have a criminal intent, has no intent to defraud, there is no fraudulent intention, and the lawmakers leave it up to the crown to decide whether to prosecute under section 322 of the Criminal Code or under subsection 335 (1).

I think that, in a free and democratic society as ours in Canada and Quebec, it is healthy to let those who enforce the law use their head in laying charges to try to see what would be most appropriate in each case.

As the government member said earlier, the judges of the Supreme Court of Canada, in 1973, however, not in 1972, handed down a clear ruling in *Lafrance v. Regina* to the effect that the offence as worded in section 335 (1) is not a lesser offence than ordinary theft. They created two separate offences, each with its own characteristics. The two are distinct and the crown may decide on the charge according to the circumstances of the case. This interpretation by the courts seems to show the effectiveness of the standard set by the present wording.

The amendments or speeches by Reform members I have heard sometimes seem to indicate an interest in seeing everything covered in the Criminal Code. Each situation would have its own section in the Criminal Code. The goal would be to limit the judge's discretion as much as possible. I have the impression that the Reform Party wants to see the courts turned into legal robots, heartless machines operating on the basis of sections, statistics, sometimes even stereotypes. It looks like they want to remove any possibility of discretion, of a decision based on a particular case.

In the field of justice, I learned very early on that nothing is black and white. In this field, as in many others, some things must be analyzed, and I think that judges in the existing system—if everyone does not agree with me on this, we have a big

problem—have the training and the skill to analyze and judge the offence before them, which the crown has decided to prosecute under either section 322 or section 335 (1).

But the Reform member's bill goes further still. It calls for a stiffer sentence. Once again, the intention is to prevent judges from exercising their discretion, from using stiff fines to make a distinction between cases. It is true that sometimes this will be the result of a joyride, but other charges will be laid against the wrongdoer, the adolescent or young man who uses a car without the owner's consent, because damaging another person's property is also an offence. And it is the crown prosecutors who look at the facts presented to them by the police and decide which sections they will rely on in court.

• (1800)

There is also a major shortcoming in Bill C-209, and you will agree with me that it is another reason to reject this bill. It undermines the Young Offenders Act.

I know that when it comes to the Young Offenders Act, there is a tremendous gulf separating the Bloc Quebecois and the Reform Party. I think we will never succeed in sharing the same views on this matter.

This is what I concluded when we studied the Young Offenders Act last year. With Bill C-209, an attempt is made to quietly uproot powers in the Young Offenders Act, namely a part of that act relating to the application of section 335(1) of the Criminal Code. There is an attempt to increase the penalties for this offence.

Let it be clear, I do not want to minimize that. I think that presently the Criminal Code includes all the necessary tools for the administration of justice, provided of course that the courts apply it properly. I have every reason to believe that today the courts are applying properly sections 322 and 335(1) of the Criminal Code.

There is another reason why we should reject this bill—this will be my last point—and it concerns parental responsibility. In fact, I remember when I was 15 or 16, I was attracted to cars. Are not all young people at that age attracted to cars? I am not saying that I stole cars, I am not saying that I used cars without my parents' consent, but I was nevertheless attracted to cars, especially in a county like Berthier—Montcalm. Berthierville is in that county, and with the Villeneuves, it is natural down there to be attracted to cars.

Can it be said that parents are negligent if one day a child sees a car with its keys, and, without thinking, gets in the car, takes a ride and brings it back to the parking lot where he took it. On a whim, the young person used a car. Does this make that child a criminal?

I know that the members of the Reform Party would want that child to be called a criminal, but I tell you that is not the case. That child, on a whim, used a vehicle. In such a situation, the crown

attorney can at his discretion decide to refer to theft under section 322 or to an infraction resembling theft, use without consent, under section 335(1) of the Criminal Code.

I know that it upsets Reform members when they are told such truths, but that is what is found today in the Criminal Code. I do not think the Criminal Code is the greatest thing since sliced bread, and there are things in it that should be changed. If we really want to change it, let us review it completely, rather than trying to do patchwork, as the Reform Party is doing with Bill C-209.

[English]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, Bill C-209 brought forward by the member for Fraser Valley outlines the member's concerns about the serious increase in and problems with joyriding and car theft. No one would question the concerns and the seriousness we have seen in Canada with the growing problem of car thefts which the bill seeks to address.

