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OFFICIAL REPORT  
(HANSARD)

**Monday, March 30, 1998**

**Speaker: The Honourable Gilbert Parent**

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# HOUSE OF COMMONS

Monday, March 30, 1998

The House met at 11 a.m.

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*Prayers*

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## PRIVATE MEMBERS' BUSINESS

• (1100)

[*English*]

### CRIMINAL CODE

The House resumed from February 3 consideration of the motion that Bill C-211, an act to amend the Criminal Code (arrest of those in breach of condition of parole or statutory or temporary release), be read the second time and referred to a committee.

**Ms. Marlene Catterall (Ottawa West—Nepean, Lib.):** Mr. Speaker, I rise on a point of order. On the item scheduled for debate today, discussions have taken place between all the parties and the member for Langley—Abbotsford concerning the taking of the division on Bill C-211 scheduled for today at 11.45 a.m. I believe you will find consent for the following motion. I move:

That at the conclusion of today's debate on C-211, all questions necessary to dispose of the said motion for second reading shall be deemed put, a recorded division deemed requested and deferred until Tuesday, March 31, 1998, at the expiry of the time provided for Government Orders. And that the recorded divisions scheduled for Tuesday, March 31, 1998, on M-198 be deferred from the end of Private Members' Business to the end of Government Orders on March 31, 1998.

(Motion agreed to)

• (1105)

**Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.):** Madam Speaker, it is a pleasure today to speak on Bill C-211. I would like to compliment my colleague, the member for Langley—Abbotsford, for putting this bill together in conjunction with the police. This member also, in the last Parliament, put together a victims bill of rights which unfortunately was held up in this House even though the police, victims and Canadian society desperately

wanted the bill to go forward in an effort to protect innocent civilians.

I hope Bill C-211, which is supported by the police and the public, will not languish in committee and in the House. I hope members from across party lines will see this as a bill for the general public. It will make our streets safer for everyone.

It would be wise for us to look at the contents of Bill C-211. The bill establishes that a police officer may arrest without warrant, detain and bring before a justice a person the officer reasonably believes is in breach of a condition of bail, a probation order, a conditional sentence or a statutory release, parole or unescorted temporary absence.

What this bill states is that if a person who has been convicted of an offence and is out on bail, is being released with conditions or is on parole and is a threat to society, he or she can be arrested without a warrant. For example, if a pedophile is released on condition and is out wandering around a park with children, the current situation, believe it or not, is that a police officer has to get a warrant in order to apprehend that person who may be wandering around and threatening those children.

Currently the system does not allow police officers to apprehend a person who may be in violation of his or her parole or release conditions. We have created a system that forces police officers to go to a judge to get a warrant. By that time the individual, for example the pedophile, would have left. This is another example of the system hamstringing the ability of police officers to do their job of protecting innocent civilians.

Bill C-211 gets to the heart of the matter. It enables police officers to carry out their duty to serve and protect innocent people. It is a common sense bill. It is a bill that should never have come to this House because one would have thought this government would have put it forth. But it did not. That is why the member for Langley—Abbotsford has put forth this bill. It is a necessary bill which I ask the government to support without condition.

• (1110)

It is important to understand that this bill was supported by the police. The police worked very closely with the member to put this

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bill forward. The police now have no authority to arrest an offender for breach of parole. That is why a policeman has to look at a situation and ask whether he has to arrest a person or not. If he does, he then has to run to a judge to do something about it. By that time it is too late. A pedophile in breach of parole running around a park perhaps might commit an act too heinous for us to comprehend.

Various conditions may be placed on a person on probation. Section 495 of the conditional release act permits the arrest of a person without warrant when a peace officer finds the person in breach of any of the conditions of probation. However, an offender who is convicted and sentenced to a term of incarceration in a penitentiary may subsequently be released into the community with conditions.

Those conditions can be violated but as it stands right now, if a police officer sees the person violating those conditions he has to get a warrant from a judge for the person's arrest.

Bill C-211 will enable police officers to carry out their duties, use their judgment and discretion and arrest people who have already been convicted of similar offences or of offences related to those conditions.

Our justice critic has been speaking for a long time about issues related to revamping the Young Offenders Act. He has continually asked the justice minister to do something about the Young Offenders Act. He has asked her to modify it, to add an element of fairness that would ensure that the Young Offenders Act gives the courts and the police the ability to protect innocent civilians. It is important to realize that the bulk of innocent civilians who are victims of youth crime are youth themselves. In many ways the Young Offenders Act does not do justice to our ideal of protecting innocent people. As such it should be revamped. My colleague has continually asked the Minister of Justice what her plan is, yet we have come up against a brick wall.

I put forward a private member's motion which has had an hour of debate. It seeks to address the prevention of crime. If we are to prevent crime we have to look at the origins of crime. There is much talk about this now because of the recent situation in Arkansas where an 11-year old and a 13-year old boy slaughtered a group of students in their school. There is a terrible situation of youth crime in our community, in particular violent youth crime. It has been on the rise for some time but it has flattened out over this past year. Nonetheless it is a situation that the public finds distasteful, in particular the Canadian youth.

How do we deal with this? There is a two pronged approach. My colleagues have spoken very eloquently about how to deal with those who are committing the offences but we must also deal with prevention. Prevention does not deal with addressing a 13-year old

or a 14-year old who has already been incarcerated. Prevention deals with time zero when a person is pregnant. In that way we can deal with issues like substance abuse and the epidemic of fetal alcohol syndrome which contributes to the criminal element in our society. We can deal with child abuse. We can deal with improper parenting skills. The Reform Party has given the government many ways to strengthen the family that would ensure parents have the ability to take care of their children.

My motion deals with that and it is in sync with that. My motion enables us to identify families at risk, to identify situations in which parents may not have learned to be good parents themselves. We can thereby introduce programs that would teach them what proper discipline is, what substance abuse does to them and their children. They can be taught about proper parenting skills and proper nutrition.

• (1115)

All these things are critically important if children are to be able to have their basic needs met from time zero so they can build the pillars of a normal psyche.

Many children who are in jail have their psyches damaged quite significantly as a result of situations that have taken place. While that does not exonerate them from the acts that they commit later, it does make us understand that if we are to prevent crime we have to address the origins which start in many cases at time zero.

There are a number of model plans in place. For example, the Perry preschool program in Michigan showed that there was a \$6 savings for every \$1 invested. It decreased the amount of youth crime by 50% and the amount of teen pregnancies by 60%. Children stayed in school longer. It is an example of a program that has been in existence for 35 years which has been analysed scientifically and shows what works to prevent crime.

The member for Moncton was a leader in developing the Moncton head start program which has been very effective in decreasing youth crime. What is conditional is that parents are involved in the situation. If only the children are involved it does not work. The parents have to be involved too.

In closing, Bill C-211 by my colleague from Langley—Abbotsford is a bill that the House should support. It is another example of a bill put forth by the member in the interest of public safety. It will protect innocent civilians. It will enable the police to do their job. It is absolutely imperative the government listen to the bill, support the bill and push the bill forward for the safety of all Canadians.

**Ms. Susan Whelan (Essex, Lib.):** Madam Speaker, I am pleased for the opportunity to join in the discussion on Private Member's Bill C-211 respecting corrections, condition of release and police powers.

I interpret the focus of these proposals as being on the addition of safeguards to the conditional release program for offenders. The

bill does not raise the question of when release should occur or if release should ever be granted to some types of offenders but simply addresses the method by which such releases may be terminated.

Because Bill C-211 proposes additional police powers, it follows it would apply further restrictions to offenders in the community. Would these measures enhance public protection, prevent crime or even save lives? Would there be measurable improvement in the supervision and control of offenders? In answer to these questions I would like to devote my allocated time today to sharing with the House and with all Canadians some thoughts about public safety, the criminal justice system and conditional release as it now exists.

No one should think that the decision to release an offender to the community is made lightly. The decision making process is careful and extensive. It is quite obvious that any release conditions are framed by court imposed sentences.

Over the last dozen years parliament has pursued a series of measures that have increased penalties and restricted releases. On the sentencing end of things it is sufficient to say that there has been considerable movement toward the punitive end of the scale. This being said, it may be helpful for members to know something about the conditional release process and the roles and responsibilities of the correctional agencies of the Ministry of the Solicitor General, the Correctional Services Board of Canada and the National Parole Board.

Through these agencies this ministry, as part of our criminal justice system, deals with two fundamental issues which lie at the very heart of what defines the quality and the nature of the culture of the country. The first of these is public safety, an issue of paramount importance. Passage by parliament of the Corrections and Conditional Release Act in 1992 enshrined in law the principle that the protection of society should be foremost in the minds of those entrusted with the administration of court imposed sentences in the federal corrections system.

The second issue is human freedom in all its dimensions: the deprivation of freedom, the respect for freedom and the quality and dignity of freedom. This is an important consideration given that the most extreme sanction the state is able to impose on its citizens is carried out by the Ministry of the Solicitor General. The Ministry of the Solicitor General, through the National Parole Board and Correctional Service Canada, is responsible for ensuring the safety of the public. Its employees, both in federal institutions and the community, deal with more than 20,000 offenders under its charge each day of the year. It must carry out this responsibility in a society which places an enormous importance on the rights and freedoms of all its citizens.

• (1120)

How the correctional service and parole board go about their business is a matter of concern not to only a small minority but to

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all Canadians. They are equally concerned about powers granted to police forces and, I would guess, would have questions about how much power is necessary to provide protection without approaching the possibility for oppression.

I believe we have to keep in mind today the fact that over 99% of temporary absences are successful and that roughly nine out of ten offenders in the community on full parole and on statutory release complete their sentences without reoffending. That being said, I also believe that the bill has good intentions and that the ideas for enhancing the protection of the public are good.

I recognize that earlier in the debate in the House the member for Pictou—Antigonish—Guysborough talked about the effects on rural Canada. He talked about the fact that he supported the change with some reservation and was concerned about the arbitrariness of it. He talked about what happens in small communities in rural parts of the country. That is where I come from as well today.

Unfortunately how the bill protects the public may be flawed. It could be subject to a serious challenge in a court of law under the charter of rights and freedoms.

This concerns me because I know and I understand the effects in rural Canada. I recognize that often there are one or two police officers on duty and that although the parole board does its best to ensure that warrants are issued as quickly as possible, it is not always possible for police officers to go back or to have someone at the station let them know that it indeed has been faxed.

There are issues that need to be dealt with, but I believe the member who put forward the bill today is aware that there is a possibility of a charter challenge. That is my concern.

We need to ensure that laws we put forward are good laws and that laws that go forward meet all purposes. This law in my own opinion has a purpose that is necessary. However it needs to be narrower in scope. It needs to ensure that there is not a charter challenge. It needs to ensure that we go forward so that Canadians know they have that possibility. One of the ways we can choose to narrow the scope of the bill, even in the words of the researcher for the hon. member, is to limit its application to certain offenders or specific behaviours.

For example, in the research that was done, limiting the offence of breaching parole or release conditions for offenders serving time for a scheduled offence should target the more dangerous offenders. Alternatively, the bill could limit the definition of offences to breaches involving particularly high risk behaviours such as possession of weapons or illegal drugs. Either step could go a long way to adjusting the charter challenge.

I am very concerned for public safety. I am very concerned for the citizens in my community. I have had many discussions with Ian Russell, who is now the chief of police in one of my communities, the town of LaSalle, one of the gentleman of whom members of the Reform Party speak often.

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We have discussed that there are issues which need to be dealt with as we go forward and as we propose law. I go back to the earlier comments about this of the member for Pictou—Antigonish—Guysborough. There may need to be some changes in the wording. Early in the debate he embraced the bill even though he thought there should be some changes. I also embrace the concept.

I am concerned about rural communities, about small communities, but as we move forward together we have to ensure that all Canadians are entitled to be not only protected but to the rights under the charter. We have to ensure that our laws will not be subject to charter challenges as soon as they become law.

That being said, again I talk about the fact that the principle in the bill is not new. It has been introduced in the House four times since 1993. It came out of the standing committee on justice that it be amended to allow police arrest without warrant. That recommendation in my opinion was to respond to the deficiencies in the law that could slow police response times. These are things that we still have to do and we still have to meet on.

The will of the people, police officers and many members of the House is there, but there must be a law that works and does not breach any other laws in the process. That is why I cannot support the bill at this stage. I believe it is flawed.

• (1125)

On behalf of my constituents I say as a member of Parliament that we have to find a way to give police powers which will allow them to do their job without violating the charter. I believe it is what we were elected to do. The concept is right and in my opinion the end is right. However, in this case I do not believe that the bill can achieve this end.

**Mr. Jim Hart (Okanagan—Coquihalla, Ref.):** Madam Speaker, it is always interesting and entertaining to listen to the Liberal backbenchers explain to Canadians on behalf of bureaucrats and deputy ministers of the government why a good idea cannot go forward.

I rise on behalf of the constituents of Okanagan—Coquihalla to speak to Bill C-211, an act to amend the Criminal Code as it applies to the arresting and detaining of individuals who breach their condition of parole or statutory or temporary release.

I am proud to say I do this because my constituents have asked me to do it. Indeed Canadians from coast to coast to coast have witnessed problems with the parole system in their areas. This is a serious problem and the Government of Canada insists on saying that the status quo is fine and everything is okay. I am here to say that it is not fine. It is not okay. Things have to be changed.

I congratulate the member from Langley—Abbotsford for introducing to the House this very important piece of legislation. The bill does what the parole system fails to do. It takes steps to ensure the safety and security of all Canadians. I would like to ask government members and people watching today who the parole system is for. We will hear the government argue today that it is for people who commit crimes, people who have violated our codes and our laws. I will put forward a different argument today. I will put forward the view of grassroots average Canadians.

As members of Parliament it is our duty to provide citizens with a safe environment for them to raise a family, to feel secure when their children are playing at a local playground, to have them go to school, to walk the dog at night, to go to a grocery store or to visit a shopping mall. This is what Canadians want from the government. This is the reason behind such legislation as the Criminal Code, Corrections and Conditional Release Act and government agencies like Correctional Service Canada and the National Parole Board.

Bill C-211 will do two things. First, it will amend the Criminal Code by making a breach of condition of parole or statutory or temporary release an indictable offence. This means that the police will have the ability to arrest without warrant a parolee who the police believe on reasonable grounds—that is very important—to be in breach or about to breach conditions of parole.

Second, the bill will amend the Criminal Code by giving the parole board the power, following the arrest of an offender, to release him or to ask a judge to keep him in custody until a warrant is issued.

Almost weekly Canadians are subjected to news concerning parolees who commit unspeakable acts of violence. In my home town of Summerland, British Columbia, just this past year there was a tragic murder of a mother and a grandmother which sent shockwaves through a community that had not had a murder in over a decade.

Kevin Machell, on September 5 of last year, was on day parole and failed to report to his Calgary halfway house. Authorities of Correctional Service Canada did not issue a warrant until some 24 hours after his failure to report. The normal policy of Correctional Service Canada on such tardiness with respect to halfway houses is that action be taken within 10 minutes to one hour. No one will deny, even Correctional Service Canada, that was not done. Why? We do not know. The system is broken and has to be fixed.

The inaction by officials of Correctional Service Canada gave Machell the time he needed to drive to Summerland, British Columbia, and allegedly murder his estranged wife and her mother in front of their two preschool children aged 2 and 4, witnesses to this heinous crime.

• (1130)

The event is made even worse by the fact that the victim had obtained a restraining order against Machell and had written the National Parole Board asking to be told of a change in status for Kevin William Machell. The victim was not notified and remained unaware of Machell's escape until it was too late.

The events leading up to this horrific event call into question the entire parole system, Correctional Service Canada and its policy toward parolee violations and the failure of the National Parole Board and Correctional Service Canada to inform the victim of Machell's escape. Correctional Service Canada failed the victim in this case and it has failed Canadians time and time again.

Machell had in the past made threats on the victim's life. These threats of violence had been taken seriously enough by the B.C. supreme court that it issued a restraining order against Machell, yet Correctional Service Canada made no attempt to inform the potential victims, who turned out to be the murder victims, of Machell's disappearance.

Why was this potentially violent criminal given the opportunity to even be out on parole? This heinous crime could have been prevented in so many ways. The lines of communication were obviously blurred or flawed between Alberta and British Columbia and of course the third link, Correctional Service Canada. The victim should have been notified and she was not.

Machell was on the loose for 24 hours before a warrant was issued for his arrest. Under the current law, even if Machell would have been stopped in Alberta, maybe on just a routine check by police officers, the police could not have detained him. What kind of parole system do we have when even if he was an absentee, he was tardy from his half-way house, and stopped in the province of Alberta on the highway, they could not have detained him?

Bill C-211 would change that. It should be changed. There is no reason for this not to go forward.

Liberals defend the justice system time and time again. They pretend it is working just fine the way it is. They want the status quo. They say it is their priority to protect citizens, yet they are ignoring Canadians who want tougher justice laws and rules and they are ignoring the facts. They ignore the fact that 30% of federal inmates reoffend with a significant proportion of those offences being violent. They ignore the fact that convicted criminals seldom serve the prison time they are given. According to the National Parole Board even the most violent offenders serve on average only about half their time. They ignore the fact that in the past 35 years violent crime has increased 350%.

Canadians are sick and tired of the government's lack of action toward criminals and toward crime. They want a justice system that

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puts their rights ahead of the criminals. They want a system that will ensure parole is limited, earned and tightly monitored.

Last September I introduced a motion in the House that instructs the government to adopt a zero tolerance policy concerning parolees' unexplained tardiness in reporting to their half-way houses. This motion will instruct Correctional Service Canada to automatically issue a Canada-wide warrant for parolees who are more than 10 minutes late to their half-way houses and will make it a priority of the correctional service to immediately notify those who are in danger due to a parolee's absence.

At the start of this intervention I asked the House, and I asked Canadians, who is the parole system for? The government and the bureaucrats would stand to defend it and say it is for the likes of Kevin Machell who violated his parole. The answer that my constituents and all Canadians are telling the government today is that is not the case, that the parole system should put the victims of crime first.

Cecilia and Tammy Grono were murdered. Two pre-school children now do not have a mother or a grandmother. The system should be for law-abiding citizens of this country, not for those people who have violated the laws of this country and have shown that they have disdain for the laws and good order. This bill will accomplish that.

• (1135)

This bill is a good piece of legislation that should go forward today and I urge all members of the House to support my friend and colleague from Langley—Abbotsford in passing Bill C-211.

**The Acting Speaker (Ms. Thibeault):** Before recognizing the hon. member for Langley—Abbotsford, it is my duty to tell the House that his will be the last intervention on this bill.

**Mr. Randy White (Langley—Abbotsford, Ref.):** Madam Speaker, since this is the last intervention I think it is only fair that I summarize what I have seen and heard in this House about Bill C-211.

It was not me as an individual member of Parliament who decided to sit down one day to write a bill and develop a piece of legislation for this House which would prevent individuals on parole from preying on our communities by way of giving the police the empowerment to arrest them, it was the police themselves who approached me, gave me this idea and said there was something sadly lacking in the Criminal Code of Canada. They asked if we could fix it. I said "Yes, we will do that for you. We will take this to the House. It all seems fairly reasonable". Then we hit the usual brick wall.

We hit the brick wall of mediocrity. We hit the brick wall of liberalism. We hit the brick wall of a lack of intelligence with

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members on the other side saying "We think you have a good idea here. Maybe we should pursue it, but, gee whiz, there could be a charter challenge. We must never challenge the charter". That is the Liberal mentality that we have here.

Thus, in this country the prisoners have the right to vote. Why? Because a judge in his wisdom, I think it was Howard Wetston in Manitoba, said that under the charter of rights and freedoms prisoners should have the right to vote.

When we came back to this House what did the government say? Yes, the charter of rights and freedoms should apply to them. After all, we do not want to challenge that. So today prisoners have the right to vote. I disagree with that.

We have criminals today distributing obscene material on young people. A judge in this country not too long ago said "It is their unfettered right to distribute it because the charter of rights and freedoms gives them that right".

Then we have government members on the other side, sitting back like they are today, saying "That must be acceptable because some judge made that decision under the charter of rights and freedoms".

What kind of society are we going to end up with in this country when the government says, according to some judge, that if it is in the charter of rights and freedoms then it is free for all to do whatever they want? In fact, the legislators of this country are the ones who make the decisions. It is not the judges and the lawyers who are out there for personal gain, it is the legislators. Unfortunately this government's feeling is that legislators are merely to take the decisions of the court system and apply them. That is wrong.

Bill C-211 was developed to protect the public, to protect young people so that when a pedophile is out on parole sitting in a playground and police recognize the individual, they can whip him up like that, and scoot him back off into prison.

I hear from the other side arguments like "We don't want to give the police extra authority. We don't want to give the police the ability to arrest somebody without getting a warrant, do we?"

I cannot believe where this government comes from at times. I am ashamed at times to listen to the debate from the other side.

• (1140)

Politicians without the courage of their convictions are not good politicians at all. Politicians who leave the court system to make their decisions for them are worse than poor politicians.

That is not why this party is in the House of Commons. This party came here, largely, on several very important agendas. The criminal justice system was one of them. It is now a legal industry in this country.

Time and time again we repeat ourselves. What is more important in this country, criminal rights or the rights of victims? What is more important, the rights of criminals or the safety and security of the people in this country? That is what these kinds of issues are about. A member opposite is shaking his head. He thinks this is wrong.

We are aware of a situation which happened recently in British Columbia concerning Howie Slaunwhite. He is an individual I have spoken with a number of times. He said a fellow came into his life who sexually molested his daughter. Howie took a bat to him, which I think was a darn good idea and I am not ashamed to say so. The criminal went to prison. He hired a lawyer, for a fee of course, and they got a conviction. Howie broke the law. The judge charged him \$42,000 which he cannot afford to pay. He has to pay another \$15,000 on top of that in legal fees. I do not think the government sees the consequences of these things.

Every day I hear people say that if someone gets into their house and molests their wife or daughter they will take the law into their own hands because the law is not doing a good enough job. Perhaps that is wrong. Perhaps they should wait for the police or wait to see if the lawyers or judges can do a better job. Howie, as a father, said no to this. He thought the intruder deserved a few whacks and he gave them to him.

The issue here is that this person was guilty of breaking the law. But why does a judge turn around and bilk a person who cannot afford \$42,000? Why is the charter of rights and freedoms all for fairness to the individual criminal? I do not know.

It appears that Bill C-211 is going to be defeated because the majority government has spoken against it. I know there is not much individuality on the other side. They were told to vote against it. They are afraid of a charter challenge. The police and victims say they want it, but that is not good enough. There has to be another kind of profound influence. The charter of rights and freedoms may challenge it.

I feel sad that a country like this, which once had a great criminal justice system, now has a legal industry. I feel sad for the victims of crime who watch every day as prisoners get overtime pay, the right to vote, the right to sue—

**An hon. member:** Free medical.

**Mr. Randy White:** —free medical, dental and television. The list goes on. The prisoners are provided free bleach to sterilize their needles so they do not get HIV when they inject cocaine. Free condoms are supplied, even though having sex with each other in prison is a violation of the commissioner's directives. All of this indicates that we have a justice system in decay.



*Government Orders*

**Mr. Denis Coderre:** Open your eyes.

**Mr. Randy White:** The member tells me to open my eyes. I am one who has developed a national victims bill of rights, supported by hundreds of thousands if not millions of people in this country. I would suggest to the member opposite that it is not me who has to open my eyes.

• (1145 )

It is the government with its sick agenda and its fear of the Canadian Charter of Rights and Freedoms that has to open its eyes. That is really what is wrong in this House: no guts on the other side.

[Translation]

**The Acting Speaker (Ms. Thibeault):** It being 11.45 a.m., the time provided for debate has expired.

Pursuant to the order made earlier today, the motion is deemed to have been put and a recorded division deemed demanded and deferred until Tuesday, March 31, 1998, at the end of the time provided for government orders.

[English]

**Ms. Marlene Catterall:** Madam Speaker, I rise on a point of order. I think that if you would seek it you would find unanimous consent in the House to see the clock as 12 noon and to proceed immediately to government orders.

**The Acting Speaker (Ms. Thibeault):** Is there unanimous consent to proceed as such?

**Some hon. members:** Agreed.

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## GOVERNMENT ORDERS

[English]

### NATIONAL DEFENCE ACT

The House resumed from March 19 consideration of the motion that Bill C-25, an act to amend the National Defence Act and to make consequential amendments to other acts, be read the second time and referred to a committee.

**Mr. Art Hanger (Calgary Northeast, Ref.):** Madam Speaker, I am quite pleased to rise today to debate Bill C-25, an act to amend the National Defence Act. I can only say I am pleased to contribute to this debate in the sense that it has been 50 years since this act first made it through Parliament.

It is important that we get down to some of the very basic needs in our military. It has been kicked around for so many years for the most part by Liberal governments. I find it unsettling that the

Liberal government of today wants to look at itself as being the saviour of the military when in fact it has been the opposite; it has been the destroyer of the military. We in this country are paying the price now for what was done some 20 years ago under another Liberal regime.

Bill C-25 is supposed to be a response by this government to the Dickson report and the Somalia inquiry report. As far as I am concerned it does not adequately respond to all of the needs of the military. This was the government's chance. The government had a chance to amend the act with this bill. Unfortunately, it made a mockery of much of the commission's final report.

Amending the National Defence Act at this time represents a rare opportunity to address many of the concerns which have been voiced regarding the military justice system and the manner in which the Canadian forces interact with and responds to its members.

It has been a real eye opener to travel this country, to speak with military personnel at the various base locations and to hear what they think of the government, the treatment of the forces and how it has impacted the communities in which they live. For the most part it is a shame. What has happened to the military community at the hands of the government is it is a disgusting mess. We have not been their protector, even though they lose many rights by joining the military forces. They have had an extremely difficult struggle during these past few years.

The events in Somalia opened up a Pandora's box of issues which set the stage for a great deal of investigation, criticism and self-examination. The excessive budget cuts the government has delivered to the defence department have dealt a serious blow to the forces' operational capabilities, their procurement plans and among other things, their morale. Particularly serious is the diminishing state of the living standards of the lower ranks.

• (1150 )

Many had hoped that the government would seize this opportunity to put in place the reforms which have been proposed by those who have closely examined the state of the Canadian Armed Forces, not the least of which was the Somalia commission of inquiry.

While Bill C-25 is a step in the right direction, it unfortunately does not go nearly far enough. C-25 is full of half measures which on the surface appear to address many of the concerns which have been raised. However, underneath the surface the measures are clearly not going to get to the heart of the troubles within DND.

Before I get into a more specific examination of the bill, I think it would be appropriate for me to remind the House of some of my party's wish-list for reforms to the defence department, particularly with respect to military justice matters.

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The official opposition would like to see three qualities built into the National Defence Act. In particular, we would like to see the military justice system reflect the following qualities. We feel very strongly that unless these qualities are included, there can be no substantive reform. The first quality is accountability, the second is openness and the third is independence.

I am talking about the military justice system. The government refuses to address any of these qualities in any serious way. I think we can all agree that the military justice system is in serious need of repair. That is presumably why the government commissioned both the Dickson report and the Somalia commission. I would suggest that is at least what most people were led to believe.

When it became clear that the government was going to come under fire for some of its friends' handling of the events in Somalia, the Liberals shut down the inquiry. This unprecedented move placed a permanent blight on the history of apparently independent government sponsored inquiries in this country.

When one thinks about the ramifications of that closure, this should never happen on an independent inquiry which was commissioned to search out the truth. This government is a leader, if one wants to call it that, in actually shutting down an inquiry for the first time in our history.

Despite the government's best efforts, the Somalia inquiry commissioners did produce a comprehensive report. Among other things the report provided an extensive recommendation on how the military justice system could best be reformed to provide openness, accountability and independence.

The government of course made every effort to ignore the commissioners' report. The government downplayed it, mocked it and the defence minister denounced it. Now we see in Bill C-25 that the government has rejected it. In fact, Bill C-25 is largely the government's attempt to pay lip service to the commissioners' recommendations while escaping its obligation to provide the kind of comprehensive, meaningful change that would be required to properly bring justice to the defence department.

Much of Bill C-25 is smoke and mirrors. Of the hundreds of recommendations the Somalia inquiry report made, three of them were most important. Each remains unfulfilled in the amendments proposed by the government.

The first recommendation that remains unfulfilled is that the military police be taken out of the chain of command and be given greater independence and that they should report to the solicitor general in matters relating to the investigations of major disciplinary offences and criminal misconduct.

The second recommendation is in regard to the judge advocate general. The Somalia inquiry recommended the creation of the office of the chief military judge as well as the separation of the judge advocate general's office into the defence and prosecutorial roles. Again this was not done.

The third recommendation that is unfulfilled is the creation of the office of inspector general which would among other things create more accountability in the Canadian forces. In other words, when a complaint would be filed it would be acted upon independently and not subject to the whims of the commander or someone else in DND.

The above three recommendations are entirely consistent with what my party has been saying in this House since 1993. Surely a primary goal of any justice system should be the creation of a system whereby all participants are treated fairly, equally, openly, and where all participants are held accountable for their actions. Such a system would also be able to act independently and impartially. As evidence has shown, that is not the case with the military justice system.

• (1155 )

What changes have been made are superficial at best. We will see how much accountability will be registered in those superficial changes. In the absence of those qualities being fulfilled, there can be no justice. Bill C-25 fails these tests.

In fairness, the bill takes several steps in the right direction. Bill C-25 clarifies the roles and responsibilities of the various players in the military justice system.

Instead of the base commander calling in the military police for an investigation, the provost marshal will have direct influence in handling that investigation. That may prove beneficial in some cases but the provost marshal is still in the chain of command, still subject to influence from the top. That is a concern to us and it should be a concern for the military. If it is looking for independence and fairness in the system, it should take that out of the chain of command and give it to an inspector general.

Bill C-25 separates on an institutional basis the military justice system's investigative, prosecutorial and judicial functions. That is certainly warranted. It tends to go in the right direction as far as having a little independence but there is still not enough. It still falls within the chain of command, is still subject to influence, even political influence nowadays. It seems to be very much directed in that fashion and we object to that. We want to see greater independence. It can be achieved if it is taken right out of the chain of command.

Complete summary trial reform is the third point. The fourth is to establish two oversight bodies that are apparently external to the defence department and the Canadian forces, namely a Canadian

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forces grievance board and a military police complaints commission. How much teeth they will have remains to be seen.

The bill requires those two new bodies and the judge advocate general to file annual reports with the minister who in turn would have to table them in Parliament. There is a little more openness and a little more accountability. If the reports are scrutinized and they are not sanitized before they reach this House, then fine. At least we can look at what is going on in that fashion.

The bill requires the chief of the defence staff, the new provost marshal and the ombudsman to file annual reports. It requires the Minister of National Defence to report to Parliament after five years with a review of the act.

The amendments have been subject to scrutiny. A group of individuals will oversee the implementation of the amendments. It is unfortunate that this group will be subject to two years of scrutiny to ensure the amendments are introduced in an adequate fashion and then it will be disbanded. There will be no oversight agency. Most of the implementation of the amendments will be over a five-year period. The board will be disbanded after two years and to what end? What is the value of the board in the first place?

Many of these amendments are good ideas. It is about time the roles and responsibilities of the players within the military justice system were established. It is hard to imagine that the system has functioned for as long as it has without such definitions.

It is about time the judge advocate general's responsibilities were further defined and divided. This is one of the major areas of concern for the Somalia commissioners, although they recommended total reform of the JAG's office. We argue that it would be much more advisable to formally separate these functions into separate offices and to do away with the judge advocate general's office in its present form altogether.

It only makes sense to have the investigative, prosecutorial, defence and judicial functions separate. The creation of the Canadian forces grievance board and the military police complaints commission are two of the most often noted amendments in this act. Both cause me some concern.

• (1200 )

Both these new organizations will exist within the chain of command and therefore will remain vulnerable to influence from within the department. This will be of little comfort to many members of the Canadian forces who have had to deal with the military justice system in the past or who will come in contact with it in the future.

The creation of the ombudsman is frankly a joke and a poor one at that. This is a half hearted attempt at satisfying the Somalia commission's call for an inspector general. The ombudsman will

be a paper tiger. It will have no teeth and will likely provide more frustration than good. Many provinces have ombudsman offices and we can see how much influence they really have in resolving the concerns that are delivered, little or none. They certainly do not have any influence or power to change anything.

The bottom line is the Canadian forces need an inspector general. The most obvious omission in Bill C-25 is the absence of the creation of that office. America, Germany and Britain have inspectors general. The Reform Party has called for one. The Somalia commissioners have called for one.

