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Monday, May 4, 1998

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Monday, May 4, 1998

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

● (1105)

[*English*]

CHARTER OF RIGHTS AND FREEDOMS

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.) moved:

That, in the opinion of this House, the Government should authorize a proclamation to be issued by the Governor General under the Great Seal of Canada amending Section 7 of the Canadian Charter of Rights and Freedoms to: (a) recognize the fundamental right of individuals to pursue family life free from undue interference by the state and (b) recognize the fundamental right, responsibility and liberty of parents to direct the upbringing of their children, and urge the legislative assemblies of the other provinces to do likewise.

He said: Mr. Speaker, I am both pleased and disappointed this morning to be leading the debate on a topic that is so important to families all across Canada.

I wonder if it would make any difference to the members of this House and to the people of Canada if they knew that the state had more power than parents to determine what is in the best interests of children. I wonder if it would make any difference to all of us here and to parents if they realized the unlimited power of the state to take children away from parents without any real evidence whatsoever. Today I will present evidence that parents have only time consuming, expensive legal recourse if their rights are abused because of the legislation and the bureaucracy working against parents and that the government is clearly abusing their powers.

Here are some concrete examples, or should I say horror stories.

Until February 1995 Charles and Sandra Butler home schooled their children, ages 11, 8 and 5, which is permissible in Newfoundland as long as the curriculum is accredited by the district school board. The Butlers followed a home school curriculum developed by the Seventh Day Adventist Church that the local school board had refused to accredit. The family had no history of neglect or abuse.

The department of social services decided that the Butler children were in need of protection under the province's child welfare act on the grounds that the Butlers had neglected to provide adequately for the education of their children. The Butlers' three children were apprehended even though the five year old was not required by law to go to school. Social workers expanded their list of grounds for taking the children away from their parents to include concerns about the children's health and education, possible physical and/or emotional abuse and the religious zealotry of their parents.

A judge granted social services temporary custody of the children for a four month period. The Butlers were forced to hire a lawyer and appeal the judge's orders on the grounds that, first, the judge applied an improper standard of proof; second, he relied on inadmissible evidence and hearsay; third, the hearing violated the principles of fundamental justice; fourth, the parents were not properly informed of the nature of the hearing; and fifth, the parents were not given an opportunity to call evidence.

In December 1995, more than 10 months after their kids were taken from them, the court granted the Butlers' appeal and ordered the children be returned immediately to their parents.

In her conclusions the judge found that the Butlers' parental rights under section 7 of the charter of rights and freedoms had been violated.

● (1110)

She also concluded that the children's academic abilities seemed normal for their age. They appeared well adjusted. They were physically healthy. They were rarely sick. There was absolutely no evidence that the parents physically or mentally abused their children.

She also agreed that the bureaucrats had not handled the case in a manner in keeping with the principles of fundamental justice.

The Butler children had to spend more than six months in foster care. This government-enforced separation of children from their

parents was devastating for the kids, the family and the family's relationship with the community in which it lived. All of it was totally unnecessary. A proper investigation by government bureaucrats at the outset would have arrived at exactly the same conclusions that the judge did in court.

The abuse here was by government bureaucrats, not the parents, even though the judge concluded that the Butlers had parental rights under the charter. Had parental rights been in the charter it may have actually resulted in the bureaucrats conducting a proper investigation before scooping the Butlers' kids and keeping them separated for six months.

There are many horror stories. Here is another one. In June 1995 a Nanaimo couple's three children were taken from them by social services. Terry and Lisa Neave's two-year old daughter was taken to hospital for testing and treatment of a choking disorder. One day before the transfer a paediatrician taught Mrs. Neave a jaw-thrust manoeuvre that would clear her daughter's air wave when she was choking. The manoeuvre involved raising the child's jaw with a hand at her neck.

At the children's hospital in Vancouver, Lisa Neave and her daughter were assigned a double room with another mother and sick child. Mrs. Neave performed the manoeuvre on her daughter during a choking episode. The other mother reported what she thought was abuse to the hospital authorities. Mrs. Neave was required to explain her paediatrician's instructions to a social worker and to the head of the hospital's child protection unit. The head of the child protection unit concluded that Mrs. Neave had an unusual form of child abuse in which a parent fabricates an illness for their child. Without checking with the Neave's paediatrician or family doctor, the next day social services apprehended all three of the Neave's children.

Even though no one had ever seen Mrs. Neave abuse her children, a judge ruled that Mrs. Neave was a high risk to her children. The Neave's family doctor and paediatrician tried to contact the social worker. They reported that their calls were not even returned. The children were not allowed to come home until December and Mr. Neave still had to act as supervisor over his wife.

In January the results of the court ordered psychiatric assessment of Mrs. Neave concluded that Mrs. Neave's only psychiatric problem was caused by her children being taken away from her and by the RCMP investigation. In February the court orders imposed by the department of social services were set aside. The Neave's children had lived away from home for five months. Their legal bills exceeded $10,000. All this could have been avoided if the social worker had simply called the paediatrician and confirmed the instructions Mrs. Neave had received.

Having parental rights included in the charter of rights and freedoms may have prevented this travesty of justice and this emotional nightmare.

There are many other examples like this that I could relate to members. These ought to be of grave concern to all Canadians. Unfortunately, the charter of rights and freedoms only protects an individual's rights and freedoms, it does not provide the legal framework for this balancing of parental rights, children's rights and the rights of the state.

I maintain this is why parental rights and responsibilities need to be included in our charter. Child abuse by the state is just as abhorrent as child abuse by parents. There needs to be a proper balance between the rights of parents to raise their children and the right of the state to interfere. That is why M-33 is here today.

My main point is this. Parents have a responsibility to provide their children with the necessities of life. As long as parents meet this fundamental responsibility to their children governments should respect the fundamental right of parents to raise their children free from undue interference by the state.

Cindy Silver, a Vancouver lawyer, points out that the dignity and worth of both individuals and families in a free society were prominent in the Canadian Bill of Rights, but any reference to the family was omitted from the Canadian Charter of Rights and Freedoms. She says that omitting the reference to family in the charter of rights and freedoms contributed significantly to the demise of family autonomy and the devaluing of the family in law and legislature.

• (1115)

My Motion No. 33 would correct this oversight and return a proper balance between parental rights and responsibilities and help reaffirm the state's proper role in family life in Canada.

Section 15 of the charter states every individual is equal before and under the law and has the right to equal benefit of the law without discrimination. Ms. Silver correctly points out that because the charter includes age as a prohibited ground for discrimination this effectively changed the constitutional status of children, making them equal to adults under the law.

Making children equal under the law and omitting family and parents from our Constitution has put child rights groups in charge of the political agenda and left parents with little or no defence.

Here is what is happening as result. In 1991 Canada ratified the United Nations Convention on the Rights of the Child, a document which tried to address all the concerns raised by child rights groups around the world. Ms. Silver states: ''As a result, the UN convention confers both protective rights and choice rights, thereby establishing a presumption that children should be able to act autonomously whenever possible''.

Ms. Silver then outlines the choice rights that governments now endorse for all children in Canada regardless of what parents think

is good or bad for their children. Article 13 states the right to freedom of expression, including the right to seek, receive and impart information and the ideas of all kinds, whether orally or in writing, in the form of art or through any media of the child's choice.

Article 14 states the right of freedom to thought, conscience and religion. Article 15 states the right to freedom of association. Article 16 states the right to privacy. Article 19 states the right to be free from all forms of physical and mental violence. Article 19 has been interpreted by the UN convention review committee to include freedom from simple spankings by a loving parent to help correct a child's behaviour from time to time.

In June 1995 the review committee criticized Canada for failing to repeal section 43 of the Criminal Code, the section that provides a defence for parents who use corporal punishment, reasonable under the circumstances, to correct their children's behaviour.

While the UN convention and the review committee's recommendation have no legal force in Canadian law, this does not prevent the no spanking lobbyists from pushing the government to change the law. Nor has the federal government been an innocent bystander. The government has been providing funds for these anti-spanking, anti-parental rights lobby groups to do research and to launch court challenges to advance their cause. That is wrong.

Parents and families are left to defend themselves from this intrusion by the state while government provides moral and financial support to lobby groups that would diminish parental rights and family autonomy.

Ms. Silver's paper states: ''Since 1992 the federal government has allocated $459 million toward conforming Canada's law and policy to the provisions of the UN convention. Part of this amount was used in 1992 to create the children's bureau of Health Canada whose mandate is to ensure consistency with the UN convention and co-ordination for all federal program and policies for children''.

All this is expenditure of human and financial resources by the government to implement a UN convention that has not even been debated or approved by members of parliament.

Dallas Miller, legal counsel for the Home School Legal Defence Association of Canada, describes the negative aspect of the United Nations Convention on the Rights of the Child in an action paper he prepared for home schoolers.

It states: ''Although several of the provisions offered generally positive, non-offensive platitudes, a substantial portion of the convention undermines parental rights. These threats to the family generally fall into three categories: first, transfer of God given parental rights and responsibilities to the state; second, the institutionalization of rebellion by vesting children with various fundamental rights which advance notions of the children's autonomy and freedom from parental guidance; third, the establishment of bureaucracies and institutions of a national and international nature designed to promote the ideas proclaimed in the charter of the United Nations and to investigate and prosecute parents who violate these children's rights''.

• (1120)

Mr. Miller has analysed each article in the UN convention and he highlights how the charter could be used to undermine parental rights and responsibilities. Here are just a few examples he cites. Article 3: In an article concerning children the courts, social service workers and bureaucrats are empowered to regulate families based on the bureaucrats' subjective determination of what is in the best interests of the child. That is happening in Canada.

Article 4: Signatory nations are bound to undertake all appropriate legislative, administrative and other measures for the implementation of rights articulated in the convention.

Article 13: Little children are vested with the virtual absolute freedom of expression and under this provision parents could lose the right to prevent their children from interaction with pornography, rock music with profane lyrics or violent television shows.

This is terrible that this is allowed. Children are guaranteed freedom of thought, conscience and religion. Children have the legal right to object to all religious training from their parents.

Article 15: This article declares the right of the child to freedom of association. Children could claim a fundamental right to join street gangs, cults or racist organizations over parental objections.

I have many other things I would like to present and that is why I have introduced Motion No. 33. I feel strongly about the issue, as more than 6,000 petitions support my efforts to strengthen protection for parental rights from undue interference by the nanny state.

Parents must have the freedom to do what I think is in the best interests of their children. If the government thinks they are wrong, section 1 of the charter guarantees the government can only interfere in accordance with reasonable limits prescribed by law that can be demonstrably justified in a free and democratic society.

In conclusion, my motion proposes to institute a proper balance between children's right, parental rights and the rights of the state. I would like to respectfully request at this time, with the consent of the House, to make Motion No. 33 a votable item.

The Deputy Speaker: Is there unanimous consent that this motion be deemed votable?

Some hon. members: Agreed.

Some hon. members: No.

Ms. Eleni Bakopanos (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I stand today to speak to the motion to amend section 7 of the Canadian Charter of Rights and Freedoms.

Once again I would like to say the hon. member from the Reform side uses exceptional cases to make his point and not what is the general rule in Canada.

Section 7 of the charter says: ''Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of the fundamental justice''. It sets out a balance between the rights of the individual and the rights of the state.

In looking for protection under section 7, one first asks if there has been an infringement of one of the three protected interests, deprivation of life, liberty or security of the person, and then asks if such deprivation was in accordance with the principles of fundamental justice. These principles are found in the basic tenets of our legal system and are vital to our societal notion of justice.

[*Translation*]

The purpose of the member's motion is to add to section 7 the fundamental right of individuals to pursue family life free from undue interference by the state, as well as the fundamental right and responsibility of parents to direct the upbringing of their children.

On first examination, there is nothing reprehensible about this motion. One might indeed be tempted to support it, for who among us does not think that Canadians are entitled to a rich and rewarding family life free from undue interference by the state, and who would not encourage the right and, of course, the responsibility of parents to direct the upbringing of their children?

[*English*]

Canada takes seriously its responsibilities toward its children. For example, in December 1991 Canada ratified the United Nations Convention on the Rights of the Child, a broad ranging treaty which delineates the civil, political, economic, social and cultural rights of children.

As a leader in drafting the convention, Canada has been noted for its action on behalf of children. As a mother of two daughters, I am reassured that the government has done everything to acknowledge that children also have rights in our society and takes action to protect those rights here in Canada and throughout the world.

● (1125)

The family has been recognized and entrenched in the Canadian legal system in a myriad of ways. It has been supported and treated as a fundamental building block of our nation. One can look to laws concerning the validity of marriage, dissolution of marriage with its attendant need to provide for the financial interest of the parties and the continued well-being of children, and recent developments such as the government's child support guidelines initiative.

We provide support to families through a vast array of programs and policies. The Criminal Code of Canada protects children from abuse and neglect, as do child welfare agencies throughout the provinces and territories. Our tax system treats family relationships in a way that differs from individuals.

[*Translation*]

Canada in no way fails to respect families. It supports parents who look after their children's upbringing. No one is worried that Canada will introduce measures of oppression, interference or repression with respect to the family.

I therefore do not understand what the risks are to which families and children are exposed and which the motion before us seeks to eliminate.

Can the state interfere in family life in Canada today? There is no doubt that it can and, in some cases, it even has an obligation to do so. Ideally, every parent should be a loving parent, every child happy, healthy and safe from danger, and every family a refuge from the hustle and bustle of daily life, a place of warmth, security and affection.