Between 1990 and 1994 the number of car thefts increased by over 40,000 and the number of vehicles stolen per 1,000 registrations increased by 50%. It is generally known in the community that most car thefts are used for joyriding, in fact something like three-quarters.

There is a concern in the community that dangerous behaviour associated with joyriding makes it a threat to the safety of not only the police but the public and often tragically the joyriders themselves. Probably most of us are aware of various instances and circumstances that have taken place in our local communities and neighbourhoods which involve joyriding and often result in serious injury or even death.

• (1805)

In addressing this bill, which is non-votable and being debated for the record, there is also widespread agreement that we really need to examine new ways of dealing with crimes by young offenders.

In the NDP we believe very strongly—and there is a growing sense in the community—that we need to promote a renewed sense of social responsibility. Our focus must be on finding ways of making young offenders aware of the consequences of their actions. That is important but most important is that the information and studies that have been done show the most critical actions we can take and the most effective things we can engage in are crime prevention and addressing the underlying issues which drive young people to antisocial behaviour and criminal activities.

Unless we can understand the issues and provide the resources and tools to local communities to address underlying issues of antisocial behaviour and crime, the NDP believes that we will not make much progress.

Private Members' Business

There are different opinions on how we have to build a sense of responsibility among young offenders. Certainly for the member from the Fraser Valley the idea of minimum penalties for joyriding requiring parents to pay for their children's actions is seen as the way to go.

The bill before the House sets out a minimum penalty of a \$1,000 fine or six months in prison. It also stipulates that parents or guardians could be required to pay the fines or other penalties incurred by their children if it was felt somehow that their neglect of parenting duties resulted in the child committing the offence.

The problem with this approach is that there is little or no evidence to show that increasing penalties will actually work and will actually deal with the issue of joyriding or many of the other issues facing us in terms of increasing crime among young people.

To talk about the position of the Reform Party and how it has approached this issue and issues it has raised around crime and punishment, commenting in the *Alberta Report* on the problem of car theft in the city of Regina, the member for Calgary Northeast suggested that without incarceration young punks have nothing to fear.

That member ignored that Saskatchewan already incarcerates a higher proportion of youth than most provinces and has now recognized that it has not reduced crime. Simply criminalizing young people, throwing them in jail and increasing fines, has not dealt with the issue most people would recognize as a problem.

Fortunately for the city of Regina, the Government of Saskatchewan has recognized the limitations of the approach of the Reform Party and what it is advocating. It is looking at more effective ways as one province, and certainly in my province of British Columbia, of dealing with the situation of young offenders.

It is also very questionable whether simply holding parents responsible for the actions of their children will actually impact young people and make them consider the consequences of their own actions. There are cases where better parenting may have prevented the child from committing an offence. However, the more important point is that if the relationship between the parent and the child is so bad that the courts feel the parents have failed, it is not clear at all and there is no evidence to suggest that penalizing the parent will improve the situation.

It is important to point out that according to the National Crime Prevention Council, 97% of young people in custody have suffered abuse at the hands of a trusted authority figure. That is a very startling figure. It should lead us to be very suspicious of superficial approaches put forward by the Reform Party. It should lead us to understand that these approaches have failed.

When looking at the bill we must ask ourselves how we will address the problem by having parents pay their children's fines.

Holding parents responsible, even in a limited sense, for the crimes of their children sends out a wrong message.

• (1810)

When dealing with young people who have committed crimes, the goal should be to persuade them to take responsibility for their actions and to prevent these actions from taking place in the first place. Holding responsible someone other than the person who committed the crime seems to us to be a step removed from the objective.

The main problem with the bill is that we cannot deal with issues like joyriding in isolation. We must address the social and economic conditions that cause these acts of antisocial behaviour, criminal acts in the first place. We must also find more effective socially responsible ways to deal with young offenders.

Criminal activity by our young people does not happen in a vacuum. While it is important to state that each individual, whether a young person of 18 years of age or an adult, is responsible for his or her actions, we must recognize that there are societal factors at work which often push young people toward criminal activity. If young people grow up in poor circumstances and in an environment that shows little respect for the rights and needs of children, we should not be surprised that children grow up not respecting society's rules.

One approach that is having some impact in terms of dealing with young offenders rather than jail sentences or penalties is to deal with restorative justice. The objective is to bring about understanding and recognition of the damage that has been done to a victim or to a community at large.