Everyone outside this government for the most part thinks Canada should have an inspector general. Why is it that Canada has independent investigators in the civilian justice system but does not allow the same to apply in the military justice system? What is it that this government is so afraid of happening if an individual outside the chain of command and independent of rank structure were able to investigate allegations of wrongdoing?

I can relate to one that should have been thoroughly investigated. This situation impacted on the security of this country. I am talking about the problem of personnel at CFB Leitrim using drugs. Leitrim is probably the highest security area we have in the military involving the collection of data pertinent to the security of this country. Yet at CFB Leitrim there were individuals using drugs. Where do drugs come from? Ultimately from organized crime. They were associating with such suppliers. Some individuals even had questionable personnel backgrounds yet they were sitting in a seat of high security.

I do not think that is acceptable. It should not be acceptable in this country. The information the military often involves itself in deals with what? Organized crime. Who deals with drugs? Organized crime. Information on terrorism, terrorists and aid to civil power comes through CFB Leitrim.

I do not find it acceptable that a commander can have control but cannot investigate in an adequate sense a situation that involves the security of this country. This is exactly what has happened.

I think these investigations definitely have to be outside the realm of DND. If a complaint is laid it should be handled in a very professional and appropriate manner, always with the security intent in mind and always with the intent to convict the wrongdoer, not to warn him.

The Somalia inquiry commissioners went into great detail regarding the need for an inspector general. Yet this government chooses to ignore the recommendation. It seems to be more intent, happier I guess, to appoint committees and ombudsmen and boards but is really not willing to have a definite line drawn to create a genuine independent structure or infrastructure that would name names and hold individuals accountable.

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I think the matter of the Somalia inquiry might not have happened if there had been an inspector general willing to pick up the investigation and make sure it was carried through and handled properly.

• (1205)

That is the independence we are looking for. Ultimately it frightens the Liberals. They do not want independence. They do not want an investigation to be conducted in a thorough manner even if it means selecting those at the top who were not accountable, who were responsible, and removing them or having them disciplined in some fashion. That should be happening. Unfortunately that inquiry was cut short.

I do not think there should be a culture of secrecy, cover-up, intimidation to exist unchecked. It was evident some of that took place during the whole Somalia affair.

Bill C-25 is an opportunity for this government to correct the wrong. It refuses to do it. As a result we in the Reform Party will not be supporting the bill without substantial amendments.

**Mr. David Pratt (Nepean—Carleton, Lib.):** Madam Speaker, my question relates to the amendments to the National Defence Act which would remove the death penalty from the act. As I am sure the hon. member knows in terms of the history of this penalty, about 25 Canadian soldiers were executed during the first world war and I think there was only one during the second world war for crimes ranging from showing cowardice in the face of the enemy to murdering a superior officer.

The Canadian situation actually is juxtaposed against the Austrians who are also a Commonwealth force. No member of their forces was executed during the first world war and I think the same applied to the second world war. As we have seen, more and more since the beginning of the 1990s Canadians are being placed in combat situations, as we saw in 1993 with the action at the Medak pocket.

Does the Reform Party support the removal of the death penalty from the National Defence Act?

**Mr. Art Hanger:** Madam Speaker, I appreciate the question from the member. We made very little mention of that amendment to the act in our proposal. In part it deals with the fact that we will be addressing that issue in a substantive way in this country.

I think it is something again that should go to the people of the country. Do they want the death penalty or not? That is a very simple question to ask in the form of a referendum. It would be fantastic feedback.

The member made reference to the fact that there were some soldiers in the first and second world wars executed as a result of their actions or lack thereof, perhaps treasonous actions. When it comes to the security of the nation there are offences that could

very well warrant the death penalty. I am talking from a personal point of view. If it means a loss of life over the treasonous action of a member in the military, but not necessarily in a war like situation, by withholding information, by failing to act, by failing to protect, and people lose their lives or the security of the country is jeopardized, what do we do?

I think those are good questions that should be put to the people in the country. When it comes to the issue of the death penalty overall that is what the Reform Party's position is, to see what kind of feedback we get from those in our nation on that issue, yes or no, are they in favour of reinstating the death penalty.

**Mr. Rob Anders (Calgary West, Ref.):** Mr. Speaker, as we have heard the debate today on Bill C-25 I could not help but think of several things that touch on the whole issue of the military in this country.

• (1210)

We have recently had a base closure in the city of Calgary, something with which we have had a long tradition. Indeed Calgary has been a fine recruiting centre for the Canadian armed forces. It is the only city of its size in this country that does not have a base any more.

There are all sorts of rumours going on now with regard to the land deals that will be happening and who will get a sweet deal out of the sale of the lands.

Other cities that have had similar base closures have actually received money from the federal government, some form of compensation. In this case the federal government is looking to max out the value of the lands that Calgarians have already paid for in their taxes.

I would like to ask the hon. member for Calgary Northeast what his feelings are on the idea of closing CFB Calgary and the military institution, the traditions that we had in that city with little or no compensation. It is certainly not commensurate with what other Canadian cities have received. Perhaps it was political retribution for Calgarians not electing Liberals in the last election.

**Mr. Art Hanger:** Mr. Speaker, I would like to thank the member for Calgary West for his question because I think it is a very important one to Calgary. It is pertinent to Calgarians and to the military.

The base has been moved. One thousand acres of prime real estate are sitting in the heart of Calgary. What is that worth? Just the raw land itself is worth hundreds of millions of dollars.

That is not the only city. Edmonton has a sizeable chunk of land in its centre, 640 acres of prime real estate, and Griesbach barracks that will be turned over to whom?

Where will that money go? There is a squabble going on right now regarding what is going to happen to the land in Calgary. The

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member for Calgary West knows full well what is happening there because it sits right in his riding.

Who is going to be taking all those luscious dollars that are going to come from the sale of that land? Where will they go? There is no legislation anywhere that shows what will happen to the land to be dispersed. It will have to go up for development in some fashion.

Was it a political move to get rid of the military? Absolutely. I do not see any other reason for moving the base out of Calgary to Edmonton. The infrastructure in Edmonton was a disaster and it still is a disaster. In fact, our soldiers are living in squalor for the most part, those taking part in the program for military housing. It is disgusting. Sewage is backing up.

There was no excuse to move the Calgary military base to Edmonton. There was no advantage whatsoever. It was a political move and it is costing hundreds of millions of dollars, much more than the \$65 million that the government put on the price tag for making the move. We have not seen the end of it yet.

Getting back to the land in Calgary, there has been no compensation offered to Calgary for the move in the first place and the land is still up for dispute regarding what will happen. I think it will be worth looking into.

My intent is to further examine the agreement between the city of Calgary which is a major player in this affair and DND or whoever is looking after that land.

It does not seem like there is a whole lot of consideration on the part of the Liberal government to pay any attention to what it meant to move the base from Calgary to Edmonton.

When we look at the bottom line on that move, there were only four Liberal seats in the province of Alberta before that move was made. They moved the base from Calgary to Edmonton because Edmonton was where the four seats were. Lo and behold, now there are only two Liberal seats left in the entire province of Alberta. Hopefully at the next election there will be no seats. I am sure members would be pleased to hear that. It would sort of solidify Reform's position in western Canada for good reason because of the abuse we have been suffering at the hands of the Liberals over the last several years.

• (1215)

**Mr. Lynn Myers (Waterloo—Wellington, Lib.):** Mr. Speaker, the amendments being proposed to the National Defence Act, and especially the code of service discipline, relates to the abolition of the death penalty as a punishment and substitutes it with life imprisonment.

I am a little unclear from the member opposite with respect to the position of the Reform Party on the matter relating to the death

penalty. I listened to the hon. member's response to a previous question, but I would still seek clarification if I might as it relates to Bill C-25. As I have already stated, the death penalty is being taken out.

Will the Reform Party be introducing an amendment as it relates to the death penalty, or is it satisfied that what is in Bill C-25 is appropriate and will proceed accordingly? I would like the hon. member's response to that.

**Mr. Art Hanger:** Mr. Speaker, we will not be introducing an amendment. I thought I made that clear when I spoke the last time in reference to the death penalty. The matter was previously covered in the Criminal Code as far as treason is concerned and those issues dealing with actions of citizens and the military. If they violated those sections they were subject to the death penalty.

When it comes to the issue of the death penalty let me make clear that this matter will be put before the people of the country. I understand the majority of people would like to see the death penalty for murder. It certainly can be extended into treasonous actions by the military if the public so desires. I do not see any reason they should not be consulted.

**Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.):** Mr. Speaker, it is a pleasure today to speak to Bill C-25.

The Esquimalt base is in my riding of Esquimalt—Juan de Fuca. Marine Pacific command is in my riding and as such provides me with an enormous amount of information and insight into what is taking place within the military today. As the No. 1 employer in my riding, the number of constituents dependent upon the military is vast. Therefore the bill is exceedingly important to the constituents of Esquimalt—Juan de Fuca.

We are disappointed because Bill C-25 had an enormous opportunity to make some substantive changes within the military that would enable men and women in our fighting force to be able once again to do the best they can in an institution that traditionally has served our country exceptionally well.

Parliament as an institution has not served the military well. We have not provided the military with the tools to be able to do its job. Bill C-25 was an opportunity to enable us to give the military the tools to do its job, to strengthen the faith it has within its own institution, but unfortunately again we failed.

We ignored the recommendations of the \$30 million plus Somalia inquiry. We ignored the recommendations of many learned people within and without the military to build a stronger Canadian fighting force. This cannot be a witch-hunt. We must focus on the constructive solutions that would enable the Canadian military to be the best that it can become.

We have put forward a number of constructive suggestions regarding the military police. We suggested that it be taken out of

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the chain of command and be given more independence. It should report directly to the military attorney general. This was ignored.

We asked that the office of the judge advocate general be split into defence and prosecutorial roles. Judges should not come from the same office and probably should come from the federal court trial division. Removing the judicial role of the judge advocate general would allow for the offices to be renamed the attorney general with the responsibilities of policing and prosecuting.

• (1220)

The Somalia inquiry recommended the creation of an independent inspector general. We believe this was ignored because the inspector general would be independent. If we believe in transparency, if we believe that we should have independence and the ability to investigate potential problems within the military, as in any other organization we should give this group independence.

The Somalia inquiry recommended numerous things. It recommended that the Minister of National Defence report to parliament by June 30, 1998 on all actions taken in response to the recommendations by the inquiry.

Is the Somalia inquiry to be just another study that is tossed under the table and forgotten? We repeatedly do this, be it the inquiry into aboriginal affairs, the Somalia inquiry or committee reports. After they get their day of media attention the vast majority of committee reports, which contain superb ideas and suggestions, are merely tossed under the carpet and forgotten. This is an enormous waste of opportunity. It is also an enormous waste of taxpayers' money.

Bill C-25 also failed to address the suggestion that action be taken regarding witnesses who lied or broke officers trust or oath. It ignored twelve recommendations addressing the creation of the office of the inspector general. It ignored five recommendations charging the CDS with clarifying and strengthening the change of command. It ignored eight recommendations charging the CDS with more effective screening with respect to promotions, self-discipline and how personnel impose discipline on others. Bill C-25 ignored twelve recommendations charging the CDS with applying merit as the prime factor in promotion through improving the performance and evaluating reporting system.

Today in the military, as in other organizations, people are not necessarily promoted on the basis of merit but on the basis of some other characteristic. That is not fair. It erodes the very essence of any organization.

When people, regardless of where they happen to be from, say that they cannot ascend through the ranks of an organization on the basis of merit, why should they improve themselves? Why should they give the best performance? Why should they be the best they can become?

They are not being promoted on the basis of merit. They are being promoted on the basis of some other characteristic. That erodes the very heart and soul of the system and what we get is an organization that is far less than what it could be.

The bill has ignored numerous recommendations. I will not go through the rest of them because my colleague has eloquently spoken about them. There are numerous other things that the military has failed to deal with. One particularly important situation is what has been occurring in my riding on the dockyard and in the depot.

A few months ago military personnel heard through the grapevine that roughly 18,000 jobs were to be lost. Can we imagine being people in the military and hearing that our jobs might be lost?

I told the Minister of National Defence that these rumours were flying around. The NDP asked questions, as well they should and should be commended for doing so. When we asked these questions of the minister he said that they were just rumours, that they would not really lose 18,000 jobs. I then asked the minister to tell the personnel on these bases what would or would not happen. Have we heard anything? No, we have not.

Representatives of the Union of National Defence Employees have asked the minister what is going on. There might be some reallocation of jobs through the alternative service delivery plan. How many jobs will it be? Who will have to do this? Will personnel be allowed to bid for their jobs on a fair and level playing field? These are important issues.

I would like to point out the backdrop against which this takes place. In my riding men and women at the base service depot have gone through the downsizing. In fact they are a model of downsizing in the country. They have cut where they have needed to cut. They streamlined where they needed to streamline. They improved their efficiency where they needed to improve their efficiency, so much so that they are a model of downsizing. They have been held up as a model of downsizing.

• (1225)

For over 10 years many of those personnel have been working at a wage level with no raises that is less than they would make on welfare. Some people for 12 of their 14 years in the military have been working at a wage less than they would make on welfare. They stuck out the job because they felt it was the right thing to do. They felt committed to the institution. They wanted to make a contribution. They liked their job. They felt strongly about the military. They felt the military was a part of Canada. They felt it was a duty and responsibility to the country to support the institution even though they could have made more money not working.

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Against this backdrop the ministry said to them that their jobs may be cut. They have also not said to them that they could apply for their jobs if it is under the ASD or bid for their jobs in a fair and equitable fashion.

What kind of a situation do we have? What kind of a minister do we have? What kind of a ministry do we have that will kick hard-working men and women in the teeth who have done their jobs faithfully? What kind of a government kicks its employees in the teeth when they are down, when they have given more honour, more credibility, more faithfulness to the institution than perhaps the government has?

These people are not asking for miracles. They just want a fair shake. The Union of Defence Employees wants a fair shake. They want to be able to bid for their jobs on a level playing field. They want to be treated fairly. They understand that cuts have to be made. They understand that streamlining has to occur but they do not understand that when they have done this and have done it very well they are kicked in the teeth.

I challenge the minister to speak to the employees in the military, tell them the truth, tell them what is going on, treat them fairly and enable them to compete for their jobs on a level and fair playing field.

If cuts are to take place it would do the taxpayer and the military an enormous disservice if the reorganization is to make the military less effective than it is today. That is also a concern of these people.

If an ASD is to be used, will the people this is being given to be able to do a better job? There are concerns that the people who will be getting these jobs might be friends of the military, friends of the people in power. Will these hard working people who have been working for years for the military be tossed aside because the contract will be awarded to somebody who knows somebody in the ministry or in the defence department? Is that fair?

The truth has to come out and it is the minister's responsibility to do that. There have been no responses to my questions so far. I want those answers and I want them now. The employees of the defence department, members of the UNDE, who live in my riding want and deserve answers. They want them now.

With respect to the soldiers in our defence department, they have been labouring under an egregious situation for years. In a presentation at the defence committee over a year ago to General Roméo Dallaire who was there, along with the assistant deputy minister, I pointed out some constructive solutions from the men and women at the base in Esquimalt. They were solutions that would have enabled them to provide a better standard of living and to improve the situation within the military without costing the military more money.

• (1230)

It could have been a win-win situation. We could have made the accommodation assistance allowance applicable to all members in the military. When someone in the military is moved from an area where accommodation is cheap to an area where it is very expensive, such as Victoria or Vancouver, the person has to bear the cost. There is very little accommodation for that particularly if the person lives off base.

People in the military understand that they can be moved around and that they have no say in where they go. However, these people want to have some fairness built into the system. People who work in an embassy and who are moved to another country where the standard of living is much higher and more expensive are accommodated for that. Our military men and women should have the same consideration.

We can do this by making sure that the accommodation assistance allowance applies to everybody and that the AAA is tax free. It is not much but it would provide them with some money.

The raises the military personnel received were an absolute disgrace. As we have said before, the military has to live within its budget but for heaven's sake, when we are sending people out to fight for our country, we should provide them with enough money to feed their children back home.

Right now a soldier can make \$800 a month and an extra \$400 a month if he or she goes away. It is clearly to the soldier's advantage to go away. But what does that do to the family? When those soldiers are away they worry about their spouses and children. There has to be some fairness built in.

A large number of our military personnel travel half a world away to fight in areas such as Iraq and they worry whether there is enough food on the table to provide for their children. Our military people are not looking to get rich but they are looking for fairness. If they are going to put their lives on the line, they want fairness.

Another thing which is eroding our military is the inability of our soldiers to move up the ranks based on merit. I and my colleague have addressed this issue before. There is the perception, and I would argue the reality, that members in our military are not moving through the ranks on the basis of merit. Other factors extraneous to merit are taken into consideration.

It is discrimination if someone is not able to move up the ranks because they are not of the right category. A level playing field must exist within the military as in every organization. A person must be able to ascend the ranks of an organization on the basis of merit, competence, experience, on the basis of their qualities, not on whether they fit within a certain demographic group.

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Our armed forces demand and deserve a game plan. What is their role in the world? They do not know. The military personnel will do the job they are tasked to do if we task them with it. They will do it with honour and they will do it well. We have to give them direction. Are they going to be a peacekeeping force? Are they going to be a military force that intervenes in active combat? Are they going to be a force that is going to live up to our obligations as a country under NATO?

We know that our individual security as a nation is intimately entwined with the security of other nations. In this era of globalization we have to live up to our obligations in international organizations such as NATO.

If we are going to have security, we have to provide our military personnel with the tools to do their job. There is no compromise on that. We must give them the required tools. This means the equipment and direction. We are not doing that in spite of repeated white papers, commissions and studies that have called for just that. Give our military personnel a game plan. Give them the tools to do their job.

• (1235)

In this era of cutting, efficiency can be put into the military. By giving base commanders the ability to manage their affairs more closely without the intervention of the Treasury Board there will be more money, more flexibility and better bases for the Canadian men and women in the military.

Treasury Board repeatedly meddles in the affairs of the military. It ties the hands of the military. Base commanders cannot actively try to provide support nor can they use their intelligence and abilities to ensure their bases are as good as they can be.

It is true that in the past the minister and the government have done some good things to try to give base commanders some flexibility. It is a significant departure from what occurred before. They can do more. A lot more could be done to give base commanders the flexibility and the ability to improve the social and economic conditions among our military.

The armed forces need our help. Their social and economic situation needs improvement. The government needs to listen to the solutions we have put forward, solutions which have been given by our military, the men and women in uniform and their families. The government needs to listen to our critic. It needs to work with members across party lines. It needs to work for our military.

We will not accept the subterfuge that has taken place for so long. We will not accept the military being ignored. We will not accept that it has not been listened to. The government must be held accountable. It must act on the solutions and suggestions it has on

its plate. We will work with the government to help our military become the best it can become.

**Mr. Rob Anders (Calgary West, Ref.):** Madam Speaker, I will comment on something recently brought to my attention which got under my skin. I would like the comments of the member for Esquimalt—Juan de Fuca on this issue.

Soldiers in Calgary and people who have worked with the U.S. embassy in Ottawa have informed me that our government was offered the Abrams tanks that the U.S. military was going to mothball in Arizona. It was cheaper for the U.S. military to offer these tanks to the Canadian forces. It was also cheaper for the U.S. to pay for the maintenance of the tanks than it would be for it to mothball the machines in Arizona.

Who could possibly turn down the opportunity to use world class equipment when somebody else was willing to pay the maintenance and when our own forces are not able to purchase that type of machine? Lo and behold, our fine Liberal government turned down the opportunity to use the Abrams tanks which would be provided with paid maintenance by the American military.

I have a very difficult time understanding why our forces were deprived of the opportunity to learn how to use Abrams tanks and to have the maintenance charges picked up. When somebody is such a staunch defender and friend of Canadian interests in terms of our geopolitical situation, to not take up this opportunity smacks against our friendship with our American neighbours. It also deprives our Canadian forces of the opportunity to utilize the machines. I encourage the hon. member for Esquimalt—Juan de Fuca to comment on this.

**Mr. Keith Martin:** Madam Speaker, I thank my hon. friend for his question, which hits the heart of two issues.

What is the role of our military? There is no clear description of the military's role. If it has a role as a fighting force with ground forces and if we need tanks to fulfil our NATO obligations or for our peacekeeping roles, then this would make absolute sense.

My colleague illustrated the important issue of why we do not hear whether or not we are accepting those tanks. It is like the submarine situation. We do not know why the submarines were rejected. We do not even know if they were considered properly.

• (1240)

We do not know what the minister of defence is thinking, be it regarding submarines or tanks because a direction for the military has not been articulated. The government waffles all over the spectrum. It is as if it goes with the breeze. We do not know what the government's plan is for the military. If we knew what the plan was, then we would know whether or not we should buy the Abrams tanks or the submarines. First should be the role. The



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government has been sitting here for five years and has not articulated a strong clear position on what the role of the military should be.

A second issue is that of the U.S. military. The U.S. military, as much as some people in our country like to criticize it, has been an enormous friend to Canada. We cannot do our job without its help. In many cases the U.S. military relies on our help.

The co-operation that exists between both countries on a military level is astounding, be it in the use of military satellites, communications skills, or our frigates protecting their ships against submarines. There is an intimate relationship between the U.S. and Canadian militaries which serves us both well. Our ability to protect ourselves would not be nearly as good if the U.S. military did not have such a co-operative relationship with our men and women in the military.

It is important that we do not treat Bill C-25 or this discussion as a witch-hunt against the military. There have been criticisms against the leadership in the military. As in any organization there are good eggs and bad eggs. It is the minister's role to separate them. Get rid of the bad eggs and keep the good eggs. Enable the many good people in the military to percolate up to the top, to strengthen our military to be the best that it can become.

There is so much dissatisfaction with the military personnel in their ability to advance. As a result huge numbers of extraordinarily talented people in the prime of their lives, in their thirties, forties and fifties have been lost to early retirement. They do not have the faith in the military to contribute to the organization they originally went into because they believed in it with their hearts and souls. Many of them came from families who gave their lives to the military for our country. What a sad reflection of our country that we cannot support an institution which has served our country and the world so well for so long.

**Mr. Peter Stoffer (Sackville—Eastern Shore, NDP):** Madam Speaker, I have one question.

The hon. Reform member spoke about our friendly relations with the Americans. Would he agree that sometimes that relationship gets a little too friendly?

I am talking about the used MOX fuel we are importing from the United States along our rails and roads into our Chalk River facility. Most Canadians were unaware that this was happening. The member may be aware that a lot of environmentalists and groups are very concerned about a possible accident which may occur and what it could mean to the Canadian public.

Would he agree that we should stop these shipments of used plutonium and MOX fuels into Canada?

**Mr. Keith Martin:** Madam Speaker, I am not as well versed as the hon. member on that issue.

With respect to our relationship with the American military, it is co-operative. It is not incestuous. We do retain our autonomy. Our friends in the United States military understand that our soldiers are Canadian soldiers and not American soldiers in Canadian uniforms. That has always been very clear. Perhaps the hon member would be very interested to know of the enormous respect Canadian soldiers have in the United States when they help our friends in that country with their military initiatives.

• (1245)

As I said before, I am not as well versed as the member but I would certainly appreciate the member's giving me some information on this so I would be able to read about it and give him my opinion on it.

**Mr. Art Hanger (Calgary Northeast, Ref.):** Madam Speaker, I know the member speaks from experience. He has had very close liaison with the military bases in his riding. He has spent a number of days examining their situation and listening carefully. The defence committee has travelled to Esquimalt and we have seen firsthand the problems that have arisen. I say problems because those problems need not be there had the government been paying attention to the military, its needs and acting on those needs a long time ago. But it chose not to do it.

Morale plays a big role in the military. The government makes wonderful announcements about the pay raises it has given the military, 3.2% the most recent, 2.2% previously and 1.5% going back to 1996 and .6%. Yet I am going to ask the member what kind of pay is the military going to actually realize when it looks at all the clawbacks in Canada pension, in tax, employment insurance and will it be all that much better off with what it has now or does it need something better like tax relief.

**Mr. Keith Martin:** Madam Speaker, tax relief, tax relief, tax relief is what the military needs, as all Canadians need. I thank my friend from Calgary Northeast, our defence critic. He has done an enormous job of trying to be the advocate for our military.

Treasury Board hacks away at our defence department personnel's accommodation. It has raised their rents repeatedly while freezing their pay. That is the kind of situation we have.

**Mr. John Duncan (Vancouver Island North, Ref.):** Madam Speaker, it gives me pleasure to speak today to Bill C-25, an act to amend the National Defence Act and to make consequential amendments to other acts. The purpose of this act is to make substantial changes to the military justice system in the Canadian Armed Forces.

Probably the impetus or a lot of this dates back to October 1995 when the Liberal government issued an order in council to establish

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what became known as the Somalia commission of inquiry. Later that commission by order in council was prematurely shut down. This is the first time in Canadian history that an order in council has been used to shut down a commission of inquiry.

The reason that happened was the commission was about to investigate the involvement of the Liberal government in the Somalia affair. Allegations of murder, the cover-up of murder, the failure of the general staff and the government to hold anyone accountable for their actions or omissions, the culture of secrecy at the Department of National Defence and the double standards of the military justice system all bubbled up during the Somalia inquiry.

We all know that the Liberal government is no friend to the Canadian Armed Forces. It has done no favours for our armed forces by allowing a cloud to hang over them by shutting down the Somalia inquiry. It has not given them a clear mandate to fulfil and it has failed to adequately equip them for their tasks.

During the term of this government the Canadian military has never been asked to do more with less resources. The government has failed to provide openness, accountability and independence for the Canadian Armed Forces. There were three important recommendations that came out of the Somalia inquiry. They continue to be ignored by the government.

Regarding the military police, they should be taken out of the chain of command and given more independence. Judge Marin was commissioned to report on the military police. He recommended that they not have the power in Canada to conduct criminal investigations. This recommendation is totally ignored in the legislation.

• (1250)

It was recommended that the office of the judge advocate general be split into defence and prosecutorial roles. It was also recommended that the judge not come from the same office and probably should not come from the federal court, trials division.

The Somalia inquiry recommended the creation of an inspector general. The government continues to ignore this recommendation. It ignores this request because an inspector general would be independent. The Liberals continuously ignore the role of Parliament with respect to national defence. The government has forgotten that deployment decisions of our troops should be taken by Parliament.

British Columbians are justifiably proud of our military. But we are also very concerned that this government has denuded British Columbia of part of our military. It decimated Chilliwack. We still have Esquimalt and we still have Comox. It would be very difficult indeed for this government to remove the naval presence from British Columbia. Otherwise it would have done so by now, there is no doubt about that. All the west coast coverage for the air force

comes from Comox, which is essential. It is bad news for British Columbia that we no longer have an armed forces base in Chilliwack. We no longer have the army presence that we look for in national or international emergencies, ice storms, Bosnia, Kosovo or Haiti.

If we have an earthquake on the west coast who are we going to look to? We are going to look to our military. Ottawa has let British Columbia down very badly indeed.

The Liberals have put politics before principle. They have put politics before what is good for the nation and good for society. The Liberals are no friends of the military. They are continuing to ask our personnel to fly unsafe helicopters. We had another helicopter crash last week. As my colleague said, it is a good thing they float better than they fly.

I think what we have to remember out of all this is that people in uniform are ordinary Canadians. They come from our communities and they are trying to do a job for our country. Yes, they are trained to an extraordinary degree in many disciplines and they are often extremely responsive and responsible. Let us be very thankful that we have them. This is not the treatment the military has received from this government.

In downtown Ottawa and in other cities we have military personnel in uniform being mistaken for security guards or parking lot attendants. That is how far our military has plummeted in terms of public perception in this country because our government is doing nothing to maintain, restore and give Canadians pride in our military tradition, a very important military tradition. It is crucial that we go beyond Liberal lip service and live off the legacy which is this government's way of dealing with our military.

Recently at the APEC conference we received a slap in the face. The Seaforth Highlanders were not considered Canadian enough for APEC. The Seaforth Highlanders from British Columbia, that proud group, were replaced by the Van Doos because of a decision by the Prime Minister's office. I wanted to ask a question but unfortunately I already know the answer.

• (1255)

There was a political decision to fly those people to Vancouver from the province of Quebec at a cost of \$210,000. Who pays for a political decision? The Prime Minister's office? No. The Department of National Defence paid that \$210,000. A hard pressed department of government paid for that political decision. That is the ultimate slap in the face.

Under the government the military has lost pay comparability with the public service. This is what our Liberal administration told us on Friday. Non-commissioned officer pay had a 6.7% shortfall compared to the public service and our general service officers had a 14.7% shortfall compared to our public service.

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This displays Liberal mindset. First of all, our military personnel should not be compared with the public service. They are not the public service. They do not resemble the public service. Our personnel should be compared with military personnel on a world scale. I would suggest we start with other Commonwealth forces and U.S. forces. More on that later.

Shame on this government for allowing our military personnel and our police personnel, by the way, to fall even shorter than our public service. Why was this allowed to happen? Talk about demoralizing.

I see it right up front. I do not think I explained but within my riding is Comox armed forces base. I have a fairly good feel for what is going on with personnel. The problems all rest with this frontbench. Shame on it.

As I mentioned, Comox armed forces base is in my riding. The stress of low pay and extended absences on individuals and families is tremendous. Moonlighting is rampant and essential for many of the young members. A news release from government on Friday states that economic increases for Canadian forces personnel were intended to mirror similar pay increases expected to be awarded to all federal employees, including members of the public service.

This makes no sense. They are not doing the same job and there is no comparability. We should be tying our military to Commonwealth forces, to U.S. forces. We can look at the pay. We can look at the perks. We can look at the tax treatments.

If we had looked at all this we would not have a scramble from over here trying to deal with catch-up for our pilots. They are losing pilots one after the other. We will have a shortfall. There is no doubt about that.

Instituting a measure that favourably treats pilots is demoralizing for the rest of the personnel. Why in heaven's name we got ourself into this. There is no vision over there.

Canadian forces personnel travelling in the United States have more perks than in our own country.

• (1300)

Why this reciprocity is there is a little beyond me because there is a lack of any substantive favourable treatment shown to U.S. personnel travelling in Canada. They are not extended the courtesy that our personnel are extended there. Once again, this is shameful. It is something that needs to be addressed, but all we get is lip service.

The pay of the military has been frozen since 1991. We started to see some increases in an attempt to catch up with the public service, as I described earlier. However, a four year phase-in period is totally inappropriate. The morale within the armed forces is not only down because of the pay, it is down because there is no clear

indication from government when the cuts are going to stop, when their organization is going to stop being downsized, when their organization is going to be equipped in the way that it needs to be equipped. There is nothing but uncertainty and concern that it is so far down the priority list in the pecking order of this government that it is becoming increasingly difficult to keep people in the military, especially our best and our brightest.

Where is the government's vision? The only conclusion that I am able to come to, after observing this place for four years, is that there is none. If we read the documents, all the fine words are there, but it is lip service.

Another thing that is contributing to problems with morale in the Department of National Defence is that the organization is always getting smaller and there are obviously very few opportunities for advancement. People are having to stay in their job classifications or job categories. Those are valuable people. We want to keep them. We also want to compensate them in a way that they deserve. That is not happening.

This government is great at pitting one group against another. It is starting to split the military into groups. I have already talked about this favourable treatment to pilots and how that is going to be viewed and is viewed by some personnel. This is just not the way to operate. We cannot constantly be ad libbing about how we are going to manage a major department.

Something we should all be very proud of is Canada's long military tradition. In many respects what makes and defines Canada as a nation started back at Vimy Ridge and continues to this day.

Whenever there has been a military engagement, peacekeeping or otherwise, since I came here in 1993, the impression I have had is that the government is making up the rules as it goes along. It does not have any sense of creating stability in the armed forces, creating combat capability or high morale within the voluntary military to represent Canada's interests and to fulfill what we deservedly should represent given our strong military tradition and history. All we have seen is the death of 1,000 cuts and a lack of commitment from Liberal administrations. We have actually never had a Liberal administration which has been supportive of the military beyond lip service and living off a legacy.

• (1305)

I have a brother who lives and works in the United States. I consider him to be part of the brain drain. He has been there for a long time. He works in a university environment where there are many very intellectual and intelligent people who are on the leading edge of many endeavours. It can be rather humbling at times for anyone in that environment to recognize that one has met someone who is more than one's intellectual match. One observation he carries that has really struck home with me is that some of the brightest and best in American society have their roots in the

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U.S. military. They say that the U.S. military has many of the nation's best and brightest. It is all because of this legacy and tradition and devotion to country and to making society a better place.