We have only to read the newspapers, listen to the news and turn on the television, however, to realize that this is not the case, and the member has given examples to prove it.

[*English*]

Families in Canada today do not need more protection from state interference. Every day in this country there is enacted a delicate balancing act wherein the state uses its powers carefully, some may say too carefully, to protect vulnerable family members, women, children and the elderly, from harm. The rights of individuals are weighed and where the balance tips the state steps in to take care of its citizens.

I do not think Canadians wish to see those capabilities eroded. Our society is outraged when we read of children returned to or left in abusive families. Every day we read of that in the local newspapers. Do we really wish to further hamper the efforts of our child welfare authorities? Do we really want long charter based challenges clogging up our court systems while the vulnerable continue to be harmed?

[*Translation*]

The courts have examined section 7 of the charter and its impact on family rights. It is not my intention today to give a list of all the relevant case law. There simply would not be the time.

Our courts have concluded that the right to raise a child is part of a parent's right to liberty. They have ruled that the state should interfere only when necessary, thus confirming that the rights of parents are vital in our society. It is not a question of recognizing parents' right of ownership over children, but of recognizing parents' rights to make decisions in the interest of the child.

Our common law rules have long recognized, however, the right and the power of the state to step in to protect children at risk. That is a fundamental principle of our law.

[*English*]

In my opinion and in the opinion of the government we do not need this amendment to section 7 of the charter. Canadian families are protected from undue interference by the state and parents have the right to raise their children within the limits of the law. The law is there to protect those who are the most vulnerable in our society and those who are our most precious resource, our children.

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, perhaps members find this a difficult issue to talk about. I will state something personal for the record. I have received a lot of mail on an issue which the hon. member who introduced this motion referred to.

I am not personally in favour of repealing section 43 of the Criminal Code. I certainly made that clear to a lot of constituents who have written to me about this. I know I have colleagues who take an opposite view. However for the record, being private members' business and all, I do not take that view. I do not think the government does either. At least that is what it says.

● (1130)

People are being whipped up into a frenzy in some quarters about the prospect of this article of the Criminal Code being repealed when I do not see any evidence that the government has this intention. Certainly it would not have my support if the government did have that intention, if it were to come before the House that the government was trying to repeal it.

What the member has done is point out in a different way something I commented on years ago in this House during the final debate on the charter, which is that is the charter of rights and freedoms institutionalizes in this country a small *l* liberal individualist view of society and it has its limitations.

For instance it does not adequately recognize the rights of communities or of collectivities. It tends to regard all human life as the interaction of individuals. It goes beyond that to some degree when it recognizes the existence of aboriginal rights but I think it certainly is still limited in so far as it only succeeded in enshrining the small *l* liberal individualistic view of life.

This is not to say that there is anything particularly wrong with that point of view. It is just that it does not encompass the complexities of the relationships we have with each other both as individuals and as groups.

That was something I pointed out then and I think it continues to be true. The member argues that it does not adequately take into account the reality of the family. I am listening to that argument. In fact I read the articles he sent around. There are some concerns expressed in those articles which I agree with. At this point anyway I remain unconvinced that anything could be accomplished by actually putting into the charter something having to do with parents and families. I personally am not opposed in principle to that idea, I am just not sure how it would work.

One of the things I find curious in the debate that unfolded this morning, and it takes on this shape in other forums and on other issues, is this tension between the state and the family. To some degree I do not know whether to call it exaggerated or misplaced or a bit of a phoney war in this sense.

I think both the state and the family are losing out to the marketplace. There are two more fundamentally weaker and weaker institutions in our society, the state and the family. The reaction of those who are concerned about family values is to attack the state. It may be appropriate in some cases to do so but it is totally inappropriate in any case not to recognize that what is eating away at family values every bit as much as some of the things that are attributed to the state are the values of the marketplace.

After all it is not the state that creates and maintains the culture of violence we see on our TV screens. It happens because of the very successful marketing on the part of the TV companies. The advertisers participate in this. They will pay higher rates for programs they know have the attraction that comes with violence. We see this more and more in sports as well.

It is not the state that is the purveyor of pornography. We see this wrong attitude toward human relationships and toward women and men not just in what we strictly call pornography; we see it in advertising all the time.

● (1135)

Every time we turn on the TV people with young children have to worry about what boundary will be pushed by private advertisers, by people many of us in this place hold as examples: ''Boy, that guy is a good marketer. Boy, that company is a good marketing company. Boy, they really know how to sell their product, look how their stocks have risen in the marketplace''.

It may be obvious but what I find difficult to take is this concentration alone on ways in which the state may be undermining the moral fabric of the country. I find this difficult to take when

it is not accompanied by an equally vigorous attack on the values used in selling a product, that the end justifies the means, that sex or whatever the case may be can be used to sell the product and that is just the way the market works and we have to accept that.

I do not think we have to accept that. If we want to create a moral society, we have to be prepared to be comprehensive in our view of this and not just single out the things that fit our ideological predisposition. We have to be willing to take on the marketplace. This is not something we are willing to do, particularly in this day and age.

People who talk about the marketplace in this way, like myself, are regarded as some kind of archaic old socialist who has not embraced the freedom that comes from the marketplace where people do what they want. People sell what they want. People do whatever is permissible in order to sell their product.

I ask members who are concerned about these things to think about this as well because to the extent that we cultivate a particular ethic when it comes to the marketplace, we reinforce values that perhaps we do not really want to reinforce.

We often say when we speak of youth crime that young people do not seem to have any values. Well maybe they do. Maybe young people have picked up the values of the marketplace instead of the values of the family or the values of the state.

Perhaps young people have picked up on the value that what matters is the bottom line, that what is important is the quarterly profit margin. It does not matter how many people have to be laid off or how many hospital beds have to close whatever the case may be whether it is the state or a private company depending on what kind of activity is involved.

Perhaps young people have picked up that for 15 years we have been glorifying the ethic of every man for himself, every person for him or herself and that we regard as romantic, unrealistic and idealistic in a pejorative and patronizing way anyone who says that maybe this is wrong and maybe we should not exalt these types of values at the expense of everything else.

I would certainly invite people who are concerned about the points the member was concerned about to rethink this as well.

Mr. Rick Borotsik (Brandon—Souris, PC): Mr. Speaker, I am pleased to rise today on behalf of the Progressive Conservative Party to speak to the Reform motion respecting Canadian families and the role and responsibility of parents.

We in the Progressive Conservative Party believe that ultimately the raising of children is the responsibility of parents. We believe in supporting families to raise children in the best possible manner so they can become productive citizens in our society. We encourage families to enable the potential of each and every child.

The motion before us today speaks of amending the Canadian Charter of Rights and Freedoms in order to allow individuals to pursue family life free from undue interference by the state and to recognize the fundamental right and responsibility of parents to direct the upbringing of their children. If we are proposing to amend the charter to allow this, what exactly is it that we would amend?

● (1140)

Section 7 of the charter of rights states ''Everyone has the right to life, liberty and security of person and the right not to be deprived thereof except in accordance with the principles of fundamental justice''.

We believe that this section of the charter does not need to be amended to provide families with the ability to raise their children in the manner they see fit. Section 7 provides parents with the right to liberty, freedom to raise their children as they see fit within the common fundamental values of society. We would argue that existing laws already provide parents with the ability to raise their children without undue interference of the state within the framework of the common public good.

What is undue interference? The member proposing this motion speaks of the concern that parents have that if they spank their children in public their children would be taken away from them by the authorities. This he says is undue interference in family life. Spanking a child as a disciplinary measure is an issue which is hotly debated but to my knowledge most child welfare agencies in the provinces regard spanking a child's bottom as a grey area between discipline and abuse. Ways of disciplining children is an issue that should continue to be debated by our society.

What of the necessity to protect children unfortunately sometimes from their own parents? Would the Reform Party amendment to the charter of rights and freedoms prevent the government from exercising its ability to protect children who are suffering from abuse, sexual and otherwise?

Children should be raised within their families. Families are the basis of Canadian society. Parents should be responsible for their children. But the state must have the ability to protect children in situations where the parents are unable or unwilling to assume that responsibility.

Removing a child from the family under current provincial laws is not as simple as members of the Reform Party would make us believe. Child protection workers must use the least intrusive measures possible and social workers are charged with showing that removing the child is in the child's best interest.

Child welfare legislation is quite specific stating that children can only be removed if evidence of emotional, physical or sexual abuse, or neglect can be proven before the courts. Instead, much work is placed in trying to assist families to better deal with the stresses of everyday life so that children are not neglected, not abused and families can work and live together without abuse or neglect.

Is this an undue interference in people's lives? To me this is trying to strengthen the family unit rather than break it up.

It is ironic that the Reform Party proposes an amendment to the charter of rights and freedoms to allow parents to raise their children without interference by the state. The Reform Party's principles and policies state: ''The Reform Party recognizes that child abuse and family violence attack the very foundation of organized society. The party supports enacting, communicating and enforcing laws that protect family members against such acts''. Would the Reform Party's own principle not conflict with the motion before us today? The Reform Party's policies and principles appear to contradict the hon. member's motion.

Reform calls for a lowering of the age at which offenders should be tried as adults. Even though these children would still be considered minors, Reform's policy would call for an intervention by the state into the ability of parents to raise and discipline their children.

In conclusion, we do not need to amend the charter of rights and freedoms to allow parents to raise their families in the manner they best see fit. What we need is a better informed discussion on the issues that prompted the member to bring forth this motion. We also need to ensure that family poverty is not the cause of abuse or neglect of children.

As a society we need to focus on the needs of today's children because they will be the ones representing Canada in this House in the future.

I would like to thank the hon. member for bringing forward an issue which should be debated and should be questioned in this House. The issue is not to change the charter of rights and freedoms to be able to accomplish what the hon. member has suggested. One cannot legislate that and good family values. Those family values must and will come from families and the parents of the children themselves.

● (1145)

I stand before you, Mr. Speaker, very proud of the job that my wife, my family and I have done to make sure that my children are constructive members of society. That was done without legislation. That was done with pride and with obvious dedication from both parents, and certainly dedication from my children.

Mr. Eric Lowther (Calgary Centre, Ref.): Mr. Speaker, I appreciate the opportunity to speak briefly to the motion. I want to make sure that I leave the appropriate amount of time for the hon. member who moved the motion. I would appreciate if you would give me a signal to ensure I do that.

The motion is very important. I think many members of the House have not fully recognized how important it is. It is important because Canadians have had a long history of respecting the role of the family in Canadian society. They are concerned historically about the separation of state and family.

I refer to the Canadian bill of rights which in its preamble clearly states:

> The Parliament of Canada, affirming that the Canadian Nation is founded upon principles that acknowledge the supremacy of God, the dignity and worth of human person and the position of the family in a society of free men and free institutions;

Entrenched in our bill of rights was a recognition by the founders of our nation that the family had a unique and special place in our country. In the same way Reformers who are Canadians and have shaped our policy are also concerned. That is why in our party documents we have a statement that says:

> The Reform Party affirms the duty of parents to raise their children responsibly according to their own conscience and beliefs, and further affirms that no person, government, or agency has a right to interfere in the exercise of that duty, as long as the actions of the parents do not constitute abuse or neglect.

Our concern is that there seems to have been an erosion of the respect for the role of family in the Canadian mosaic and in our laws. I refer to the preamble that is now in the Canadian Charter of Rights and Freedoms which superseded the bill of rights as we all know. That preamble states:

> Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

There is no reference to the family. It has been taken out, an omission which although may seem insignificant to some is having impacts in Canada.

The parent-child bond is so critical to the long term health of our nation and starts first in the physical sense. Actually it is even before children are born. They are saying now in some studies that the child in the womb can recognize the mother's voice and certain movements. I know in my own case I have twin daughters, one is very active and one is a little more sedate. We knew the one that was very active even in the womb. She was so active and she is still the same today.

A nursing mother has a closeness with her children and passes on certain antibiotics. My point here is that the physical needs of the children are met by the parents. There are new studies showing the

importance of physical contact with parents. Children develop trust as their needs are met and they are put in a stable environment.

Also there are studies showing—I saw one over 10 years ago—the negative impacts of changing caregivers, what that does to children and the long term effects of psychosis which can come from it. It is so common, as we see in many day care centres today. It is from our parents and our families that we actually get our identity; he looks like Uncle Joe or she looks like Aunt Mary.

There are sacrifices for sure in raising children, but in anything worthwhile there are big rewards. Seeing one's child go from the womb to adulthood is a special investment that reaps great rewards for parents.

● (1150)

No one is in a better position to do this than parents. No well intentioned state or social agency will ever be able to usurp the role of the parent. That is why our forefathers were sure to entrench that in our bill of rights and in our legislation.

It is also important to see that parents have a hand in shaping the mental capabilities of children. There is a new study out that I read recently which indicates that the cognitive and mental development of a child from age zero to three is critical. If they are not properly stimulated in the right environment with their parents and are left alone, for example, as was referred to in some tragic cases, certain parts of the brain do not develop. Even as they get older, after the age of three, they cannot recoup that loss.

This is such a critical time and only a parent who loves the children can provide what is needed for the long term best interest of children.

Within families we teach children how to get along. We teach within families how to share, how to be considerate of others, how to give up our own personal desires and learn how to control our emotions and gain self-control. Sometimes we do not always get our own way. For the good of the family we may have to back away from something. In this day and age when everyone is clamouring for rights, the family is one institution where we need to learn that we do not always get our own way for the best of the family. Respect for authority is birthed in the family.