In a program in Maple Ridge, British Columbia, local businesses allow young offenders to pay their fines by working at the local businesses. There is an attempt to bring about better understanding of the crime that has taken place. While some have criticized restorative justice or diversion programs as letting people off scot-free, the fact is the results are positive. At the Maple Ridge program only 6% of the participants reoffended in the following year.

We believe in the NDP that we need to understand the risk factors that increase the chances of a young person being victimized or engaging in antisocial behaviour. We need to ensure early prevention for high risk youth. We need to ensure we are investing in education. We need to ensure families have good support in the community. We need to ensure families have good paying jobs and that there are family friendly workplaces.

Our concern with the bill is that the approach of the Reform Party is to further criminalize young people. This is no answer. It is an answer that may pander to the concerns of the community and

may offer a very superficial response, but it does not deal with the underlying issues at work in terms of young people at risk.

We do not agree with the bill and suggest that it is a short-sighted measure to deal with what is a very serious problem.

Mr. Gurmant Grewal (Surrey Central, Ref.): Mr. Speaker, I thank the hon. member for Fraser Valley for bringing forward Bill C-209. I also appreciate his thoughtful and rightful initiative in doing so.

We all know joyriding is a serious crime and a serious problem. It is not a joyful ride. It should be called a painful ride. This problem affects communities all over the country and any one of us could be a victim of this crime. We do not know who will be a target tomorrow in our communities. The hon. member for Erie—Lincoln said even he was a victim of this crime.

It is disappointing to hear members from the third and fourth parties opposing the bill.

In my riding 27 cars are stolen every day. Most of them end up being used for a so-called joyride, which I call a painful ride. The fine imposed for this type of crime is unproportional to the loss and damage caused, including the innocent lives which are lost in these types of accidents. As a result of this, insurance premiums are increasing. They are skyrocketing. Innocent victims are affected not only by the damage but also by the increased insurance premiums.

• (1815)

The hon. NDP member for Vancouver East stated that an increase in penalties, fines or holding the parents responsible will not help. What else will help to reduce this type of crime?

Let us consider the record of other countries, such as Singapore. There are no more joyrides on as many car thefts in those countries because the penalties are harsh and tough. Young criminals know that the penalties are tough. That is the way to control these crimes. Someone has to be held responsible for these painful rides. Who else will be held accountable? These young kids are stealing cars and going for joyrides. Why not hold the parents responsible?

This is an excellent bill. We need to bring about these important changes. Measures to deal with joyriding should be in the Criminal Code. Someone has to take the initiative. The parents should be held accountable for the actions of their kids who are not properly controlled.

I appreciate the initiative of the hon. member for Fraser Valley. Considering the seriousness of these crimes, we need to take corrective action and hold someone accountable.

The Acting Speaker (Mr. McClelland): I recognize the hon. member for Fraser Valley. The Chair should point out that as is the

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convention, as it is the member's bill, he will have five minutes but there will be no further debate at the conclusion of the five minutes.

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, it has been an interesting debate. It is almost like a take note debate. Of course there will not be a vote on it because not all Private Members' Business is votable which is unfortunate. Nevertheless it has been interesting to hear the different points of view from the different parties.

I always find it a little unfortunate in Private Members' Business that people do not seem to listen to the speeches. They all craft a speech in advance and regardless of what anybody might say in presenting their opinion, it is as if they had never said a thing. Therefore I would like to run through again very quickly the reasons for this bill.

The NDP member mentioned that we have to do things to prevent crime rather than just come down like a ton of bricks on someone who steals a car.

I went through the list. I went through what the RCMP said would work well. I fully support that. The trouble is we cannot put all of that in the Criminal Code. We can only deal with code amendments here. A lot of other initiatives, both provincial and federal, are not code amendments. Of course I cannot put all of them into this bill.

I talked about the increased use of bike squads, getting out among the kids so they see a friendly police presence. I talked about the increased use of crime stoppers, nipping the crime in the bud before it becomes a big problem in the community. Then we have the increased use of street crews as we call them in my area which deal not only with crime, but also with drug use, drug abuse and so on. That is an initiative which works well in our area.

There is the block watch program where people look after not only their own assets but those of their community. If they see kids trying to break into a car, they can stop the crime. To prevent the crime of course is far better.

Citizen patrols have been very successful in my riding. The lock it or lose it campaign initiated by our local insurance company has been very successful. Ten to fifteen per cent of all auto thefts result from vehicles not being locked. That is a shame. It almost entices someone to steal.