We have to ensure that we carry that tradition in this country. It is very important that we do that.

**Mr. Peter Stoffer (Sackville—Eastern Shore, NDP):** Madam Speaker, I agree with the fact that military personnel in this country are severely underpaid. My riding of Sackville—Eastern Shore has a large military air base and naval base called Shearwater. I was at a dinner the other day with the commander of the base. We were discussing the very same concern about the lack of attention that previous governments and current governments have given with respect to the pay for all ranks within the military.

There is one question I would like to ask the hon. member for Vancouver Island North. Would he not agree that the military within Canada and the United States have a large attachment of civilian workers who work with them? I have yet to hear anyone from the Reform Party talk about the very serious cuts, not only to the civilian workers, but to the alternate service delivery and the effect they have on the workers who are currently there.

Many workers are losing their jobs. Goose Bay-Labrador is a prime example where people who have worked with the military for many years on a civilian basis are now being asked to take a 60% cut in pay and a different job classification.

I would like either the hon. member's personal comments or his party's comments on how they view alternate service delivery and the effect it has not only on civilian workers but on the military as well.

**Mr. John Duncan:** Madam Speaker, regarding the member's question about alternate service delivery, I do understand from my visits to Comox air force base that there has been a lot of alternate service delivery which has been brought into the military and to that base over the last several years. I think much of it makes sense, so far. However, there comes a point at which some of the essential things, especially those things that military personnel need to carry with them into combat, should be retained by the military.

The member's question about personnel being asked to take a 60% pay cut concerns me greatly. It tells me that somebody else has become the new employer and they want to retain the same employees but pay them less. If that is the circumstance, it is not one that I am aware of on the home front. I cannot say that it is something I would subscribe to. If there is alternate service delivery I would assume that the reason it is being done is because efficiencies are going to be achieved in some other way, through scheduling, through economies of scale or inventory.

• (1310)

However, to make one's cost savings by offloading onto employees does not make sense to me. I am with the member in terms of that part of his question.

**Mr. Lynn Myers (Waterloo—Wellington, Lib.):** Madam Speaker, I listened with great interest to the member opposite and was astounded by some of the comments he made with respect to the military and some of the jingoistic statements he made.

I want to remind the hon. member that the government has moved on a number of fronts with respect to our military, certainly on issues relating to housing, across the board pay increases and capital equipment acquisition. We are in fact positioned in a way that will meet not only our obligations here in Canada but around the world.

It recently came to my attention that the defence committee is working very well in trying to address some of the issues raised and the problems that are identified in a very collegial fashion.

I was somewhat amazed when one of the members from the Reform Party, the member for Lakeland, was chided for trying to turn the committee into a political side show. Talk about turning people against people and region against region. I guess the Reform Party is obviously very good at that in all cases and in all ways.

My question to the hon. member is: Why does the Reform Party, in its usual extreme manner, always insist on trying to turn the military into a political football? Maybe the Reform member could answer that for me.

**Mr. John Duncan:** Madam Speaker, I consider that comment an insult. If the member thinks that way about me it is because he has not listened to me very much. That is the last thing I am doing here. This is a Liberal apologist.

He said that I made jingoistic statements. I suggest the member look up jingoistic in the dictionary. Somehow he tied that to housing and pay increases.

**An hon. member:** Jingle bells.

**Mr. John Duncan:** I heard that comment, too. That is highly inappropriate when we are trying to have a constructive debate. That is the ultimate in lip service to a Liberal apologist.

The member made reference to the defence committee addressing some of the problems in the military. That points out a fundamental flaw in the way this administration operates. Those problems did not originate this year. Those problems have been brewing and the lid is just bubbling. We have people who have to moonlight. We have members of the military going to food banks and collecting welfare supplements because of structural problems in the military. This has been front page news in Esquimalt, Victoria, Edmonton and other locations. We do not need a defence committee to tell us how to address these problems. The govern-

ment has known full well about these problems for a long time and has chosen to ignore them because it places the interests of the military at the bottom of the totem pole and not where they rightfully belong.

**Mr. Art Hanger (Calgary Northeast, Ref.):** Madam Speaker, it is always interesting to hear the Liberal viewpoint on the military and to see how quickly they point the finger elsewhere, blaming others for the problems they have created.

From the very beginning the Liberals have hated the military, all the way back to the Trudeau era, and have cut it apart. Under Hellyer, Trudeau wanted to unify the military, which was the most destructive force that ever could have happened to destroy the military. It was done under Trudeau and it continues to this day. They then turn around and say they are going to fix the problems.

• (1315)

The member talks a lot about morale. The morale problem is the result of Liberal action and inaction. Morale is a major issue. It is equated to pay, to equipment, to purpose and to honour and courage in their leadership. That is what morale deals with. I would like the member to talk about honour and courage in the leadership and in the ministry of defence.

**Mr. John Duncan:** Madam Speaker, the frontbench of the Liberals is a place where Canadians should think that they can look for leadership and for profound demonstrated progressiveness. What do we see instead? We see a caretaker status quo, protect their behind attitude from the frontbench and it starts at the top.

**The Acting Speaker (Ms. Thibeault):** Is the House ready for the question?

**Some hon. members:** Question.

**The Acting Speaker (Ms. Thibeault):** Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Ms. Thibeault):** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Ms. Thibeault):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Ms. Thibeault):** In my opinion the yeas have it.

*And more than five members having risen:*

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**The Acting Speaker (Ms. Thibeault):** Call in the members.

[*Translation*]

*And the division bells having rung:*

**The Acting Speaker (Ms. Thibeault):** Division on this motion stands deferred until tomorrow.

\* \* \*

[*English*]

### JUDGES ACT

**Hon. Lawrence MacAulay (for the Minister of Justice, Lib.)** moved that Bill C-37, an act to amend the Judges Act and to make consequential amendments to other acts, be read the second time and referred to a committee.

**Ms. Eleni Bakopanos (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.):** Madam Speaker, judicial interdependence is the cornerstone of our democratic society, a principle clearly reflected in—

• (1320)

**Mr. Myron Thompson:** Madam Speaker, I rise on a point of order. I could not get any translation through my earphones but I was of the understanding that our party was to speak next. The translation did not come through when you said resuming debate. I did not get any translation at all. I do not know if it is working or not.

**The Acting Speaker (Ms. Thibeault):** We are following the normal rotation on Bill C-37. Was the member referring to Bill C-37?

**Mr. Myron Thompson:** Madam Speaker, if we are following the rotation that is fine. It is just that I was not sure what we were doing because I could not get English translation.

**Ms. Eleni Bakopanos:** Madam Speaker, judicial interdependence is the cornerstone of our democratic society, a principle clearly reflected in and protected by sections 96 to 100 of the Canadian Constitution.

The Supreme Court of Canada recently reiterated that financial security for judges is a constitutional requirement established to ensure public confidence in the independence and impartiality of the judiciary.

[*Translation*]

On September 18, 1997, in the reference on the independence of provincial court judges in Prince Edward Island, the Supreme Court of Canada reiterated that financial security for judges is a constitutional requirement established to ensure public confidence in the independence and impartiality of the judiciary.

*Government Orders**[English]*

In 1981, in recognition of the importance of judicial interdependence and the unique constitutional role of the judiciary, Parliament provided for an independent commission to examine the adequacy of judges' salaries and benefits. In its recent decision, the supreme court underscored the importance and necessity of the role played by such independent commissions in ensuring public confidence in the independence and impartiality of the Canadian judiciary.

A key part of that decision is to require public justification by government for a decision not to implement or to only partially implement the recommendation of such a commission. The most recent commission on judges' salaries and benefits, chaired by Mr. David Scott, reported on September 30, 1996 and the commission's report was tabled in Parliament on October 11, 1996.

This government continues to support the principles that led Parliament to institute the judicial salary commission process 17 years ago. In light of those principles and the enhanced constitutional role of independent salary commissions following the supreme court decision, we have given serious consideration to the recommendations of the Scott commission. Bill C-37 would implement those recommendations which the government is prepared to accept.

*[Translation]*

Regarding judicial remuneration, the Scott commission recommended that judges' salaries be gradually increased by 8.3% from the date when the salary freeze was lifted: April 1, 1997.

By proposing only prospective increases, the Scott report reflects a position endorsed by the government and according to which it would be unreasonable for the judiciary not to be affected by the necessary budget restraints that were imposed from 1992 until just recently on all Canadians paid by the federal government.

*[English]*

This government agrees with Chief Justice Dickson of the Supreme Court of Canada when he stated in *Beauregard v. Canada*: "Canadian judges are Canadian citizens and must bear their fair share of the financial burden of administering the country". This view is echoed in the recent decision of the Supreme Court of Canada where the chief justice of Canada observed: "Nothing could be more damaging to the reputation of the judiciary and the administration of justice than a perception that judges were not shouldering their share of the burden in difficult economic times".

• (1325)

At the same time, in deciding what was reasonable the Scott commission recognized that a complex range of factors must be considered in establishing an appropriate level of remuneration,

including the need to ensure levels of compensation that attract and keep the most qualified candidates for judicial office.

*[Translation]*

The government is also aware that a number of provincial governments across Canada reacted to the recent supreme court decision by increasing their judges' salaries and that, in some cases, retroactive adjustments were also made to remedy previous salary cuts or freezes.

That is why the government proposed to amend the Judges Act to increase judges' salaries by 4.1% per year for two years, as of April 1, 1997.

*[English]*

Bill C-37 would also implement certain pension related amendments to the Judges Act, including the rule of 80 which will permit retirement when a judge has served on the bench for a minimum of 15 years and the sum of age and years of service equals at least 80.

The government agrees with this recommendation which responds in an important way to the changing democratic profile of the judiciary. More and more judges are being appointed at a younger age and many of these younger judges are women.

The current provision, although based on the rule of 80, requires the minimum age of 65. A judge who retires before 65 has no right to a pension at all. Therefore a judge appointed at the age of 50 can retire with a pension at 65 with 15 years of service but a judge who is appointed at 40 must serve 25 years, a situation that is increasingly considered unfair.

This situation is even more unacceptable when we consider that it has a particular impact on women judges, who constitute the majority of those appointed at an early age. The rule of 80 would allow older, longer serving judges to retire when they feel they no longer wish to continue in that role. Permitting this would be good for them and for the court as an institution.

The Scott commission has proposed a different retirement option for the judges of the Supreme Court of Canada who would be permitted to retire with a full pension after serving a minimum of 10 years on the bench. The government agrees with the commission that the immense workload and heavy responsibility inherent in membership on that court justifies the proposed retirement provision. However, the government proposes to limit it to those judges who have reached age 65.

The bill would also make a couple of other changes to judges' pensions in the interest of fairness. It would allow common law spouses to receive surviving spouses' annuities and it would give a judge who marries after retirement the option of receiving an actuarially reduced pension which continues until the judge and the spouse have both died.

These are both common features of other pension plans. The common law provision in particular is an equality issue which recent jurisprudence suggests is overdue for inclusion in the act.

I want to point out that while the government has given serious consideration to the Scott commission recommendations, we are not prepared to accept them all.

[*Translation*]

The Scott commission recommended that the judges' life insurance coverage paid by the government be more in line with that of deputy ministers. However, before responding to the proposals made by the Scott commission, complex and serious matters must first be considered, including the equity issue arising from the potential diverse impact on younger judges, including women judges, of the resulting increase in a taxable benefit.

[*English*]

While there has been some discussion of the range of approaches to this issue, fuller consideration of this and other options is required. This is therefore an issue that would be appropriate to refer to the new commission once established for further study and recommendations.

A very important part of Bill C-37 is improvements to the judicial compensation commission process that are responsive to the supreme court decision and are designed to reinforce its independence, objectivity and effectiveness.

The judicial compensation and benefits commission would conduct an inquiry into the adequacy of judicial compensation once every four years. However, to provide flexibility timeframes would be extended on agreement.

• (1330)

The commission would have nine months to complete its inquiry and submit a report to the Minister of Justice. Again flexibility is provided by providing that the period to report be extended on the agreement of the minister. In addition, the minister could submit a matter to the commission for full inquiry, make recommendations at any time and establish the timeframe for a report in such cases.

The independence of the commission would be enhanced by our proposal that it have one member nominated by the judiciary and one nominated by the Minister of Justice. The representatives of each side would in turn nominate a third member who would be chair. Members would be appointed by the governor in council for a fixed four year term on good behaviour, removable for cause. Terms could be renewed once on renomination.

The bill also includes a proposal that the Minister of Justice be required to respond to a report of a salary commission. This is responsive in part to the recommendations of the Scott commis-

### *Government Orders*

sion that would require the Minister of Justice to table the report of a commission in the House of Commons, together with the government's response to the report and the government bill.

More important, perhaps, this proposal is designed to comply with the new constitutional requirement that commission reports be dealt with in due dispatch.

[*Translation*]

The government is proposing a response that differs in two respects from that recommended by the Scott commission, however.

First, we are proposing that the minister respond, at the latest, six months, and not three, after the report, so as to allow the time required for careful study of a commission's reports.

Second, the government cannot agree with the recommendation that bills should be tabled within a set time frame. Control of legislative priorities and of the House agenda are the government's prerogative and this prerogative must not be hampered by rigid or inflexible deadlines.

I am very happy that this bill also follows up on a promise we made in the 1997 budget to expand family courts. It proposes adding 24 new judges positions, paving the way for the largest increase yet in these very important courts.

[*English*]

We support the model of the unified family court in part because it allows one judge to resolve all family law issues resulting from separation or divorce. This reduces complexity, delay and costs, and helps ensure that these matters are presided over by expert specialist judges.

[*Translation*]

It is equally important to point out that the courts are based on a model which we have supported from the outset and have discussed with the provinces and territories interested in establishing or expanding courts, and which would see extrajudicial services incorporated into the conflict resolution process.

These services include information on family law, educational programs on the effects of separation on children, home studies, referrals to counselling and other community services, information on alternatives to litigation and access to such services, including mediation, and supervised visiting programs.

[*English*]

Including these services with appropriate safeguards for power imbalances and special measures where required to ensure equality of access can reduce the level of conflict both during and after the resolution of the matter and promote resolutions which are acceptable to the parties and likely to last.

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From the perspective of the children involved, better long term outcomes can be expected from the lower levels of conflict, quicker resolutions, greater focus on impacts on children, increased durability of outcomes, and from the emphasis on an integrated service intensive approach to child protection, child support and custody and access issues.

*[Translation]*

In conclusion, the bill includes an amendment requested by the Government of Ontario, which is calling for the appointment of three new judges to that province's court of appeal.

The Ontario Court of Appeal is by far the busiest appeal court in the country but, with its complement of 19 full-time judges, it is only the second largest of all provincial appeal courts, and its combined staff of full-time and supernumerary judges equals that of two other provinces.

• (1335)

*[English]*

The Ontario Court of Appeal is facing significant delays, particularly in civil appeals. The civil appeal backlog increased from 1,400 in 1990 to over 2,300 at the end of 1996, notwithstanding that between 1990 and 1996 the court increased the number of civil appeals yearly by 100%.

To deal with this growing backlog the court embarked on a number of innovative measures to further increase its productivity. As a result of these initiatives, in 1996 the court heard about 50% more civil appeals than it did in 1995 and, as I indicated, 100% more than it did in 1990. Notwithstanding this very significant productivity improvement, the growing number of new appeals that were filed resulted in the civil appeal backlog decreasing only marginally in 1996 over 1995.

The province's increasing population and overall economic activity suggest that the court's workload will increase rather than decrease in the years ahead, contributing further to the backlog situation.

The Ontario and federal governments, as well as the court itself, have examined the nature and extent of the court's case load. The consensus is that an increase of three to the court's full-time complement of 19 would result in a significant reduction in the backlog and a concomitant reduction in the delays experienced by litigants before the court.

*[Translation]*

The bill includes other technical amendments, including amendments arising from changes in the names of the Ontario Court, General Division, and the Ontario Court, Provincial Division, made by the Government of Ontario.

*[English]*

In conclusion, these amendments will serve to strengthen what is already one of the best judicial systems in the world by enhancing the independence of our courts and improving access to justice.

The improvements to the judicial compensation process will ensure continued public confidence in the independence of our judiciary. Increased judicial resources for unified family courts combined with provincial commitment of support services will improve the way our courts respond to families and children in crisis. Increased court of appeal judges will improve access to justice generally.

I hope we can look forward to the support of all members in the House in moving these important amendments to the Judges Act quickly through parliament to the benefit of all Canadians.

**Mr. Myron Thompson (Wild Rose, Ref.):** Mr. Speaker, I am pleased to be the first on behalf of the Reform Party to respond to Bill C-37, an act to amend the Judges Act and to make consequential amendments to other acts, and to explain why we cannot support the bill.

First and foremost, this is the third time the Liberals have amended the Judges Act. During the last parliament in 1996 they introduced Bill C-2 and Bill C-42. Both were inconsequential pieces of legislation and of little significance to Canadians concerned about their safety.

Here we are again spending our precious time on judge's salaries and benefits. The Liberal government has failed to introduce a victims' bill of rights. It has failed to amend the YOA. It has failed to limit the Conditional Release Act. It has failed to address the parole system, which is failing constantly in a number of cases.

It fails to deal with the safety of Canadians but we are to talk about judges' pay and benefits. We will occupy our time doing that instead of dealing with important issues like maybe amending some law pertaining to drinking and driving. The government will wait for forever. In the four years I have been here we have hounded the government to make important changes, but, no, not yet.

At the heart of the legislation is the fact that it increases judges' salaries retroactively from April 1, 1997 to March 31, 1998 by 4.1% and an additional 4.1% or a little more from April 1, 1998 to March 31, 1999. In other words judges will get an 8.3% increase over two years. With the average salary of a judge being approximately \$140,000, this means they will make in excess of \$151,000. This is a substantial increase.

My question is simple. How many other public servants have received pay raises in a two year period of 8.3%? I hope all security guards will hold up their hands and shout hurrah for the 8.3% raise the judges got who went from \$140,000 to \$151,000. I hope the lady pushing the carpet sweeper and broom and emptying garbage cans in front of my office this morning is pleased to hear that



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judges will now make \$151,000 instead of \$140,000 because of a pay raise. I hope bus drivers do not get too disappointed because they have not had a raise for nearly seven or eight years.

• (1340)

What about prison guards? I spend a lot of time in the prisons. The guards have been crying out for nine years that some of them have not seen a raise or pay increase of any kind. They go to work in the morning and are at high risk and in high stress day after day. It is a dangerous and difficult job. Yet the government makes certain that the judges receive an increase from \$140,000 to \$151,000 while the guards in our institutions who have been asking for a pay raise for seven to nine years simply do not get one.

When I arrived in Ottawa in 1993 the weepy teared deputy prime minister said the government had to do something as there were a million children starving and living in poverty. Today there are still a million or perhaps more children in this situation. The government does not have time to address that. It can give away \$25 million worth of flags and not worry about starving children living in poverty. It goes on, and four years later there are still a million children living in poverty. Yet it has time to deal with the judges and give them another big raise, increasing their salaries to \$151,000.

The government would simply say it is extremist and does not care. It shows its caring by making sure senior bureaucrats, possibly their frontline officers in caucus and judges are all well looked after with their bonuses. Let us not forget big business grants. It has several millions of dollars to give to big businesses. Maybe they are donors to the Liberal Party. I do not know.

These are the kinds of issues we hoped would be solved when we came here. However, what are debating today? Judges' salaries and benefits. The government is not worried about those million children. It has not worried about this issue for four years so why worry about it today? It is not worried about prison guards or security guards in this building. They have not had a raise for seven or eight years. The government will not worry about that today. It has to look after judges.

Usually judges come from a lawyer background as do most of the people on that side of the House. There is a good industry going on here. Maybe we need to protect that industry. I wish the government would show a little more caring about some things that are going on.

People in my riding are being evicted from their homes because they cannot afford to pay the rent or their mortgages. They have children. I could name three families who are being evicted from their homes because they can no longer afford to pay their mortgage payments. The government does not deal with that. It

deals with high wages for the bureaucrats and all the highfalutin Liberal garble. It gives them bonuses and makes it look good. It goes on and on. When will it stop? When will it begin taking care of the needy instead of the greedy? When will that happen? The caring government of the day, huh.

Another point about the bill brings some things out in me that should not be brought out. There will to be a commission that has to report but not to parliament. There will not be opportunity for members to respond. The commission is a creation which will provide the federal government with another opportunity to make more patronage appointments.

• (1345)

Is that not good news? More appointments in a government where the Prime Minister said many times that he was going to put an end to that, much the way he said he was going to put an end to the GST. Instead there are more and more appointments. It is going to be a patronage heaven by the time they get done.

Members will hold office for four years and they are eligible to be reappointed for another term. One will be appointed by the justice minister. Another one will be appointed by the governor in council. A couple more will be recommended by somebody else. Another patronage appointment, welcome to Liberal world. Patronage heaven, what a great place to be. How can this government ever be seen as being accountable when the patronage appointments process is rejuvenated again and again, bill after bill, more patronage, appointments galore.

In the government's press release on compensation and benefits, the supreme court underscored the importance and the necessity of the role played by such an independent commission in ensuring public confidence in the independence and impartiality of the Canadian judiciary. This clearly does not mean a system of patronage, yet that is what we got.

They clearly know how to talk the talk, but they do not walk the walk. The public confidence is at an all-time low because of these kinds of patronage appointments. Club Chrétien with its exclusive membership is already at 124 members. This legislation will open the door for more. Is that not good news? More patronage appointments.

Have a good time taxpayers of Canada. You think your taxes are high now, they are going to go up and up. We are not going to really address the needs of the nation. It is not a priority of that crowd over there.

The third highlight of the bill increases the number of appeal court judges from 10 to 13. It is no wonder this has become necessary in light of the shoddy pieces of legislation, such as conditional sentencing. In B.C. alone there have been a record

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number of cases appealed because of Bill C-41 in the last Parliament. What does all that mean? What is happening?

**An hon. member:** The Liberals are doing it to B.C.

**Mr. Myron Thompson:** That is exactly what the Liberals are doing to B.C.

Let us take a good close look at this. I want to refer to a case as I move into the next area regarding backlog. They are going to increase the number of judges in the family court from 12 to 36 to take care of the backlog.

There is a case going on in Calgary right now. In June 1996 Christopher Goodstone was charged in an accident which took the lives of four people. He was accused of being drunk and was found guilty. His first court appearance after the accident in June 1996 was on June 27, 1996, the same day the four children who were killed were to be buried. Because of the snail's pace of our justice system, these grieving families have yet to lay their children to rest. The overloaded courts are squarely to blame.

Let me show the chronology of this event as in the eyes of Carla Powell, the only surviving sibling of all the families. The other four were killed in the automobile wreck:

We were normal families. Ben Keuben is a house painter; his wife Darlene is a school librarian. Gordon Smith is a long time employee of the Calgary *Sun*; his wife Susan is an executive at Hewlett-Packard. Douglas Powell is the custodian of the Big Country Educational Consortium in Drumheller; his wife Jean is an English instructor with the Alberta Vocational College in Calgary in the outreach program in Drumheller. Carla Powell, the only remaining sibling of the three families, has a B.A. from the University of Calgary and is presently employed by the University of Saskatchewan. Craig, her brother, who was one of the victims in this wreck attended SAIT in welding engineering technology and was employed by All New Manufacturing in Calgary. Amber, who was another victim, attended the University of Lethbridge and planned on continuing her studies at Mount Royal College. Brandy and Stephanie, the other two victims, were fun-loving teenagers who had just finished their school terms when they were killed. Not only is there a past but also there is a future that we have helped plan and optimistically anticipated.

We feel that we must explain the journey from our perspective rather than that of the courts or the accused.

On June 27, 1996, the day of the funerals for all of our children, Christopher Goodstone, along with his lawyer, Larry Hursh, made his first court appearance before Judge John Reilly and he was remanded into custody until August 13 charged with five counts, four of criminal negligence causing death and one of criminal negligence causing injury.

On July 3, at which time five more counts had been added to his charges, four of impaired driving causing death and one of impaired driving causing injury, he appeared in Court of Queen's Bench in Calgary before Justice Ernest Hutchinson and was released into his community with no cash bail because of the tremendous support shown by members of his tribe. However, he was given very strict bail conditions. He was not to drive, he was not to drink, he was to live with his mother and he was to report on a regular basis to the Cochrane RCMP.

On August 13, Goodstone appeared in court in Cochrane for a minute or two and the proceedings were set over to September 24. Sometime along the line, an 11th charge of being over the legal blood alcohol limit of .08 was added to the charges.

On September 24, the appearance of Goodstone in court was, if that is possible, even shorter than the previous time, but a date was set for the preliminary hearing.

On March 19, 20 and 21, 1997 a preliminary hearing was conducted. After three days of testimony, the proceedings were adjourned until May 6.

On May 6 the court heard from a witness who had been out of the country for several months. The defendant was ordered to stand trial on 11 charges and an arraignment date was set for June 11.

On June 11 the proceedings were postponed until August 13 because the defendant said he needed more time to find funding for his lawyer. His lawyer told the newspaper he needed the time to make a deal with the crown prosecutor. All deals were refused by the prosecution.

On August 13 the same argument of needing more time and requiring money was presented to the Court of the Queen's Bench and the arraignment was set over until September 10.

On September 10 Goodstone's lawyer quit and Goodstone was told to be back in court on October 8 with a lawyer. At that time, however, the trial date for the case was set down for days starting on March 16, 1998.

● (1350)

I was there on March 16 and what we were waiting for was his sentencing. We listened to one lawyer on one side and another lawyer on the other side debate for an hour or two about this person who had been charged with drunk driving, who had killed four people because of his actions two years ago and guess what, they did not arrive at a sentencing. The judge was a little confused about what was being said and so it was postponed.

Eighteen court trials on a clear-cut drunk driving case where people were killed. The driver of the vehicle said that he was guilty, that he was sorry and he wished he had not done it. He wanted to be dealt with and have it over with. It has now been two and a half years and 18 court trials on a case like that.

And the government is coming in with a piece of legislation that is going to help all this backlog. There is one judge in Ottawa who, if he does not get a raise, I will be glad to take out for a steak because he hit the nail on the head in an article "Judge scolds greedy lawyers".

One of Canada's most senior judges has blatantly condemned the legal profession's growing preoccupation with making money. This judge of the Supreme Court of Canada said "Law has become more of a business than a profession or a calling and many lawyers are rapidly losing sight of their obligation to the public and to the pursuit of justice". I will take that judge out for a steak if he does not get his raise, and an Alberta steak at that.

There were 18 court cases on a clear-cut case of negligence causing death over two years ago. This goes on and on. Pockets are getting fatter and fatter. The victims and even the families of the

criminals are not satisfied. They want this to come to end but the system carries it on and on.

• (1355)

Our wonderful solution gives over on that side of the House will create more positions for judges to help get rid of the backlog. It is too bad we cannot do something to get rid of the Liberals. They are the cause of the whole mess to start with. The sooner that happens the better it will be.

One of these days the time will come when victims rights are a priority in this land. Victims rights will come first. Some day, and it will be real soon. One day the Liberal honeymoon will be over. The voters who say that the Liberals are doing a wonderful job will soon wake up and smell the roses.

They keep feeding these greedy little parasitic fraternities that exist across this land. The longer they keep that up, the worse it is going to get. Please taxpayers of Canada, stop feeding these greedy people and stop nurturing this kind of appetite.

Let us look after those million kids who are living in poverty. Let us look after the soldiers we were talking about earlier so they do not have to go to the soup kitchens and food banks to survive. Let us look after these public servants who serve us in this building who have not had a raise for eight or nine years.

Let us start doing what we ought to be doing instead of having a greedy little political are we not great attitude. That attitude stinks and it is time to get rid of it.

[Translation]

**The Speaker:** I think it is now the turn of the hon. member for Berthier—Montcalm. However, since it is almost 2 p.m., I will give him the floor after oral question period.

[English]

It is almost two o'clock and we will now proceed to Statements by Members.

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## STATEMENTS BY MEMBERS

[English]

### CENTAUR THERMAL SYSTEMS

**Mr. Janko Perić (Cambridge, Lib.):** Mr. Speaker, last week marked the launch of a new technology poised to revolutionize the automotive industry. Centaur Thermal Systems of Cambridge unveiled its new heat storage system.

In the dead of winter this new technology will provide near instant heat to a vehicle's interior, decrease windshield de-icing time, reduce emissions and improve fuel efficiency. I congratulate

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Mr. Klaus Woerner, president of ATS, for his vision. I encourage the Canadian automotive industry to follow its European competitors in adopting this remarkable technology.

\* \* \*

### FIREARMS

**Mr. Lee Morrison (Cypress Hills—Grasslands, Ref.):** Mr. Speaker, the Minister of Justice has tabled 142 pages of firearms regulations just in time for April Fool's Day. We can all breathe easily now because violent criminals are going to be lining up to get possession licences and to register their guns which, once registered, will be non-lethal.

The \$85 million price tag forecast by the previous minister has already been exceeded by a multiple of three with nothing to show for it. There is plenty of money for this idiocy but nothing to upgrade the national highway system. That is something that would really save lives, but it would not give the pleasure, the rush, that Liberals get from stepping on the necks of their fellow citizens.

Safe highways are unaffordable but there will be hundreds of millions of dollars for this useless bureaucratic exercise in people control.

\* \* \*

### CANADIAN NATIONAL INSTITUTE FOR THE BLIND

**Mr. Stan Dromisky (Thunder Bay—Atikokan, Lib.):** Mr. Speaker, today Canada celebrates the 80th anniversary of the birth of the Canadian National Institute for the Blind. The CNIB aims to better the condition of the blind of Canada, to prevent blindness and to promote sight enhancement services.

The number of Canadians with seeing disabilities is projected to reach almost one million by the year 2015. The role of the CNIB is growing ever more crucial.

Prominent among the many services the CNIB provides is a national library service for print handicapped persons. This library is a major source of books and information in alternate format for print handicapped Canadians in both official languages.

I call upon all Canadians to congratulate the CNIB for its valuable service to Canada.

\* \* \*

• (1400)

### HUGH YIK

**Mrs. Claudette Bradshaw (Moncton, Lib.):** Mr. Speaker, 15 year old Moncton skater Hugh Yik captured his first consecutive junior men's title at the 1998 Bank of Montreal Canadian figure skating championships in Hamilton, Ontario in January 1998.

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Hugh Yik is a grade 10 student at Moncton high school and is the first male skater in more than 20 years to win the national novice and junior titles in back to back years. This win will probably give him the opportunity to participate in the 2002 Olympic Games in Salt Lake City.

[*Translation*]

Hugh Yik is currently a member of Canada's figure skating team. From now on, he will compete at the international level.

We are supportive of Hugh Yik's athletic career, and we wish him the greatest possible success.

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[*English*]

#### CANADIAN NATIONAL INSTITUTE FOR THE BLIND

**Mr. Mac Harb (Ottawa Centre, Lib.):** Mr. Speaker, today marks the 80th anniversary of the Canadian National Institute for the Blind.

Over the last 80 years the CNIB has worked tirelessly to improve the conditions of the blind, to prevent blindness and to promote sight enhancement services.

Through its work at home and abroad, the CNIB has made a positive difference in the lives of the blind, visually impaired and deaf-blind persons.

In recognition of this, in 1996 CNIB President Dr. E.J. Herie was elected president of the World Blind Union which consists of both service providers and consumer organizations. The WBU brings under its umbrella 150 million blind and visually impaired persons in 160 countries.

I am proud that the CNIB Ottawa office is located in my riding. Today I would like to recognize Mr. Garrick Homer, chairman, and Dr. Euclid Herie, president and chief executive officer, for their hard work and dedication to this issue. Congratulations on a job well done.

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#### ABORIGINAL AFFAIRS

**Mr. Howard Hilstrom (Selkirk—Interlake, Ref.):** Mr. Speaker, the minister of Indian affairs has failed to take timely action on two major issues affecting the well-being of grassroots aboriginal people living on the Fairford Indian reserve in my riding.

The chief and council have mismanaged the band's finances. One serious aspect of this is that the band has not paid the Lakeshore school division for off-reserve schooling to the tune of \$121,000. The children will not be allowed to attend school this fall if the payment is not made. The children are under emotional stress and the local taxpayers are under financial stress.

The second situation involves the appeal of the October 4, 1997 Fairford band elections. Political instability on the reserve is causing massive problems.