I quote how important the parent-child bond is by referring to a comprehensive study done in 1996 by the Foundation of Family Research and Education. It stated that in the area of children's emotional bonding with parents regular non-parental care increased the risk of children developing insecure bonds by 66%. It also stated that the results from this work and others conducted since demonstrated that insecure bonding to parents in childhood was a direct cause of clinical levels of emotional and behavioural problems in adolescents, including youth crime. It indicated that it was clear the family was the primary arena of influence in the development of children and adolescents.

When we look at some of the challenges we have with our youth today, it just underlines the need to ensure that the autonomy of the family is protected. We go beyond just protecting it to supporting, strengthening and encouraging the family for the long term health of the country. I applaud the member for bringing forward a motion like this one that is designed with that intent in mind.

I want to move to one additional area briefly, the loving concern that parents have for their children. They want things to go all right for them. They want them to have a happy and good life. We all know this. Parents are in the first and best position to pass on the core foundational values that will carry children through their lives. These values the parents have themselves. They have tried them in the crucible of life, things that they were taught and have tested as they have gone through life. When parents look back, as I do, there are some things they wish they had not done. I have learned some lessons. My concern is that I impart to my children the very best lessons I have learned for their best interests.

No state or social institution can do that with the same love and concern that a parent has for a child. I applaud grandparents in this respect as well. Much can be gained from grandparents.

Parents establish a foundation in their children. The children test the foundation and may change it and develop their own when they are adults. However, the best person to impart that foundation is the parent. No system, no government or no agency should interfere in this work.

There are families that have troubles and problems, and some of them are tragic. The pressures families face today are enormous in this technological age. In our enthusiasm sometimes we look for a quick fix and we think we know better. However, we should always be cautious of a bureaucracy eager to expand, where government will fix everything. That is a medicine that is worse than what is being treated.

● (1155)

If we really want to help Canadian children we must respect the special relationship between parents and their children just as our forefathers did in shaping of the bill of rights. Governments and bureaucratic social agencies do not serve families by coming between the parent and their children. If anything, their focus should also be to support, encourage and strengthen healthy family relationships rather than interfere with them. Let us help parents, not replace them.

The Speaker: We will go to the member for Wentworth—Burlington who will take us to 11.59 a.m. Then the hon. member whose bill it is will have five minutes to wrap up.

Mr. John Bryden (Wentworth—Burlington, Lib.): Mr. Speaker, I am glad to have the opportunity to speak to the motion. While I believe the intentions behind the motion are excellent, the motion is seriously flawed.

If I may say to the member, what I find most wrong with the motion is that it sets the individual against the group. What he would propose to do with the motion is amend the charter to the effect that parents would have certain rights over their children.

The very essence of rights legislation is to define the limitations of the state or the group on actions of the individual. If we give rights to parents or the state it does not matter; we erode the rights of the individual. We would get into terrible difficulties if we accorded special rights to parents. We would get parents who might abuse their children in a very profound way and we would limit the ability of the state to intervene.

On the other hand the member detects, as we all detect from our constituents, an erosion of the ability of custodial parents to manage their children in a sincere and effective way because of a certain fear that the state may intervene improperly when it attempts to apply discipline or other actions on children.

This is not a problem that is limited to parents. It is also a problem that extends to other custodial figures in society like teachers and police officers in the course of their duties in a community with teenagers and other young people. In the old days before the charter of rights, the teacher, parent or the local policeman could caution a child, could say to that child ''you must not do this''. They could even enforce limited discipline.

The real flaw in the charter of rights, which is causing the problem and discomfort with respect to the ability of parents, teachers or local police officers to discipline children, is that the charter accorded full civil rights to children before the age of majority, before the age of having the responsibility to exercise those rights.

We have a situation now where if a teacher attempts to impose discipline on a child in school, or even if a parent attempts to impose discipline on a child, the child can resort to the courts and actually report to the police. We have a situation in our schools now where there is a great problem with respect to teacher-student discipline simply because children are often a little too alert to their rights, which has caused a major problem in the exercise of discipline.

I feel the problem in the charter of rights is fundamental to our difficulties with the Young Offenders Act. Whatever amendments come down in the Young Offenders Act, ultimately we will have to amend the charter of rights so that we can give not full civil rights to young people but return some of the custodial opportunities to parents, teachers and the courts.

While I support in principle the idea behind the motion, I regret I cannot support the motion itself.

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, the government, the NDP and the Conservatives objected to this motion being supported. The government said it did not want to discuss it any further because the examples I gave were exceptional.

• (1200)

It is our job in this parliament to make laws to prohibit and discourage undesirable behaviour in Canada. Armed robbery is an exceptional act. The vast majority of people do not need a law against it, but we pass laws against it nonetheless.

There is abuse by bureaucrats and the state of their power. The argument that the government makes holds no validity because we need to be protected from them. There needs to be this balance and that is what I have been arguing.

The government also complained that this would result in a logjam in the courts, but look what is happening now. Parents have to go to great lengths to get back their children after having done absolutely nothing wrong.

This motion is designed to protect children. People are missing the point. Children need our protection and this motion would give them precisely that. Those who are objecting to this just need to look at what is happening in Canada today.

I could give many other examples. I wish that the government members, New Democrats and Conservatives who have tried to twist what I have been saying would look at these more closely.

In summary, I quote from Mrs. Silver's paper:

> These cases illustrate the margin for error in Canada's child protection laws place families in a vulnerable position. This is not to say that the state has no role in protecting children. Society has a vested interest in ensuring that a child's best interests are served. There are times when the state's power to intervene in cases of genuine physical or sexual abuse or neglect is crucial. A parent's rights do not trump the rights of the child. Neither are the two necessarily opposed. The rights of the child must be paramount; however, where the parent and the state disagree is on the child's best interests. The law must begin with the presumption that the parent and not the state is right.
>
> Beginning at this point places the onus on the state to rebut the presumption according to the principles of fundamental justice.

Kari Simpson, executive director of the Citizen's Research Institute in Surrey, B.C., sent me documentation on dozens of horror stories of kids being scooped by government officials under the authority of the child family and community services act. People would have to contact my offices. Obviously, I do not have time to go through them.

If this parental rights and responsibility motion were approved by parliament today the resolution would then be sent to the legislatures of the 10 provinces to debate and vote on. The people of this country should be allowed to debate this issue. We are sweeping it under the rug in this House at this moment and that is wrong. Having parental rights, responsibilities and liberty in the charter would ensure an appropriate balance between the fundamental freedom of parents to raise their kids and government's role

to protect children when parents fail to properly discharge their responsibilities.

My motion would institute that proper balance between children's rights, parental rights and the rights of the state, and that is why I requested very respectfully that we unanimously approve that this motion be made votable.

The Speaker: The hon. member for Yorkton—Melville has asked for permission to put a motion to the House seeking unanimous consent, as I understand it, to make this a votable item. Is that correct?

Mr. Garry Breitkreuz: I have already asked for that.

The Speaker: Does the hon. member have permission to put the motion?

Some hon. members: No.

The Speaker: The time provided for the consideration of Private Members' Business has now expired and the order is dropped from the order paper.

GOVERNMENT ORDERS

[*English*]

DNA IDENTIFICATION ACT

The House proceeded to the consideration of Bill C-3, an act respecting DNA identification and to make consequential amendments to the Criminal Code and other acts, as reported (with amendments) from the committee.

QUESTION OF PRIVILEGE

The Speaker: My colleagues, I have received notice this morning of a question of privilege from the hon. member for Pictou—Antigonish—Guysborough.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, it is with some regret that I bring this matter forward, but I feel I am under a duty to do so. It arises out of Bill C-3 which will be before the House today for amendment.

• (1205)

It also bears on government action which I feel impedes members of this House in their consideration of this bill which is scheduled for report stage today.

An essential part of the debate on Bill C-3 has to do with a disagreement over an important constitutional question. Eminent counsel outside the government were requested to give an opinion with respect to the options the government was considering. The chief law officer for the crown, the Minister of Justice, decided to go outside her department to secure the opinion of these three distinguished lawyers who had in the past been members of the judiciary. This information was made known to members of the justice committee on April 20 when the minister appeared before the committee for main estimates.

The Minister of Justice felt it was necessary to get this judicial opinion outside her department as it bore directly on the issue of the timing of the taking of DNA which is central to the debate before the House today.

Over the weekend I learned that on Friday evening the opinions of these three eminent jurists were made available to the executive director of the Canadian Police Association. At the same time, those opinions were not made available to members of the justice committee, or at least not to the members of the opposition I spoke with. The information was made available to the director of the police association, but not to the justice committee.

The House of Commons will be asked to vote on questions relating to this very important opinion which the Minister of Justice felt it necessary to seek. I suggest that, as members of the House, we have been placed in a disadvantaged position. I and my staff worked on this issue over the weekend, as did other opposition members in preparation for today's debate. We did so without the knowledge of the opinions sought by the Minister of Justice. I only received these opinions this morning.

I believe the opinions were made available, but it would appear they were not delivered to the office in the same manner that they were delivered to the director of the Canadian Police Association. I understand he received them via courier to his house in Brockville, while we as members of this House did not receive them until this morning. I took the liberty of providing those opinions to my colleagues in other parties because they had yet to receive them at all.

I would suggest that the government's actions demonstrate that it cares more for the opinions of an interest group than it does for those of members of the justice committee who are being requested to speak on this issue in the House today. The government has failed in its obligation to treat this House with the same respect as it does those who are not members of this Chamber. It is the ''cheque is in the mail'' response. The government went to the trouble of having this decision rendered and then did not go to the trouble of having that information provided to us as members of the committee.

This is not to show any disrespect for interest groups, in particular the Canadian Police Association. It is certainly entitled to this information as well, but the same courtesy should have been extended and the same effort should have been made to ensure members of this House had that crucial information. Instead the government chose the slowest and least cost effective means to transmit the material. We in this House have been asked to approve departmental estimates and to provide the department with our feedback on this important piece of legislation, and yet the

government has communicated this information to us by the slowest of all possible means.

I submit there was a breach of parliamentary privilege. The government's purpose in securing a legal opinion was to influence the deliberations of the vote that will take place on Bill C-3, yet it has failed to give sufficient time for us to fully consider these important legal opinions.

I point the Chair to citation 31(10) of the sixth edition of Beauchesne's where a Speaker on the issue of ministerial communications to the House stated:

> The question has been asked whether Hon. Members are entitled, as part of their parliamentary privilege, to receive such information ahead of the general public.
>
> I can find no precedent to justify this suggestion.

I am not arguing that we have a priority to receive it before members of the public, but at the very least we should receive it at the same time. This information relates directly to the point that will be debated in the House today. It relates directly to the point with respect to the timing of the taking of DNA. I assure the House that will be the position taken by members of the opposition. There is an obligation to make that information available in advance. This action by the government, I would suggest, was not only contentious, but ill-thought out and ill-advised, given the fact that this information is before the House. Haste makes for bad law and that is the danger that arises when situations like this occur.

• (1210)

Therefore, I believe it is incumbent upon the Chair, at the very least, to consider this issue prior to the commencement of the debate. We need time to review these decisions. We need time to digest the opinions of these jurists who have been called upon by the government to render a decision and to consider them in the debate here prior to speaking to these amendments.

I would suggest it is urgent that we deal with this in a timely fashion, to use the minister's words, and that we do so prior to the commencement of the debate today.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, I support the points which my hon. colleague has made.

This is a very important bill. The three legal opinions that have been rendered were rendered after our committee exhausted its time to call witnesses to explore all avenues on both sides of this issue.

We are now left in the position where the three legal opinions are resting upon all members of parliament with considerable weight and without adequate examination of the positions reflected in those decisions. It certainly puts us at a disadvantage in terms of being able to adequately deal with the opinions at this particular time when we are no longer able to call witnesses before the committee to deal with the issues that have been raised in them.

It is very important in this particular case that we have time to do that. If we do not, then we are simply going to take the weight of those three decisions without examining the rationale that is given within those decisions.

I have only had time to rush through the three decisions this morning. We are going into debate today on this and it is not fair for members of parliament to have to deal with these very weighty decisions without time to adequately consider them or even to call witnesses to get their opinions on the reverse side of the issue.

I support my hon. colleague's point of privilege.

[*Translation*]

Mr. Richard Marceau (Charlesbourg, BQ): Mr. Speaker, I too want to support my colleague from the Progressive Conservative Party.

This morning, I received from my colleague, the Progressive Conservative House leader, three legal opinions totalling 75 pages in English only. Unfortunately, I was preparing the eight motions I will present before this House and I did not have time to read the 75 pages.

I must add, however, that a legal opinion does not read like a Stephen King or John Chisholm novel, and I think all members taking part in the debate, and all the members in this House, should have the opportunity to read, digest and understand these three legal opinions, which I believe will have a significant role to play in the debate this afternoon or later, we hope.

[*English*]

Mr. Peter Mancini (Sydney—Victoria, NDP): Mr. Speaker, I too would like to comment on this point of privilege.

The hon. member for Crowfoot is in fact a step ahead of me. I have not yet seen the decisions that were rendered which form an integral part of the amendments to the legislation that certain parties wish to introduce.

I can anticipate what the justices might have said. They might have agreed with my reasoning, but I do not know that and I would like to see their opinions. I think they are fairly important.

I did not know they were available until I received a phone call from my colleague, the hon. member for Pictou—Antigonish—Guysborough. I thank him for making that call to me today. I did place a call to the chair of the committee to see if we might get copies.