We have an education program in our schools about the serious effect of this crime. It is a very good program which should be continued and expanded.

All of this I believe is Reform Party policy as well. I hope the member from the NDP will realize that the object of the Criminal Code amendments is not to say this is the only thing we are going to do. The object is to say that when all else has failed, what can we do?

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• (1820)

Parliament has the privilege and the requirement to say that we treat this as a serious crime. By all means part of the restorative justice campaign is to pay back, to make restitution for damages, to pay for those crimes by perhaps working at the local stores.

One comment made in the speeches here today was that we should just make young people aware of the consequences of their actions. They are well aware of the consequences of their actions. Right now the consequence is a \$100 fine. Fifty-two per cent of young people receive no fine. They receive total probation for a car theft with damages up to \$4,000 on average. The consequences of the crime are very serious. The loss of a person's vehicle. Often there are injuries. Two-thirds of young people who steal cars end up in an accident of some sort, many causing bodily harm.

If we send the message to young people that if they steal a car, wrap it around a telephone pole and get caught, they can figure on about \$100 fine, those are the consequences. These young people think they are immortal, they are young and do not think about the damage done to themselves or their friends. They just drive hell bent for leather and often hurt themselves and others and the consequence is a \$100 fine.

We need to send the message that the consequences are serious, that we treat this crime seriously. We hope the young people will treat it seriously and that the courts, police and parents will treat it seriously as well.

All the talk about holding the parents responsible is very interesting. I hope that everyone has read the bill and the sections that I have tried to amend.

In subsection 2 of the bill I brought forward today it says that notwithstanding all the other portions of the Young Offenders Act, if the court is of the opinion that the case would be best met by the imposition of a fine, damages or costs and the court is satisfied that the parent or guardian of the young person who contributed to the commission of the crime, then they can step in. In other words—

The Acting Speaker (Mr. McClelland): I regret, but the time has expired.

[*Translation*]

As no other member wishes to speak, and the motion has not been made a votable item, the time provided for consideration of Private Members' Business has now expired and the item is dropped from the Order Paper.

[*English*]

The adjournment proceedings are to start in seven minutes. May we have the unanimous consent of the House to see the clock as 6.30 p.m.? However, we may have to suspend to allow time for one of the members to arrive for Adjournment Proceedings.

Is there unanimous consent?

Some hon. members: Agreed.

ADJOURNMENT PROCEEDINGS

[*English*]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

LABOUR

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, the Oslo conference on child labour reflects a growing and worldwide concern about child labour, particularly the urgent need to eliminate its most extreme and intolerable forms.

All the delegates at the Oslo conference agreed that the countries of the world must take every step possible to suppress such atrocities as the sale and trafficking of children, forced and compulsory labour, debt bondage and child slavery, and the use of children for any type of work that is likely to jeopardize their health, their safety or their moral and social development. The use of child soldiers in recent armed conflicts was identified as an issue that requires immediate and specific attention. There was less than consensus opinion, however, on how to best address the larger issue of the 250 million child labourers between the ages of 5 and 14 who are forced to work to survive.

• (1825)

Everyone everywhere agrees that poverty is both the root cause and a major consequence of child labour. In that light strategies to fight poverty are central to any serious efforts to alleviate child labour. Canada falls short in this regard. The international community has targeted 0.7% of GDP as the level of industrial development aid. Canada now stands at 0.34%, a drop of \$780 million. Both Norway and Great Britain have announced increases to a full 1% of gross domestic product.

Canada falls short in other tangibles as well. The Canadian government says that it does not support the use of boycotts or labelling programs. It does not agree that projects like the Rugmart labelling system will end the exploitation of children in the carpet industry even though there is broad support for that program in many parts of the world. The government does not believe in legislation such as the Harken bill in the United States which bans the importation of goods made by bonded child labour. It has refused for over 25 years to sign International Labour Organization convention No. 138 which deals with the minimum age of workers entering the workforce.

The government does not agree that international trade agreements must include labour standards in spite of the fact that

speaker after speaker at the Oslo conference cited liberalized trade agreements as a key cause in the escalation of the use of child labour in the world.

Consumers and governments in developed nations can and must use their purchasing power and any other instruments at their disposal to put pressure on those who participate in the economic exploitation of children. Voluntary compliance with codes of conduct will not help the child who sits chained to a loom as we speak.