These are only two of the problems on the reserve but they are two that the minister has a direct responsibility to resolve. The minister has been aware of these problems for a long time and still no resolution.

I am asking the minister of Indian affairs on behalf of thousands of my constituents, both aboriginal and non-aboriginal, to make payment to the school division and to adjudicate the election appeal forthwith.

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#### CURLING

**Mr. Ovid L. Jackson (Bruce—Grey, Lib.):** Mr. Speaker, last weekend the women's and men's junior curling teams took gold at the world junior championship held in Thunder Bay.

I am proud to congratulate the Canadian team and would like to make special mention of a member of the men's team from my riding of Bruce—Grey.

Andy Ormsby, the junior men's team second, is from Meaford, a great and beautiful small town on the wonderful shores of Georgian Bay.

Curling is one of the many sports where Canadians are showcasing their skills and dedication to excellence. As a former high school coach, it is wonderful to see another generation of Canadians come to the world stage as effective team players and skilled performers.

On behalf of all Canadians I want to congratulate our junior men's and women's curling teams for a job well done.

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#### LEARNING DISABILITIES

**Mrs. Karen Redman (Kitchener Centre, Lib.):** Mr. Speaker, March is learning disabilities awareness month and it is our responsibility as members of the House to do everything in our power to increase awareness of this issue and to acknowledge the contributions of those dedicated to this task.

As a member of the Learning Disabilities Association of Kitchener, I would like to thank it for the good work it does, the Saturday morning clubs it runs and the summer camps my son went to which foster self-confidence through skills development, the parenting courses, the annual conference which arms parents with coping strategies and teach both them and their children with learning disabilities how to be effective advocates for themselves within the school system.

Universities are beginning to adjust to accommodate the different learning styles of students with learning disabilities. The 1998 budget acknowledged the needs of Canadians with learning disabilities.

● (1405)

Society needs to continue to address these barriers to this invisible disability. Learning disabled children do not have limits on their abilities. Simply, they learn in a different way.

**The Speaker:** The hon. member for Okanagan—Coquihalla.

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#### AGRICULTURE

**Mr. Jim Hart (Okanagan—Coquihalla, Ref.):** Mr. Speaker, I rise on behalf of the constituents of Okanagan—Coquihalla to express my concerns over this Liberal government's double standard when it comes to the issue of federal aid for Canadian farmers.

The 1997 fruit growers in Okanagan and Similkameen valleys were devastated by hail and other weather related disasters. The B.C. government sought help for the farmers affected by these disasters through a cost sharing program with the federal government like the new B.C. whole farm insurance program. This government continues to stonewall.

After the central Canada ice storm it took less than a month for the federal government to give aid to the maple syrup producers. Orchardists in British Columbia have been waiting almost a year.

The rules determining which farmers qualify for federal disaster relief assistance should be the same for all Canadians and should not be based on what part of the country they live in. The Liberal government must end this double standard today and announce financial aid for B.C. fruit growers.

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[*Translation*]

#### THE ENVIRONMENT

**Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, on March 27, Canada became the first country to ratify the amendments to the Montreal protocol dealing with ozone depleting substances.

The purpose of the amendments approved in Montreal this past September is to strengthen the treaty's provisions. These amendments include the prohibition of imports and exports of bromide between countries that have not signed the protocol, and the establishment of a world system to monitor the movement of ozone depleting substances.

The amendments to the Montreal protocol will only come into effect after being ratified by 20 states. This initiative demonstrates the Canadian government's determination to follow up on its decisions regarding the environment.

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#### POVERTY

**Mrs. Maud Debien (Laval East, BQ):** Mr. Speaker, the Canadian Human Rights Act does not include poverty in the prohibited grounds of discrimination, but poverty is a real threat to equality and should have no place in a democratic, free and open society.

In this regard, I would recall article 25 of the Universal Declaration of Human Rights, which reads "Everyone has the right to a standard of living adequate for the health and well-being of himself and his family".

It is shocking to realize that in Canada 1.5 million poor children do not manage to meet their basic needs. The real responsibility for this mess lies with the Prime Minister and his cuts in transfers to the provinces, with the Minister of Human Resources Development and his attack on the unemployed and with the Minister of Finance, who is hiding the employment insurance fund surplus.

With these choices, the Liberal government is directly attacking the dignity of poor children and their parents.

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[*English*]

#### MILLENNIUM FUND

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, today the Prime Minister met with the premier of Quebec to set up a committee to look at how the millennium fund is implemented in Quebec. Nine other provincial governments are still waiting for a call. Students who want to see a national grants program based on need have also yet to hear from the Prime Minister.

The government has been running a great public relations game on the millennium fund. However, we still do not have any idea how it will meet the needs of students or how it fits in with existing student assistance programs.

I am calling on the federal government to recognize the serious flaws within the millennium fund and immediately work with all provinces and student groups to come up with a program that genuinely meets the needs of students.

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#### DON ATTRIDGE

**Mr. Jim Jones (Markham, PC):** Mr. Speaker, I would like to extend my congratulations to a constituent of mine and a resident of Markham. Mr. Don Attridge has received the prestigious Adrien Pouliot award. The award recognizes individuals or teams of individuals who have made significant and sustained contributions to mathematics.

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The 1997 award was given to Mr. Attridge as part of a team including Edwin Anderson, Ronald Dunkley and Ronald Scoins. The team was honoured because of its creation and development of the Canadian mathematics competition which began in 1962 with 300 children from 19 schools in rural Ontario participating.

The original mathematics competition was created for students in grades 9, 10 and 11 in order to better prepare them for more senior competitions. Mr. Attridge, in addition to being a major contributor since the first Canadian mathematics competition was launched, taught mathematics for 37 years. Until his retirement in 1992 he was also the mathematics consultant for the York region board of education.

• (1410)

Mr. Attridge's award is just another example of the tremendous contribution that Markham residents and businesses make to Ontario and Canada.

Thanks to Mr. Attridge for making Markham proud.

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[*Translation*]

#### ASSISTANCE TO ICE STORM VICTIMS

**Mr. Jacques Saada (Brossard—La Prairie, Lib.):** Mr. Speaker, the minister responsible for economic development today announced, on behalf of the Minister of Human Resources Development, the payment of over \$3.7 million to three projects aimed at helping the regions hit by the ice storm.

These projects will provide work experience to 280 unemployed Montrealers and help others deal with the effects of the ice storm. This contribution comes from the disaster relief fund, which amounts to \$50 million. These projects will help the City of Montreal recover its charm and beauty quickly.

I pay tribute to the Government of Canada's part in revitalizing Montreal.

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#### MILLENNIUM SCHOLARSHIPS

**Mr. Yves Rocheleau (Trois-Rivières, BQ):** Mr. Speaker, today all of Quebec, from the premier to the entire coalition on education, has spoken out against the creation of the millennium scholarships.

As presented, these scholarships do not in any way meet Quebec's needs in the field of education. What is more, they penalize Quebec for its longstanding choice to keep tuition fees and student debt down to reasonable levels.

The education system in Quebec has suffered, and continues to suffer, from the deep cuts in transfer payments imposed by the federal government.

The federal government must allow Quebec to exercise its right to withdraw from the millennium scholarship program with full compensation, because investment in education in Quebec must be tailored to the needs Quebecers have identified and not imposed unilaterally by a government anxious to enhance its visibility.

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[*English*]

#### PORT MOODY—COQUITLAM BYELECTION

**Mr. Andrew Telegdi (Kitchener—Waterloo, Lib.):** Mr. Speaker, this weekend showed that Reform Party members do not know what they want to be.

Some suggest that Reformers go back and join the revamped Conservative Party. Others will do anything to convert former Conservatives. The leader wants a party with a new name but the same leader.

One thing that unites all Reformers is an admission that the Reform vision for Canada cannot attract support on its own merit. The best they can hope for is to be Reformatories. The Reformers today are up Beaver Creek without a paddle.

Today the voters for Port Moody—Coquitlam have a choice. They can choose a party that does not know what it wants to be and may not exist by the year 2000. Or voters can choose a strong local representative in the Liberal Party, the only national party that has a future, a party that is focused on everyday needs of people, not political opportunism.

I am sure the voters of Port Moody—Coquitlam will do what is best for their community and support Lou Sekora.

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#### THE DEBT

**Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.):** Mr. Speaker, last the week the President of the Treasury Board released part III of the main estimates. These estimates clearly show the government's intention to continue its tax and spend ways. Canadians are now so overtaxed that bankruptcies are at record levels and now we have a lower standard of living than we did five years ago.

Out of the estimated budgetary expenditure of \$148 billion, \$43.5 billion is being spent on interest payments alone on the national debt. That is 29% of total government spending just to service the debt.

My Cariboo—Chilcotin constituents have told me time and again they need more money in their pockets for minimum necessities. While this government boasts of busting the deficit on the backs of taxpayers, it is looking for new ways to spend more tax dollars.

*Oral Questions*

Did the government not learn its lesson that it cannot pay down the debt with money already spent? Apparently not.

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**INFRASTRUCTURE**

**Mr. Rick Borotsik (Brandon—Souris, PC):** Mr. Speaker, today I rise to discuss an issue which is not only of great importance in my riding of Brandon—Souris but transcends into an issue of national importance.

The issue involves providing the city of Brandon the highway infrastructure needed to attract and service the Maple Leaf hog processing plant. This will have a great economic impact not only on the city of Brandon but also on the province of Manitoba and Canada as a whole.

The federal Minister of Transport has said that his department has been generous in funding highway networks. However, the federal government's involvement in highways since the Liberal government took power has been dismal. On average the federal government has allocated only \$6.4 million per year to Manitoba highways despite collecting in Manitoba an average of \$124 million per year in road fuel excise taxes.

• (1415)

In reality, the federal government has only put 4.8% back into Manitoba roads. This clearly illustrates Liberal government policy toward the provinces. We will take when we are supposed to give. We will take credit when credit is not due and we will lay blame where fault is our own.

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## ORAL QUESTION PERIOD

[English]

**HEPATITIS C**

**Miss Deborah Grey (Edmonton North, Ref.):** Mr. Speaker, the health minister has tried to craft a public image of being a really caring and compassionate individual. That is his leadership strategy: he has more heart than his rival, the finance minister.

However, last week we saw the real McCoy come forward. He callously sentenced thousands of hepatitis C victims to suffer alone without any hope.

I would like to ask Mr. Compassion today, why is it that he found \$2 million for Brian Mulroney and not one thin dime for the victims of hepatitis C?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, 13 governments, all the provinces, the two territories and the Government of Canada had to make a tough decision. We identified in this

tainted blood tragedy a period of 1986 to 1990 which stands apart from all the others.

During that period there were tests available that could have and should have been put in place to avoid infections and they were not. We are compensating people during that period because it was during that period that something could have been done to help.

**Miss Deborah Grey (Edmonton North, Ref.):** Mr. Speaker, that is no comfort for those who were tainted and infected outside of that time. This health minister made a legal decision, an accounting decision, a budgetary decision. It had nothing to do with compassionate, fair, human decisions at all.

There are now two tiers of hepatitis C victims in this country. There are those whose life is valued and those who do not even seem to exist at all in the eyes of this minister.

How much money has the minister set aside to fight these victims in courts and lawsuits and how much has he spent on PR damage control?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, in the period before 1986 hepatitis C was not even known. It was called non-A, non-B hepatitis. In the period before 1986 people in the medical system, acting in the best of faith and with the scientific and medical knowledge of the day, did the best they could. There are risks and benefits in every medical procedure.

In these cases, tragically, before 1986 that risk benefit worked out in the case of tainted blood to cause infections with hepatitis C. However, the period 1986 to 1990 was the period during which something could have been done and was not done. It is for that reason, as a matter of principle, that we distinguished that period from all the others.

**Miss Deborah Grey (Edmonton North, Ref.):** Mr. Speaker, that is not much comfort for those who were infected before 1986. Frankly, they do not really care what it is called.

The minister is so fond of saying "We care. We have families too and we really understand how you feel". The hepatitis C victims have family members also, except they are dying. Instead of spending their last months with their families, they are now going to be going through the courts fighting against this minister for compensation.

Is this the new Liberal definition of compassion?

**Hon. Allan Rock (Etobicoke Centre, Lib.):** Mr. Speaker, I do not recall and I do not think my colleagues, the ministers of health, can recall any decision which has been more difficult than dealing with this issue of compensation for those who innocently were tainted by contaminated blood.

However, we also agreed that we should proceed on a principle. We agreed that we should look at the situation to determine

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whether distinctions could be drawn. To say that anybody who has an adverse consequence from the health system, no matter fault, no matter good faith, no matter the state of scientific knowledge, should receive compensation is not a principle on which we—

**The Speaker:** The hon. member for Macleod.

**Mr. Grant Hill (Macleod, Ref.):** Mr. Speaker, the health minister says there was nothing that could have been done before 1986. That is categorically false. In 1981 one of the main directors of the Red Cross sent a memo around to the Red Cross saying that there was something specific that could be done and they did nothing.

There is no way to differentiate people who have hepatitis C. They are sick and many of them will die.

Why does the government not just admit that what it has done is wrong and compensate all the victims of hepatitis C? Why not?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, the best history of all of this tragedy was written by Mr. Justice Krever who spent four years going through the evidence. It is clear from the chronology that 1986 was the turning point. That was the year in which the countries to whom we compare ourselves internationally, for example the United States, adopted surrogate testing. That was the turning point.

• (1420)

It is for that reason that all health ministers agree that the period 1986 to 1990 should be the period during which we make a distinction compared to the rest and that is the period during which compensation will be paid.

**Mr. Grant Hill (Macleod, Ref.):** Mr. Speaker, I am delighted that the health minister brings up Justice Krever's report. He said "Compensate everyone". That was his recommendation.

There have been two other major public relations blunders in the last few months in Canada. Two governments suggested compensation packages which were wrong for the Dionne quintuplets and for those who were sterilized in Canada without their permission. As soon as they realized they were wrong, they reversed their stand.

There is a right way and a wrong way to treat the victims of hepatitis C. Why has this health minister chosen the wrong way?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, Mr. Justice Krever did his job. He was speaking about just the blood system. He made his recommendations. Then it was up to governments to do their job, to take responsibility for making decisions about the health system in general.

I have explained to this House and to the public of Canada the basis on which we proceeded. The distinction between this and the other cases referred to by the hon. member is that in those cases they proceeded on the wrong principle. Here we are proceeding on

a rational analysis, a basis of principle which will remain a distinction justified by the facts. It is a distinction with which I believe the Canadian people will agree.

\* \* \*

[Translation]

**TRANSITIONAL JOB CREATION FUND**

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, in reference to the transitional job creation fund, the Minister of Human Resources Development said, and I quote "It is one of the effective tools used by this government and we certainly intend to continue providing assistance to the unemployed in this way".

Since the fund has now run dry, will the minister confirm that he does indeed plan to invest additional amounts in the transitional job creation fund?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, our commitment to the transitional job creation fund was for three years. There is one year to go. It is true that certain amounts have already been spent over the previous year, but we are extremely pleased with what the transitional job creation fund has accomplished.

We are certainly pleased to see real jobs being created by attracting more private sector investments. It has been a useful tool in the past. However, the transitional job creation fund was established for a three year period, and there is one year to go.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, there may be a year remaining in the program, but the coffers are empty. There is no money left in the fund.

While the fund was overflowing with money last year, before the election, it is all gone now. We know there is a \$19 billion surplus in the employment insurance fund.

Does the minister realize that, even if this is not an election year, the unemployed, their children and their families still need help and assistance, especially as the spring gap nears?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, I welcome the Bloc leader's congratulations on the good work we have done with the transitional job creation fund.

It is indeed a very dynamic tool, which has helped thousands and thousands of unemployed workers. Ninety five million dollars, or 30% of this fund, is earmarked for Quebec, and I think this is extremely beneficial to Quebecers living in regions with a particularly high rate of unemployment.

**Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ):** Mr. Speaker, the problem is that the



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Minister of Human Resources Development is still refusing to shore up the transitional job creation fund and is handing out grants one by one from what is left at the bottom of the barrel, as was done in the case of the Matane shrimp plant.

Are we to understand that, from now on, applications to the transitional job creation fund will be handled on a piecemeal basis?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, I am extremely happy that we were able to help save the Matane shrimp plant and I am astounded to hear the Bloc Québécois accuse us of doing a poor job in this case.

I am continually astonished at how they are prepared to grandstand with their charges that we are scraping the bottom of the barrel as soon as we make strategic investments in regions where unemployment is too high. I am not interested in grandstanding.

**Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ):** Mr. Speaker, what we are not interested in is the minister's piecemeal management.

• (1425)

Are we to understand that the minister is in the process of converting the transitional job creation fund into a discretionary program for his own political use?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, I can tell you that the member for Matane, who belongs to the same political party as the hon. member, approached us and agreed that it was not discretionary, for he gave me his support.

So the hon. member should do his homework before saying that it is a discretionary decision.

\* \* \*

**MILLENNIUMSCHOLARSHIPS**

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, by agreeing to negotiate with Quebec on the millennium fund, the Prime Minister is acknowledging the failure of his unilateral approach. The other provinces also have reservations about the millennium fund.

Is the Prime Minister prepared to discuss with all the provinces to determine the use to be made of the money available for students?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, I thank the leader of the NDP for giving me the opportunity to talk about the meeting the Minister of Finance and I had last Thursday evening with the Canadian Council of Ministers of Education. All the provinces were represented.

We had very positive discussions on the millennium fund. Everyone around the table gave the government credit for its initiative and was very favourably impressed by the government's vision in support of knowledge and the acquisition of skills in Canada.

We will, of course, be having discussions and negotiations. The representatives of the foundation that will be set up will be talking with each of the provinces.

[English]

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, if this government would not keep engaging in unilateralism it would not always have to be scrambling to do damage control.

With the millennium fund unilateralism did not work. Unilateralism will never work. It just gives separatists another cause célèbre. Bilateralism will not work either.

In the spirit of co-operative federalism, will the government agree to meet with all the premiers to ensure that the education funds are allocated to meet the real and pressing needs of our students?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, the Minister of Finance and myself met with the education ministers of the provinces just last week precisely to make sure that the foundation's contribution would be able to reach the students who most need it to continue their post-secondary education.

Because we are working with the provinces, a margin of manoeuvres will be developed in some provinces which will give them more of a margin to manoeuvre to make the wisest possible investment in the right direction.

This is federalism at its best, working together to help young Canadians.

\* \* \*

**HEPATITIS C**

**Mr. Greg Thompson (Charlotte, PC):** Mr. Speaker, the Minister of Health is wrong. There was a test available and it was being run in Germany prior to 1986, in fact in 1982, to screen out what is now known as hepatitis C, but the department did not act on it.

As a consequence, we have 40,000 people left outside the compensation package. Will the minister now act unilaterally to compensate these innocent victims?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, as I mentioned, I think it is clear that 1986 was the year of demarcation, when countries to whom we compare ourselves, such as the United States, put in place as a matter of standard practice a test for looking for this contaminant in blood.

This is not a partisan issue. At the table last week with me were ministers from Conservative provincial governments, from NDP

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provincial governments, who all agreed as a matter of public policy that this is the right and the responsible course to take.

**Mr. Greg Thompson (Charlotte, PC):** Mr. Speaker, I agree—and this is probably the only thing we agree on—that this is not a partisan issue.

The fact is that the only reason the minister is using the U.S. model is because it is a model of convenience. That model of convenience allows him to fit within the timeframe of 1986 and 1990, therefore leaving out 40,000 innocent victims.

He is talking about fairness. I want those 40,000 victims compensated. It is as simple as that. He has the constitutional and moral responsibility to do that. Will he act?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, I take a different view of the facts. My provincial colleagues, my counterparts, take a different view of the facts. I have explained the principle upon which we proceeded. The member is entitled to disagree.

• (1430)

This is the basis upon which all governments have approached this matter. If we are to compensate people who are harmed however tragically through no fault, with people acting in good faith based on the evidence that is in hand in the medical system, then that is a very dangerous course on which to proceed.

We have identified the principle upon which we have acted. All governments are agreed that this is the appropriate approach.

\* \* \*

**EMPLOYMENT**

**Mr. Monte Solberg (Medicine Hat, Ref.):** Mr. Speaker, the finance minister says that this is a golden age for Canada but maybe not.

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

**Mr. Monte Solberg:** I am surprised members would clap when one in ten Canadians is on welfare today. It is interesting they would take that attitude.

According to the National Council of Welfare one in ten of Canadians is on welfare and 78% are continuously on welfare for more than seven months.

Is that the finance minister's definition of a golden age for Canada?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, the definition of a golden age is one in which employment increased by 82,000 in February. This is the biggest one month increase in employment since November 1994.

A golden age is when the help wanted index increases 2.3% in February to 136 points. Housing starts increased 11% in February,

the largest monthly increase in over a year. Real exports of goods and services grew 8.3% in the fourth quarter. Those are the kinds of numbers that give Canadians confidence.

**Mr. Monte Solberg (Medicine Hat, Ref.):** Mr. Speaker, 2.8 million Canadians are dependent on welfare today. Hopefully that is not the minister's definition of a golden age.

Today in Canada we have seen take home pay plummet since the government came to power by \$3,000 for a family of four. We have seen an increase in personal bankruptcies and in personal debts. Is that the finance minister's definition of a golden age, 2.8 million people on welfare?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, all the numbers the hon. member referred to have improved since the government took office and in fact have improved more over the course of the last six months.

The real issue is the crocodile tears of the hon. member when he talks about welfare. We must remember that his party wants to take a further \$3.5 billion out of the transfers. It specifically targeted welfare. The Reform Party stands up and talks about its compassion for the poor which flies in the face of everything it has ever said or every written.

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[Translation]

**COPYRIGHT BOARD**

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

Judging from the main estimates, and according to certain sources, the Minister of Industry and the Minister of Canadian Heritage have apparently opted for financing the Copyright Board through a user-pay system.

Can the Minister of Industry tell us if it is true that his department and the Department of Canadian Heritage have given their approval to the Board's being run on a cost-recovery basis?

**Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, the hon. member has just asked a question relating to funding which comes under the jurisdiction of the Department of Canadian Heritage and the Department of Industry.

I have taken note of the question and will get back to the hon. member as soon as possible.

**Mrs. Francine Lalonde (Mercier, BQ):** Mr. Speaker, since the Federal Court's McGillis ruling has laid the board's independence open to question, the departments, the ministers and the secretaries of state must realize that they would be jeopardizing the very independence of the Copyright Board and the principle of equity itself.

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**Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, it is the government's intention, of course, to respect the decisions that have been brought down and it is our intention to act in the best interests of Canadian authors, as always.

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[English]

**IMMIGRATION AND REFUGEE BOARD**

**Mr. Randy White (Langley—Abbotsford, Ref.):** Mr. Speaker, let me read a statement about the Immigration and Refugee Board. "The board should be scrapped". This came from Saleem Giga of the Canada Employment and Immigration Union, the very people who work at the board. His complaint is patronage and incompetence.

I would like to ask the immigration minister which is worse, that the board is so incompetent or that the minister will not even listen to them to fix it?

[Translation]

**Hon. Lucienne Robillard (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, the Immigration and Refugee Board is a quasi-judiciary tribunal which plays a vital role in determining the refugee status of those who come here claiming persecution in their country of origin.

• (1435)

Its competency is very clear. However, as part of the legislative review we are going to look into improving the entire refugee determination process, so that it will be more efficient and more responsive to the needs of those who come to our country.

[English]

**Mr. Randy White (Langley—Abbotsford, Ref.):** Mr. Speaker, I have been through a lot of refugee hearings and I can assure you there is a lot of incompetence there.

Mr. Giga says that a lot of the problems at the board are because of patronage appointments. We have to return to merit, he says. He also says that some appointees have no experience in dealing with refugee cases.

Just last week Anna Terrana, a defeated Liberal MP, I might add, who was appointed to the board admitted that she was not the best person for the job. She was appointed because she was a good Liberal.

What does the immigration minister think she is running, a refugee board or the Senate?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, the hon. member, like his colleague from British Columbia,

misquoted what Mrs. Terrana said. She did not say that there are others better qualified. She said "I am very well qualified. I am sure there are others who are also very well qualified but I do not know who is on the list".

I point out that Mrs. Terrana worked with the B.C. Police Commission for 10 years. She worked with the National Parole Board. She worked with refugees as executive director of the Italian community in B.C. for many years.

\* \* \*

[Translation]

**MARINE RADIO STATION**

**Mrs. Christiane Gagnon (Québec, BQ):** Mr. Speaker, my question is for the Minister of Fisheries and Oceans.

In the matter of the closure of the Magdalen Islands marine radio station, the minister said last week that his department had consulted a vast number of users before deciding to close the station.

How can the minister say his decision to close the island station was based on public consultation, when the facts indicate that nothing more than an information meeting was held for the employees affected?

[English]

**Hon. David Anderson (Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, the closing of that station has had an extensive airing in the press and in public on the islands.

There are few decisions taken by the government which have had more involvement of the public. I should point, however, that not a single employee is being laid off. They are all being transferred to another coast guard station within the same constituency, I believe, but very close by in any event. It is a question of trying to organize our resources in the most efficient way possible.

[Translation]

**Mrs. Christiane Gagnon (Québec, BQ):** Mr. Speaker, however, the minister had said he would consult service users.

If the minister wants to avoid making a mistake, should he not suspend his decision to close the island radio, publish the technical studies behind his decision and really consult on the matter?

**Hon. David Anderson (Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, we have looked at this matter many times and looking at it again does not make any sense.

We consulted the fishers, the mayors of the region and the residents of the Magdalen Islands on many occasions. The decision is firm, and it is impossible to change it now.

*Oral Questions*

[English]

**ABORIGINAL AFFAIRS**

**Mr. Mike Scott (Skeena, Ref.):** Mr. Speaker, the Tsuu T'ina reserve suffered a tragic loss last week with the deaths of Connie and Ty Jacobs. This is a very wealthy reserve, a reserve of just over 1,000 people which took in \$20 million last year alone.

The reserve, the government and the minister should have done better by Connie Jacobs and her family.

Will the minister now agree to stop digging in her heels and authorize a full public inquiry into the social and economic conditions that led up to this terrible tragedy?

**Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.):** Mr. Speaker, I might take the advice of the hon. member seriously if I felt he had any credibility at all on aboriginal issues. His party has not read or understood the work of the Royal Commission on Aboriginal Peoples. His party has not read or understood the response to that work from this side of the House in Gathering Strength.

We have a comprehensive approach that focuses on the issues of welfare reform, the provision of infrastructure, the strengthening of education, all things that will help build a stronger Tsuu T'ina Nation and other first nations in the country.

• (1440)

**Mr. Mike Scott (Skeena, Ref.):** Mr. Speaker, I would like to hear the minister tell that to the people of the Tsuu T'ina reserve. I emphasize the \$20 million to a thousand people including children, but this issue goes far deeper than money.

This morning an Alberta native elder advised me that Connie Jacobs' family also wants an investigation "into all of the conditions that created the situation that led up to the shooting".

Why will the minister not commit here and now to carry out the wishes of Connie's family and order a public inquiry? What is she trying to hide?

**Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.):** Mr. Speaker, on September 11, 1997, the hon. member for Skeena said "The Tsuu T'ina band have used their wealth to build themselves into one of the most self-sufficient and successful bands in this country".

I have to ask the hon. member why all of a sudden he has changed his point of view. Why is it that only when there is a tragedy or an issue of division the hon. member raises issues in support of aboriginal people.

The answers to these questions and the challenges are with us. They are about building in partnership strong aboriginal nations with accountable transparent governments.

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[Translation]

**HEALTH**

**Mrs. Pauline Picard (Drummond, BQ):** Mr. Speaker, with the millennium scholarship fund it established to promote its own visibility, the federal government once again made a blunder by invading an area of provincial jurisdiction. Now, the Minister of Health is about to do the same with home care services.

Considering what is happening in the education sector, does the minister not believe that he should immediately change his position before it is too late and stay away from home care, which is a provincial—not federal—jurisdiction?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, my intention is simply to discuss with the provinces our shared priorities in the health care sector, which includes home care or community care. We are moving toward ambulatory care, as Minister Rochon is doing in Quebec. It is important to have a community care infrastructure to support the shift toward ambulatory care.

I intend to discuss a joint approach with Quebec and the other provinces, and to reach an agreement with them on what is a priority for Canadians.

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[English]

**APEC**

**Ms. Beth Phinney (Hamilton Mountain, Lib.):** Mr. Speaker, my question is for the Parliamentary Secretary to Minister of Foreign Affairs.

The APEC meeting in Vancouver was an important event for the economy of British Columbia. What action is the government planning to ensure the conference leaves a lasting legacy?

**Mr. Ted McWhinney (Parliamentary Secretary to Minister of Foreign Affairs, Lib.):** Mr. Speaker, the federal government is using funds left over from the recent APEC conference to grant \$4 million for the new international centre for dialogue in Vancouver at Simon Fraser University's downtown campus. It will be a world conference centre for specialized professional and academic scientific reunions. It will have the most advanced state of the art communications and translation facilities.

The new centre will not merely commemorate the APEC reunion in Vancouver. It will also symbolize Vancouver's role as North America's prime gateway to the Pacific and a world metropolis for the 21st century.

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#### CORRECTIONAL SERVICE CANADA

**Mr. Myron Thompson (Wild Rose, Ref.):** Mr. Speaker, two weeks ago a local newspaper reported that 23 inmates at the Kingston Penitentiary for Women were given LSD as part of a psychiatric experiment in the early sixties.

The report says that CSC can only locate 2 of the 23 inmates and that the other 21 files have gone mysteriously missing. Is this a Somalia sequel or what is going on here? Are we to shut down CSC for a day to find these missing files?

My question is for the solicitor general. Other than advertising in the newspaper, what is his department doing to find these 21 victims?

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** Mr. Speaker, the member for wild guess—I am sorry, Wild Rose—is wrong again as usual.

The fact remains that many people involved in this file do not wish to come forward. In many cases they have been pardoned. They are remarried. Sometimes their partners are not aware of their past.

This is a very serious and delicate matter and I urge the hon. member to deal with it as a very serious and delicate matter.

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#### MERCHANT NAVY VETERANS

**Mr. Peter Goldring (Edmonton East, Ref.):** Mr. Speaker, in 1995 changes were made to the last post fund legislation to allow merchant navy veterans to be buried in cemeteries as Canadian war veterans. The Department of Veterans Affairs recognizes these merchant navy sailors as veterans when they die but will not officially recognize them as war veterans when they are alive.

• (1445)

Can the minister explain why Canada's merchant navy sailors must pass on from this land in order to be recognized by this land?

**Hon. Fred Mifflin (Minister of Veterans Affairs and Secretary of State (Atlantic Canada Opportunities Agency), Lib.):** Mr. Speaker, the hon. member knows that is not true. He also knows that the current legislation which governs merchant seamen was passed in 1992. This legislation extended equal veterans rights to wartime merchant seamen. It provided them with the same rights to all the benefits that were currently available to the armed forces, not a few, not some, but all of the benefits.

#### Oral Questions

#### ABORIGINAL AFFAIRS

**Mr. Gordon Earle (Halifax West, NDP):** Mr. Speaker, I rise at the request of the Dene community of Deline, Northwest Territories.

The community calls on the ministers for health, Indian affairs and natural resources to meet with them to discuss the radiation deaths of their men and women and to address the loss to their families, culture and community.

I ask the Deputy Prime Minister on behalf of the Prime Minister to give assurance to the Dene that the ministers will meet with the community and this grave injustice will be dealt with honourably.

**Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.):** Mr. Speaker, in partnership with my colleague, the Minister of Natural Resources, we are looking into the history associated with this particularly difficult circumstance.

It behoves us to understand the circumstances as they have occurred over the course of time. Indeed we will be involving the Dene people as we further our understanding of this investigation.

**Mr. Gordon Earle (Halifax West, NDP):** Mr. Speaker, the Dene community has outlined a plan for essential response and necessary redress. This is a constructive response to the radioactive contamination of the human and biophysical environment as a result of uranium mining activities by the federal crown.

Will the Deputy Prime Minister assure the Dene of Deline on Great Bear Lake in the Northwest Territories that his ministers will respect the community's request?

**Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.):** Mr. Speaker, just to reiterate, the government takes this circumstance extremely seriously. My colleagues and I are looking at the history associated with this. We will act to include the Dene people in our review. We are taking a very responsible and focused approach to this.

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#### HEPATITIS C

**Mr. Greg Thompson (Charlotte, PC):** Mr. Speaker, according to the minister in his previous answer to me he said that they identified the principle on which they acted. I think everyone on this side of the House has told him that principle is obviously flawed.