Those decisions are important. As indicated, one does not take lightly and read quickly the decisions of justices on a particular point of law. We must make an effective and proper decision on this piece of legislation. Indeed my colleagues in the House have questioned me about these particular issues. I am sure members of the Bloc Quebecois, members of the Reform Party, members of the

Conservative Party and perhaps even members of the government want to know this important piece of information.

I too would support the question of privilege raised by my colleague.

● (1215)

Mr. Nick Discepola (Parliamentary Secretary to Solicitor General of Canada, Lib.): Mr. Speaker, I wonder if the member for Pictou—Antigonish—Guysborough has defeated his own argument in claiming a question of privilege when he quotes Beauchesne.

In that citation, he indicates very clearly that there is no obligation on the part of the minister to have to advise members of parliament prior to the public.

I would like to assure the Speaker and hon. members that the Minister of Justice did render the opinions on May 1. It was a Friday. The House adjourns relatively early, at 2 o'clock on Fridays. Some members may not have been present in their offices.

The opinions were given to the public and to members of parliament. Every single member of the justice committee received these opinions. The member has claimed also that the government may have used the slowest possible means of communicating these opinions to members of parliament whereas we used courier services to get them to some of the public.

We used the traditional means, the internal courier service. In talking to some of my colleagues, they have not yet seen the opinions either because some of them have just come back today.

I do not think there is an obligation on the part of government to make sure members are in their offices to receive their correspondence. That is up to members and their staff. I beg to differ, that there is no question of privilege here.

We are still at report stage and we still have ample time to put forth any modifications members of the opposition would want to put forth. As I said, the copies were sent through the normal distribution channels we have always used traditionally in this House.

Ms. Shaughnessy Cohen (Windsor—St. Clair, Lib.): Mr. Speaker, I want to point out a couple of things. I received these opinions on Friday afternoon.

There are some problems. The chair of my committee was circulating documents. There is a procedural motion in our committee that we not distribute unless documents are in both official languages.

The second problem is that these opinions were not ordered as a result of activity on our committee. In other words, our committee did not ask for these opinions. It was the minister acting on behalf of the government who asked for these opinions.

The three opinions came from lawyers, retired judges, who were in fact retained by the government, by the administration, by the cabinet, by the Minister of Justice, to render those opinions.

I suggest the argument of the House leader for the Conservative Party does not hold because there is no obligation on the government to share legal opinions that it pays for and obtains in the normal course of its business with members of this House.

However, the Minister of Justice elected to do that and she did so commencing on Friday when she undertook to distribute those opinions.

Let us keep in mind that our committee reported on this bill a week or two ago. There was a very strong vote in the committee with respect to this bill. I do not think there was any wavering. There was no backtracking after by the committee, no other concern.

We can still take this up under Standing Order 108(2) which allows us to look at anything within the jurisdiction of those departments for which we have responsibility in our portfolio.

The argument of the justice critic for the Reform Party falls because if the committee decides to undertake that further study, it can do so under Standing Order 108(2).

We are at report stage now but the Senate, whether some of us may like it or not, will also study this. Presumably we will have access to these opinions which have been made public.

The parliamentary process will continue and it will unfold as it should. I submit the government is under absolutely no obligation to provide these opinions to other members of parliament or even to government members of parliament. However, it has done so.

● (1220)

I suggest therefore that this is not a point of privilege and even if it raises a prima facie point of privilege, I suggest it has been answered.

Mr. Peter MacKay: Mr. Speaker, I think it bears mentioning that it was received at our office by regular standard mail. It was not sent by courier to our office, just to differentiate from what the parliamentary secretary said.

I think the hon. member for Windsor—St. Clair also raises an important point that this information has distributed in one language, and that point was raised by the hon. member from the Bloc.

I suggest that if a prima facie case does not exist, at the very least we should be given an opportunity to review this material in its

entirety. If it was important enough to seek this decision and important enough to get to an important group like the Canadian Police Association, surely that in and of itself bears out the argument that we as members of parliament debating this issue on the floor of the House should be given an opportunity to digest this information.

The Speaker: My colleagues, I have heard argument on both sides of the House. It would seem to me that at least at this point the hon. member for Pictou—Antigonish—Guysborough, after arguing his point, quotes that other Speakers have ruled that it is not incumbent on the government to share whatever information it has.

On the other hand, we have the parliamentary secretary saying that this information was indeed sent out in the usual fashion in order for members of parliament to get it at the same time as anyone else, the public, would be getting it.

We have the bill before us now to be debated. I want to look into this. There are a couple of small matters that I want to satisfy myself on. I will try to get back to the House before the end of the day today. We will begin the debate on this and if there is reason to abrogate a little later I will reserve that right for myself to do it.

SPEAKER'S RULING

The Speaker: I am ready to state the groupings with regard to Bill C-3, an act representing DNA identification and to make consequential amendments to the Criminal Code and other acts.

[*Translation*]

There are 14 motions in amendment in the notice paper concerning the report stage of Bill C-3.

[*English*]

The motions will be grouped for debate as follows.

[*Translation*]

Group No. 1: Motions Nos. 1 to 3 and 5.

Group No. 2: Motions Nos. 4, 6 and 13.

[*English*]

Group No. 3, Motion No. 7.

[*Translation*]

Group No. 4: Motion No. 8.

Group No. 5: Motions Nos. 9 and 14.

[*English*]

Group No. 6, Motions Nos. 10 and 11. Group No. 7, Motion No. 12.

[*Translation*]

The voting patterns for the motions within each group are available at the table. The the Chair will remind the House of each pattern at the time of voting.

● (1225)

[*English*]

I shall now propose Motions Nos. 1, 2, 3 and 5 to the House.

Mr. Peter MacKay: Mr. Speaker, on a point of order. I apologize for rising but on this point I do want to bring to the House's attention that this grouping I suggest is inappropriate in the sense that Motions Nos. 1 and 2 have absolutely nothing to do and have no bearing on Motions Nos. 3 and 5. I am not suggesting they be voted on differently. My understanding is that all these motions will be voted on individually, but Motions Nos. 1 and 2 should not be in the same grouping as Nos. 3 and 5.

The Speaker: In reviewing this particular case in discussions with my clerks beforehand, Motions Nos. 1, 2, 3 and 5 have been grouped for debate because they deal with privacy and with personal information. That is why we wanted to put them together. But we will separate them for the votes.

Ms. Marlene Catterall (Ottawa West—Nepean, Lib.): Mr. Speaker, discussions have taken place among the parties and I believe you will find consent for the following order:

That during the present debate, all report stage motions on C-3 be deemed moved and seconded and that recorded divisions be deemed requested.

(Motion agreed to)

● (1230)

The Speaker: The House will now proceed to debate on the motions in Group No. 1.

[*Translation*]

MOTIONS IN AMENDMENT

Mr. Richard Marceau (Charlesbourg, BQ) moved:

Motion No. 1

That Bill C-3, in Clause 4, be amended by replacing lines 12 to 23 on page 2 with the following: ''use of DNA profiles;

(b) DNA profiles are uniquely private and personal information that may be used only for purposes of identification;

(c) the improper use and disclosure of DNA profiles can lead to significant harm to the individual, including stigmatization and discrimination in areas such as employment, education, health care, reproduction and insurance;

(d) forensic DNA analysis provides information not only about an individual, but also about that individual's parents and children, thus implicating family privacy;

(e) DNA profiles are tied to reproductive decisions which are among the most private and intimate decisions that an individual can make; and

(f) safeguards for access to, collection, storage, and use of bodily substances, DNA profiles and other information contained in the national DNA data bank are needed to protect the privacy of individuals with respect to personal information about themselves.''

Mr. Peter Mancini (Sydney—Victoria, NDP) moved:

Motion No. 2

That Bill C-3, in Clause 4, be amended

(a) by replacing line 12 on page 2 with the following: ''use of DNA profiles,''

(b) by replacing line 23 on page 2 with the following: ''Act; and

(c) because of the personal information that can be gathered through the use of DNA profiles, it is the role of the government through public agencies, to perform the tasks set out in this Act.''

Mr. Richard Marceau (Charlesbourg, BQ) moved:

Motion No. 3

That Bill C-3, in Clause 5, be amended by replacing lines 30 to 33 on page 2 with the following:

''(2) The Commissioner shall ensure that the National DNA Data Bank Authority maintains a record of every person who accesses the national DNA data bank established under subsection (1) and any DNA profile contained in that bank.''

Motion No. 5

That Bill C-3, in Clause 9, be amended by adding after line 34 on page 6 the following:

''9.1 (1) The Privacy Commissioner shall every three years after the coming into force of section 5, carry out a complete investigation in respect of the National DNA Data Bank established under that section to ensure compliance with any provision of this Act in respect of that bank.

(2) Section 37 of the Privacy Act applies, where appropriate and with such modification as the circumstances require in respect of an investigation carried out under subsection (1).''

He said: Mr. Speaker, it is my pleasure to speak today in this House to this important bill, which has required a lot of attention and a lot of work. It concerns fundamental issues in a free and democratic society.

Motion No. 1 is very simple. It aims to include criteria, a set of principles in the preamble to the bill. We must not lose sight of the function of DNA. It can be used to identify not only an individual, but his family as well. We can identify parents, find out about them, children and brothers and sisters. It is something very private. There is nothing more personal than a person's DNA.

The purpose of Motion No. 1 is very simple. It provides principles or yardsticks according to which the bill must be applied. Among other things, it states that DNA profiles may be used only for purposes of identification, and not for any other purpose. There are a number of things that can be done with DNA already, and more will be possible as the technology progresses.

We wish to avoid the improper use and disclosure of DNA profiles, for the same reason, to avoid the wrongful use of a very powerful technology.

Before passing this bill, let us set up principles for now and for the future, because it will have repercussions not just for now but also later on. As the technology evolves, the principles will be more and more defined, but the more that can be defined today the better. This is very important. So that was Motion No. 1.

Motion No. 3 is equally important. The bill was discussed in committee for hours. The motion is intended to strike a balance between protecting society, fighting crime, and protecting privacy. Let us keep in mind that these are two fundamental principles in our society, and that a balance must be struck.

Motion No. 3 concerns clause 5. It states as follows:

''(2) The Commissioner shall ensure that the National DNA Data Bank Authority maintains a record of every person who accesses the national DNA data bank established under subsection (1) and any DNA profile contained in that bank''.

This is to prevent people from consulting the bank for a just any reason, and consultations will be recorded. Abuse can be avoided by having knowledge of who consults the bank, for which individual, and how. People will hesitate to consult the bank needlessly, knowing that records are being kept.

• (1235)

I will now read Motion No. 5, because it is just as important:

''9.1(1) The Privacy Commissioner shall every three years after the coming into force of section 5, carry out a complete investigation in respect of the National DNA Data Bank established under that section—''

In Canada, there is a government agency called the office of the privacy commissioner, whose role is to ensure that people's privacy is respected. Therefore, why not give that government agency the power to see if the national DNA data bank is fulfilling its mandate, respecting people's privacy, and not being misused?

Keeping track of any consultation would allow the Privacy Commissioner to look at the file, to see if there were too many consultations or if these consultations were unjustified, for what reasons, and so on. In such cases, the Privacy Commissioner would have the authority to impose sanctions on those who do not respect privacy which, as we know, is an essential value in any democratic and free society.

This is what I had to say on Motions Nos. 1, 3 and 5 in Group No.1.

Mr. Nick Discepola (Parliamentary Secretary to Solicitor General of Canada, Lib.): Madam Speaker, we feel that, generally speaking, the motions in Group No. 1 that were moved by the hon. member for Charlesbourg are unnecessary, because they do not add to the detailed context of the bill before us.

[*English*]

In general the motions presented by my hon. colleagues are actually considered unnecessary because the bill itself addresses a lot of the concerns raised.

For example the bill's purpose and principles already emphasize that the national databank is intended to help law enforcement agencies identify persons and that safeguards must be placed on the use and communication of and access to information in the databank. This is already in the bill. It is there to protect the privacy of information.

I would also like to point out to the hon. member that the commissioner of the Royal Canadian Mounted Police will have the jurisdiction for the administration and establishment of the databank. This will ensure that the DNA information does not fall into the wrong hands.

Also, once the bank itself is implemented it will be subject to audit by the privacy commissioner, as we discussed, who may audit it at any time rather than the three year time interval that is proposed by the hon. member.

[*Translation*]

I would now like to comment on Motion No. 1. I believe it has already been pointed out that the purpose of the national DNA databank is to help agencies, in enforcing the law, to identify, as the member indicated, only persons, and that protective measures must be taken with regard to the use and distribution of DNA data, and access to the databank, in order to protect privacy.

Current provisions in the act already deal with the problems raised by this motion. I therefore invite my colleagues to reject this motion.

I am also opposed to Motion No. 3. Although the government is in agreement with the principle that a record of every person who accesses the bank must be maintained, as the member is suggesting, I think that the point of the legislation is the identification the bank contains. The only access allowed is to an individual's identification.

Given that there are already certain safeguards in place, I can ensure the member that, in our view, the request contained in Motion No. 3 deals primarily with an administrative matter, and that the government will duly address this in the related regulations. We feel it is unnecessary to amend the bill, and this is why we are also rejecting this motion.