Do we know that consumer boycotts and non-tariff trade barriers work? The garment manufacturers of Bangladesh at the merest hint of a boycott by the United States cleared their workplaces of child labour within three years and now use the fact that they are child labour free as a marketing tool.

Critics would say that boycotts result in these children being thrown out of the workplace and winding up in the streets or some worse form of exploitation. My point is that there are 50 million child labourers in India and over 100 million heads of households who do not have meaningful work. It is simple. We take the children out of the workplace. We put their parents in the workplace. We put the children in schools where they belong.

The government has not done enough. When questioned on October 3, the Minister of Foreign Affairs again repeated he was not willing to engage legislation and tools such as the Harken bill in the United States and he was not willing to sign convention No. 138 of the ILO.

[Translation]

Hon. David Kilgour (Secretary of State (Latin America and Africa), Lib.): Mr. Speaker, I also want to thank my hon. colleague from Winnipeg Centre.

[English]

Some child experts question the effectiveness of measures such as the one my colleague has just been speaking about, that is banning imports of forced or indentured child labour. The underlying cause of child labour is poverty and the long term solution is to attack poverty. This point came out clearly in the speech of the minister for international development at the Oslo child labour conference last week.

The conference was hosted by the Norwegian government in conjunction with the ILO and UNICEF. It unanimously adopted an agenda for action which appears consistent with our policy on the issue of child labour.

Our efforts are focused on three issues: providing affordable access to primary education particularly for girls; improving the status, role and economic security for women as equal partners in development; and encouraging governments to enforce existing laws governing the employment of children.

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Canada is actively supporting the work of the ILO to develop a new convention by 1999 on the most intolerable forms of child labour including bonded labour. Canada is to host a preparatory meeting in Ottawa for principal donor countries that were invited to the Oslo conference.

Within our region, the United States, Mexico and ourselves are examining the child labour and working conditions of young people. Our labour minister spoke at a trilateral conference in Ottawa last month which was attended by over 100 government, labour and NGO representatives.

We also believe that business can play a role that reinforces international action by government response to ethical, environmental and social concerns. A private sector alliance developed an international code of business ethics for firms operating overseas.

• (1830)

[Translation]

RAILWAY TRANSPORTATION

Mr. Antoine Dubé (Lévis, BQ): Mr. Speaker, on October 24, I put a question in this House to the Minister of Transport. My question dealt with a statement made to the newspaper *Le Soleil* by the secretary of state for agriculture and agri-food, and fisheries and oceans, who is also the hon. member for Bellechasse, the riding next to mine.

The secretary of state was quoted as saying that the station in Lévis would close on December 1 and that rail service would be transferred to the north shore, in Sainte-Foy. I thought that statement was rather strange, which is why I wanted to ask the Minister of Transport a question. I asked him if the decision had been made at his level, even though there had been a recommendation by the national transportation agency. He said no.

During question period in the House, we do not have much time. I would like to use my time today to get further information on the subject I raised in my question.

I found the answer of the minister very interesting when he said:

We are looking at a number of options for rail service across the country. On the matter of the Lévis station, no decision has yet been made. I will gladly consider any idea or opinion my colleague or anyone else might have on the subject before I make my decision.

Afterwards, I called for public consultations and I tried to find out if the national transportation agency had held public hearings, because it did hold a few public hearings in 1991. But there were no public hearings this time because the NTA decided there would not be any.

Because of public interest, since there had been no agreement between Via Rail and CN, the then Minister of Transport, under the Conservatives, decided, on March 16, 1993, to close Lévis station. It seems that the situation is the same today because, on February

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22, 1996, CN got permission to abandon lines along the St. Lawrence River.

However, negotiations between CN and Via Rail have yet to be completed. Since there is still no agreement, Via Rail has let it be known, probably through the member for Bellechasse, that it would be forced to go to Sainte-Foy. In the meantime, two trains stopped at the Charny station every day, but VIA announced in an internal bulletin that they would no longer stop in Charny, which means no more train station on the south shore.

In these circumstances, as a member of Parliament, I decided to hold public consultations on November 11 and 12. I will consult the people, ask who is for and who is against before the irreparable closing of the Lévis and Charny stations so that people who disagree with this decision can express their opinion.

Today, I ask the transport minister's representative to help me by insisting that VIA Rail make all pertinent documents public, which it has refused to do until now, so that people can express an informed opinion.