I am quoting the minister now from February. In the *Globe and Mail* in February he said "This compensation package is about compassion, about fairness and appropriate compensation to people who were injured through no fault of their own". How can

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he actually stand up in his place and say that this package is fair when it excludes 40,000 Canadians who are hurting?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, the member is entitled to his view.

I can tell him that ministers of health from across the country looked at this tragedy. They decided that the period 1986 to 1990 is set apart from all the rest of the history because it was a period during which something could have been done to change what happened.

Before that, it is very difficult to distinguish the tragedy of those who were infected before 1986 from those who have an adverse outcome from any part of the health or the medical system when people act in good faith and unintended consequences occur.

**Mr. Greg Thompson (Charlotte, PC):** Mr. Speaker, in the gallery today are members of that hepatitis C group who were not compensated.

The question for the minister is this. Instead of sneaking out the back door as he did in Toronto, is he prepared to meet them immediately following question period?

**The Speaker:** If the Minister of Health wants to answer that question, I will permit it. The hon. Minister of Health.

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, the member can play to the gallery if he chooses, but this minister sat with his fellow ministers in front of those very victims on Friday. We sat there for an extended period taking questions from the victims. This minister has met with those representatives. This minister has spoken to the members of the Hepatitis C Society. He has met with the victims of before 1986. Then this minister made a decision and that is my responsibility.

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• (1450)

**ENVIRONMENT**

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

Ontario Hydro has apparently decided not to outfit an oil-burning power plant in eastern Ontario with the easily installed equipment necessary to reduce polluting nitrogen oxides. This decision will result in pollution which is seriously damaging.

Will the minister seek an opportunity to raise the matter with her Ontario colleague and urge a reversal of this decision?

**Hon. Christine Stewart (Minister of the Environment, Lib.):** Mr. Speaker, I thank the hon. member for raising this important issue here in the House.

Certainly the Ontario ministry has spoken to me about its concern with sources of air pollution coming from south of the border into the province. I will take the opportunity to speak to the

province to make sure that it takes every effort to minimize sources of air pollution within the province of Ontario to ensure it does not affect Ontario citizens and citizens in other parts of Canada.

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**FINANCIAL INSTITUTIONS**

**Mr. Werner Schmidt (Kelowna, Ref.):** Mr. Speaker, this question is for the minister or parliamentary secretary who is in charge of financial institutions.

Canadians are being denied the right to choose freely. Large financial institutions, like banks, are bullying, intimidating and forcing certain individuals, consumers, to move their RRSPs for example from their independent investment dealers to the bank as a condition to get a loan. This is called tied selling.

When will the Liberal government stop this bullying and intimidating tactic by financial institutions?

**The Speaker:** The hon. Minister of Finance.

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, the issue of tied selling has been referred to the committee. The committee is currently taking a look at it and the government eagerly anticipates its findings.

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[Translation]

**OFFICIAL LANGUAGES**

**Mrs. Madeleine Daphond-Guiral (Laval Centre, BQ):** Mr. Speaker, my question is for the Minister of Energy.

The Official Languages Act requires the government to provide its services in French and in English. However, the act is not always complied with on certain sites on the Internet.

Is the Minister of Industry aware that several links of the STRATEGIS site are in English only, contrary to the recommendations of the commissioner of official languages, who asked that any information be produced in both official languages, as early as January 1997?

[English]

**Mr. Walt Lastewka (Parliamentary Secretary to Minister of Industry, Lib.):** Mr. Speaker, the Minister of Industry has spoken on this subject once before. He has taken note of the questions brought before this House. The Minister of Industry endeavours to continue to work toward the programs on the Internet being fully bilingual.

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**MERGERS**

**Mr. Chris Axworthy (Saskatoon—Rosetown—Biggar, NDP):** Mr. Speaker, I have a question for the Minister of Finance.

We know now that our friends in the United States and in Europe are toughening up their merger legislation. At the same time Canada is just trundling along as it has before never really seriously looking at mergers and anti-competitive activities.

Why is the government not prepared to stand up for consumers in a competitive market structure? Why is it more prepared to run the franchise "Mergers R Us"?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, speaking for the Minister of Industry who has the responsibility for the competition bureau, as the member knows, the competition bureau has reviewed all of its procedures. I can let the member know that our procedures in this area are as tough and as enlightened as any other country's procedures.

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[Translation]

### HEPATITIS C

**Ms. Diane St-Jacques (Shefford, PC):** Mr. Speaker, the details of the financial assistance provided to Canadians infected with hepatitis C through Canada's blood system will be worked out based on the seriousness of their condition, through a negotiation process submitted to the courts.

Why is the Minister of Health putting the fate of the victims of that tragedy in the hands of the courts, instead of offering them an assistance program similar to the one for AIDS victims?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, the federal government's position is that we have offered compensation. Details will be negotiated with the victims' legal representatives, and I hope negotiations will begin immediately.

\* \* \*

• (1455)

[English]

### FISHERIES

**Mr. John Duncan (Vancouver Island North, Ref.):** Mr. Speaker, I have a question on behalf of Mr. Bob Hunter of Campbell River in my riding. This question is for the Minister of Justice.

As you know we have been having a terrible time in fisheries with the disappearance of fish stocks. However, the justice department has a great catch and release policy. My suggestion is that we switch ministers so that the justice minister runs fisheries and oceans and the fisheries minister runs justice. That way criminals would be as scarce as cod fish and there would be lots of fish in the ocean.

### Oral Questions

Will the Minister of Justice change places with the Minister of Fisheries and Oceans?

**Hon. David Anderson (Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, I can assure the hon. member that just as nobody wishes to switch with the official opposition critic for fisheries, no minister is willing to switch with the minister of fisheries.

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### PRISONS

**Mr. Lynn Myers (Waterloo—Wellington, Lib.):** Mr. Speaker, my question is for the solicitor general.

New Brunswick, Ontario and Nova Scotia are experimenting with jails planned, constructed or operated by private interests. Does the solicitor general advocate that the federal government should also privatize prisons or should prisons continue to be run by the public sector?

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** Mr. Speaker, let me advise the House that there are no plans to privatize the operation of any federal facility of that kind. We have a strong tradition to involve non-government agencies and others in the private sector impartial to our operation. In fact some 12% of our operation is handled outside the public service.

The ethical questions relating to the kinds of powers that are enforced by the correctional service are very serious and there has been no establishment that in fact there are savings to be accomplished.

\* \* \*

[Translation]

### YOUNG OFFENDERS ACT

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Mr. Speaker, although it is home to 25% of young Canadians, Quebec receives only 18% of federal funds allocated to the provinces for use in implementing the federal Young Offenders Act.

On October 25, the Quebec justice minister wrote to the federal justice minister asking that Quebec be given its fair share of compensation.

Since six months have gone by and the minister has not deigned to give the minister an answer, will she at least announce in the House whether she intends to follow up on Quebec's pressing request for its fair share?

**Ms. Eleni Bakopanos (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, I will inquire into the reason why the hon. member of the opposition has not yet received a reply.

*Routine Proceedings*

[English]

**HEPATITIS C**

**Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP):** Mr. Speaker, Justice Krever said in his final report that the compassion of a society can be judged by the measures it takes to reduce the impact of tragedy on its members. That compassion requires the government to act on behalf of everyone infected by blood transfusions.

Will the Minister of Health commit himself today to begin to develop a compensation package for at least those hepatitis C victims who are sick and who were infected before 1986?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, 13 ministers of health, including those from Saskatchewan and British Columbia, took into account what the Krever commission had recommended. We took into account the need for compassion but also faced up to our responsibilities as ministers of governments who have to make the right decision.

In all those circumstances for the reasons that were explained on Friday and developed here in the House today in response to other questions asked, we chose to proceed as we did. It is noteworthy that all governments in Canada acted together in making that decision.

\* \* \*

[Translation]

**TAINTED BLOOD**

**Ms. Diane St-Jacques (Shefford, PC):** Mr. Speaker, according to Bob Rae, the chief negotiator for the Red Cross, "it would be far wiser and far more fair if compensation were not linked to a specific time period, but rather to the fact that people contracted the disease from a blood transfusion".

Is the Minister of Health going to ignore the recommendations of the Red Cross chief negotiator, or is he going to show some compassion and extend assistance to all the victims?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, if I may say so, the Red Cross is not really in a position to make comments.

[English]

Where is the Red Cross? Has it contributed one nickel to this compensation package? Of course not. The Red Cross is not exactly in an ideal position to comment on the compensation paid by governments to the victims who are in part the victims of the Red Cross itself.

• (1500 )

**COPYRIGHT BOARD**

**Mr. Jim Abbott (Kootenay—Columbia, Ref.):** Mr. Speaker, the Liberals make a great noise about the fact that they want to stand up for the owners of copyright under the copyright law. Therefore, it was surprising to me that the House leader had no answer for the question that was asked earlier.

Let me ask him another question about copyright. Why is it that appointments have not been made to the copyright board? Why has it taken so long? When are appointments going to be made to the board?

**Mr. Walt Lastewka (Parliamentary Secretary to Minister of Industry, Lib.):** Mr. Speaker, the government recognizes the importance of the copyright board.

I should mention that the copyright board has operated, without incident, for many years. The amount of work required by the copyright board has been minimal. However, now the copyright board is getting more and more items coming before it for review.

The appointments will be looked at in the future by the Minister of Industry.

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**ROUTINE PROCEEDINGS**

[Translation]

**GOVERNMENT RESPONSE TO PETITIONS**

**Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to 10 petitions.

\* \* \*

[English]

**NATIONAL PARKS ACT**

**Hon. Andy Mitchell (for the Minister of Canadian Heritage)** moved for leave to introduce Bill C-38, an act to amend the National Parks Act.

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

\* \* \*

**CORRECTIONS AND CONDITIONAL RELEASE ACT**

**Mr. Chuck Cadman (Surrey North, Ref.)** moved for leave to introduce Bill C-388, an act to amend the Corrections and Conditional Release Act (withdrawal of applications for full parole by offenders serving two or more years).



He said: Mr. Speaker, I would like to thank my colleague from Wild Rose for seconding this bill.

I am privileged to introduce this private member's bill which would amend the Corrections and Conditional Release Act. The present act not only permits offenders to make application for parole, it also allows them to withdraw that application at any time with little if any repercussion. They can then reapply almost immediately.

• (1505)

A great deal of time, effort and money is expended by authorities to prepare for these parole hearings. Arguably even more troubling is the fact that victims expend enormous emotional and perhaps financial resources in preparing to attend these hearings which frequently take place far from their homes. Not only does it make little sense, it is just not good enough to permit offenders to have complete control over a process that burdens the taxpayer and revictimizes the victim.

These amendments will place a consequence on offenders who withdraw applications for parole at the last moment. Unless there are reasonable and valid grounds for withdrawal, the offender will be barred from reapplying for a period of two years.

I urge all members to give careful consideration to the support of these amendments.

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

\* \* \*

## PETITIONS

### MULTILATERAL AGREEMENT ON INVESTMENT

**Mr. John Duncan (Vancouver Island North, Ref.):** Mr. Speaker, I have a petition signed by 29 residents of Sointula which is in my riding.

The petitioners are asking parliament to impose a moratorium on the ratification of the multilateral agreement on investment until public hearings on the proposed treaty are held across Canada.

**Mr. Jay Hill (Prince George—Peace River, Ref.):** Mr. Speaker, it is my duty pursuant to Standing Order 36(6) to present a petition from the residents of the riding of Prince George—Peace River regarding the multilateral agreement on investment.

The petitioners wish to draw the attention of the House to the fact that this government has done precious little to communicate the terms under negotiation to the Canadian people. Therefore they request that parliament impose a moratorium on the ratification of the MAI until full public hearings on the proposed treaty are held across the country.

### Routine Proceedings

#### TRANS-CANADA HIGHWAY

**Mr. Lee Morrison (Cypress Hills—Grasslands, Ref.):** Mr. Speaker, I have three petitions to present today. Two of them are very similar in form and content. They follow several other petitions that I have previously presented on this subject.

There are 681 signatures from residents of my riding who live adjacent to the infamous Trans-Canada death strip. The Saskatchewan government has recently announced plans to do some upgrading on the death strip and to start twinning. So far the federal government has not offered to contribute its share.

The petitioners say that, notwithstanding the constitutional division of powers, the federal government has a responsibility to assist provinces with upgrading sub-standard sections of the Trans-Canada Highway.

The petitioners humbly pray and call upon parliament to instruct its servants to immediately commence negotiations with the Government of Saskatchewan to jointly fund the upgrading of this vital national transportation link by constructing two additional lanes.

#### FIREARMS CONTROL

**Mr. Lee Morrison (Cypress Hills—Grasslands, Ref.):** Mr. Speaker, my second petition bearing 567 signatures from residents of Saskatchewan has to do with firearms control and specifically with Bill C-68 which the petitioners say would be a major unnecessary burden on law enforcement officers.

The petitioners further state that the search and seizure provisions of the bill would constitute a breach of traditional civil liberties and an affront to law-abiding Canadians.

Therefore the petitioners humbly pray and call upon parliament to repeal Bill C-68 and all associated regulations with respect to firearms or ammunition and to pass new legislation designed to severely penalize the criminal use of any weapons.

#### YOUNG OFFENDERS ACT

**Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.):** Mr. Speaker, I have in my hand a petition signed by thousands of residents of my riding of Esquimalt—Juan de Fuca.

The petitioners indicate that incidents of violent crime, particularly among youth, are becoming more frequent, that the incidents of violent crime cause harm to the public and that there should be fewer such incidents.

The petitioners call upon parliament to enact legislation to repeal the Young Offenders Act and to replace it with an act that will provide penalties for violent crime committed by young people and which will act as a deterrent to such actions and provide safety and security to the general public as well.

*Government Orders*

• (1510)

MULTILATERAL AGREEMENT ON INVESTMENT

**Mr. Peter Stoffer (Sackville—Eastern Shore, NDP):** Mr. Speaker, pursuant to Standing Order 36 I wish to present a petition to the House concerning the MAI.

The petitioners indicate that the most recent draft of the MAI, if adopted, will have a major impact on many important areas of Canadian life, including environmental protection, employment, wage levels, social programs and culture. They also note that little information on the MAI has been provided by the government and that little public discussion about the treaty has yet taken place.

They also request that parliament impose a moratorium on the ratification of the MAI until full public hearings on the proposed treaty are held across the country so that all Canadians will have an opportunity to express their opinions on the MAI.

GOODS AND SERVICES TAX

**Mr. Chuck Cadman (Surrey North, Ref.):** Mr. Speaker, pursuant to Standing Order 36 I wish to present a petition containing the names of some 285 citizens who are calling on parliament to remove the goods and services tax from all books, magazines and newspapers.

The petitioners cite the taxing of reading material as being not only unfair and wrong, but also as imposing an impediment to the promotion of literacy in Canada.

\* \* \*

[Translation]

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 Deputy Speaker:** Is that agreed?

**Some hon. members:** Agreed.

GOVERNMENT ORDERS

[Translation]

JUDGES ACT

The House resumed consideration of the motion that Bill C-37, an act to amend the Judges Act and to make consequential amendments to other acts, be read the second time and referred to a committee.

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Mr. Speaker, I am pleased to speak today on Bill C-37, an act to amend

the Judges Act and to make consequential amendments to other acts, because of its extreme importance.

As with all bills relating to justice, I am going to try to examine it as in as cool and level-headed a manner as possible, and I will make a particular effort to avoid descending into the demagoguery I heard this morning from several of the Reform Party members, or the complacency the government party members seem to have with respect to courts and to judges.

This is a special bill in that it addresses an essential aspect of our democratic system: judiciary independence. This is a concept we often hear referred to, without always understanding exactly what it is all about. I believe it is important to take a few minutes, or seconds, to examine the principal aspects of this principle, in order to be able to assess and criticize the bill in a properly informed manner.

The basis for asserting that judiciary bodies responsible for interpreting and enforcing the rules of law must have a minimum of independence from governments and parliaments is the separation of powers concept. The expression institutional independence will be used in relation to the judicial system as a whole, while individual or functional independence relates to the judges sitting on the court. The bill before us today, Bill C-37, deals with the latter aspect.

The process by which judges are appointed must be considered in dealing with the individual independence of judges. The Constitution and parliaments recognize that the power to appoint judges is vested in the governments. The federal government appoints superior court judges and federal court judges, while provincial governments appoint provincial court judges.

The Constitutional Act, 1867 requires a single condition be met to become a judge and only for superior courts: judges must be selected from the bar of the province where they are being appointed, in accordance with the provisions of sections 97 and 98 of the Constitutional Act, 1867.

The federal lawmaker imposes an extra requirement on the central government. Judges must have at least 10 years standing at the bar of the province. Section 3 of the Judges Act deals more specifically with this additional requirement. The federal government therefore has considerable leeway in exercising its power to appoint judges. No other criterion limits its discretion regarding applicants' competency or qualifications.

• (1515)

As constitutional experts Henri Brun and Guy Tremblay pointed out in their book "Now that judicial independence has become a formal constitutional principle, one may wonder about the appropriateness of the process for appointing judges, particularly in the federal government".

Before going any further, I would be remiss if I did not repeat once again in this House that it is also out of respect for judicial independence that the Bloc Québécois opposed, and continues to

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oppose, the reference on Quebec's right to be the only one to decide its future. By imposing its reference to the supreme court, the Liberal government is seriously jeopardizing that tribunal's credibility. It is sad to see the government stubbornly forcing supreme court justices to be part of its despicable intimidation tactics toward Quebecers.

When members opposite claim that their government is acting out of respect for the law, I am not convinced, far from it. In fact, I am convinced of just the opposite, particularly when I look at the statements made by the federal Minister of Justice and by the Minister of Intergovernmental Affairs.

But let us go back to the legislation before us, Bill C-37, to take a good look at it and determine its purpose.

Bill C-37 amends the Judges Act to, among other things, increase judges' salaries and change eligibility criteria for an annuity. The bill also establishes the judicial compensation and benefits commission. Finally, Bill C-37 seeks to increase the number of judges on appeal courts and provincial family courts.

In her March 18 release, the Minister of Justice told us that the bill was in response to the recommendations of the 1995 triennial commission on judges' salaries and benefits. In its report, the Scott commission—named after the chairperson of the group which conducted the review of judges' salaries—recommended a gradual salary increase of 8.3%. The Liberal government accepted the recommendation and is proposing in its bill a 4.1% annual increase, over a two-year period.

In determining what was reasonable, the Scott commission recognized that a complex range of factors should be taken into consideration in setting an appropriate level of compensation, including the need to offer levels of compensation that will attract and keep candidates for the judiciary, and ensure that they are as highly qualified as possible.

In addition, it should be noted that the report is based on the relationship that exists between the income of a judge and that of a lawyer from the private sector, from which, it must be said, the majority of candidates for the office of judge come.

Section 25 of the Judges Act now provides a legal mechanism by which a judge's salary may be increased, in accordance with the industrial aggregate, by a maximum of 7%. Under the Public Sector Compensation Restraint Act, judges' salaries were frozen in December 1992 until March 31, 1997.

There is also the reference with respect to the independence and impartiality of Prince Edward Island provincial court judges. In a September 18, 1997 ruling, the supreme court stressed the importance of such independent commissions, which establish an essential link between two of the government's arms, the executive and

the judiciary. The court also emphasized the constitutional obligation to determine the salaries of members of the judiciary.

• (1520)

The court so stipulated, and the following quote is extremely important in understanding the context in which the Bloc examined Bill C-37. The court found, and I quote: "However, to avoid the possibility of, or the appearance of, political interference through economic manipulation, a body, such as a commission, must be interposed between the judiciary and the other branches of government. The constitutional function of this body would be to depoliticize the process of determining changes to or freezes in judicial remuneration".

In the words of the justices of the supreme court, in order to avoid the possibility of political interference, the court is proposing the creation of an independent body that would depoliticize the decision to increase or not to increase justices' salaries and benefits.

The Bloc therefore is right to worry about the way the Liberal government appoints justices to the supreme court. The justices have said themselves that there could be political interference through financial manipulation. What about their own appointments?

With the flourish of the Prime Minister's pen, a lawyer could be comfortably installed in a judge's chair on the bench of the Supreme Court of Canada. This is no fantasy. We have seen it happen just recently.

In addition to the conventional and constitutional criteria of eligibility, there are no doubt certain criteria the Prime Minister alone could explain to us. I will be careful not to head down this path. However, I would like the Prime Minister to list the criteria that guided him in appointing two justices to the supreme court.

Clearly, there is room for political interference in the remuneration of justices. There is certainly room for it in the appointment of justices, especially when the judges are appointed sub judge by the party initiating the reference to the supreme court in the matter of the future of Quebec.

This, less financial aspect of the function of a justice, although important, was not analyzed by the court, and we will limit ourselves naturally to the part on salaries, benefits and pensions relating to Bill C-37.

Although the recommendations of the Scott commission are not binding on the government, the same cannot be said for constitutional decisions of the supreme court, and the Bloc Quebecois is keenly aware of this.

Nonetheless, despite the arguments I have advanced since the beginning of my speech, the Bloc Quebecois wants the House to know that it will not be supporting this bill for several reasons.

First, it is important to look at Bill C-37 in context. The bill is proposing many amendments to the Judges Act. These amend-

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ments include a salary increase of 4.1% annually over two years. As I mentioned earlier, this increase would give effect to a recommendation by the Scott commission that a progressive salary increase of 8.3% would be justified.

Once again, the Bloc Québécois decries the fact that the Scott report is based solely on indices of federal economic activities with no regard for the economic sectors most affected since the beginning of the 1993 cutbacks, some of which were the work of the present government.

As lawmakers, as elected officials living in a period of budgetary restraint, the most fundamental question we must ask ourselves in 1998 is therefore the following: Should we be putting books in our schools, or beds in our hospitals, or increasing the salaries of judges which, it should be remembered, stand at around \$155,800 annually for superior court judges? To ask the question is to answer it.

The \$155,800 salary of a superior court judge is hardly a starvation wage.

• (1525)

Through its leader, the member for Laurier—Saint-Marie, the Bloc Québécois recently stated its views on salary increases for MPs and senior public servants.

Tabled on January 31, the Blais report, which looked at the salaries and benefits of members of the House, recommended that parliamentarians' expense allowances be abolished and their parliamentary allowances increased by an equivalent taxable amount.

One thing we must not forget is that this report did not recommend any increase in the total value of MPs' compensation. The proposals focussed solely on making this compensation more transparent.

In my opinion, whether one is a superior or lower court judge, an MP, a minister or the Prime Minister himself, we all have an extremely important role to play in the democratic system of Canada and of Quebec, and I sincerely believe that no one should be getting any increases if Canada or Quebec cannot afford them right now.

The Bloc Québécois endorsed the recommendations of the Blais report, stating its view that an increase in MPs' salaries was not justified at this time. The same goes for superior court judges. Paradoxically, the President of the Treasury Board, a good Liberal, recently announced an increase in the salaries of senior federal government managers, increasing the budget envelope by 7.96% between 1998 and 2002.

In the view of the Liberal government, the increase is justified by the exodus of senior managers for the private sector and the

dearth of experienced and qualified managers that would result. It is great for those that remain, who are extremely competent, to hear that, if they are not paid enough, the good ones leave. Some encouragement for those who stay. But this is the explanation offered by the Treasury Board president.

With the salaries they are paid, and the associated benefits, these public servants are hardly to be pitied either, in my view. Yet, the President of the Treasury Board raised their salaries, but this raise did not affect superior court justices, and that is why the government decided to introduce Bill C-37, among others. As I understand it, this bill is in response to a decision by the Supreme Court of Canada, and as responsible legislators, as I was saying earlier, we have to respond to the remarks of the justices in their decision.

Let us now take a look at what happens in this area, in Quebec, among other places. I am a member from Quebec. I am going to talk to you about my country, Quebec, about what is being done in Quebec in this area.

In a press release dated February 20, 1998, the Quebec justice minister, Serge Ménard, announced the appointment of the members of the committee on the remuneration of justices of the court of Quebec and municipal courts. While this is a decision by the Supreme Court of Canada through a reference to it, Quebec responded with its usual professionalism and speed to a decision by this court.

Although this commission has the mandate to evaluate the remuneration of justices, clearly the government is not obliged to accept its recommendations. Indeed, the Quebec government or governments in general must be able to assess the economic context of any recommendation to increase salaries.

It is important to note that, on March 22, 1997, the Quebec government passed a bill which aimed to reduce labour costs in the public sector and which implemented the agreements concluded in this regard. It provided that the salaries of Quebec court judges would be cut by 2.3%. There was no mention in this legislation, as there is in Bill C-37 of a salary increase. In Quebec, legislation was passed to reduce the salaries of the provincial magistrates by 2.3%.

Need we point out that this reduction also applied to the premier of Quebec, to all the provincial ministers, to all the MNAs and to all the employees of the Quebec government.

• (1530)

In Quebec, the entire private sector has been or will be called upon to contribute to the deficit reduction effort. It is a matter of solidarity, as Quebec Premier Lucien Bouchard so aptly said.

We are going through difficult times of restraint due, to a large extent, to federal cuts to transfer payments to the provinces. Everyone must do his or her share to help balance the budget.

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Again, whether one is a judge sitting on a court, a member of Parliament, the Prime Minister, a minister, the speaker or deputy speaker of the House, I think that everyone must contribute to balancing the budget.

To conclude, the federal government has finally achieved its zero deficit, but must I remind you that this objective was achieved on the backs of the provinces and the unemployed. Over the course of two mandates, the Liberal government opposite will have cut \$42 billion in social transfers to the provinces. These transfers are used to fund hospitals, higher education and social assistance among other things. Any money the federal government takes away from the provinces is money the provinces cannot invest in hospitals, education and social assistance.

The federal government is spending the money thus saved to increase its visibility, while the provinces are left with the dirty job of implementing the cuts. The Liberal government must not start squandering the taxpayers' money. Accordingly, while the Minister of Justice may want to be nice to judges by increasing their salaries, she should instead convince her colleague, the Minister of Finance, to give back the money cut from transfer payments to the provinces for health, social assistance and post-secondary education.

The Bloc Québécois does not question the fact that judges play an essential role and that they work hard to create a just and fair society. However, we feel that before increasing judges' salaries, certain other priorities should be met.

We do not think that the state of judicial independence in Canada and in Quebec requires that Bill C-37 provide an 8.2% increase, over a two-year period, to superior court judges. These are prestigious positions and, to my knowledge, no appointee was ever forced to accept the job. There is no arm twisting required to appoint a judge. When a person agrees to become a judge, whether on the supreme court, the federal court, the superior court or other Quebec courts, surely that person knows about the salary that goes with the job and accepts it. The government must not introduce a bill such as this one under the pretence that judges are not adequately paid.

It is for these reasons that the Bloc Québécois is opposed to increasing judges' salaries. We support the establishment of an independent commission, but we cannot support a lack of solidarity and vision in an economic context where the fight against the deficit was conducted mostly at the expense of the provinces.

We heard the government say that the most qualified lawyers must be interested in becoming judges. But a magistrate is also part of society, and being part of society means bearing part of the collective burden. Even if the federal deficit is eliminated, as we have seen, the \$500 billion debt remains to haunt us. It will continue to haunt us for many years and many generations to come.

With the money we are preparing to inject into this salary hike for judges and magistrates, the government could have enabled the provinces to invest in their hospitals, where they feel the money would be put to better use.

The supplementary estimates tabled last Wednesday also indicate that the Canadian unity group at Justice—within the Department of Justice there is a so-called Canadian unity group, the main responsibility of which is the reference to the Supreme Court—is costing Canadian and Quebec taxpayers \$700,000.

• (1535)

Such expenditures are unacceptable. This money could pay for a number of hospital beds. Especially since the Minister of Justice herself has said that the reference was of no use whatsoever to clarify the constitutionality of the potential secession of Quebec.

The government ought to re-examine its budget priorities. Should it raise judges' salaries and spend a fortune on a reference to the Supreme Court, which even the Minister of Justice admits is of no use and whose validity is being challenged left and right, or should it hand over all these millions, these billions even, appropriated from the provinces?

Today I am therefore asking the Minister of Justice to withdraw her bill as drafted and instead to compensate the provinces for the unjust cuts her government and herself have forced upon the governments of each and every province. In our opinion, because Bill C-37 was introduced in the House subsequent to the Supreme Court of Canada ruling on this important matter of appointing justices, the Minister ought not to be giving the judges such a gift during these difficult times.

If the government wants the support of the Bloc Québécois, it must limit its actions to striking what the Supreme Court ruling calls for, a Judicial Compensation and Benefits Commission, as provided for in clause 6 of the bill. Nowhere in the Supreme Court ruling is there a request that the federal government increase the salaries of superior court justices in this way. On the contrary, the supreme court ruling asks the Canadian government and all provincial governments to establish a commission that would rely on various external, objective factors in determining compensation. The supreme court judges never said that the decision of such a commission would be binding on the government.

Each of us in the House was elected in a general election or a by-election. The government was also elected. The Minister of Justice was elected to administer as fairly as possible. In handing down such a ruling, the judges never thought that the increase would be given automatically, with judges receiving increases when no one else did. Judges are not above everyone else. It is each one of us, all taxpayers in Canada and Quebec, who, indirectly, pay the salaries of judges of the superior court, or, in Quebec's case, of family, criminal or youth courts. Each one of us pays for these judges.

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If the public were to be asked, the answer would be immediate. If you were to ask the average citizen: “Do you agree that the judges of the superior court, who are earning only \$155,800 a year, should have their salaries increased by 8.2%?” The answer will obviously be no. Is \$155,800 a starvation wage? Do they not earn enough to hand down fair rulings? No.

I am a lawyer myself. Before coming here, I was a practicing lawyer and often had to deal with judges. I was frequently in court. One must keep one’s distance from judges, but no one who had accepted the office of judge ever told me that they were surprised to be earning only \$150,000 for the honour. We all know how federal judges are appointed.

• (1540)

In my office in Joliette, my articling supervisor received a call from the then Minister of Justice, a Progressive Conservative. The telephone rang, and it was the Minister of Justice. He said: “Hello, Mr. Justice” as if he had no idea that he had been seeking such an appointment for years. That is how these things are done. But when he said “Yes, Mr. Minister” he knew what a judge earned, and he accepted the appointment. I think that, nowadays, neither judges nor the Prime Minister—

**The Deputy Speaker:** Order, please. The hon. member for Bourassa on a point of order.

**Mr. Denis Coderre:** Mr. Speaker, the measures and the strategies of the previous Conservative government have nothing to do with the current government.

**The Deputy Speaker:** I am sure the hon. member would like to participate in the debate later on, but as he will recognize, this is a point of debate and not of order.

**Mr. Michel Bellehumeur:** Mr. Speaker, the member for Bourassa is partly right. The Liberals are not operating at all like the Conservatives. They are worse.

Never did the Conservative government—and I am not a Conservative, I have no ties to this party—never did it appoint during proceedings two judges, who are deciding on the reference regarding Quebec’s right to secede. This Liberal government, for considerations known only to the Prime Minister, appointed two judges during the course of proceedings. No Conservative or other government has ever done such a thing.

I will not get into the criteria that might have guided the Prime Minister in making these two appointments. That is inadmissible. I think the member made this comment without really thinking about what he was saying and without considering the history of the Liberal Party of Canada.

That said, if I were to give the Minister of Justice some advice, if she appears concerned about the independence of the judiciary and

especially her image, she should introduce a bill in this House to amend the process for appointing justices to the supreme court.

I think there is something much more important than the pay or benefits of justices and that is the principle of the source of our confidence in judges—their training—which is vital in a democratic system of justice. I believe very sincerely that the Minister of Justice should listen to these comments and particularly to the proposals of the Bloc Québécois on appointments to the judiciary.

Today, we would perhaps have a much fairer system, as far as the judges of the Supreme Court of Canada among others were concerned, if the Liberal government had taken advantage of the two opportunities it had to put in place a transparent process for appointing these judges. It preferred, as it often does, or to put it more accurately, always does, to play politics. It went looking for candidates among the ranks of the Liberal Party. Of course, they were all perfectly qualified to be supreme court judges, I am not suggesting otherwise. I have great respect for the Supreme Court of Canada.

I think, however, that it would have helped the Supreme Court of Canada tremendously, and especially those selected by the Prime Minister for these positions, to have had a much more open system of appointment, in which the House or a parliamentary committee could have taken part.