The final motion in this group is Motion No. 5. This motion suggests establishing a fixed time frame for examination by the privacy commissioner, but does not broaden the commissioner's authority to conduct investigations. Section 37 of the Privacy Act already authorizes the privacy commissioner to carry out investigations in respect of personal information under the control of government institutions in order to ensure compliance with the provisions of the legislation in question.

• (1240)

Once the national DNA data bank is in place, it will be subject to investigation by the privacy commissioner, who may, as I have pointed out, conduct an investigation at any time, rather than every three years, as called for by the member.

For these reasons, in my opinion, Group No. 1, that is Motions Nos. 1, 2, 3 and 5, does not really add anything to the bill. The problems raised in these motions are already addressed in the bill as written. I therefore urge members to vote against these motions.

[*English*]

Mr. Peter Mancini:: Madam Speaker, I rise on a point of order. For clarification, Motion No. 2 in Group No. 1 is my amendment. It was not clear to me whether in fact that had been removed from this grouping or whether it was part of this grouping. If it remains a portion of this group, it would seem to me that, like my colleague from Charlesbourg, I ought to have an opportunity to speak to this prior to the debate resuming.

I am looking for some clarification.

The Acting Speaker (Ms. Thibeault): I must advise the hon. member that Motion No. 2 is in this group. Members at this stage are free to address all motions as a whole or any one of them as they wish. Is that clear?

Mr. Peter Mancini: Madam Speaker, my question to you is that if this is a portion of that grouping, it seems to me, and I am looking for some direction here, that I ought to speak to that motion before the other members of this House can respond.

Am I being invited to address the House on this motion?

The Acting Speaker (Ms. Thibeault): Under the circumstances since the hon. member technically has a point, I would ask the hon. member for Crowfoot if he would be kind enough to let him speak first.

Mr. Peter Mancini (Sydney—Victoria, NDP): Madam Speaker, this grouping of amendments are intended to strengthen the safeguards against misuse and abuse of DNA profiles stored in the databank.

My amendment is Motion No. 2, the (a) portion of which appears to already be accepted as it is provided in the act. I will move on to the other section. I would propose that we amend the principles of the act by placing in the following, which would be an addition to section 4:

(c) because of the personal information that can be gathered through the use of DNA profiles, it is the role of the government through public agencies, to perform the tasks set out in this act.

I proposed the amendment because we have seen in the last eight or nine years tremendous privatization by both this government and the government prior to it. Crown corporations or government agencies which were normally perceived to be within the realm of government because they performed important public functions were given to the private sector in a fiscally conservative move.

● (1245)

My concern is that we are setting up an agency under the RCMP that can take these DNA samples and record them. None of us has a crystal ball. None of us can be sure whether in the future either this government or another government might think the cost of maintaining a DNA databank—not the taking of the sample but the keeping of the information—is too expensive. We do not know when another fiscal conservative wave will sweep over the House—

Mr. Peter MacKay: Soon.

Mr. Peter Mancini: We will do all we can to build appropriate walls to keep a Conservative government from taking power.

I put forward the amendment because it would be a clear indication that only the Government of Canada through a public agency ought to store the very personal information referred to by my colleague from Charlesbourg. The reason I proposed the motion was to ensure that only the government and not private agencies, which at some point in the future may profit from the sale of such information, keep that information, keep it secure and keep it confidential for the people of Canada.

Mr. Jack Ramsay (Crowfoot, Ref.): Madam Speaker, I will comment on the four amendments in Group No. 1. We realize the very important nature of the bill. It has enormous tools that could potentially provide the police with the ability to solve unsolved crimes and to provide greater protection for society.

In terms of Motion No. 1, with the greatest respect, I understand the concern for the respect of privacy as a result of the taking of DNA samples. When the bill was before committee we found from witnesses that the databank contains only the profile of the DNA samples. It will only carry the profile. The profile can only compare one sample with another profile, so the privacy matter has been largely looked after.

In addition, the penalty for the misuse of DNA information is very significant. It carries two years maximum. In some of the amendments we will be discussing today it is recommended that we increase the period of two years to five years. I am convinced the privacy concerns are adequately addressed by the nature of the databank and by the penalty prescribed in the bill. Depending upon the vote of the members the penalty may be increased from two to five years. My colleagues and I have very little concern about that. As well, the privacy commissioner has the authority to review at any time the databank and its use. There are very strict and secure safeguards as far as privacy is concerned.

We can support Motion No. 2 proposed by the NDP. The amendment precludes private agencies and labs from taking samples. It creates public standards and better accuracy of testing quality. It would appease to a certain degree the concerns about privacy.

● (1250)

This is one area where we feel that a government agency, where standards are set by the elected representatives of the people, is in order so that the testing of a sample meets standards which have been approved by the two houses of parliament. We think this is a logical and common sense amendment and can support it.

I will move to the third motion in this grouping. We have some concern about the motion because it would eliminate subsection 2 of clause 5 of the bill. We could support it if it is not to eliminate the particular subsection which reads:

The Commissioner's duties under this Act may be performed on behalf of the Commissioner by any person authorized by the Commissioner to perform those duties.

We feel this subsection must not be struck from the bill. It should remain. Therefore we will have difficulty supporting this motion.

As to Motion No. 5, we see no reason that there should be included within the statute the demand for a three year review. I appreciate the member's concern with regard to privacy, but I believe my earlier comments and rationale cover the area of privacy.

All that goes into the databank is the profile. Anyone obtaining a profile improperly from the databank gets nothing unless it can be compared with something. I understand that not even a name will be attached to a profile. I am satisfied the privacy requirements and concerns will be adequately addressed in that area.

I also feel the privacy commissioner has the right to audit the databank at any time. He does not have to wait a three year period. Someone with a substantial basis requesting the privacy commissioner to act can mobilize the commissioner to do so. With respect to Motion No. 5 we think the privacy safeguards are in place and within the bill.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Madam Speaker, as previous members have expressed, I am very pleased to take part in the debate.

The members previous have also indicated this is a very crucial and important piece of legislation that will certainly aid police officers and Canadians generally in their never ending fight against crime.

I want to address the motions in the order in which they appear. With respect to the first motion, which is moved by the member for Charlesbourg, although I certainly agree with the purpose for which he has brought the motion forward, I would suggest it is a motion or an amendment that is already addressed in the current form of the bill. Clause 4 of the bill is clear. Any further tinkering with this clause would only lead to potential misunderstanding, which of course could then lead to unnecessary litigation.

I find myself in the untenable position of having to agree with the government that the legitimate concerns are in fact met. Although there is always concern for misuse of this important technology, I believe the principles set out in the preamble will address that point. I certainly would not call it a pointless or irrelevant motion but simply duplicitous.

● (1255)

It is a very complicated bill. There can be no debate on that issue. We as members of the House, and particularly those participating in this debate, have an obligation to try to simplify where possible the legislation, not to complicate it.

Motion No. 2 was proposed by the member for Sydney—Victoria. For the reasons I previously stated I feel it may be a motion that is addressed in a more direct form in the current drafting of the bill.

It is not the principle that we disagree with but rather that the bill might become unduly complicated by making this amendment. Certainly there is evidence that this type of DNA data can and perhaps will in the future be used for other purposes.

With respect to how it will be used as it stems from this piece of legislation, safeguards are in place and sections of the bill will be addressed in other amendments which we will be debating on the floor today. It is perhaps duplicitous. Safeguards currently exist in the act. Any improper or illegal use of the DNA evidence would be addressed by existing sections of the act.

The third motion is proposed by the member for Charlesbourg with respect to the use of DNA, or how the commissioner would ensure that DNA was not being abused, is a motion that I embrace, a motion that I think is a good one.

It is aimed particularly at protecting the privacy interests of individuals. It ensures accountability and is aimed at correcting or addressing any misuse of information. It is a good motion. It is one that I hope all members of the House will consider and take seriously.

It would allow for a more complete and perhaps a more thorough investigation of the DNA databank. It is an important safeguard. As I have indicated earlier, it is a motion we should support. It would also ensure that improper use does not occur.

The fifth motion in this grouping proposed by my hon. friend in the Bloc is a motion that I believe in principle we should support. However, as has been indicated by the parliamentary secretary and the member from the Reform Party, there are provisions in existing legislation that would allow for an audit outside a defined three year period.

In essence this concern has been met. I am pleased to hear that the parliamentary secretary is supportive of that position. Therefore the legitimate concern raised by the hon. member is addressed. It is certainly there for a very crucial intent, that is to balance the protection of the public and the crucial need of law enforcement officers to use this trace evidence and DNA sample evidence for their legitimate fight against organized crime and crime generally, coupled with the need for the privacy concern interest.

We have an obligation to ensure that is what happens by the enactment of the legislation. There is a great deal of responsibility weighing upon us in that regard.

I conclude by saying that of the motions before the House in this juncture of debate, we support the last two but have some difficulty with respect to the prior two motions which appear in this grouping.

Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.): Madam Speaker, I am pleased to participate in the debate on Bill C-3 at report stage as we discuss the amendments. Bill C-3 is an act respecting DNA identification.

As some of my colleagues have already mentioned, the Reform Party is fully supportive of the creation of a DNA databank and the use of that information in detecting and prosecuting those who committed crimes. However the bill has a scope that is so limited we would be unable to support it as it is. Therefore the amendments here are of some importance.

● (1300)

As almost anyone who is aware of this issue and the debate taking place on it will know, the official opposition is firmly committed to restoring confidence in our justice system and providing Canadians with a true sense of security. This is something Canadians lack. Canadians do not feel secure. They do not feel secure from those who would attack them, rob them and harm them. Nor do they feel secure in the apprehension of those who do this. They do not feel secure with regard to the prosecution and punishment of criminals.

My constituents in Cariboo—Chilcotin are greatly alarmed when they see instances of heinous and bloody crimes being committed

and the evidence being thrown out on a technicality, a technicality that rests mostly on the latest thought a judge may have.

As we talk about DNA, my constituents see this as a very important tool in the detection of crime and in its prosecution.

Bill C-3, as it now stands, will provide Canadians with some sense of security but in my opinion a false sense of security. Neither my colleagues nor I can support this legislation as it now stands.

Our constituents need to be assured that those who protect us are given real tools, not imaginary tools, tools that are available to them to fight against violent offenders in society. Bill C-3 does not grant our police forces, the officials who maintain the law, the full use of DNA technology which has now become fairly readily available even though it is an expensive tool.

One wonders, when we consider the expense of using faulty or less effective means of apprehending and prosecuting criminals, whether this is a false sense of economy when we talk about the costs of using this DNA technology.

There is another point that also needs to be considered and that is the use of this technology not only for prosecution but for the defence and the freeing of those who are innocent. We have recent examples of this in Canada. There are very sad stories of people who have been in the wrong place or the right place at the wrong time and have been apprehended, charged, tried and convicted. Yet when all the evidence is on the table, these people turn out to be totally innocent. They and their families end up going through not weeks and months but years and years of a sense of betrayal by a justice system that is more interested in convicting someone in these instances than in convicting the correct person.

We are not only interested in correctly solving violent crimes but also in seeing that justice is appropriately applied to the right person.

There are hundreds of unsolved assaults, rapes and homicides where DNA evidence has been left at the scene by the perpetrator of the crime. DNA identification now offers an unparalleled opportunity to solve many of these cases and bring these perpetrators to justice.

However, because of the government's irrational fear of violating the privacy rights of those responsible for these heinous crimes, it is intending to restrict the use of a very important technology by law enforcement officials.

Bill C-3 does not allow for the taking of a DNA sample at the time of charge. It does not permit samples to be taken from incarcerated criminals other than those designated dangerous offenders, multiple sex offenders and multiple murderers. Bill C-3 does, however, provide a dangerous and unnecessary exemption authorizing judges not to issue warrants for the taking of a sample if they believe that in doing so the impact on the individual's privacy and security—

• (1305)

Mr. Nick Discepola: Mr. Speaker, I rise on a point of order, I do not want to interrupt the hon. member but we did group these amendments by groupings. I understand the hon. member does have concerns over some of the amendments. I would ask him to address the grouping we are now studying, Motions Nos. 1, 2, 3 and 5. I believe right now he is speaking on Motion No. 10. Perhaps if he could group his thoughts around our groupings we might be able to get the debate under way a lot faster.

The Acting Speaker (Ms. Thibeault): I believe the parliamentary secretary does have a point. We are discussing Motions Nos. 1, 2, 3 and 5 at this point.

Mr. Philip Mayfield: Madam Speaker, I thank you for that point. However, I intend to use the latitude I need to discuss these issues.

Bill C-3 does provide a dangerous and unnecessary exemption authorizing judges not to issue warrants for the taking of a sample if they believe that in doing so the impact on the individual's privacy and security would be grossly disproportionate to the public interest in the protection of society.

As it stands, Bill C-3 now is a hindrance to more effective law enforcement and a safer society. Those responsible for shaping our justice system continue to express a willingness to place the lives and the safety of innocent people in jeopardy.

Whether by paroling violent offenders who go on to rape and murder again or by freeing convicted violent offenders through conditional sentencing or by tying our police officers hands through Bill C-3, the safety of society it would seem is a secondary issue for the Liberal government.

I know the government is a little apprehensive about the invasion of privacy and to a certain degree I am as well. Privacy is an issue I have studied. It is an issue that concerns me greatly. However, it seems there is a point when we must also take into consideration first of all the protection of society.

I feel this tool if it is to be used effectively can do this. We want to do more good than harm in getting violent offenders off the street. There has to be a balance between respecting the rights of innocent individuals and the protection of society from violent and repeat offenders.