[*English*]

Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.): Mr. Speaker, first, let me assure the hon. member for Lévis that the minister is very aware of the situation involving the Lévis station and he is intent on resolving the matter soon.

As the hon. member knows full well, the problem of the Lévis station has been around for a number of years and there are many divergent opinions on what to do about it. Consultations with stakeholders and local community leaders have been ongoing since 1990. Because of the very divergent views on the subject of the Lévis station and the Montmagny line, a number of extensions have already been obtained in order to keep this station open.

• (1835)

First and foremost, the government's primary consideration is to ensure that any solution is safe and that it minimizes the inconvenience for the roughly 17,000 rail travellers who use the Lévis station every year.

I know the hon. member for Lévis is anxious about the situation in his riding, but I am sure that, at the same time, he would not want the minister to make any decision without first considering all the possible options.

The minister is extremely concerned about looking at all the options in order to make the right decision. For this reason, the minister wrote some time ago to Mr. Ivany, the president of VIA Rail and asked for opinions with respect to the Lévis station.

Let me assure my hon. friend that his concerns have not gone unnoticed. On behalf of the Minister of Transport, I would like to

assure him that a decision on this matter will be made shortly. In the meantime if the member learns of any opinions from his constituents at his hearings next week, please, I would ask him to forward them to the minister because I know that he is open to suggestions.

[*Translation*]

TIP EMPLOYEES

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, on October 29, I asked a question of the Minister of National Revenue concerning the employment insurance eligibility of tip employees.

The minister stated that consultations were ongoing between the Minister of Finance, the Minister of Human Resources Development and himself to find a solution to ensure that the policy implemented by the Quebec government is compatible with employment insurance eligibility.

I wanted to come back on the matter because, in a way, it requires urgent action. The bill introduced in the National Assembly is now at the clause by clause study stage before a committee and we need to know if the federal government will make the necessary technical changes.

We must remember that the Quebec government wants tip employees to claim their tips, in consideration of which they could use those revenues for their employment insurance entitlement, something that is easily understandable.

The analysis made led to the conclusion that employers should collect only 20% of tips to simplify the process. We are waiting for the federal government's decision. We know there was some kind of agreement in principle, but the regulatory change is yet to come.

Would it be possible to have an announcement on the matter by the revenue minister, the Minister of Human Resources Development, the Minister of Finance or the three of them if they wish? We would like to finally go ahead with the new system designed by Quebec. I know that it could interest other provinces as well. If the necessary regulatory changes were made, the new system could be implemented for the coming fiscal year, thus allowing tip employees to earn employment insurance benefit entitlement for the tips they actually earned.

Mrs. Sue Barnes (Parliamentary Secretary to Minister of National Revenue, Lib.): Mr. Speaker, I thank the member for his question.

[*English*]

In its 1997 budget, the Quebec government announced measures to help ensure that the tips of workers in the restaurant and hotel industry are reported and subject to tax. It announced that this would be accomplished in part through new measures to be

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introduced in legislation which would oblige the workers to remit their tips to their employers.

The Quebec budget also announced that tips would be eligible income in the calculation of various social benefits, notably employment insurance.

Prior to the Quebec budget announcement, Quebec officials had explained to federal officials that employees would be required to remit tips daily to employers who, in turn, would record them, withhold the appropriate deductions and return the remainder to the employees. On that basis, Quebec was advised that tips would be insurable for employment insurance purposes because they would be employer controlled.

Under the current employment insurance legislation, tips can only be regarded as insurable if they are employer controlled as a result of being remitted by the employee to the employer on an ongoing basis.

We are aware of the underlying objective of the Quebec government to curb the underground economy and address the under reporting of income, more specifically tips in restaurant and hotel industries.

• (1840)

The federal government also understands that following the publication of the Quebec proposals, major concerns were expressed by employers as to their added administrative burden. As a result, Quebec considered a number of options for alleviating this burden and has asked the federal government to advise whether these changes would be acceptable for EI coverage purposes.

These are being actively reviewed. I will assure the House that the federal government is aware of the importance of the issue and the tight time frame of the Government of Quebec to implement its program by January 1.

The government is treating Quebec's request as top priority. Quebec will soon be advised of the federal government's position on the matter.

[*Translation*]

The Acting Speaker (Mr. McClelland): The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 6.41 p.m.)

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