We made several suggestions. The government has often told us, both when we were in the official opposition and today in our role as the third party, that we never make suggestions and that we are not constructive. Yet, on more than one occasion, we made some very important suggestions as to how judges should be appointed that even had the support of eminent jurists in Quebec and in Canada.

• (1545)

Many journalists backed up our suggestions for an appointment system, and, at her earliest opportunity, the minister should introduce a bill for making the judicial appointment process as transparent as possible.

That having been said, we will be voting against Bill C-37. We will do so not because we oppose the often fantastic and very professional work that judges do, but out of a concern for equity, solidarity, greater fairness for all. I do not think that today is the time to give a raise to judges, either judges of the superior court, or judges reporting to the National Assembly or the provincial legislatures, when, the premier, ministers and members of the National Assembly and public servants saw their salaries cut.

Given that the bill has to do, in large part, with this issue, the House will understand that we will be voting against Bill C-37. We call on the Minister of Justice to go back to the drawing board, to

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be more realistic, and to realize that the public is against any bill that would increase judges' salaries.

[*English*]

**Mr. Peter Mancini (Sydney—Victoria, NDP):** Mr. Speaker, it is a pleasure for me to rise today to address Bill C-37 on behalf of the New Democratic Party. I read this bill with some interest. As I went through it, it could not help but remind me a bit of my own family.

When my grandfather came to this country from Italy he was very proud of a sauce he made. As hard as he tried to pass the recipe on to his children, he would on a regular basis taste their sauce and he would say that they got a little bit of it right and a whole lot of it wrong. As I look at this bill I see that the Minister of Justice got a little bit of it right but forgot a whole lot of ingredients that might have made this bill worth supporting in the House of Commons.

Let me start with the few ingredients she got right. It is important to note there are to be some changes which will allow certain parts of the legislation to be treated as matrimonial assets that could be divisible upon separation or divorce by the judiciary. That needed to be done in the act.

It is also helpful to have a unified family court. In the province I come from many people have been very frustrated at the way the family court process works. They have to appear before provincial family court judges to deal with essentially custody, access, division of property and maintenance provisions. Then they have to appear before federal court judges to deal with the same issues. To repeat them all over again is a duplication.

Those issues, the creation of unified family courts and of justices that can deal with those matters, as well as the division of annuities and so on are some of the positive aspects of the bill.

Unfortunately the minister could have taken the opportunity to truly address the concerns Canadians have about the way judges are appointed in this country. There is some reference in the bill to a commission. I believe the bill makes a recommendation that a commission be set up. The commission would be composed of three individuals. One would be appointed by the Minister of Justice and one would be appointed by the judiciary. Then those two individuals would appoint a third member to review judges' benefits and salaries.

There was an opportunity to go further with this legislation. There was an opportunity to open up the way judges are appointed. A special committee or a subcommittee of the Standing Committee on Justice and Human Rights could have been set up to review different proposals to see how the judiciary might better be appointed.

• (1550)

Even with this minute change, it does not go far enough. The minister could have added to this commission a representative of the Canadian Bar Association. Nobody knows better the workings of the courts and the workload of judges than many of the lawyers who appear in front of them.

There is a missed opportunity here. It is a golden opportunity for the Minister of Justice to address some fundamental issues.

Some hon. members have commented on the Young Offenders Act and on young people in the courts. Young people appear before judges every day. Families appear before judges every day. Those people have to ask how the people who make such fundamental decisions on guilt or innocence, on custody or access arrived at such an important position of making such decisions on people's lives. It is unfortunate that Canada's history is a legacy of patronage appointments, appointments to the bench of people who may not have the best legal qualifications and the best legal judgment but who support the right party. There is some relief in sight.

In my province of Nova Scotia there are many Liberal lawyers who in the last few days have seen their chances for judicial appointments recede into the mist as Nova Scotians have made fundamental political changes in their province. When the New Democratic Party takes power in that province, I expect there will be a change in the method of appointing judges.

This was an opportunity to address those concerns. It was also an opportunity to look at the crisis in the justice system. If money can be found to increase the salaries of judges, surely that money could be better directed to the very system which is in crisis right now.

In many provinces in Canada crown attorneys do not have sufficient resources to prosecute the crimes that come before them. In many parts of this country legal aid lawyers do not have sufficient resources to ensure proper fundamental freedoms are met and that trials are done in a proper way. That results in injustice for all, for the accused, for the victims and for those involved in the justice system.

Rather than give those who are among the wealthiest in our society an increase of 8% or more, we could look at funnelling that money back into the provinces through the Canada health and social transfer payments. These have been cut so drastically by the government the result of which has been the very crisis in the courts which has caused the judiciary to say it is overworked.

Today we heard the Parliamentary Secretary to the Minister of Justice talk about the backlog of cases in provinces like Ontario. I know she is talking about civil cases but civil cases include family cases. Many people, in particular women, cannot afford legal

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representation when their marriages come undone, when there are questions of custody and there are backlogs of cases.

The Nova Scotia legal aid offices have stopped representing people who are seeking divorces because they simply do not have the resources to fulfil that role. They have stopped representing people in civil cases who do not have the funds or the ability to hire private lawyers. The provincial government says it does not have the money. It has cut back on resources.

That is not just happening in Nova Scotia. When I was practising law in that province, I tried to get hold of a legal aid lawyer in Ontario and it was almost impossible to find one. When I tried to get hold of a legal aid lawyer in New Brunswick to represent a woman in a custody fight whose children had been taken, there was one family law lawyer for almost the whole province.

There is a crisis at the grassroots level in Canada's justice system. Instead of addressing that, instead of providing funding which might better address that issue, the Minister of Justice has decided to give the judges a pay increase. That is the third problem with this piece of legislation.

• (1555)

The legislation does not go far enough in terms of addressing the way judges are appointed. It does not address the flaws in the justice system that are creating the overburden in the courts. It does not help the crown attorneys and the defence lawyers who have to operate in the courts.

At the same time we have to look further at the other public servants who are involved in the justice system. There has not been an increase for the average cop on the beat for so long that he or she probably cannot remember. There has not been an increase for those who work in the prison system, for those who work in the probation offices with young offenders, with the people who are coming out of prisons.

There is very little money for alternate forms of punishment and alternate forms of dispute resolution in the family law areas, the civil law areas and the criminal law areas.

All of those people for the last number of years have toiled with an ever increasing workload and fewer resources and without any kind of pay increase whatsoever.

It is simply unfair to provide the judiciary with an increase of 8% when they already make well over \$120,000 or \$130,000. It is unfair to provide them with an increase when those who hold the system together and who do much work in the system are suffering because they have had such an increased workload and have had no increase in resources.

That is another thing which is lacking from this piece of legislation. It is another area the Minister of Justice might very well have addressed.

That is not to say that judges are not important. In fact, this government has increased the workload on many of the provincial court judges by downloading on the system, by changes to the Criminal Code, by proposed changes involving things like preliminary inquiries. The government has downloaded on to the provincial judiciary taking work away from the federally appointed judges. It has created more backlog in the provincial courts.

This is not the appropriate way to address the system. The minister had a golden opportunity. Everyone in this House who has spoken on this piece of legislation, my colleagues in every party, have called for a review of the method of the appointment of judges. That is what we are hearing from our constituents. That is what the Minister of Justice is not hearing. However, its time will come and it may come when we have another party governing on that side of the House.

With respect to a crisis in the justice system, if people do not believe that judges truly represent impartiality, then they are not going to have respect for the justice system. That leads to cynicism. It leads to a lack of faith. The minister may well say that she has no choice, that she is bound in trying to keep the independence of the judiciary, that she is bound by the Scott recommendations.

Those recommendations provided the minister with a way to not necessarily implement the recommendations. As long as she could explain that to the public, as long as there was a reason given not to implement those recommendations which was justifiable, then they did not have to be implemented. The reasons we have indicated would provide the minister with some substantial grounds and certainly with public approval had she chosen not to implement the recommendation of the increase in salary but had offered instead to overhaul the entire Judges Act, to open it up to the standing committee on justice for a proper review and to make fundamental recommendations and fundamental changes.

For those reasons we will not be supporting the legislation. It is too bad the opportunity has been squandered but we look forward to better days ahead.

**Mr. Myron Thompson (Wild Rose, Ref.):** Mr. Speaker, I am sure the hon. member would agree with me. I was listening to his speech.

• (1600)

I have said this before in the House of Commons and I will say it again. The primary purpose of a judge is to bring decisions that are a benefit to this country and that meet the needs of the people of this country. That is what it was in the very beginning. That is what



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it should be today. That does not happen all that often. I wonder if the member would agree with that statement?

Second, being a lawyer I would like to know his comments with regard to Justice Frank Iacobucci saying that the legal profession's growing preoccupation with making money is a problem. Laws have become more of a business profession than a professional calling. Lawyers are losing sight of their obligations to the public.

In my riding we have an individual who has been charged with drunk driving causing fatality, which can bring a sentence of up to life. He immediately plead guilty following the accident. That accident was in 1996. He plead guilty to causing four deaths. Can the hon. member explain to me any reason why this trial should be in court for the 18th time next month? They have not got around to sentencing that individual.

**Mr. Peter Mancini:** Mr. Speaker, there are actually three questions. I will attempt to answer each one of them in the time allotted to me.

The hon. member for Wild Rose asked is it not the job of the judge to make decisions in the best interests of the country. In essence, as I see it, it is the job of the judge to weigh very carefully the competing arguments and the evidence in front of him or her and to try and best find a just result.

The judge or the justice has to be free from political considerations. In the case of an appeal it would be a panel. Sometimes it may appear that he or she is making a decision that goes against what the population at large might want. The distinction between the judiciary and legislature is well known. It is not the job of the judiciary to make popular decisions. That is very dangerous. That is what happens south of the border in some states where the judiciary is elected. What we have then is a judge perhaps not making a just decision but playing to what the public opinion polls indicate he should do. A just decision, well written, well reasoned and explained to the public would avoid the concern the hon. member raises.

On his second point on the comments of Justice Iacobucci, it was mentioned earlier that one of the reasons salaries for judges are so high is they want to make sure they can draw good people from the law benches. They look at the salaries of private lawyers. There is a fault in that reasoning.

Many of the best legal minds in this country and many of the best lawyers in this country are in the public service. They do not make nearly the salaries those in the private sector make. The average public defender in this country, the average employee of the justice department does not get paid the same as those in private practice. I concur with some of the comments of the justice in that many young members of the bar are finding it incredibly difficult to meet the billing hours as we race toward profit margins.

That being said, many members of the bar I know in private practice have served their communities well, have served their bar societies well, have taken time from their practice to be involved in public and volunteer organizations. Many do work on a pro bono basis.

Unfortunately in this race to profit, for those who might be served on a pro bono basis where the private lawyer does the work for free, their file falls to the bottom which underscores the need for a public legal aid system across this country that is properly funded and can meet the needs of all individuals.

• (1605)

The third question is one that I have not heard all the facts on. I am not suggesting the hon. member would mislead me. I do not know the facts of the case. I do not understand why an individual who plead guilty in 1996 would be before the courts 18 times. It sounds incredible to me and I do not know all the facts and so I do not think it would be appropriate for me to make a decision in that regard.

**Mr. Mark Muise (West Nova, PC):** Mr. Speaker, I am pleased to speak on Bill C-37, an act to amend the Judges Act and other consequential acts.

Bill C-37 is the government's response to the last triennial commission on judges' salaries and benefits, the Scott commission. Since 1981 Parliament has provided for an independent commission to examine judges' salaries and benefits.

Bill C-37 is also responding to the Supreme Court of Canada's independent decision on judicial compensation. On September 18, 1997 the Supreme Court of Canada released a key decision relating to the constitutional requirements of financial security of judges. That decision reinforced the principle of judicial independence and outlined the broad constitutional requirements for the determination of judicial compensation such as there must be an independent, objective and effective commission that makes recommendations on all aspects of judicial compensation, salaries and benefits.

To be independent the commission members must be appointed for a fixed term and the judiciary must nominate at least one member. To be objective the commission must use objective criteria in coming to its decision.

To be effective the government must deal with recommendations with due diligence and reasonable dispatch. Bill C-37 proposed amendments to the Judges Act that will, following the Supreme Court decision, improve the independence, the objectivity and the effectiveness of the salary and benefits commission process.

Regarding the principles of Bill C-37, there is very little we can disagree with. The bill establishes new rules for an independent commission which has the responsibility to review the salaries and

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benefits of judges every four years. These rules do seem to ensure in a certain way that the system is equitable and reflects reality.

Where the PC Party of Canada has concerns is in the way these new proposals will be implemented. As parliamentarians we must ensure that the commission will be accountable to Parliament and that the process will be transparent. On accountability, the membership of the commission should not become once again an opportunity for patronage by the government.

Section 26 of the Judges Act, before the amendments proposed in Bill C-37, requires that the minister of justice appoint the whole commission, which means all three to five members. The new provisions certainly improve that situation. While one of the three members will be appointed by the minister of justice, we are encouraged by the provision which makes the other member appointed by the judiciary. Together the two members will appoint a third member as the chair.

One question has to be raised here in favour of improving the accountability and transparency process. Why not have the one member nominated by the minister appointed instead by a committee of the House, such as the standing committee on justice?

Such a process would not only improve the transparency but also avoid patronage appointments. It also appears that Bill C-37 is addressing the important question of transparency. The commission will have to report at regular intervals, which encourages an open process.

The commission's report with its recommendations has to be presented to the Minister of Justice who in turn has to table it in the House of Commons within 10 sitting days after having received it.

This is certainly playing in favour of accountability but a question should be raised in the interest of further transparency. Why not make the commission accountable directly to Parliament? If the report has to be made available to both houses why not then eliminate going through the minister?

• (1610)

For example, government Bill S-5 which the standing committee on justice has just completed studying provides for the human rights commission to report directly to Parliament instead of the minister. If this can be done for the human rights commission, why not do it for the commission on judges' salaries and benefits?

By reporting to both houses, the commission would be more accountable and more transparent than if it has to report to the minister first. Furthermore, the standing orders of the House of Commons provide for the report to be referred to the Standing

Committee on Justice and Human Rights which completes the public request on transparency and accountability.

With regard to the amendments pertaining to the salary commission, improvements have been made but we could do more in order to have more accountability and transparency.

Bill C-37 supports the creation and expansion for unified family courts across Canada. Bill C-37 will appoint 27 new federal judges for unified family courts in four provinces. We welcome these amendments as they will permit the improvement of legal services given to families and help the provinces direct more resources to the courts and the services themselves.

Finally, Bill C-37 provides for some changes in the criteria for supreme court judges to retire with a full pension. Judges will now have to be 65 years of age or older and have served for at least 10 years. The PC Party of Canada does not have any problem with these proposals. The bill could be improved further on certain provisions dealing with accountability and transparency. The commission could report directly to the House of Commons improving its accountability.

The one member of the commission appointed by the minister could instead be appointed by a committee of the House of Commons, improving its transparency and avoiding the possibility of patronage. We will be raising these points in committee.

In conclusion, we are encouraged by the provisions contained in Bill C-37. We are prepared to support it in principle at second reading.

[Translation]

**Mr. Jean-Guy Chrétien (Frontenac—Mégantic, BQ):** Mr. Speaker, I would like to ask my distinguished colleague for some additional explanations concerning clause 26, which would create a three- to five-member commission.

He indicated that, if there were three members, one would be appointed by the Minister of Justice, one by the judiciary, and the third by the first two, in other words, those appointed by the Minister of Justice and the judiciary. If there were four or five, what would be procedure be?

[English]

**Mr. Mark Muise:** Mr. Speaker, the idea here is to make the system as transparent and as accountable as possible and the way the judges would be chosen if it could be done through the process of having nominations from all aspects of the system in place would make it more so.

**Mr. Peter Stoffer (Sackville—Eastern Shore, NDP):** Mr. Speaker, I first of all wish to convey to the House that a very good maritimer just stood and gave a speech. We know he is not feeling very well today and our party gives credit to him for hanging in there and being a real trooper.

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My question is with regard to the pay scales of judges in those positions. Would he not agree, being in support of the bill, that other people in other aspects of the public service such as PSAC workers should be seriously looked at for pay increases too? They have been waiting an awful long time for pay increases as well.

**Mr. Mark Muise:** Mr. Speaker, my position is very clear on pay equity and PSAC. Pay equity is something that should be resolved. There is no question about that. However, people in judges' positions come from situations whereby they could earn a lot more money in the private sector and they have to be compensated fairly.

• (1615)

**Mr. Chuck Cadman (Surrey North, Ref.):** Mr. Speaker, I am pleased to be afforded the opportunity to speak today to Bill C-37, an act to amend the Judges Act and to make consequential amendments to other acts.

Today I would like to deal with four specific topics: first, the issue of the pay raise for our judges; second, the issue of the establishment of a judicial compensation and benefits commission; third, the Judges Act itself; and fourth, a particularly troublesome definition within the legislation.

On the issue of the pay raise I must state how disappointed I am. Once again we witness this government going to great lengths to look after what some might refer to as the upper class or the elite of our society. At the same time, what is it doing for the ordinary citizens other than taxing them into the ground?

Just a few weeks ago this government announced pay increases for the executive levels of the civil service. Those who occupy the upper echelons of our civil service were well looked after. Meanwhile, those in the trenches, the clerks and receptionists who form the first line of contact between the government and its citizens, are again expected to do without.

I would like to illustrate my point with a specific example from my own community of Surrey, British Columbia. When this government provided pay increases to the executive levels of the civil service it included the person who we in Surrey might refer to as our chief of police, even though he is with the RCMP and they do not use that title.

Chief Superintendent Terry Smith, the officer in charge of the Surrey detachment, the largest in the country, came within the qualifications for a raise in pay. In fact all chief superintendents, assistant commissioners, deputy commissioners, as well as the commissioner himself received raises in pay. The constables and the corporals did not. Those men and women charged with keeping our communities safe were passed over. It was not until this past Friday that the lower ranks obtained raises in pay after a five year freeze.

I would suggest that this raise came about primarily as a result of the leadership shown not by the government, but by the upper management of the RCMP itself. Chief Superintendent Smith and his colleagues, to their credit, had refused to accept their pay raises until those in the lower ranks received the long overdue and much needed increase in salaries.

I have spoken with Chief Superintendent Smith on several occasions and he has expressed concern over significant staffing problems within the Surrey detachment. If he has a problem, then the citizens of my community definitely have a problem. If my constituents have a problem, then it is my duty to bring it to the attention of those who are in a position to do something about it, namely the officials of this place.

What is happening is that experienced members of the RCMP are leaving the force in droves. They are being lured away by other police departments. The Vancouver Police Department and the Calgary Police Service are just two of the organizations which have been quite eager to obtain fully trained and experienced RCMP officers. In Vancouver an RCMP member can leave the force on Friday, start with the Vancouver Police Department on Monday and, in effect, receive a \$5,000 a year raise. Some go to the special investigations unit of the Insurance Corporation of British Columbia and some go to B.C. Transit. Indeed, the Surrey detachment just recently lost a much respected and experienced member to the Municipal Bylaw Enforcement Department, one presumes for better pay, better hours and in all likelihood significantly less stress.

Chief Superintendent Smith is plagued with almost perpetual vacancies. He is forced to fill positions with either raw new recruits or with personnel of lesser experience. In fact, when last we spoke he estimated that between 25% and 28% of Surrey's finest were rookies. That has the effect of reducing the overall efficiency of the detachment.

I regularly go on ride-alongs and I can assure members that it is not an easy community to police, partly because Surrey has one of the poorest if not the poorest police-to-resident ratios in the country.

Where does this leave the residents of Surrey, a large, sprawling, diverse municipality with both urban and rural aspects and a very large immigrant community? Terry Smith has every reason to be concerned, as do my constituents.

Residents of the lower mainland of British Columbia will tell everybody who wants to hear about it that it is the most desirable place in the country in which to live, primarily because of the climate, although we would never know it the way the weather has been here for the last few days. However, there is a price to be paid, which is the high cost of living. For that very reason it is well known within the RCMP establishment that the lower mainland is

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not an enviable posting. Experienced police officers are not compelled to accept transfers to Surrey and they do not do so because it is just not a practical financial decision.

• (1620)

What did the RCMP rank and file receive after five years of waiting? They received 2.75%. They have to wait until next October to benefit from the whole package. Even then they will still be approximately \$3,000 behind their Vancouver counterparts.

I compare the increase in pay received by the already well compensated judges with the increases afforded our RCMP officers. As I said, the Mounties get 2.75%, payable in increments, retroactive to January 1 of this year, while the judges get 4.1%, retroactive to April 1, 1997 and then get a further 4.1% compounded to their new 1997 salary figures, payable on April 1, 1998. They already receive, on average, in the vicinity of \$140,000 per year. The government seems to believe that it needs to retroactively come to the aid of these poor, financially strapped judges all the way back to April of last year.

Does it come to the same conclusion when compensating our police officers? No. The government throws a few pennies at them, retroactive to January, gives them a few more pennies in April and then tells them to wait until October for the remainder.

Another example is the violent crime linkage analysis system, or ViCLAS. ViCLAS is a computer database developed by the RCMP, used to analyze, research and search out potential links between violent crimes. It has the potential to save enormous amounts of investigative time and effort. More important, since it targets serial killers and sex offenders, the potential to prevent future victims is invaluable. Used by police forces throughout the world it has already been proven successful and is recognized as the best.

Yet in speaking with E Division ViCLAS representatives, the project is in serious danger of going under due to lack of funding and inadequate staffing. How ironic. This is a world class crime solving and crime prevention tool originally developed by the RCMP, but the RCMP will not be able to use it. Why? The government says it does not have the money, yet there appears to be plenty of money available to give judges a raise.

This government appears to have its priorities all out of sync. It falls over backwards to look after its friends, but fails to look after those who need it most. It likes to talk about public safety and crime prevention, but it seems to have a difficult time putting its money where its mouth is.

I will now move on to the issue of the judicial compensation and benefits commission. The government wants to set up yet another bureaucratic agency merely to concern itself with the salaries and benefits of judges. I see, as well, that the governor in council will

appoint this new commission. The Minister of Justice gets to make another political patronage appointment. It is just what this country needs, more patronage, more friends of the government to carry out governmental responsibilities without being accountable to the citizens of this country. What we need is less patronage.

If we must establish a commission why is it not set up to conduct public hearings into judicial appointments? Yes, it could also govern pay and benefits, all subject of course to parliamentary approval.

How much is the judicial compensation and benefits commission going to cost Canadian taxpayers? What do we get for this money?

We are going to appoint three people at, no doubt, fairly attractive salaries to carry out their duties. They will be paid fees fixed by the governor in council. In addition, they will be paid travel and living expenses which are also fixed by the governor in council. There will be no parliamentary review or control of these salaries and fees.

It gets worse. Under section 26.2 as proposed by the bill the commission may engage the services of any persons necessary for the proper conduct of the commission.

Once again we are being asked to create a new agency of bureaucrats and provide them with all the financial resources to have others do the work for them. There are obviously other portions of this bill which deserve comment, but my limited time will not permit me to discuss them today.

I will now move on to the third issue I mentioned at the beginning of my speech, the Judges Act itself. This is the third time this act has been before the House in the last couple of years. Bill C-2 was passed in March 1996. Bill C-42 was passed in June 1996. We now have the Judges Act back once again for amendment. One must ask: Was the previous minister of justice so incompetent that he had to bring the same legislation before the House twice within a matter of months? Did he still not get it right as it is now back again?

I hope we do not have other acts of parliament like this. I am sure Canadian people would not be too impressed if it came to their attention how much time and debate is devoted in this place just to our judges. No wonder our country has a \$600 billion debt. In the last two years legislation regarding judges has been brought before the House three times.

• (1625)

One must wonder about the misplaced priorities. Maybe we should not be too surprised. Last June, eight months ago, the Minister of Justice stated that the young offender legislation was her top priority. We have not seen it yet.

The former minister of justice promised almost two years ago to bring in victims' rights legislation. This past summer the present Minister of Justice told Canadians that it was also one of her priorities. Victims are still waiting.

But the Liberals are certainly wasting no time in looking after the judges. Imagine.

I will now move on to the fourth issue. As I mentioned earlier, a definition within the legislation causes me some difficulty. It appears at the first clause of the bill. It amends section 2 of the act to include the definition for surviving spouse. What attracts my attention is that the definition of spouse is limited to a person of the opposite sex. It seems to me that this Liberal government has gone to great ends to foist the whole issue of same sex benefits onto Canadians, but it would appear as though this legislation creates an exception for judges. Regardless of one's personal opinion, I have to ask why there seems to be one rule for judges and another rule for the rest of us.

There is another reason to be concerned with legislation which proposes to give judges an increase in pay. Recent surveys have shown beyond a doubt that Canadians have lost confidence in the courts; not just the justice system, but the judiciary itself. That is extremely troubling. Canadians are telling us that they have no faith in judges to uphold the law.

There are those who will undoubtedly argue that people who say such things do not understand the system. There is that elitism showing through again. Certainly most citizens are unfamiliar with the intricacies and the vagaries of the justice system. My goodness, I know lawyers who become confused. What the public does understand, however, are dubious decisions which come from the bench, like decisions to sanction violent offenders by sending them home on conditional sentences. Even the Alberta court of appeal was extremely critical of some of their peers in this regard.

What about this one? A man suspected in the kidnapping and forcible confinement of two young women while fleeing from the police attacks a third woman, puts a plastic bag over her head and wraps a length of wire tightly around her neck. The judge ruled that this could not be viewed as an attempt to kill her. The man was eventually convicted of not only the initial offences but two murders in another province.

What Canadians also understand are outrageous comments from the bench, comments suggesting that a three-year old child was sexually provocative, implying that she was in part responsible for an assault against herself; comments suggesting that rape is acceptable in some cultures; comments implying that the sexual assault of three young girls by their teacher was not as serious as the "buggery of little boys".

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We know that most judges conduct themselves in an extremely responsible and thoughtful manner, but in this climate of public mistrust to grant our judiciary such a generous increase while other public servants receive nothing or a pittance at best merely invites more cynicism.

With that note, I will end my comments on this legislation.

[*Translation*]

**Mr. Jean-Guy Chrétien (Frontenac—Mégantic, BQ):** Mr. Speaker, in some ways I agree with my hon. colleague from the Reform Party, particularly on the issue of retroactive raises back to January 1, 1997.

To make a quick calculation, a supreme court justice earning \$148,000 and getting a 4.1% increase would end up with about \$6,000, or \$120 a week, more.

When I visited a sugar bush operation in my riding on Sunday, a group of women told me their average wage was \$240 for 37 hours. So the increase weekly to a justice would be about half of what these women are earning for 37.5 hours. Four per cent of their \$8 an hour makes 32 cents, but 4% of the justice's \$148,000 makes \$6,000.

I do not believe that at any time in the history of mankind, a superior court justice has resigned because he was underpaid. I personally have never seen such a thing.

• (1630)

Worse still, when the time comes for a judge to be appointed, nearly all of the lawyers belonging to the party in power call upon their MP, or the minister, or the Prime Minister to remind him "Keep me in mind, it ought to be my turn for a court appointment".

I have a question for my distinguished colleague in the Reform Party. In order to make the Canadian judiciary a little more transparent, should we not add a clause to Bill C-37, precisely so as to facilitate appointments, to make them more transparent and to move away for once from a type of patronage comparable to what happens, for instance, in Senate appointments?

[*English*]

**Mr. Chuck Cadman:** Mr. Speaker, what can I say? I mentioned in my speech that if the commission is to be appointed why do we not take a look to see if the commission could have something to do with reviewing or actually considering the appointments? Of course this would be subject to approval of the House. Whether the bill is the appropriate vehicle to put this clause into effect remains to be seen.

The way the whole process of appointments to the bench is now has left the public absolutely cynical. Again I say it is not an appropriate time to give judges a raise.

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I would just like to add that the 4.1% is compounded in the second year, so we are looking at 8.3% by the time we are finished, which is considerably more.

**Mr. Jim Abbott (Kootenay—Columbia, Ref.):** Mr. Speaker, last Friday an RCMP officer came into my constituency office. He was exceptionally upset over the whole issue of pay raises. There had been quite a discussion at the police station about the issue of pay raises and how long they had been delayed. He said there was a tremendous resentment over the fact that the raises were so very small: 2% retroactive to January 1, 1998; a second increment of 1% on April 1, 1998; and an additional .75% on April 1, 1998. Basically he was saying that this put him in a position of moving from \$50,508 up to \$52,423, but left him in approximately 11th position against all other police members throughout Canada.

Bearing in mind what my colleague has just said, effectively the bill would give the judges an 8.3% increase over a two year period. It creates greater disparity between those who are attempting to enforce the law, already having a serious morale problem because of their wages having been frozen for as long as they have been, with a very meagre increase and the judges, who in many cases do things that end up infuriating the police officers, with an 8.3% increase in a two year period.

I am sure the member would agree the disparity that is being proposed by the Liberals simply should not stand. It sets out the judges in this special case while Canada's finest, Canada's RCMP, is not going begging but is certainly getting the short end of the stick.

I am sure the member would agree that this will lead to further morale and attitude problems on the part of the members of the RCMP who serve the country so well.

**Mr. Chuck Cadman:** Yes, certainly, Mr. Speaker. I can speak from my own experience with RCMP members in my community of Surrey, which as I said is the largest in the country. There is a serious morale problem there. I know a lot of the members personally. They are very honourable people. They will not let it affect their ability to perform the function we ask them to do.

However, a real serious problem is the bleeding of experienced RCMP members into other police forces and other businesses which give them better rates of pay and a definitely less stress related job, not to mention usually nine to five hours.

Yes, there is definitely a morale problem now and I cannot see it getting anything but worse when they understand how much the judges are receiving as an increase.

• (1635)

**Mr. Rob Anders (Calgary West, Ref.):** Mr. Speaker, I issue a challenge to the member for Surrey North. If we were to take all the

televisions and the condoms provided to prisoners, if we were to take all the bleach provided for their needles, if we were to take the money used in terms of their right to sue in legal challenges, if we were to take the money allocated for prisoners to safeguard their "right to vote", and if we were to take the money the government is looking at currently spending in Bill C-37 with regard to raising the salaries of judges, how many extra police officers could we potentially hire?

I wonder if anyone has done a calculation. I do not think anyone would question the idea that money spent on hiring more police officers to enforce the laws and to go after criminals would be better spent than on bleach, condoms, right to sue, right to vote, TV and raising the salaries of judges.

**Mr. Chuck Cadman:** Mr. Speaker, I have to agree. I honestly do not know how many more police officers could be hired. I do not have a calculator handy.

It spreads into other areas. It is not just the question of salaries for the RCMP. I alluded to the ViCLAS system for tracking sex criminals, violent offenders and repeat offenders. I have seen this program demonstrated to be very useful. It cuts down the amount of time police spend investigating cases. There is a serious potential that it could go under because of lack of resources.

They should start getting their priorities straightened out on the other side of the House and decide where we have to spend the money for law enforcement.

**Mr. Philip Mayfield (Caribou—Chilcotin, Ref.):** Mr. Speaker, I would like to raise another side to this question. Rural communities like those in Caribou—Chilcotin often do without police services because there is no money for budgets in the larger detachments. I think of places with interesting names like Gold Bridge and Horsefly, but when there is a crisis in such communities it will be an hour or two hours minimum before policemen can respond after driving the distance to get there.

I have been watching the government cut its expenditures. The difficulty is that while frontline services are being cut senior bureaucrats and research people are finding more resources for their needs.

Does the member see a correlation between the increase in crime and the lack of necessary funds for policemen to meet this challenge?

**Mr. Chuck Cadman:** Mr. Speaker, I cannot say that I have seen a correlation because I have not actually seen the data. My gut instinct tells me that there would be if we do not have police on the streets to deal with some of the crime we are seeing, especially in rural parts of the country.

During my speech on Bill C-16 I alluded to the difficulties the RCMP had in remote parts of Canada. I know the Speaker likes to

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go to Whistler and knows how remote it can be up there. I go to a place that is even further outside Vancouver than Whistler. If the Pemberton RCMP need me they have to drive an hour up a logging road to get me.

There are some serious problems with policing in rural areas. Somebody had better get the idea straight as to where funds will be allotted.

[*Translation*]

**The Deputy Speaker:** 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 Nepean—Carleton—Sierra Leone; the hon. member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques—Employment Insurance.

• (1640)

[*English*]

**Mr. Garry Breitkreuz (Yorkton—Melville, Ref.):** Mr. Speaker, it is my duty at this time to rise and speak to the Judges Act, Bill C-37 at second reading.