We have to be certain that the rights of innocent individuals are not trampled on. Innocents have a right too. This must be clearly taken into consideration.

And so we see there is a fine line between infringing on the rights of the individual and one who has committed a crime,

especially serious violent crimes. When someone commits a crime they have violated the societal laws and therefore should not be subject to the same rights and privileges as others in society. By their actions they have in a sense lost the right to those privileges.

I feel the government has forgotten this and that those criminals should not still enjoy the same rights and privileges as those of us who have not committed crimes, in some cases jeopardizing the safety of the rest of society as a result.

Mr. Jake E. Hoeppner (Portage—Lisgar, Ref.): Madam Speaker, what is privacy all about? This brings me back to a case we heard so much about in the last number of years of David Milgaard who was imprisoned for 20 some years.

David's family lived in the Snowflake area where I farmed for a number of years. People in the community always felt very strongly that David Milgaard was innocent. They knew the family and they knew what type of upbringing he had. There was always the suspicion that he had been at the wrong place at the wrong time and was blamed for an act he was not responsible for.

• (1310)

Had we a DNA databank and some of the information available to the police forces to double check on the evidence they had, probably David Milgaard would have been exonerated from that crime and would have been free those 22 or 23 years he was in prison.

I think society has the right to have protection and that is what government is there for, to give the type of protection from unjust prosecution.

When somebody is caught up in a crime and has violated civil or criminal law there should be a sample of DNA so that in future cases the person can either be charged or exonerated. Having the databank is not just a matter of proving people are criminal or that they were involved in the act. The databank is there to prevent people from being charged wrongly.

In comments in the previous debate the government feels this would cost too much money. It would create a bank that was too costly to manage. The gun legislation, Bill C-68, was passed in order to register guns of law-abiding citizens just to keep track of them in case some of the criminal element might pick up some of these guns and they can be traced. We have seen a number of speculative suggestions or estimates that it would cost about half a billion dollars to register all the guns of law-abiding citizens.

When we look at the databank which would serve a much bigger bank of information on catching people who have committed crime or preventing people from being prosecuted who were not involved, money seems to be an issue. It was not an issue when it came to gun registration. That does not make sense.

When looking at the hepatitis C issue it is money that seems to be what the government is hesitating to talk about. It does not want to admit that maybe it was wrong. It does not want to admit that there could have been something done to prevent the problem of poison blood. That is the same with the databank. The government is very hesitant to make the bank resourceful and to give the bank the authority to take the samples of DNA from people who are suspect of committing crimes.

If I were accused falsely of a crime I would demand that a DNA sample be taken so I could not be charged for something I was not involved in. I cannot understand why that is a matter of private information that I would not want to have in a databank controlled by the government.

Some of the amendments made by other parties concern putting safeguards into the bill in order that the DNA data information collected is not misused. An ounce of prevention is worth a pound of cure. Had we a databank giving the RCMP and the investigators the information they needed in the David Milgaard or Guy Paul Morin case it would have meant a lot less stress and hardship for those families.

Will it create any stress for people who are forced to give a sample of DNA where it is protected by government and cannot become public information? There is no problem. It is the same as the tax man. When he wants to come and open up my books they are there for him to look at. If I do not give him that information he can force me to give it to him. Is it not easier to provide the information rather than forcing somebody to give that information?

• (1315)

It seems only logical that we should support the amendments. The bill is going in the right direction. We should support some of these amendments to guarantee safety. We should also put in amendments which will guarantee that the legislation contains all the bullets the RCMP and investigators need to prove beyond a reasonable doubt that a person is or is not guilty of a crime. It makes sense that we should give this type of protection to our ordinary citizens, whether they are law abiding or living on the edge of the law.

An hon. member: Did Jack not object to that?

Mr. Jake E. Hoeppner: Jack has his own ideas and he will talk to those ideas. I am talking about the amendments.

An hon. member: But he objects to the amendments.

Mr. Jake E. Hoeppner: Not all of them. He does not object to all of them. He only objects to the ones that do not make sense.

That is the problem with these Liberal governments. They do not know what common sense is. And when they see it, they distort it. They distort it enough until they think they have got something

that is publicly acceptable. People are brainwashed and led to believe that it is good for them. It does not work that way in real life. Real life common sense tells us we have to do what protects the ordinary law-abiding citizen who wants to give his best to the country.

There are people in my constituency who would gladly volunteer DNA because they have somebody in their family background who someday might get mixed up with something that would not be so nice to deal with. There are a number of cases. They would be glad to give a DNA sample to the bank so that they would be protected from things that happened with members of their families.

An hon. member: The bill allows that.

Mr. Jake E. Hoeppner: It does not allow that. One has to be convicted before it is allowed. That is what I read in the bill. You have to be a one time criminal before you can be asked to submit a sample.

We are debating whether or not it is common sense. To me it only makes common sense if we can prevent an offence. I cannot see any harm. When the RCMP suspects somebody or when law enforcement believes it should have the right, they should be able to take that DNA sample and put it in the bank. The way I read it, this bill does not allow that.

We will see during the debate today that the Liberals will try to brainwash us. They will try to put us into a nice comfortable mood and say that this is a bill everybody should support. We support some of it. When the justice critic objects to certain clauses, I support him because he is dead right.

Mr. Gurmant Grewal (Surrey Central, Ref.): Mr. Speaker, I rise on behalf of the people of Surrey Central to express our opposition to Bill C-3, an act representing DNA identification which would make amendments to the Criminal Code and other acts. This bill was previously introduced as Bill C-94 in April 1997. There still appears to be minor differences between this bill and Bill C-94.

My colleagues in the official opposition believe that people are concerned about victims of crime. My constituents and a host of others inside and outside the law enforcement community are very disappointed with what the Liberals have done with this bill.

The Reform Party is firmly committed to restoring confidence in our justice system and providing Canadians with a true sense of security. This includes strengthening our law enforcement agencies by providing them with the latest effective technological tools to quickly detect and apprehend the perpetrators of the most violent crimes in society.

• (1320)

DNA identification is that kind of tool. If used to its full potential the DNA databank could be the single most important development in fighting crime since the introduction of fingerprints. The technology available through DNA identification would make our society safer. It would protect our homes, our families and our lives from criminal activity and in particular violent crime.

It is my understanding that DNA capabilities will greatly enhance the work of our law enforcement community. This technology over the next few years and decades will virtually change our world in terms of crime solving, crime detection and the positive identification of criminals.

Bill C-3 if passed unamended will provide Canadians with a false sense of security. Therefore the Reform Party cannot support this inadequate and incomplete piece of legislation. The Reform Party fully supports the creation of the DNA databank. We do not however support the limited scope of Bill C-3.

Why do I oppose this bill? I oppose it because Bill C-3 does not grant our police forces full use of DNA technology and because Bill C-3 does not allow for the taking of DNA samples at the time of the charge, whereas fingerprints are taken at the time of arrest. Another reason I oppose Bill C-3 is that it does not allow samples to be taken from incarcerated criminals other than designated dangerous offenders, multiple sex offenders and multiple murderers.

As it stands now, Bill C-3 is a hindrance to more effective law enforcement and a safer society. This is a needlessly restrictive measure in Bill C-3. The official opposition does not want to join the Liberals in their attempt to fool Canadians about what this bill does, and most importantly what it does not do.

It does not go far enough and we must not fool ourselves. That is wrong and that is why on behalf of the people of Surrey Central I will be voting against this bill. It is an inadequate piece of legislation.

The Liberals are choosing to slow down the process of the advent of DNA identification into our crime fighting efforts. The Liberals are crippling the ability of our law enforcement agencies to use this technology.

The government has so far refused to allow the amendments to this bill that have been put forward by the official opposition. These amendments would put teeth into Bill C-3 but it is as if the Liberals do not want that. They are afraid to unleash this powerful crime fighting tool because the Liberals are more concerned about the criminals and the rights of the accused than they are concerned about the victims of crime and the rights of the victims.

Our law enforcement agencies should have been given the go ahead to use DNA identification tools when the technology was first invented. For example, it is like forcing people to use candles or kerosene lanterns instead of electric lightbulbs, or for that matter a minister's office asking her staff to use 286 computers rather than pentiums. This is how technology evolves. We should use the advanced technology for the purpose intended.

Those responsible for shaping our justice system continue to express a willingness to place the lives and safety of innocent people in jeopardy. Whether by parolling violent offenders who go on to rape and murder again, or by freeing convicted violent offenders through conditional sentencing, or by tying our police officers' hands through Bill C-3, the safety of our society is a secondary issue for this Liberal government.

• (1325)

We are watching the Liberals withhold granting tools to our law enforcement agencies. The Liberals are not getting tough on crime, violent crime in particular. The Liberals are not willing to do the work necessary to give our police agencies better tools to solve crimes and to prevent crime.

Why do the Liberals deny Canadians amendments to the Young Offenders Act? The justice minister continually answers the question by saying she will do it in a timely fashion. What is meant by a timely fashion when it is not timely?

The Liberals say they are concerned about the constitutional and privacy rights of the criminals and that is why they are trying to pass such a watered down DNA identification bill. Yet the Liberals refuse to wait for the report of a constitutional review that would dispense with the issue of DNA identification.

Bill C-3 in its present form denies our police the full use of DNA identification. This maintains an unnecessary level of risk to the lives and safety of our citizens.

Bill C-3 provides a dangerous and unnecessary exemption authorizing judges not to issue warrants for the taking of a sample if they believe that in doing so the impact on the individual's privacy and security would be grossly disproportionate to the public interest in the protection of society. It seems to me that if DNA identification were positive unequivocal proof, then the rights of an individual would best be served by that person providing a DNA sample.

DNA samples are conclusive if processed carefully and correctly. A DNA sample can disprove as well as prove the accused's involvement in a crime. The Liberals' argument in support of allowing the judges not to issue a warrant for the taking of a DNA sample fails.

Because of the government's irrational fear of violating the privacy rights of persons accused of heinous crimes, the Liberals are restricting the use of this very important technology by our law enforcement agencies. The Liberals should be ashamed.

Once again we are watching the Liberals use cold-hearted legal talk to deny giving us what we need. The Liberal government used cold legal arguments and numbers to deny help to all the victims of tainted blood. Now the Liberals are allowing certain crimes to go unsolved because they are afraid to violate the rights of the accused.

Clifford Olson would have been charged earlier had the DNA technology been available to the police. More of the murders he committed would have been solved earlier and perhaps some lives could have been saved.

Canadians are devastated when innocent victims fall prey to violence, whether the motivation is drugs, theft, greed or hate.

The government is failing our youth, our seniors, our communities and our society because it lacks the moral strength to deal with all types of violent crime and repeat offenders.

I could go on and on but my constituents and I are warning this government to get tough on crime, to do the work necessary to protect our society. That is why we are not supporting Bill C-3 as it is presented unless the amendments are accepted. The bill does not do the work necessary to give our police what they want in terms of using the DNA identification tool.

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, in listening to the debate and examining this bill on the DNA legislation, three questions come to mind. I would like to discuss those three questions this morning in relation to this bill.

The first question is: Why does the government persist in registering law-abiding citizens but not criminals?

• (1330)

The second question that I will deal with is: Why is the government refusing to allow the police to use a tool that could help them solve a lot of crimes, reduce court costs and the cost of law enforcement?

My third question is: Why are Liberals keeping innocent people in jail who could be freed if we put in place Bill C-3, this DNA databank legislation that is totally inadequate?

Let me deal with the first question. Why does the government persist in registering law-abiding citizens and not criminals? How is the government registering law-abiding citizens? Several years ago this government put in place a bill that received nationwide attention, Bill C-68; a bill that will force law-abiding gun owners to register with the government when they have never committed a crime.

The government is spending hundreds of millions of dollars going after law-abiding citizens in a huge bureaucratic scheme that

its own department now says will accomplish the very opposite of what the legislation intended. Not only that, it will make criminals out of law-abiding citizens because it put the property regulation scheme into the Criminal Code of Canada and people who do not comply with it could end up in jail for one, two, five, possibly ten years for failing to comply with the government's desire to have them register.

On the other hand, we have a government that will not register criminals. People who have been charged with a crime will not, under this legislation, be required to give a little saliva, a hair or a slight skin sample to the police. They will be able to declare their rights not to let the police DNA fingerprint them.

At the present time the police can take a fingerprint from someone who has been charged with certain crimes. The Reform Party is not advocating that everybody comply with this DNA legislation, we are saying that in serious criminal offences this should be allowed.

Why does the government require law-abiding citizens who have not committed a crime or are not a threat to society—in fact the opposite could be argued—to be kept track of but not the criminal element? I do not know. I cannot understand why the government is not doing as the police request.

The police have come before the government. They have pleaded with the government that this is a very effective tool. It could reduce the costs of law enforcement greatly. It could increase the effectiveness of our criminal justice system. It could help to declare people who have not committed a crime innocent at a much earlier stage. No, the government is not interested in that kind of thing.

Is that not deplorable, Mr. Speaker? I can see that you are listening. You are as concerned as I am with the things the government requires law-abiding citizens to do but does not require criminals to do. Why does the government give the criminal more rights than the law-abiding citizen? I cannot understand that. It just blows me away.

In the gun registration scheme the legislation that is before the House will have the effect of increasing smuggling and of increasing black market trade in firearms. It is not just me who is saying that; justice department bureaucrats who have been put in place to put in that huge regulatory scheme are saying that. Why are we doing it? It is absolutely ridiculous.