I say that because I am representing my constituents. As they hear what is going on in this parliament, they are very concerned. They feel that the emphasis of the government is not on law enforcement as it should be. For example, in this act, as has always been the case, the government introduces amendments to an act of parliament which fall far short of the public's expectations.

This bill is objectionable not for what is in it but for what is not in it. That is of major concern to the people in my riding of Yorkton—Melville.

My constituents are more concerned about opening up the appointment process for judges. The more judges use the charter of rights and freedoms to strike down parliament's laws, the more people want to have a say in what their judges actually think.

The government could have used this opportunity to open up the judicial process. Right now it is an old boy's club with lawyers deciding behind closed doors who the best Liberal available is to get these plum patronage appointments to the judiciary.

I will oppose this bill on these grounds alone, even though there are a couple of positive aspects to this legislation.

The bill increases the number of appeal court judges from 10 to 13. Hopefully this will help to move more cases through the appeal process and help move them through more quickly. Likewise, the increase in the number of unified family court judges from 12 to 36 should help to deal with the huge backlog of family law cases.

There are a couple of positive things in here. Reform supports the use of family courts to resolve separation and custody disputes.

However, it is unfortunate that the divorce rate in Canada has soared to such proportions that we require so many more family court judges. Liberalized divorce laws should be fixed first.

Unfortunately Bill C-37 also increases judges' salaries retroactively from April 1, 1997 to March 31, 1998 by 4.1% and an additional 4.1% from April 1, 1998 to March 31, 1999. Thereafter salaries will be reviewed by the newly created judicial compensation and benefits commission. In other words, judges will get an 8.3% increase over two years.

As I understand it, judges are already making approximately \$140,000 per year. How many other public servants receive pay raises of 8.3% in a two year period?

This government awards judges and senior bureaucrats, including their own ministers, with large pay raises and bonuses while, comparatively, frontline police officers and low level public servants receive virtually no additional compensation.

Last Friday, March 27, 1998, RCMP officers secured a pay raise of 2% retroactive to January 1, 1998. They will receive a second increment of 1% on April 1, 1998 and an additional 0.75% on October 1, 1998.

RCMP officers have had their wages frozen for five years. The starting salary for a third year constable will go from about \$50,508 to \$52,423. This sends a clear message to the public that this government cares more about judges than it does about the frontline police officers who risk their lives to protect Canadians in service to their communities.

That is the key point. These people are frontline. They put their lives on the line to protect us. They need the support of those judges but we need to properly compensate them. That should be our first priority.

• (1645)

Add this insult to the decisions by the government not to allow the amendments the police recommended to the DNA act. Add this insult to the government's ongoing expenditure of hundreds of millions on a universal gun registration which frontline police officers universally oppose. The Canadian Police Association even says register criminals before guns. That is where our priorities should be.

Police get a slap in the face with a pay raise that does not compare to what judges will receive and the government also fails to give them the tools they need to do their job of improving public safety and saving lives. How many Canadian workers receive retroactive pay raises as the judges will receive? Public servants, especially judges, should only be given salary increases in keeping with the average Canadian wage earner.

This bill also establishes the judicial compensation and benefits commission to inquire into the adequacy of the salaries and

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benefits for judges. The creation of the judicial compensation and benefits commission provides the federal government with yet another opportunity to make patronage appointments. The Reform Party wants to reform the patronage appointment process to make it more transparent and publicly accountable. Meanwhile the Liberals create more opportunities to make patronage appointments. That is going backwards. That is not the direction things should be heading in this country.

These new patronage appointees will hold office for a term of four years and are eligible to be reappointed for one further term. Fees for commission members will be fixed by the governor in council. Members are deemed to be employed in the public service of Canada. The commission may also engage the services of any person necessary for proper conduct of the commission begging the question just how much will this commission cost taxpayers. We need to know before we go any further with this legislation.

This is the third time the Liberals have amended the Judges Act. During the last Parliament in 1996 Bill C-2 and Bill C-42 were introduced, both nebulous, inconsequential, fuzzy pieces of legislation which were of little significance to Canadians who are concerned about their safety. Canadians want violent crime to be curbed. They do not want more of these judicial review types of legislation.

Both Liberal justice ministers have failed to introduce the victims bill of rights which has taken low priority on the justice committee's agenda. They failed to substantially amend the Young Offenders Act. They have failed to limit the use of conditional sentences for violent offenders. Instead they occupy the justice committee's time with these administrative matters at the expense of more important issues such as amending the laws pertaining to drinking and driving.

It is time that this government got its priorities straight. The people know what is important. This bill proves the government does not. This bill does not contain what it should and therefore I do not support it.

[*Translation*]

**Mr. Yves Rocheleau (Trois-Rivières, BQ):** Mr. Speaker, I would simply like to ask my colleague a question.

We know about the difficulties raised by the very sensitive issue of salary increases, whether for MPs or judges. This raises all sorts of questions with the public, perhaps legitimately so.

Does he think that the Government of Canada could once again follow the lead of the Government of Quebec? A few years back, the Quebec government decided to use the equivalent of a job category in the civil service. It was decided that all those with sensitive positions, such as MNAs or judges, would receive the same increase as that arrived at more objectively, through negotiations between the employer, the Government of Quebec in this

case, and government union representatives. This gives the whole proceeding an objective character.

What would the member think if such a procedure were to be used here in the Government of Canada?

• (1650)

[*English*]

**Mr. Garry Breitkreuz:** Mr. Speaker, of course I do not know all the details of what the process is in Quebec.

The point that I am trying to make is that the people of Canada should have more direct input into what is happening in the judiciary. They have the right to determine who those judges are. They should not be patronage appointments. They have the right to determine what those people are paid. The people of Canada are fair. They are the ones who should be determining what is happening here, not us as parliamentarians, especially the government using this as patronage appointments. I think I have made my point abundantly clear.

**Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.):** Mr. Speaker, there are a couple of points I would like to make by way of comments.

I am thinking in particular of one judgment I read recently, *Delgamuukw*, in which the justices referred not to legal precedents but to the literature from the law schools on which at least their judgment was based in part. This means there is a divergence from the tradition of consolidating the law, referring to the law and using the law as the basis on which to build judgments. I am concerned about that.

The second point I wish to raise comes out of today's *Ottawa Citizen* which has a headline: "Judge scolds greedy lawyers". Mr. Justice Frank Iacobucci of the Supreme Court of Canada has said that many lawyers are rapidly losing sight of their obligations to the public and to the pursuit of justice.

I am wondering if the influence of these lawyers who have lost this sight is also being lost on the courts. Mr. Justice Iacobucci, to his credit, says that lawyers are not merchants of legal services but members of a calling dedicated to helping clients and improving society generally. But he is concerned that there is a clear tendency for a lawyer to be a hired gun, as he says, in the promotion of the client's cause rather than an active and constructive participant in the course of justice.

These two points cause me concern which I add to the debate. I would like to ask my hon. colleague if he sees any relationship between the justices, their influence by the law schools, by the lawyers of the community of which they are a part and if this is part of the reason that these justices are being given these pay raises that perhaps other frontline bureaucrats and government workers are not entitled to.



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**Mr. Garry Breitkreuz:** Mr. Speaker, the member makes an excellent point. I can only underline and underscore the importance of that point.

If we do not have a judiciary that is at arm's length to Parliament it will begin to become political and will be influenced by its political masters. That should not happen.

With regard to the law schools and the influence they are having on the judiciary, that is becoming more and more commonplace. People have made predictions as to the decisions that will be coming down from the supreme court simply by reading the literature that is coming out of the law schools. The judges are reading that literature, the commentary and the political correctness that is often associated with it, rather than looking at the merits of the case.

We need judges who are not political. We need judges who are carrying out the will of the people in this country, who are concerned first and foremost with justice. That is I think the point that the member was making and I agree with him.

**Mr. Rob Anders (Calgary West, Ref.):** Mr. Speaker, I would like to change the nature of the question that I posed before because I have new information that I would like to add to it.

If we were to take the costs of colour cable TV, free condoms, free bleach for needles, the right to sue and legal costs involved, the right to vote and the administrative and logistical costs involved, gun registration and the cost of patronage appointees the Liberals have put on the parole board, just those costs alone, would we not be able to spend more money on hiring more officers or more judges without the increased raises to get rid of the backlog in the courts?

• (1655)

**Mr. Garry Breitkreuz:** Mr. Speaker, I suppose I could add to the list, the list of condoms, voting privileges, gun registration and all of the associated costs. I could add the costs of the golf courses, the pool tables, the cable TV and I would be asking the government the very same that this member is asking me. Would it not be better to put that money into law enforcement, putting police on the street where they are going to do a lot more good than to put it into what this government is putting it into? That is the point that needs to be made over and over.

I worked on that gun registration issue a long time. I examined it very thoroughly and if we look at the hundreds of millions of dollars being wasted in setting up a huge bureaucracy that will not make our lives any safer we would be asking the question why is that money not going into hiring more police. I think this needs to

be debated. I see the government unfortunately avoiding this debate.

**Mr. Peter Stoffer (Sackville—Eastern Shore, NDP):** Mr. Speaker, I listen very intently when Reform talks about more enforcement on the streets in order to make our streets safer. I certainly do not want to debate that aspect with him but last night *60 Minutes* had a very good show on about enforcement and what to do with young people and young offenders when they are behind the system.

I keep hearing the hon. member say that more money should be spent on enforcement but would he not believe, or would he not be at least corrected, that actually more enforcement is just sort of the other approach to it and really more resources should be put into the education of young people so that they do not commit these crimes to which he is referring?

**Mr. Garry Breitkreuz:** Madam Speaker, I appreciate the member broadening the picture. I do not agree necessarily that more education is going to be the answer. We have already made suggestions. In addition to putting more police on the street, we should not be hurting the family with legislation that is coming before this House and especially with taxation that is forcing both parents to work and allowing children to virtually fend for themselves.

There is a lot more to the problem and I am glad the member has broadened this whole justice issue. Yes, more police on the street would help but there are many other things that would help reduce the rate of crime in our country.

We need to strengthen our families first. That will do much more than trying to impose maybe some kind of an educational scheme on the whole country that does not fit. I think we need to discuss this a lot more and I thank the member for raising it.

**Mr. Howard Hilstrom (Selkirk—Interlake, Ref.):** Madam Speaker, I am pleased to speak on Bill C-37. It deals with the salary and the annuity benefits for our judges along with establishing a judicial benefits and compensation commission. It also authorizes additional appeal court and unified family court judges.

I believe that judges should get a raise and that the increases in the number of judges are probably justified according to the government's recommendations. We cannot always believe all the statistics, as was recently seen in the firearms act trial in Edmonton. However I will believe them this time that we could use more family court judges.

• (1700)

A government's legislative actions should always reflect a consistent and fair approach to everyone in the public sector. I

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agree that judges' pay should be set by an independent council. However their salaries are the ultimate responsibility of Parliament. The setting of salaries can be delegated by the government but once again ultimate responsibility and accountability rests with the government.

I find it hard to support this bill because judges are getting a much larger raise than those employees on the lower rungs of the public service who make \$30,000 a year. Public service employees will get maybe a 2% raise which is around \$600 on \$30,000. Previous governments have taken and the current federal Liberal government takes a very extremist view on these kinds of issues. They prefer to take care of the higher echelons and forget the little people who are trying to get pay equity and a better raise to feed their families.

The independent pay council is of concern to me. I refer to it as independent but I do not think that is quite the word when I look at its make-up. The council should be made up of more middle income people who could better reflect what the average person sees is a justifiable salary for judges. They would be more inclined to give raises in keeping with what the rest of society is collecting.

I am not talking about the gross amount paid. Certainly judges have a very responsible job in society. A salary in the \$140,000 range is very acceptable. It is the times that count. It is the percentage of the raise that the average person gets compared to the percentage of the raise that those in the upper strata of society get that is the problem. I will probably get a question later on about members of Parliament on that issue and I feel the same way about members of Parliament. We should not be setting ourselves above the average person who is struggling to make a living in Canada today.

Let us look at the judicial compensation and benefits commission. Under section 26.1(1), one person will be nominated by the judiciary, one person will be nominated by the Minister of Justice and one chairperson will be nominated by the first two nominees. If any member can convince me that is going to be an independent committee, I would like to have a long discussion with that member.

In addition we certainly do not need to appoint five people to sit on a committee to decide compensation. Three is plenty. They are certainly going to be well compensated so costs will go up the more people we have on the committee.

Where is the independence and fairness of this judicial compensation and benefits commission? As was pointed out, it really is not. As I said before, the patronage and payment of higher increases are more extremism on the part of the Liberals. They take care of their own and to heck with the little guy.

Once again I agree that judges should get their raise. The salaries of the commissioners who will sit on the independent pay commis-

sion, as I like to think of it, should not exceed \$60,000 to \$80,000. They too must understand what the average person is trying to get by on.

• (1705)

The question of how the other two members could be appointed was dealt with a little bit by a Progressive Conservative member. A case could be made for having one judge on this board to reflect the judges' view. Maybe the government would even look at having the official opposition and maybe the second largest opposition party appoint the other two. We might see a little independence there.

I will comment on the surviving spouse situation. In the annuity section, section 44(4) it is stated under subsection (5):

No annuity shall be granted under this section to the surviving spouse of a judge unless the surviving spouse

(a) married the judge before the judge ceased to hold office; or

(b) commenced cohabiting with the judge in a conjugal relationship before the judge ceased to hold office.

There are a couple of good things. It will address these gold-digger marriages that happen to come along after the judge is out of office. Also, in the definition under subsection (2), the surviving spouse has to have cohabited or have been married for a minimum of one year before the judge's death. That is a good part of the bill. The surviving spouse definition confirms what is the law in Canada today, that a spouse is a person of the opposite sex and then it goes on to cohabitation.

The total salary for all of the increases in the number of judges will have a significant impact on our judicial system. I have made rough figures which indicate that the added judges will bring the total salary compensation up into the \$5.5 million range associated with all the other expenses in setting up the courts.

Justice is certainly not cheap. We do not want to try to get by on a real cheap court system but we do want to keep it reasonable. Salaries, particularly raises, should be in keeping with what the average Canadian gets.

In conclusion, the government may want to consider the suggestions I had for this bill before it pushes the bill through.

The government should amend the section dealing with appointment of members to the commission and to try to eliminate the patronage that will be going on.

The second amendment is to try to have the salary increases more in keeping with public sector pay raises. Fairness is really important. In court the judges tell us that not only does justice have to be done but it has to be seen to be done. I think a lot of people would say that a \$600 raise for a person at the low end and a \$5,000 raise for the person at the high end in the salary scheme of things is not fair. The government should not be reflecting that type of unfairness to Canadians.

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**Mr. Rob Anders (Calgary West, Ref.):** Madam Speaker, I was wondering if my colleague would like the opportunity to comment on the lack of priorities the government has had with regard to Bill C-37.

• (1710)

In this bill the Liberal government is raising judges salaries. Yet day after day, week after week, month after month, year after year, the justice minister has been asked when we will be seeing changes to the Young Offenders Act.

Bill C-67 which raises the wages of our judges takes higher priority and comes before making serious changes to the Young Offenders Act. Not only do we see it before changes to the Young Offenders Act, but we see it before changes to section 745, the faint hope clause. There is also a backlog in our court system. If there is a backlog in our court system, surely the money would have been better allocated to hire more judges to take care of the backlog rather than to pay the judges more money.

I wonder if the hon. member would like to comment on the lack of priorities of the Liberal government on criminal justice.

**Mr. Howard Hilstrom:** Madam Speaker, I am always pleased to continue on with the facts on a bill and the fact that the government tends to waste a lot of money and does not have its priorities straight.

In addition to the issues my hon. friend raised, we also have a serious street gang problem. There is organized crime. Pedophiles are out on the streets. Some jails are filled to overflowing. Priorities are all around this government and it fails to recognize them.

In the last Parliament the government had the great idea of bringing in useless Bill C-68, the firearms act. It spent millions and probably billions in the end. We are going to need all these judges plus a few hundred more in order to handle the court cases that will come from that.

When the government gets the priorities wrong, it has a snowball effect all the way down. It ruins a lot of good things in society which could have benefited by the government setting its priorities properly.

I agree. The government should set its priorities better. It should spend the money better. Let us get on with making Canada a better place.

**Mr. Chuck Cadman (Surrey North, Ref.):** Madam Speaker, when I spoke to Bill C-37, I was asked a question concerning the morale within the RCMP when its members see judges getting this kind of an increase. The RCMP is just coming out from under a five year wage freeze and has received a pittance compared to the judges.

My hon. colleague is a former member of the RCMP. I would like to get his views as to what he feels this will do the morale of the Royal Canadian Mounted Police and to the constables out on patrol. How is this going to affect them? My experience is that they will do their jobs and they will do them well but it certainly does not bode well for their morale.

**Mr. Howard Hilstrom:** Madam Speaker, I lived through that personally. Over those six years I did see the morale of the people working for me decline seriously. It will recover a little bit now.

It is not only the serving uniformed members that cause a drop in the policing on our streets. The government is failing to take care of the non-uniformed people, the public servants who still have not had a raise. These are the people with the lower salaries I was talking about earlier. Their poor morale reflects up to the members. The members' poor morale reflects to the general public. There are more complaints against the members. Everything the government should have done it did not do over the past two or three years and now we are in the situation of trying to fix everything.

There is no real change in the government's attitude. It is still one of keeping the rich and elite happy and letting the little guys fight for themselves.

**Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.):** Madam Speaker, I would like to thank my hon. colleague for his fine intervention and for bringing his expertise to the House today on this important bill.

He is a former RCMP officer. I am sure he has a lot of experience with arresting individuals, sending them to court, going through the legal process and then finding out that some members of the judicial community rather than interpreting the laws, have decided to make the laws. They have set precedents in a number of areas which have made it very difficult for the police officers to do their job.

• (1715)

In fact they have turned the judicial system to some extent on its head. That is not what they were there for in the first place. The role of the judiciary is to interpret the laws made by the House of Commons and we as the representatives of the people have that duty.

I would like to know from my hon. colleague in his experience whether he agrees with that assessment. Does he agree that the judiciary rather than interpreting the laws is making the laws? Does the hon. member see that the House can play a role in trying to turn that around? I would also like him to address the issue of accountability.

There has been a number of egregious statements made by judges. They have put forth penalties that seemed completely out of proportion to the offence committed. In the last few years particularly there have been rape cases where individuals basically

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got off scot-free for committing some heinous crimes. I would like my hon. colleague who has experience in these matters to address these two issues.

**Mr. Howard Hilstrom:** Madam Speaker, certainly there have been some examples of this kind of decision making by judges that has adversely affected law enforcement.

One of the most recent examples was the requirement for police officers to obtain a warrant to arrest someone they knew had committed a crime. The officers would approach the house and see the offender's car parked there. They would go to the door and his boots and hat would be sitting inside. His wife would be there and they would see the bathroom door closed. The officers knew the suspect was there but could not go inside to arrest him. They had to try to get a warrant and come back later. Of course when they returned he was gone.

The judges making decisions that result in new law is a serious concern. We have seen a couple examples recently where provincial government justice ministers were talking about the primacy of parliament being usurped by the courts. In fact, they are being pressured so heavily and so badly that they are considering using the notwithstanding clause of the constitution in order to have some control over judges.

Judges have to be independent. However, parliament is the rule of law of the land and judges come under parliament. It seems like parliament is becoming second place, which forces us into the use of a club, the notwithstanding clause, to swat a little mosquito.

The comments I am making regarding the accountability of judges are that while they are independent they must be accountable to someone. They cannot be a law unto themselves. If things continue the way they apparently have over the past years, eventually parliament will have to come up with a radical surgical solution to correct the situation.

**Mrs. Diane Ablonczy (Calgary—Nose Hill, Ref.):** Madam Speaker, for those watching the debate—and some may just have joined us on CPAC—I say that we are debating Bill C-37, an act to amend the Judges Act. This is the third time the Liberal government has changed the Judges Act. We hope one day they will get it right. They certainly keep flailing away at it.

This series of amendments does four things. First, it increases the salaries of judges. Second, it provides a better pension plan for judges. Third, it puts a full time commission in place to monitor judicial benefits. Fourth, it provides authority to pay some additional judges in particular areas of the system.

• (1720)

Those are the four things this bill provides. Canadians who are watching the debate will be interested, because guess who gets to pay for the measures brought in by the government. Some mea-

asures Canadians are willing to pay for. Other measures we as Canadians question whether they are a good use of our hard earned money.

I will give some detail on each of the four measures. First, judges' salaries will increase by just over 8%, which is an increase many Canadians wish they could look forward to. The increase is retroactive for a whole year. That is a nice bonus.

The second measure concerns making the judges' pension plan more generous. Currently a judge can draw a full pension at age 65 after a minimum of 15 years of service. The full pension is equal to two-thirds of the judge's salary at the time of resignation. The new changes will allow judges to retire much earlier. Retirement will not be based on the age of 65 but on an 80 formula, that is the judge's age plus the judge's years of service. If they equal 80, the judge can retire with a full pension.

It should be noted that the public service formula is based on 85 years. There is a more generous formula by five years than public servants are allowed. If a judge is age 60 and has been a judge for 20 years, the individual can retire at age 60 with a full pension. If the judge has served for 25 years, the judge could retire with a full pension at age 55. This is a very generous pension formula for judges.

The third measure is the matter of the full time judicial benefits and compensation commission. It has not been in the past but now will be a full time commission of three people doing nothing but monitoring judges' salaries and compensation. I am not quite sure how many hours a week the commission will require, but I am sure many Canadians would be quite happy to have a full time job serving on a commission that just looks at judicial compensation and benefits.

It is interesting these commissioners are all patronage appointments by cabinet, more patronage appointments to good and faithful Liberals, no doubt, if past experience is anything to go by. It will be a four year appointment.

The fees for the commission will be fixed by cabinet and the commission members will be deemed to be employed in the public service, which means they will be eligible for a generous package of benefits and a pension.

The commission has to report within nine months of being appointed, but the report will not be debated in the House. Whatever the commissioners say Canadians will not know because the report will be tabled quietly. There will be no opportunity to take issue with it, debate it or talk about it, even in the people's House of Commons as we are doing today.

The fourth measure is the authority to pay additional judges. The act increases the number of additional appeal court judges that can be appointed to appeal courts across the provinces from 10 to 13. The federal government has essentially said that it will pay for

three more appeal court judges if a province can convince it that it needs one or more. If all ten provinces and two territories want additional appeal court judges, there will be quite a dust up as to who comes out on top.

• (1725)

It is the same with unified family court judges. There will actually be triple the number of unified family court judges possible across the country. Right now there are 12. The federal government is saying that it would pay 36. There will be no additional judges, however, to other levels of the judiciary such as Queen's bench and the provincial courts which administer the Criminal Code.

I will talk in a few minutes particularly about the provincial court level which administers the Criminal Code. That is where a lot of the backlog exists and where there needs to be substantial reform.

We have a situation where the justice committee's time has been considerably taken up in administrative matters to do with the judiciary. That is not to say that there may not be a need for some of it, but certainly Canadians do not have reform of judge's pay and pensions at the top of their list when it comes to justice reform.

In fact the new justice minister, although she spoke nicely at the beginning of her appointment after the last election, has come out with no strength of purpose in overhauling the justice system. She has simply flailed around, tinkering with small repair jobs and avoiding the major overhauls that Canadians are demanding to our sputtering justice system. That is a criticism we as the official opposition with the job of holding the government accountable need to bring before the government.

Why are we spending our time, our effort, our air time, our study, our committee time and the time of the Canadian people on issues that are not the ones which Canadian people are demanding need to be dealt with when it comes to the justice system?

Canadians, for example, want victims' rights to be protected. What does the minister spend time on? In this parliament we had a law that limits the use of DNA evidence to protect the rights of accused and convicted criminals. Far from protecting victims' rights, which is what the public is demanding, particularly families and friends of victims and victims themselves, we have a government that has spent time in parliament making sure that the rights of the accused and convicted criminals are not infringed too heavily by the taking of DNA evidence. That is the kind of perverse priority of the government.

Then we have Canadians saying that they want laws that effectively deter youth crime. That is important to them. The Young Offenders Act gives a slap on the wrist and almost encourages youth crime because the consequences are so lenient.

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Yet, what does the government spend its time on? As my colleague who was with the RCMP before taking his seat in parliament just said, we have spent time in parliament with a law that would force law enforcement officers to break off attempts to find suspects to obtain a search warrant to enter a building. At that time anyone but the most inept of criminals would be long gone.

Canadians are asking for measures that deter crime. Parliament in response spends time on laws that will protect criminals to make sure they are not too easily caught. We would not want to actually bring a lawbreaker too easily to justice.

Sometimes we wonder why Canadians put up with this nonsense. Canadians are asking for a bold new package of ideas to substantially reduce delays and costs in the legal system. I will talk in a minute about delays in the legal system.

What does the minister do in response to this demand by Canadians? She beavers away on a bill to expand a tiny corner of evidentiary procedure when it comes to disabled people. That is her big contribution to addressing the delays and costs of the legal system. That is what the justice committee has been asked to spend time on.

• (1730)

Canadians want to reverse the shocking leniency of sentences that are handed down by our courts even for serious violent crimes, for example, drunk driving and some of the light sentences for incredible violations and assaults on our citizens due to conditional sentencing. Canadians are saying enough already.

What does the minister do? Her best shot is to introduce this bill to appoint a few more judges, not of course in the criminal area but in the appeal area and the family court area, and to promise more money for judges.

Does this sound like the acts of a competent, responsive justice minister? My answer is absolutely not. Here we are nearly a year into the mandate of a government and the best this government has been able to do is practically the exact opposite on handling the four greatest concerns of the Canadian people.

What did the minister promise when she took on the job? What was her promise? Was it to appoint a few more judges, pay them more and give them better pensions? I did not hear any of that. I am pretty sure Canadians did not hear that either. Did the new justice minister say she will make sure that before a police officer goes after a suspected criminal following the commission of a crime that they go back to a judge and get a search warrant, lest they catch up with this person too quickly? Did anyone hear the justice minister say that after she was appointed? I did not hear that.

Here is what she did say: "Improving the Young Offenders Act is one of my top priorities". Oh really, her top priority. Here we are months and months from the appointment of this minister who, by the way, had the benefit of a full two years of study of the Young

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Offenders Act by the justice committee which had just been finished prior to the election. All the study had been done.

The justice committee travelled across the country, spoke with Canadians from top to bottom of this country, from law enforcement officers, to the judiciary, to regular citizens, to high school students, for two years studying the Young Offenders Act, helping the justice minister to carry out her top priority, to improve the Young Offenders Act. Here we are nearly a year later without one single line of legislation to carry out the justice minister's supposed top priority.

Instead we are spending hours of debate in this House and in committee talking about whether we need a few more judges and if we should pay them more.

Something is far wrong with the mandate of this government and a justice minister who can change priorities to such a sad extent. The record speaks for itself. As I have said, I believe the priorities that have been carried out are bending over backwards to protect the rights of accused, convicted and fleeing criminals and expanding the operations of and rewards to a justice system many Canadians describe as ineffective, inefficient and out of touch.

There has been time for four bills to do that but no time to put even one line of legislation before this House to deal seriously with the glaring flaws in a justice system which has repeatedly failed law abiding Canadians when it comes to protecting their safety and their right to security.

I would like to take a couple of minutes to talk about what is causing so much frustration and unnecessary pain to regular Canadians. That is the case of my constituents, Mr. and Mrs. Gilles Deraiche.

• (1735)

Mr. and Mrs. Deraiche now live in Calgary and have given me permission to talk about their situation. They lived in Ottawa not too long ago. In September 1996 their son was viciously murdered in Ottawa. Since that time it took seven months to hold a preliminary hearing. One could imagine the agony of these parents who wanted justice and closure on this terrible family tragedy. They had to wait seven months for the preliminary hearing to find out if there was enough evidence to hold a trial. Following that it took five months to schedule an examination for discovery. Eight months after that a trial date is scheduled.

Twenty months are going to pass before there will be a trial to bring this personal loss to any kind of closure. My constituents have been treated as if they have no right and no interest in this entire proceedings. When they called the prosecutor's office in Ottawa they were advised it was the responsibility of the police to give them information. When they called the police they were

advised it was not the police's responsibility to advise them of what was going on. The police also told them that sometimes they do not even know what is going on.

When they call for information they must always state the names of the individuals who were accused of their son's murder, thus putting the emphasis on those who created such tragedy in their lives. This is very painful for them.

They were advised of the trial date of their son's murder by relatives in Ottawa who read about it in the Ottawa newspaper. These are the parents of a murdered son. That is the way our justice system works for Canadians. Canadians are told it is really important that we pay judges more and that they have better pensions. Maybe it is, but that is not how Mr. and Mrs. Deraiche feel. Their situation will not be helped at all by this act because it appoints judges in a totally different area.

In B.C. 40,000 criminals are awaiting trial. This has forced the B.C. attorney general to request an amendment which would allow a longer period of time for bringing a criminal to trial before the case is thrown out of court. Under our charter the criminal is entitled to a timely trial. If the system is backlogged and the criminal does not get a timely trial he or she walks free.

It is necessary to spend time in this Parliament to address some of the changes being demanded for our legal and justice system. The priorities of this government are completely wrong. I appeal to the government to put the tinkering administrative matters on the back burner and get on with the real job we were elected to do, provide safety and security for Canadians and their families.

[*Translation*]

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Madam Speaker, I listened attentively to the member's remarks. While I do not necessarily share all her opinions, including those on the Young Offenders Act and the severity of sentences imposed by the courts, on the whole, as regards Bill C-37, we are not far apart in our understanding of it and on the government's obligations regarding decisions by the Supreme Court.

• (1740)

On September 18, 1997, the Supreme Court of Canada handed down an important decision. It is the reason we have Bill C-37 before us now. I will quote a passage from the decision I consider very important, and then I will ask her a question.

The justices said the following "However, to avoid the possibility of, or the appearance of, political interference through economic manipulation, a body, such as a commission, must be interposed between the judiciary and the other branches of government. The constitutional function of this body would be to depoliticize the

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process of determining changes to or freezes in judicial remuneration”.

My question to the member is quite simple, and I am sure she shares my position on this. Could she tell us what she thinks, in the light of the statement by the Supreme Court justices, of the way judges are appointed to the Supreme Court, to federal courts and to superior courts? Does she not believe that, if we are to depoliticize the process and prevent all economic manipulation, there has to be a commission?

Would it not be more natural or better if the government opposite introduced a bill to set up a sort of committee, commission or whatever for the appointment of justices? Would this serve to prevent all political interference, all political manipulation, as it was put by a certain lawyer with a high international profile in the Supreme Court reference?

Would justice not be better served if the government listened to the arguments put forward by the opposition on a number of occasions? I think the Reform Party also has a platform or arguments on the appointment of judges to superior courts under federal jurisdiction.

[*English*]

**Mrs. Diane Ablonczy:** Mr. Speaker, I think a lot of Canadians found it rather shocking to suppose, if I understand the case, that unless judges are paid more they could be open to bribery. Therefore their integrity may be for sale unless the government pays them more. I find that to be a tremendous insult to the many fine people we have on the bench.

If we extend that argument we could say that law enforcement officers, members of Parliament and legislators should be paid a lot more for the same reason. I think the whole premise behind that judgment was certainly very flawed and suspect in its assessment of the character of our judiciary.

However, the member did ask me about the way judges are appointed and whether that could be improved. I certainly agree with him, as do most Canadians, that simply basing appointments to the bench on patronage, past faithful service to a particular party is very undesirable.

I remember how naive I was in law school. Some days I think I still am but I was more so then. We had a visiting judge. I asked him afterwards how one became a judge. I know that really sounds naive but I was quite curious. He laughed and said most people would say it depends on belonging to the right political party. Surely we can do a lot better than that in this country.

The Reform Party wants to reform this patronage appointment process to make it a lot more transparent and publicly accountable. We formed a task force which made recommendations in a report to our national assembly in Vancouver in 1996.

• (1745 )

What the Reform task force recommended was an appointment process whereby a Commons committee made up of the elected representatives of the people would review and interview candidates whose names were put forward for judicial appointments. We felt this would open up the process a great deal and ensure that it was not simply done in the back rooms of the PMO, by whomever was handling the patronage appointments of the day.

We need to push very vigorously for this kind of reform to restore trust and confidence in the judicial system and in its integrity and objectiveness.

**Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.):** Mr. Speaker, I would like to ask a question of my hon. colleague from Calgary—Nose Hill, who is a lawyer and who has brought her expertise on legal matters to this party which has been greatly appreciated.