● (1335)

On the other hand, the police are saying that if we were able to get a DNA fingerprint, which is very easily done because we have the technology, we could solve crimes a lot sooner. We could find people guilty or innocent a lot sooner which would help the police greatly in their efforts to control crime. I do not understand why this government is on the side of the criminal element.

The second question that I want to deal with is: Why is the government refusing to allow the police to use a tool that could help them solve a lot of crimes, reduce court costs and the cost of law enforcement? The argument the government has used is that there could be a lot of misuse of this information. If in fact a criminal gave a DNA fingerprint to the police, in some way or another, down the road, that information might be used in a way that would infringe on the criminal's rights.

The solution to that concern is very simple: punish the misuse of that information if it is used in a way that the government or the police do not find appropriate in solving a crime. Restrict the unethical and unlawful use of that information. That could be easily done and this government has refused to do that.

The answer to the concern that the information may be misused is very simple. We have that protection in many other areas already, so why not extend it to this? It does not make sense.

The government also argues that the courts may not approve of this legislation if we extend it to everyone who has been charged with certain crimes and if we require all of them to take a DNA fingerprint and give that fingerprint to the police. The government said it may infringe on the constitutionally guaranteed rights of criminals.

Again the answer to that is so simple that I do not know why this government does not do it. Why not refer the matter to the courts? Ask the Supreme Court of Canada what measures would be necessary and what could be done in order to protect them. We could put that into this legislation to make sure that it complies with our charter of rights and freedoms. These answers are so simple, why do we not do it?

The third question I want to deal with is that many people have been wrongly convicted in the past 20 or 30 years. Some people have spent five, ten, fifteen, up to twenty years in prison because they were wrongfully convicted. This government allows that to continue by not adequately putting in place a DNA databank that would prevent this kind of thing from happening.

The present legislation, as it is structured, would still allow some of these people to be in prison for many years when they could be freed if we put this in place. Why does the government not put in place something that would help these innocent people be free?

In conclusion, I would appeal to the government to listen to the concerns of members of the opposition and of Canadians who want this to be put in place and, above all, to listen to the police who require this as a tool. I appeal to the government to listen and to not simply use the undemocratic means that it continues to use to ram legislation through. I ask that it consider some of the amendments

that Reformers have put in place because they would strengthen the legislation and law enforcement in this country.

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Ref.): Mr. Speaker, I am pleased to rise on behalf of my community to add my comments concerning Bill C-3, an act respecting DNA identification and to make consequential amendments to the Criminal Code and other acts.

To be clear, what are we talking about? In specificity, it concerns an enactment to provide for the establishment of a national DNA databank to be maintained by the Commissioner of the Royal Canadian Mounted Police and to be used to assist law enforcement agencies in solving crimes.

● (1340)

The databank will consist of a crime scene index containing DNA profiles derived from bodily substances found in places associated with the commission of certain types of serious offences and a convicted offenders index containing DNA profiles obtained from persons convicted of or discharged from those types of offences.

The enactment amends the Criminal Code to provide for orders authorizing the collection of bodily substances from which DNA profiles can be derived for inclusion in the DNA databank. It also amends the Criminal Code to authorize the collection of bodily substances from offenders who meet clearly defined criteria and who are currently serving sentences.

The enactment contains specific provisions regulating the use of the bodily substances collected and the DNA profiles derived from them, and the use and communication of and access to information contained in the databank.

Specifically, we are at the report stage debate of this bill and the Reform Party is firmly committed to restoring the confidence in our justice system and providing Canadians with a true sense of security. Today's debate is broken down into various sections concerning amendments about which I will speak later.

Canadians really do not have a lot of confidence in our justice system, and no wonder, for essentially it is a liberal justice system. Reformers want to strengthen our law enforcement agencies by providing them with the latest technological tools so they can quickly detect and apprehend the perpetrators of the most violent crimes in society.

DNA identification is that kind of tool. But it can also vindicate possible suspects, protect the innocent and save money for more appropriately focused resources for investigation efforts.

If used to its potential the DNA databank could be the single most important development in fighting crime since the introduction of fingerprints. To deny the prosecution the full use of this technology in the fight against crime, as Bill C-3 does in its present form, is unacceptable because it maintains an unnecessary level of risk to the lives and safety of our citizens. Again, from my point of view, it is the usual Liberal half-step in the right direction and further evidence of a weak government.

Bill C-3, an act respecting DNA identification, if passed unamended will provide Canadians with a false sense of security. It is just not good enough to meet our higher standards.

Members of the Reform Party fully support the creation of DNA databanks. However, we do not support the timid and weak style of Bill C-3. It does not grant our police forces full use of the DNA technology which is readily at their disposal, a tool that would help close hundreds of unsolved violent crimes and a tool that would have the enormous potential of saving lives by removing predators from our streets.

Let me refer directly to the motions in this section of the report stage debate.

I notice at page V of the Order Paper and Notice Paper for Monday, May 4, 1998 that there are 14 report stage amendments. I will speak briefly to the ones in the section concerning our present debate.

Motion No. 1 is brought forward by the Bloc. I believe that the bill already contains adequate provisions covering these areas and that the amendment is not necessary to support them.

Motion No. 2 is brought forward by the NDP. I think it has merit. This amendment precludes private agencies and labs from taking samples and it creates public standards and better accuracy for testing quality. I support the motion.

Motion No. 3 is brought forward by the Bloc. It also has merit. It safeguards against the wrong persons accessing the DNA databank. I support this improvement.

Motion No. 5 is brought forward by the Bloc. I really do not think it is particularly helpful. It is really a make-work amendment and there is no reason for us to have a three year review. It really does not help the general goals of the bill.

Further, Bill C-3 does not allow for the taking of a DNA sample at the time of formal charge. It does not permit samples to be taken from incarcerated individuals, other than designated dangerous offenders, multiple sex offenders and multiple murderers.

● (1345)

There are hundreds of unsolved assaults, rapes and homicides where DNA evidence has been left at the scene by the perpetrator. DNA identification now offers an unparalleled opportunity to solve many of these cases and bring the perpetrators to justice. However,

because of the government's fear of violating the privacy rights of those responsible for heinous crimes, it is restricting the use of this very important technology by law enforcement. It is a typical approach of a weak government.

Those responsible for shaping our justice system continue to express a willingness to place the lives and the safety of Canadians in jeopardy. Whether by paroling violent offenders who go on to murder again, or by freeing convicted violent offenders through conditional sentencing, or by tying our police officers' hands through Bill C-3, it appears the safety of society is a secondary issue for the Liberal government.

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Mr. Speaker, the Reform Party is firmly committed to restoring confidence in our justice system and to providing Canadians with a true sense of security. This includes strengthening our law enforcement agencies by providing them with the latest technological tools to quickly detect and apprehend the perpetrators of the most violent crimes in society today.

DNA identification is that kind of tool. If it is used to its full potential, the DNA databank could be the single most important development in fighting crime since the introduction of fingerprints. To deny our police the full use of this technology in their fight against crime, as Bill C-3 in its present form does, is reprehensible and unacceptable because it maintains an unnecessary level of risk to the lives and safety of our citizens.

Bill C-3, an act respecting DNA identification, if passed unamended would provide Canadians with a false sense of security. Therefore the Reform Party cannot support this inadequate piece of legislation. The Reform Party fully supports the creation of the DNA databank. We do not however support the limited scope of Bill C-3.

Bill C-3 does not grant our police forces full use of the DNA technology so readily at their disposal, a tool that would help close hundreds of unsolved murders and rapes with the enormous potential to save lives by removing the predators from our streets.

Bill C-3 does not allow for the taking of a DNA sample at the time of charge. It does not permit samples to be taken from incarcerated criminals other than designated dangerous offenders, multiple sex offenders and multiple murderers. Bill C-3 does however provide a dangerous and unnecessary exemption authorizing judges not to issue warrants for the taking of a sample if they believe in doing so the impact on the individual's privacy and security would be grossly disproportionate to the public interest and the protection of society.

There are hundreds of unsolved assaults, rapes and homicides where DNA evidence has been left at the scene by the perpetrator. DNA identification now offers an unparalleled opportunity to solve many of these cases and bring the perpetrators to justice. However, because of the government's irrational fear of violating the privacy rights of those responsible for heinous crimes, it is restricting the use of this very important technology by our law enforcement.

As it stands now Bill C-3 is a hindrance to more effective law enforcement and a safer society. Those responsible for shaping our justice system continue to express a willingness to place the lives and safety of innocent people in jeopardy. Whether by paroling violent offenders who go on to rape and murder again, or by freeing convicted violent offenders through conditional sentencing, or by tying our police officers' hands through Bill C-3, the safety of society is a secondary issue to the Liberal government.

In the newspaper this morning the solicitor general was quoted as saying that we have a terrible problem in Canada with terrorists and people who are here causing real problems. He is to get a lot of police work going to try to solve this problem. He should talk to his colleague in immigration who is letting them come through the border because of poor laws that have been set up. We listened to a supreme court which allows in people who come to our border saying they are refugees. Then we find out later they are terrorists. The bill is the same type of thing as that.

We have a bill that will not do the job. Our party will oppose Motion No. 1. We think it is an unnecessary amendment.

• (1350)

We support Motion No. 2, which is an NDP motion. The amendment precludes private agencies and labs from taking samples. It creates public standards and better accuracy in testing quality. The government should look at this amendment.

We oppose Motion No. 3 which is supposed to safeguard against wrong people assessing the DNA databank. We oppose Motion No. 4 which indicates that the entire convicted offenders index will be destroyed. There may have been a problem with the English translation of this amendment. We oppose Motion No. 5 because we believe there is no need for a three year review.

The Conservative House leader raised the issue of legal opinions sought by the government on the bill. I wonder if we could find out where the government picked the justices from to get opinions. I know there are other opinions within the legal profession that certainly disagree with the three opinions obtained by the government with regard to the issue of blood alcohol sampling comparison.

I will read from page 6, section (b) of the report by the hon. Martin R. Taylor, QC, who says:

The scheme established by s. 254 of the Code governing the taking of samples from drivers for alcohol and drug analysis is directed to the acquisition and preservation of evidence of a particularly perishable kind from those who are actually engaged in the dangerous business of controlling vehicles.

> There is no authority under this part of the Criminal Code for the compulsory taking of samples except in the case of persons physically or mentally unable to consent, for which judicial warrant is required under s. 256. But it must be recognized that a police officer who has reasonable grounds to believe that the ability of a person to control a vehicle has been impaired by consumption of alcohol or a drug can coerce the person's consent to provide a breath or blood sample, because failure to comply with a proper request for such a sample in itself constitutes a criminal offence.
>
> The s. 254 scheme contemplates the taking of samples of bodily substances without warrant under such coercion of law as may, for practical purposes, be equated with compulsion, and has, in my opinion, more in common with the proposed extension of authority under Bill C-3 to warrantless compulsory taking of bodily substances for DNA testing from accused persons than does the fingerprinting scheme authorized by the Identification of Criminals Act.
>
> There is, however, an important distinction to be drawn from the context of the Charter. The constitutionality of the Criminal Code s. 254 scheme for drug and alcohol testing of breath and blood samples rests on the unique nature of problems associated with drinking and driving. There is obvious need to obtain blood samples promptly both for the purpose of preventing continuing breach of the law and to secure evidence which would otherwise be lost with effluxion of time. The courts, would not, in my opinion, equate compulsory taking of DNA samples without warrant, in the context of the Charter, with the taking of breath or blood samples under coercion of law from drivers suspected of impairment. I say this because personal DNA characteristics do not change with time, and the taking of DNA samples cannot be expected to result in the termination of offences in progress.
>
> I do not believe that either of the comparisons mentioned would be regarded by the courts as persuasive in answering the present question.

Those were the comments of a former judge whose legal opinion was sought. He said that DNA could not be taken from a person who was charged. Yet we could take blood samples if the person were suspected of drinking.

Are we being told that if we take a blood sample from a person caught driving while drunk and can match the DNA with six rapes or six murders that have taken place we will not be able to charge the person because we obtained the evidence illegally?

I am not a lawyer, but it seems that is where we are with this. We have to make sure to protect ourselves. We have to make sure that people caught for crimes will serve for those crimes and that we do not have all the loopholes. The public is frustrated with today's laws, with the number of cases overthrown in the courts because of so-called abuse of people's rights. It seems the criminals are getting all the rights and the victims have no rights at all. Bill C-3, although it is a good start, does not include enough.

● (1355)

A gentleman spoke to our caucus a few weeks ago. He was the chief of police in a major city in Ontario. He pointed out very strongly that there had to be more in the DNA bill. We had to make sure that people who were in prison and were already convicted of crimes had their DNA put on the record. He assured us that if that were the case they would solve literally hundreds of murders, rapes and major crimes in the country.

Once crimes have been committed and the criminals are serving time in jail, they should have no right that says their DNA cannot be taken and put on the record, because their right not to have it there has been violated by them. Many people think we all should have DNA taken at birth so there are good records of everybody.

Surely the government can make sure the criminals in the land have their DNA on record so if they commit other crimes they will be caught. Certainly it has some feeling for solving all those crimes across the nation that have been committed by making the right amendments to the bill.

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, it is a pleasure to speak to the report stage amendments to Bill C-3, an act respecting DNA identification.