In the beginning of her speech she mentioned that the justice system has ground to a halt. She brought forth a heart-wrenching example. This is a situation that we are faced with across the country. Justice is being delayed. Justice delayed is justice denied. If we want to make sure that justice is done, it has to be done in an expeditious fashion.

The problem is that the government has failed to adopt any of the constructive solutions that have been put forth to ensure that we have an expeditious criminal justice system so that people who are arrested get a fair trial in a timely fashion, in a reasonable timeframe. The system right now does not provide for that.

I ask my colleague from Calgary—Nose Hill whether she can provide to the House some constructive solutions that the government can adopt to ensure that individuals who are in our criminal justice system will go through the system in an expeditious and fair fashion.

**Mrs. Diane Ablonczy:** Mr. Speaker, I am sure the House would like a long dissertation on this subject and I would be happy to provide one. However, I will limit my comments to just a minute or two.

There is a lot of frustration over the length of time it takes a lot of these cases to be dragged through the courts, not just on the criminal side but also on the civil side. When this matter was studied, and it has been studied to death by the Canadian Bar Association, by the trial lawyers association and by various task forces, one of the main recommendations was to change some of the rules of courts to limit the grounds upon which adjournments can be granted and to ensure that there are specific timeframes given within which steps in a case must go forward.

Some of my colleagues who have dealt with the justice system or who are lawyers themselves will know that adjournments are

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routinely granted for almost any reason. This can happen even though people have taken time off work to appear as witnesses in support of a plaintiff or the accused. All of a sudden, in two seconds, someone stands and says "I am asking for an adjournment" and it is off the docket until another time. This is very frustrating and very inconvenient.

That would be one simple way to bring things forward. There are a number of recommendations along that line. Perhaps I will get to them at another time. I believe that is enough said on the subject, except to add that this is an enormous frustration not only for the constituents who I just spoke about, but for literally thousands and thousands of Canadians who have to deal with the justice system.

If the government were going to be responsive to the wishes of Canadians, then it would do a lot to move in that direction instead of dealing with some of these other matters that we have talked about today.

• (1750)

**Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.):** Mr. Speaker, it is a pleasure to speak to Bill C-37. This bill seeks to amend the Judges Act, something which the government has put forth on a number of occasions. I will go through this bill briefly and provide some constructive solutions for the government so it can truly make meaningful amendments to this act.

The primary purpose of the bill is to increase the pay of federally appointed judges. They will receive a 4% increase both for 1997-98 and for 1998-99. Their salaries have been frozen like those of the rest of us for several years. That is a fact of life, given our fiscal restrictions. No one has any complaints about that. Our judges should be paid fairly. No one has problems with that.

Let us take a look at what the judges make here and what they make in the United States.

What are the yearly salaries for judges of the Supreme Court of Canada? The chief justice makes \$163,800. The yearly salaries of judges of the federal court are as follows: the chief justice of the federal court makes \$139,700, an associate chief justice makes \$139,700, the 13 other judges of the trial division each make \$127,700. As I said before, no one has a problem paying for competence.

Now let us look at what judges make in the United States. I will look at the salary reports in the U.S. as of January 1, 1997. The average salary of associate judges of the highest courts was \$101,782. For intermediate appellate courts the average was \$100,400, and for judges of general jurisdiction of trial courts the average was \$91,000.

To put this in perspective, we can see that our judges make roughly one-third more than judges in the United States who have a relatively equivalent stature.

While the judges are receiving an 8% increase in their salaries, the people in our military are receiving 1.5%. There is no equity. As well, the proposals for MPs' salaries were much higher than what anybody else in the private sector would get. All we are asking for is some fairness and equity for people across this country who are being paid, in effect, by the taxpayer. In other words, one group should not get much more than other groups.

There are enormous opportunities for the government to really deal with this issue. I just returned from the United States. They have done some innovative things in California to put accountability back into the judicial system. They elect their judges, instead of appointing them. Competence is ensured through the electoral system. I will illustrate how they do this in California in the hope that the government will adopt it so we can elect judges in our country.

In California they use one election system for trial court judges and another for appellate court judges. The judges serve six-year terms and they compete in a non-partisan election. That is important. It has nothing to do with politics. It is a non-partisan election in which individuals run on what they will offer and on what they have done as judges. Anyone who gets more than 50% of the vote is declared elected.

The justices of the supreme court serve 12-year terms and are on the ballot in November every four years. There is a revolving door, with one-third of the judges being on the election ballot every four years.

Individuals from the public who will be putting their ballots forward can get information on the judicial candidates in a number of ways. They can read the local newspapers which cover the judges. They can call the county bar association. They can read the candidate's own campaign literature and evaluate the campaign literature of the judges themselves. This way the public can evaluate the judges based on what they are going to offer in the position. Again, they will be evaluated on the basis of merit.

• (1755)

There was a supreme court judge in California who tried to overturn this. The judge tried to strip the ability of citizens to have the power to decide whether an individual should run as a judge. Every state in the United States has a system of election and all but one, Rhode Island, has a term system of six, eight or twelve years. It does not extend for life.

Any enlightened court system has to blend executive appointments with public votes. It is probably the most sensitive way of ensuring that our judicial system is non-partisan, has merit and ensures that the people are the ones who are going to judge the people who are going to judge them if they come into a court of law.



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I would ask the government to consider the suggestion of an elected judiciary. I urge the government to look at the California system. The California system also has the ability to review the behaviour of judges.

Not so long ago there were a number of court rulings that had members of the public shaking their heads. There was a man who was charged and convicted of sexually assaulting a five-year old girl. The judge gave this person an extraordinarily low penalty. His argument was that the five-year old girl was being sexually provocative by sitting on the man's lap and rubbing herself up and down on him. Five-year olds do not think that way. This was a judgment that was beyond comprehension and it let somebody who had committed a foul, egregious crime out onto the streets to probably do it again. Where was the accountability? It simply did not exist.

Competence and a continual review process has to be in place. In California they have a system whereby a judge can be reviewed when his or her behaviour has been completely out of line.

We have to ensure that the judiciary is independent of the House. Their behaviour has to be independent, but competence and accountability in what they do as individuals has to be ensured. We are all accountable in this country.

Let us look at the incredible costs that exist today in our legal system. We have a legal aid system which is costing us billions of dollars. Perhaps there is another way to ensure that people who cannot afford the system will be able to get a good, competent legal defence and a fair trial at an affordable price.

In the United States, as well as a system of crown prosecution there is a system of crown defence. People are appointed to defend a person who cannot afford to pay for his or her defence. These appointed individuals give a good competent defence as salaried lawyers within the department of justice. This works very well in the U.S. I urge the government to look at that system. Perhaps Canada could appoint public defenders to give a good, competent defence to individuals who cannot afford a lawyer.

To streamline and expedite the system is extremely important. Unfortunately I am not a lawyer. Sometimes I wish I were. However, we have a system which enables individuals to put forth constructive solutions. I have a challenge for all the good, competent lawyers who work in the trenches in the legal system. I would ask them to provide us with good constructive ideas on how we can streamline the system, to come up with a good and fair legal system, an expeditious system that ensures people get a fair trial within a reasonable time.

• (1800)

Right now we have such a morass that we have justice delayed and justice delayed is justice denied. Justice denied is not justice.

There are ways of doing this. Let us look at those ways and ensure these changes are made to the system. My colleague for Calgary—Nose Hill mentioned an example of adjournment proceedings where they are far too lenient with how those adjournment proceedings are performed.

Crime and punishment is another situation where our party has been accused of being, for want of a better word, far too right wing on the issue. We have really been given a hard time with this. Fortunately for us it is not true.

We look at justice in two ways. We look at it in a balanced way. We say that for those people who have been proven to be a threat to society, who are a danger to society and particularly those who are violent, it is the role of the justice department to ensure that those people do not go out and harm innocent people again. Those people should be met with the full force of the law, the objective being to protect innocent people.

There is another group of people who are non-violent and perhaps there are alternative ways of dealing with them such as the use of restorative justice. There are some very good programs in my province of British Columbia where restorative justice is used to ensure that people are going to be able to pay a penalty to society, pay a penalty to the victim and also ensure that they receive the rehabilitation and treatment they require, that they do not go into the cycle of crime, punishment and recidivism that takes place in far too many cases.

There is also the issue of prevention. Many months ago I introduced in this House a private member's motion calling for a national headstart program. There have been horrible shootings in Arkansas where 11 and 13-year-olds have been charged with committing some very foul murders, and in some recent tragic situations within our own country such as the terrible murder of Reena Virk in my riding of Esquimalt—Juan de Fuca. Their history does not exonerate these individuals from their actions but at least by looking at it we will be helped to understand that the origins of crime in many of these youths start at time zero.

It has been estimated that half the people in jail suffer from fetal alcohol syndrome or fetal alcohol effects. Fetal alcohol syndrome is the leading cause of preventable birth defects in this country. These individuals have an average IQ of 68. It is preventable. We can do something about that. But it has to start at time zero. We have to identify families at risk. We have to ensure that those families receive their basic needs and the children receive their basic needs. There are programs that have done that.

The member for Moncton, from the government, has been a leader in the Moncton headstart program, a program that has been very effective at preventing children from entering into lives of crime at worst or at best suffering indignities that give them

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fractured psyches and make it very difficult for them to interact with society in a constructive fashion.

There is the Perry preschool program in Michigan, the Hawaii headstart program, the Montreal longitudinal study with Professor Tremblay which shows very clearly that if we are to address and prevent crime starting at time zero, when the building blocks of a normal psyche are developing, when we prevent the trauma to that developmental process, we will have a cost effective and indeed humanitarian way of preventing crime in the future.

This is how we prevent crime. The Reform Party is really taking a multipronged approach to crime. I know there are members across this House who have been working very hard, members from the NDP, members from the Liberal Party, members from the Conservative Party, members from the Bloc and members from our party, the Reform Party, who have been working very hard to develop a balanced approach to crime and punishment.

• (1805)

Many of us came to this House to ensure that we would have sensible proposals to crime and punishment so we can change the tide of what is occurring in our streets today. Let us not forget that with respect to youth crime the number one victims in youth crime are youth. They are the ones who have the most to lose and the most to gain from what we do in this House. They are also people who are not represented well in this House because none of them sit in this House. They are too young to be elected.

Let us do our job and ensure we can put our minds together to put forth these sensible, constructive, pragmatic and cost effective solutions to prevent crime. Headstart programs work. Let us introduce one. It does not have to be some huge sink hole of money. It can be done within existing resources.

I was in Atlanta where schools along with medical, professional and existing resources are used to make sure that basic needs are met. Parents need to know what proper nutrition is. Members would be surprised to know the number of parents who are in underprivileged situations who often had parents who did not teach them how to be parents, who do not know what proper nutrition is, who do not know what proper discipline is, who do not know what setting appropriate boundaries are for children, who do not know what substance abuse and violence do to the development of a child.

These are not just words. These are cold, hard scientific facts. The medical community has done studies and has ways to look into the brain through something called positron emission tomography which illustrates how brains work. Using a PET scanner we can see how the brain develops and how the brain is affected by various things. We can prove conclusively and scientifically that the

traumas I mentioned before have a deleterious and disastrous effect on the development of that child's psyche.

We can prevent this. I hope the government uses the collective knowledge that is in this House today and all the tremendous experience and expertise in our country and in others to build these constructive solutions, work with the medical community, work with the counsellors, work with the schools and we will have a comprehensive plan to do this.

Of course it is absolutely essential that the government work with the provinces because most of the control has to be on a local basis where they can meet and fit with the needs necessary for the local community because not all communities are the same. An aboriginal community off reserve is different from an aboriginal community on reserve. It is different from a multicultural setting in urban Toronto. They are different. They have different needs but they can all be modified to address those needs.

It may be difficult to argue for it but pragmatically if we deal with the facts we will ensure that our society and our country will have a dramatic benefit in the next 10 years. The cost savings are massive.

With crime costing us \$44 billion a year, even if we shave off 5% that is over \$2 billion saved. Imagine what we could do with that \$2 billion. We could provide tax relief to ensure that families are able to better meet their needs, strengthen our social programs, strengthen our health care system, strengthen our education system. These are cold, pragmatic arguments for this approach and it can be done.

Getting back to this bill, there are some innovative solutions to revamp our judiciary. I have mentioned them in my speech and my colleagues have mentioned it in their speeches. I hope the Minister of Justice takes these suggestions and implements them.

**Mr. Derek Lee (Scarborough—Rouge River, Lib.):** Mr. Speaker, I was very pleased to hear at the closing of the hon. member's remarks that he decided to get back to the bill at hand.

He was speaking to childhood nutrition and crime prevention which are of course very important issues. I always have time for my hon. friend in debates here in the House, though he may stray from the point of debate. He and I attended high school together in Scarborough just a few years ago.

• (1810)

Some of his colleagues have not provided me with so many things to listen to. His colleagues have chided the government for not having a list of priorities by placing this bill ahead of other bills they believe should be at the top. One of the members mentioned two items they felt were of priority. One was amendments to

section 745 of the Criminal Code and the other was amendments to the Young Offenders Act.

I was here in the last Parliament but I am not certain the other hon. member was. I have to remind the House that the government did amend both those items in the last Parliament. The government chose to amend section 745. The government chose and Parliament adopted legislation amending Young Offenders Act. This increased the penalties for murder and provided for the transfer of violent young offenders to adult court. Those were government priorities.

To the speech at hand, I could not help but note the references to the salaries of U.S. judges. I think they were in \$90,000, \$110,000, \$115,000, \$120,000 range. The member suggested they were one third less than the salaries proposed for our Canadian judges.

In fairness, did he forget to take into account the exchange rate between the U.S. and Canadian dollars? If he did, it is unfair to use those numbers. Would the hon. member like to recalculate judges' salaries either in Canada or the U.S. to incorporate the exchange rate? A member on this side did a quick calculation and if we take the U.S. numbers, apply a 40% exchange rate, we would have the U.S. judges being 7% ahead.

However, would my colleague like to correct this for the record? Having not applied the exchange rate, the discrepancy between the judicial salaries is not as great as he suggested and it would help to put that on the record.

**Mr. Keith Martin:** Mr. Speaker, I thank my hon. colleague and fellow graduate of Neil McNeil high school in Scarborough for his question.

All things being equal, we do not equate salaries within a country based on what the exchange rate du jour happens to be. That is irrelevant. All salaries are based within the confines of our own country. The salaries of judges in the United States are one third less than the salaries of Canadian judges.

It would be nice if our salaries were taken into consideration according to the exchange rate. That is not the reality we live in. I will put this in his lap. He has been very constructive throughout many of the debates he has entered in this House. I hope the hon. member works with the Minister of Justice to deal with the issue of civil courts and what is happening with the civil court situation.

We unfortunately are moving toward the situation in the United States where civil courts and cases they are hearing are becoming spurious. I bring up the situation involving McDonald's. A woman had a cup of McDonald's coffee sitting on her lap. She spilled the coffee and received burns. She also received an extraordinarily high million plus dollar judgement in her favour.

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We as a Parliament have to seriously look at the civil court situation to ensure we do not get tied up in spurious civil litigation that has a very onerous effect and very restrictive effect on society. It makes for a very fearful society. I hope the government and my hon. colleague will address the situation and use his expertise in the area.

• (1815 )

**Hon. Sheila Finestone (Mount Royal, Lib.):** Mr. Speaker, it is always a pleasure to listen to the hon. member whose great concern for the well-being of society in general has manifested itself in many of the debates and certainly the exchanges in the standing committee meetings.

In listening to him three points came to my attention. With what is happening in the United States in particular with the murder of young children by young children, does he not think that perhaps there ought to be a change in the attitude of his party that he could deal with? I believe his party has a view of gun control that is not in the best interest of preventing this very dangerous equipment from being close at hand for young people. The member also might want to think about the fact that the number one killer of women are guns.

Also I would like to ask my hon. colleague about his concern with respect to the salary of judges. I am much more concerned about the election of judges. Does he not believe that this might put judges in a conflict of interest situation and open to potential abuse? I have serious concerns about the misuse of power in the hands of an elected person.

The last question I would like to pose to him is in light of the particular bent of the Reform Party. The member is talking about enabling legal aid. Does my colleague not realize that is provincial jurisdiction and perhaps it would be best for him to encourage his colleagues in the provinces to take a look at the way they allocate funds for legal aid? I do agree that many things need to be changed.

When he talks about the fact that we do not have a comprehensive plan and that he is approaching this whole debate with a comprehensive plan, it might be most informative if they looked at the work we are doing in prenatal parental care and the grants that we are giving to ensure nutrition, public health and a better understanding as mothers.

They should also look into the field of prevention undertaken jointly by the provinces and the federal government, the question of the aboriginal head start and the \$1.7 billion child tax credit which is not enough but it is certainly on the way.

The concern of the hon. member is being addressed in a way that can end up being a consolidated approach to better child development and learning.

*Government Orders*

**Mr. Keith Martin:** Mr. Speaker, I thank my hon. friend from Montreal who has repeatedly demonstrated in the House her deep interest, expertise and experience in the issue of crime prevention.

I would like to address a couple of points. I am glad she mentioned the Reform Party's attitude toward gun control. If the gun control bill, Bill C-68, would make our streets safer this party would vote for it. I looked at all the data in this regard very carefully. In fact, I appeared before the House standing committee on justice. I would be happy to speak with the member on this matter, to deal with the facts and to have good discourse with her. We feel very strongly. We would do anything to ensure that guns were not in the hands of 11 and 13 year olds.

We are completely in favour of responsible gun control. We would fight along with the government to ensure that firearms are not in the hands of children and to ensure that automatic weapons are not in the hands of criminals. We want restrictive gun control laws to ensure that guns and weapons which are not useful to hunters and such would not be in their hands. We have fought very hard for that. Unfortunately Bill C-68 would make our streets less safe by taking money out of the judicial system to put into gun registration.

We wanted to divide the bill into two sections. We supported the good parts of the bill but wanted to get rid of the bad parts that would make our streets less safe. We wanted to support the government in its pursuit of a bill that would make our streets safer. My colleagues and I would be very happy to speak to the member about that issue.

• (1820)

**Mr. Rob Anders (Calgary West, Ref.):** Mr. Speaker, like other members of the Chamber I enjoy the opportunity to speak to Bill C-37.

What does Bill C-37 basically boil down to? It means that judges will receive a raise in a two year period of 8.3%. How many other public servants or how many other people in the country, period, can expect a raise of 8.3% in that short period of time?

There is a comparison to make. The Royal Canadian Mounted Police have gone five years with a wage freeze. Are judges somehow more important? Do they have a higher priority with the government than those who enforce the law, than the Royal Canadian Mounted Police? It appears so. They are misplaced Liberal priorities, things that both you and I have problems with, Mr. Speaker.

How many other Canadian workers can count on a retroactive pay raise like the one under Bill C-37 for judges? It just does not exist for other people. It is not on the Liberal agenda for other people and it is a crying shame.

As well there is nothing in Bill C-37 that addresses the patronage process for appointing judges. It is a shame. I am sure members know only too well that it is Liberal lawyers who go on to become Liberal justices. That has to end.

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

**Mr. Rob Anders:** I hear rumblings from members opposite who think that should be the case. Good for them. I encourage them to make amendments to Bill C-37 to make changes to the patronage process that awards justiceships to Liberals.

Let us speak to the lack of priorities for a second if we may. On the Young Offenders Act we have seen no substantive changes coming out of the government since it was elected. We still have serious repeat offenders who are being treated with kid gloves under the Young Offenders Act. Yet the priority of the Liberals is to raise the salaries of judges.

Surely taking care of serious repeat offenders, young offenders who violate the act again, again and again, must take a higher precedence not only in the eyes of the Canadian public but also in the eyes of the technocrats here. That must be more important than a raise in the salary of judges in this land.

Regarding section 745, I heard the Liberals claim that they have made changes to it. Tinkering they must be, for otherwise I would not have had to appear on the steps of some of the Alberta courts in 1997 with Darlene Boyd, a mother who lost a child and wanted to make sure the individuals who killed her child would not be getting early parole under section 745. If there had been substantive changes to section 745, mothers like Darlene Boyd would not need to make appearances before courts hoping that the killers of their children would not be set free.

I also speak to the lack of priorities in terms of the backlog of the courts. Nowhere in Bill C-37 do we have an address of the issue of the backlog in the courts. Surely this is something of high priority and concern. Yet we see nothing to deal with the backlog in the courts. Once again, they are fast to want to raise the salaries of the judges under Bill C-37.

My fourth point in terms of lack of priorities is that we have prison overcrowding. Nowhere in Bill C-37 do we see an address of the issue of prison overcrowding. Yet they are quick to raise the salaries of the judges in this land.

Maybe it is that Liberal politicians do not like to actually make laws in the House. They would rather abdicate the supremacy of parliament to the judiciary. As a result, they only see fitting that taxpayer money and their salaries go toward paying judges because they write more laws and make the laws, not the Liberals who like to abdicate that ability.

My fifth point is that street gangs are becoming a problem. Nowhere in Bill C-37 do we see an address of the issue of the rise of street gangs, but it certainly speaks to the raise in judges' salaries.

• (1825)

My sixth point concerns lack of priorities and once again speaks to the whole idea of judicial activism. I touched lightly on the idea that the justices rewrite and write the law of the land. It should be a supremacy of parliament that is respected. We as members of the House of Commons should write the law, not the justices. This does nothing to speak to the judicial activism that goes on and what is happening now with the justices' writing the law rather than elected members of the House of Commons.

The six reasons I listed are all perfectly justified. They give a clear indication of the lack of priorities of the Liberals in criminal justice. They would rather raise the salaries of judges than deal with the six substantive points that should take precedence over raising judges' salaries.

Now I will speak to the money. When the money trail is traced that is usually when these matters get interesting. Let us take a look at the lack of priorities in terms of money. A lot of working poor do not have the luxury of colour cable TV but our prisoners do. By committing a violent act they earn the right to have colour cable TV but the working poor do not have that right.

It is a misappropriation of government resources to raise the salaries of judges while it continues to give colour TV to our prisoners. This money could be better allocated to hiring more judges or RCMP officers to hopefully get rid of the backlog.

There is a lack of priorities when free condoms are handed out to prisoners in jail. I do not see the purpose of handing free condoms to sexual offenders in jail. They are not supposed to be having sex in jail. That is not the whole point, yet money is spent on handing out condoms to prisoners. It is a Liberal priority to hand out condoms to prisoners.

Bleach is given to prisoners to sterilize their contaminated needles. They should not be using needles in jail. Once again that is a Liberal priority.

We have a situation where prisoners have the right to sue and use public funds to initiate charter challenges. How is this justified? How is a charter challenge on behalf of a prisoner more justified than hiring an extra RCMP officer or an extra judge to look after the backlog in the courts?

Money is spent to make sure that the prisoners have a right to vote with all the logistical costs involved in that process. Paul Bernardo had an opportunity if he so wished to cast a ballot in the

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last election, which I believe was in your riding, Mr. Speaker, if I remember correctly. How could anybody justify to a constituent in Kingston that money should be spent to allow Paul Bernardo to vote when there are other things that are much more needed?

Money is spent on pool tables in our prisons to make sure that our prisoners are entertained. There are many people in Kingston or in my home town of Calgary who would love to have unending amounts of time to play pool. They do not have that luxury because they have to pay taxes to the government and they have to work for a living. They cannot play pool as many hours as they might like to while away the day. Certainly Canadian prisoners have that ability because it is a Liberal priority.

Many other people would like to spend some more time on golf courses but the Liberals are allocating money to make sure prisoners have golf courses. I do not understand the logic in providing pool tables or golf courses. Why not hire more police officers?

The working poor would not be able to afford an exotic meal of eel, but such foods are shipped in to make sure the requirements are met for the Inuit serving time in our penitentiaries so that they have access to foods that are part of their traditional diets. We spend a lot of money on these types of perks and privileges for our prisoners.

It does not speak to the real needs of the Canadian justice system to hire more police officers or to hire more judges and not give them raises. Certainly none of these things speak to the priorities.

• (1830)

**The Deputy Speaker:** I regret to interrupt the hon. member, but it being 6.30 p.m. we will now proceed with the adjournment motion.

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## ADJOURNMENT PROCEEDINGS

[English]

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

SIERRA LEONE

**Mr. David Pratt (Nepean—Carleton, Lib.):** Mr. Speaker, not long ago I asked the Secretary of State for Africa and Latin America a question concerning Sierra Leone, a small west African country, arguably the poorest country in Africa.

The country's legitimate government was overthrown in May 1997 by a so-called armed forces ruling council which itself was removed from power recently by a Nigerian led west African peacemaking force. I was very pleased to learn that the secretary of

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state will be visiting Sierra Leone tomorrow and gathering information about the state of affairs in that country.

The news reports from Sierra Leone are very serious. There is a crisis brought on by food shortages. Continued sporadic fighting in certain areas has also contributed to a serious refugee problem. Some reports put the number of people in need of food as high as half a million. This situation is extremely volatile. The west African force that I just mentioned which ousted the military junta replaced it with the civilian government which had previously been in power and which was led by former President Afmed Tejan Kabbah.

Freetown right now and a number of the other major centres such as Bo, Makeni and Kenema have been secured but there are still areas where there is sporadic fighting.

There is a great deal of suspicion about the intentions of the Nigerians in Sierra Leone. A recent article in *The Economist* magazine suggested that Nigeria may be interested in Sierra Leone's mineral wealth, which includes deposits of rutile, bauxite and diamonds.

Sierra Leone's recent history is a continuing tragedy of enormous proportions. Since independence in 1961 the country has been on a downward spiral brought on by political instability, greed, corruption and repression.

Within the last 30 years Sierra Leone has witnessed three conspiracies to overthrow the government, six attempted and five successful coups d'état. Over the last few years the political problems in neighbouring Liberia and Sierra Leone have created nearly one million refugees in the region.

My personal interest in Sierra Leone goes back about eight years when I first visited the country as a member of a delegation sponsored by the Federation of Canadian Municipalities. I was a participant from the city of Nepean. At that time I was involved in a municipal development project sponsored by CIDA involving the town of Bo.

I made a total of three trips to Sierra Leone, in 1990, 1991 and 1993. I was very pleased and proud to be involved in several projects including the construction of a new market building in the town of Bo.

What is Canada's interest in Sierra Leone? Apart from the Canadian aid and development agencies that have operated in the country for many years, including CAUSE Canada, the Red Cross and CUSO, there is a longstanding historical connection between Canada and Sierra Leone.

Many freed slaves from Nova Scotia made their way back to Freetown in the early decades of the last century. In this regard I

understand there still is a community to community link which exists between Halifax and Freetown.

As an English speaking Commonwealth country, Canada shares many of the same traditions and institutions as Sierra Leone. It is interesting to note that as Commonwealth countries, Canada and Sierra Leone are at the top and bottom respectively of the United Nations human development index.

Although blessed with many mineral resources, Sierra Leone has simply been incapable of exploiting these resources for the benefit of its people who remain the poorest of the poor.

When the minister returns from his visit to west Africa I hope he will provide this House with a report on what he discovered in Sierra Leone, in Ghana and some of the surrounding countries.

Canada in relation to Sierra Leone has promised aid. I am sure many members of this House will probably share the view that we can and should do better in terms of food aid, medicine and reconstruction assistance to a country that has been seriously devastated.

**Ms. Eleni Bakopanos (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, I would like to thank the hon. member for bringing this question to the attention of the minister and members of the House.

The hon. member asked what help we are extending to Dr. Tectonides. I am very happy to announce that Dr. Tectonides has returned to safety and to his family in Canada.

• (1835 )

Throughout this crisis Dr. Tectonides' family was kept fully informed of all developments in Sierra Leone and of those concerning his whereabouts. On various occasions Dr. Tectonides' family expressed sincere appreciation for the fact that the Government of Canada and the international organization Médecins sans frontières were working together to secure the release and the return to safety of the doctor and the French logistician who had been abducted with him.

At present Dr. Tectonides is looking forward to his next assignment with the same organization, Médecins sans frontières.

On the issue of Canadian assistance to Sierra Leone, as the secretary of state mentioned in the House, we have provided \$600,000 to the International Committee of the Red Cross as an initial grant to the ICRC humanitarian assistance aiming at alleviating the suffering of the local population.

During his current visit to Sierra Leone in the context of the Commonwealth ministerial action group, the secretary of state, the hon. David Kilgour, will be in a better position to evaluate the humanitarian and other assistance needs of the Sierra Leone government.

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**The Deputy Speaker:** I remind the hon. member not to refer to other colleagues in the House by their names. I am sure she forgot.

[*Translation*]

## EMPLOYMENT INSURANCE

**Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ):** Mr. Speaker, I am pleased to speak on this adjournment motion in relation to a question I asked the minister on February 26, 1998 as to whether it was normal that employment insurance now allows no more than 40% of unemployed workers to receive benefits, compared to 83% in 1989.

This program is inappropriate, inefficient and unacceptable to Quebecers and Canadians because fewer than 50% of the unemployed are entitled to benefits. This deprives the system of all credibility and integrity.

A very clear political message was sent during last year's federal election, and again just recently in the Nova Scotia election. This totally contradicts what the minister said, and I quote:

Canadians are perfectly happy that we had the courage to change the EI system.

What would take real courage would be to put the reform back on the table, to make it humane and acceptable, and to make sure that the program is really one which will give people a decent income when they are between jobs.

We have already managed to get the minister to admit that there were not as many cheats as former minister Young claimed. Today, the statistics indicate that no more than 3% are defrauding the system, which is more or less the figure for all systems.

What we want is a system for the 21st century, a system that will make people want to work, not one that leads systematically to welfare. Between 1990 and 1998, 200 000 Quebecers and 750 000 Canadians were forced onto welfare by employment insurance reforms. That is not an incentive but a disincentive to work. It is an encouragement to get out of the work force, and the federal government has an important responsibility in the battle against poverty. It is encouraging an increase in poverty, rather than a decrease.

We want a 21st century system that will give people working for themselves access. The minister said:

—we are going to look into the matter and make the right decisions.

We have reached the point where it is urgent to take action. We are heading into the period of the year called the spring gap, in which people, with the new conditions of the system, lack an income for six, eight or ten weeks. These are people in the seasonal industries. These are people in fishing, agriculture and tourism. For a period of six, eight or ten weeks, the very survival of these people

is threatened. They are penalized and often do not even qualify for social assistance.

Can we expect a decision from the government, despite the position taken last week in committee by the Liberals, who refused to report to the House on the first evaluation of the employment insurance reform? Is there no way to heighten their sense of responsibility and to get the government to act and change the employment insurance plan in keeping with the six bills, the constructive proposals of the members of the Bloc with the support of the NDP.

[*English*]

**Mr. Robert D. Nault (Parliamentary Secretary to Minister of Human Resources Development, Lib.):** Mr. Speaker, the Minister of Human Resources Development has indicated on many occasions that his department is conducting a review into why the percentage of unemployed Canadians receiving benefits is declining. We do not believe it is simply due to changes in the EI system. We believe the problem is far more complex than the hon. member is suggesting.

It may be that changes in the economy and labour market are resulting in more self-employed workers who are not eligible for EI. It could also be discouraged workers returning to the labour market as the economy improves. They have no recent work experience and therefore are not eligible for EI. That is why we are focusing on re-employment measures.

• (1840)

In terms of making changes to the employment insurance system, as the member knows, the former unemployment insurance program was 25 years old and in need of a massive overhaul to meet today's new demands. Canadians would not be satisfied with a step backward to an obsolete system as recommended by the opposition. Instead the federal government is working with the provinces to provide real solutions for unemployed Canadians.

We will spend an additional \$800 million per year on active employment benefits under EI bringing federal funding to more than \$2.7 billion annually by the year 2000-01. These benefits are about helping Canadians with the assistance they need to get back into the workforce.

We are also creating more new durable jobs by using the three year, \$300 million transitional jobs fund that is now in place to help high unemployment regions.

We are also co-operating with provincial and territorial governments to deliver these benefits in the best possible way. Labour market development agreements are now in place or under discussion in all provinces and territories. Decisions on the best way to help the unemployed get back to work must benefit from the

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knowledge and insight of those most closely in touch with local markets.

We have confidence that these measures will be successful in helping the unemployed return to productive employment. As employment growth continues and the number of unemployed falls, the ratio of benefits to unemployed should also rise again.

[*Translation*]

**The Deputy Speaker:** The motion to adjourn the House is deemed to have been adopted. The House therefore stands adjourned until tomorrow at 10:00 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 6.41 p.m.)

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