It is unfortunate the bill is such a half effort that the Reform Party and the official opposition will not be able to support it in its entirety. The gist of the bill is proper, but it will take a lot of convincing on that side to get me to vote for it. The gist of the bill, the idea of taking DNA samples, is good. The idea of trying to identify and to solve crimes by using DNA, a modern scientific tool, is sound. I just wish the bill had been more thorough and better thought through in terms of how to go about it.

The first grouping of motions under discussion today includes Motions Nos. 1, 2, 3 and 5.

The Speaker: I do not want the member to get too wound up because I know he will continue debate for another nine minutes.

It being almost 2 p.m. I will intervene. However, the member will have the floor when we return to the debate.

STATEMENTS BY MEMBERS

[*English*]

EDUCATION

Mr. Bryon Wilfert (Oak Ridges, Lib.): Mr. Speaker, Canadians have a strong and proud history. Knowledge of that history is disappearing, however. The teaching of our past, a past that reflects our traditions, values and ideas that help to reflect who we are, is disappearing.

Professor J. L. Granatstein in his new book *Who Killed Canadian History* points out that only 54% of high school and university graduates could name Sir John A. Macdonald as our first prime minister. Only 36% knew the year of Confederation. This is

unfortunate and a reflection of the state of Canadian history being taught in our schools.

As a former teacher of Canadian history, I applaud Professor Granatstein for exposing the lack of consistent curriculum.

Canadians want more Canadian history taught in their schools. The Canadian government can act to change this disgraceful trend by providing our young people with an understanding and appreciation of our roots.

Granatstein suggests that Ottawa take an activist role by providing a subscription to every high school to a magazine such as *The Beaver and National History.* He also suggests that we establish a centre for Canadian history—

The Speaker: The hon. member for Elk Island.

* * *

COINAGE

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, it seems to me that good decisions come from correct information. That is why we tried to get the issue of the Mint's new coin plating plant to the parliamentary committee.

The various players in this issue have contradictory views and interpretations on costs, savings, security of supply, jobs, international demand and various other subjects. Why not let the committee sort this out?

No, the government does not want the facts to come out. Is this because it is afraid of being embarrassed? Is it afraid of being shown that it is wrong? It seems to me that if the government is so sure of itself it would be eager to appear before the committee and lay its cards on the table. Then it would be vindicated and could get on with its project.

The government's refusal to allow the committee to study this issue is suspect indeed.

* * *

● (1400)

POLISH CONSTITUTION

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, I rise today to pay tribute to Polish Canadians and in particular to the Polish community in my riding of Parkdale—High Park who yesterday celebrated the 207th anniversary of the Polish constitution.

May 3 is a national holiday for Poles, a day to reflect on and celebrate the heritage and ideals of humanitarianism, tolerance and democracy.

The constitution of May 3, 1791 was the first liberal constitution in Europe and second in the world, after the constitution of the United States. It was an attempt to secure rights for broad sections of the population and to mobilize the nation against rising threats to independence. The constitution of 1791 was the instrument that gave rise to parliamentary supremacy. It also gave Polish citizens new found access to parliament.

Constitution day is a proud heritage for Canadians of Polish descent and a confirmation of the basic values and freedoms of our society.

* * *

CANADIAN CANCER SOCIETY

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, the Canadian Cancer Society is the number one funding agency for cancer research and care in Canada. It designates almost half of funds raised to research projects. The remaining funds stay in local communities.

April was cancer month in Peterborough, as elsewhere. The two best known activities in our campaign are the daffodil festival and the door to door canvass. I am pleased to announce that this year's daffodils helped raise $40,000. Our thanks to the Beta Sigma Phi sorority.

Another activity is the cops for cancer campaign where police officers shave their heads to raise funds. Their next hair cut is May 9. Golf tournaments and road races are also scheduled.

In the 1997 campaign revenues surpassed $600,000, one of the highest per capita rates in Canada.

As a former chair of the cancer campaign, on behalf of all the branches of the Canadian Cancer Society in Peterborough and across Canada, my thanks to all communities and volunteers for their continued support. Cancer can be beaten.

* * *

QUEEN'S GUARD

Ms. Beth Phinney (Hamilton Mountain, Lib.): Mr. Speaker, for the first time in 45 years Canadians have taken on the duties of the Queen's guard.

Ninety-six Canadian soldiers from the Princess Patricia's Light Infantry will be standing on parade with British soldiers during the changing of the guard ceremonies at Buckingham Palace during the next few weeks.

The month of May marks the beginning of what unofficially is Canada month in Britain. The celebrations planned are military, literary, cultural and even culinary and centre around the May 13 reopening of Canada House, the landmark Canadian high commission building in London, by Queen Elizabeth and Prime Minister Jean Chrétien.

Congratulations to Private Jonathan Murphy who grew up in my riding—

The Speaker: I remind colleagues not to use our names when making statements or questions.

The hon. member for New Westminster—Coquitlam—Burnaby.

* * *

THE FAMILY

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Ref.): Mr. Speaker, the law concerning dissolving families when separation and divorce occurs is under much needed review.

In the last parliament legal changes were made to ensure more reliable child maintenance payments. The overly narrow focus of those changes resulted in a rekindling of the gender wars.

Women's groups make their case of being victims without appropriately acknowledging their abuse. Men's groups make their case of being victims of both the system and women without providing sufficient leadership for culpability and remediation.

Fortunately the government relented to permit a joint Senate-House of Commons committee review the Divorce Act. Last week we heard witnesses in Vancouver, Calgary, Regina and Winnipeg. Last Monday in my city of New Westminster I sponsored a well attended open forum giving the public a voice.

It is essential that we fashion a framework that emphasizes parental responsibilities over rights and meets our children's needs over parental wants. To say it simply, we must put our children first.

* * *

BATTLE OF THE ATLANTIC

Mr. George Proud (Hillsborough, Lib.): Mr. Speaker, yesterday Parliament Hill was the scene of a very important event. Every year on the first Sunday of May, Canadians gather to remember the bitter battle of the Atlantic.

During the second world war the supply lines from home to the front lines were crucial to a successful campaign. They carried valuable arms, material and personnel across the ocean. It was not just a simple voyage across the Atlantic. If it was not the dreaded German U-boats travelling in what was commonly known as wolf packs, it was the weather that caused havoc during the run.

For the merchant seamen to cross with the supplies, the air force and navy provided escorts to protect against the enemy. The navy took the bulk of that responsibility.

The battle was costly to Canada; 50 merchant ships and 24 warships lost. Fatalities were almost 4,000 in the two navies and over 200 in the air force.

To our veterans of the battle and to the families of those no longer with us, we thank them for their important contribution to their country.

* * *

• (1405)

[*Translation*]

55TH ANNIVERSARY OF THE BATTLE OF THE ATLANTIC

Mr. Mark Assad (Gatineau, Lib.): Mr. Speaker, Parliament Hill, Halifax and Esquimalt, British Columbia were the sites yesterday of ceremonies commemorating the 55th anniversary of the Battle of the Atlantic. This is an event we must not forget, because Canadians played a major role during the course of this battle.

The war was over once the Germans could no longer threaten the Atlantic link between Europe and America, which permitted the transport of troops and equipment in preparation for the landing.

The battle is commemorated to honour those who gave their life and those who survived the war. We have learned powerful lessons, which will help us, we hope, to maintain peace around the world.

* * *

[*English*]

OTTAWA SENATORS

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, hard work, discipline and perfect attendance, these are the characteristics of Ottawa's pride and joy, the Senators. Of course I am talking about the NHL Senators, not the red chamber senators.

On Saturday the Senators defeated the New Jersey Devils four games to two, eliminating the Devils from the Stanley Cup finals. The Senators will now go on to play the Washington Capitals and we wish them all the best.

We can only hope that these hockey heroes will set a new standard for their parliamentary namesakes. We also hope that the Ottawa Senators inspire the Prime Minister and that he will seize the opportunity to restore public confidence in the upper chamber by allowing Canadians to elect their senators.

Let us restore the principles of hard work, accountability and good attendance in the Senate. This October the Prime Minister should recognize Alberta's democratically elected senators.

It is time to allow Canadians to cheer for and elect their favourite senators.

[*Translation*]

SCIENCE AND TECHNOLOGY

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, as the new leader of the Quebec Liberal Party paints the province's economic in ever darker tones, a major French scientific magazine has described Quebec's system of science and technology as a model.

La Recherche rightly notes that, on a per capita basis, Montreal leads North American cities in providing technical jobs. It also notes that Quebec puts out more scientific publications than does France and that, in the area of venture capital, Quebec is in second place in North America, behind Massachusetts and ahead of California.

This is a broad view of Quebec's potential, when the province has only part of its tools for economic development. Imagine what Quebec will be like when it attains sovereignty. As the federal Minister of Finance would say ''You just better watch us''. This is only the beginning.

* * *

LEADER OF LIBERAL PARTY IN NEW BRUNSWICK

Mrs. Claudette Bradshaw (Moncton, Lib.): Mr. Speaker, allow me to congratulate the new leader of the Liberal Party in New Brunswick, chosen at a leadership convention on the weekend.

Camille Thériault set himself the goal of defending Canada's unity as a francophone in a minority community.

[*English*]

Mr. Theriault has been involved in the constitutional debate and has demonstrated that he is firmly committed to helping to build a strong and united Canada while still promoting the interests of his province.

[*Translation*]

Mr. Thériault is an old stock Acadian. Born in Baie-Sainte-Anne, he is totally bilingual and has a degree in social sciences, with specialization in political science.

[*English*]

I congratulate Mr. Theriault and I wish him the best of luck as the new premier of New Brunswick.

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CANADIAN ASSOCIATION OF ELIZABETH FRY SOCIETIES

Mr. Peter Mancini (Sydney—Victoria, NDP): Mr. Speaker, I am honoured to rise and acknowledge the extremely important work of the Canadian Association of Elizabeth Fry Societies as it celebrates Elizabeth Fry week from May 4 to 10.

The theme of this year's E. Fry week is alternatives to incarceration. The society hopes to raise awareness and education regarding women involved in the criminal justice system.

The E. Fry society has a history of hard work and dedicated service in communities across this country. It provides much needed services in support for women who have come into contact with the justice system.

By focusing on alternatives to incarceration the society hopes to encourage the public to examine productive community responses to the criminal justice system. It is its hope and mine that this type of proactive focus will encourage the development of and support for community based alternatives to incarceration, particularly for non-violent offenders.

Please join me in supporting the very important work of Elizabeth Fry societies across Canada.

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[*Translation*]

INTERNATIONAL POLICY

Mr. Denis Coderre (Bourassa, Lib.): Mr. Speaker, according to news reports, three more Cuban political prisoners will be arriving in Canada very shortly.

This is in addition to the 14 who were freed last month and sent to Canada. This represents an important event for this country.

• (1410)

The Reform Party had tried to discredit the Prime Minister's recent visit to Cuba here in this House. These events prove that the Liberal government does not need any lectures from Reform about international policy.

This is proof that our Prime Minister is attaining his objectives, and Reform members should be ashamed of their petty attitude.

Our government has opted for persuasion rather than wholesale denunciation, which seems to be the Reform approach.

* * *

[*English*]

MANITOBA

Mr. Rick Borotsik (Brandon—Souris, PC): Mr. Speaker, it is with a great deal of pride that I rise today to congratulate Premier Gary Filmon on the upcoming 10th anniversary of his election as premier of the dynamic province of Manitoba.

Both the province and the premier have much to be congratulated for. Despite the devastating flood last year the Manitoba economy is on track to post one of the strongest growth rates in this country this year and next. As well, the province posted the

lowest unemployment rate in 15 years at 5.7%. Much of the credit is due to the Filmon government's tradition of delivering on its promises of sound fiscal management. Today the province has the toughest anti-deficit legislation in Canada and has balanced its books in the last four years.

While Canadians across this country remain impressed with the Filmon administration's numerous fiscal achievements, they also recognize the premier's commitment to Canada's social programs, one of the most important being health care. In spite of federal transfer cuts in the last budget Manitoba's last budget detailed an additional $100 million in spending on health care.

The premier does embody the true principles of Canadian tradition, socially progressive and fiscally conservative.

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[*Translation*]

CALGARY DECLARATION

Mr. Stéphane Bergeron (Verchères, BQ): Mr. Speaker, a recent COMQUEST-Léger & Léger poll gives us some important information on Canada's ultimate response to the results of the 1995 referendum.

Ninety-four per cent of Canadians and Quebeckers are of the opinion that the Calgary declaration will not settle the constitutional question and, as usual, a heavy majority of Canadians, 60%, do not wish to see the Constitution amended to include legal clauses concerning the distinct society.

Once again, Canada's last offer has already been rejected both by Canadians, because it gives Quebec too much, and by Quebeckers, because it represents nothing more than the constitutional status quo.

We state again in this House that only Quebec sovereignty, coupled with a partnership agreement with Canada, can free us from this constitutional impasse.

* * *

[*English*]

CUBA

Ms. Paddy Torsney (Burlington, Lib.): Mr. Speaker, members of this Chamber and all Canadians greeted news accounts from Havana this morning with excitement. Family members of Cuban political prisoners Guillermo Sambra Ferrandiz, Esperanza Micaela Atencio de la Rosa and Jose Miranda Acosta received word this weekend from the Cuban commission for human rights and national reconciliation that these individuals may be headed to Canada soon.

Coming fast on the heels of the Prime Minister's groundbreaking visit to Cuba last week, a visit which the Reform Party so adamantly protested, it is obvious that the Prime Minister's policy on constructive engagement works. In his meetings with President Fidel Castro the Prime Minister tackled the human rights issues and pushed for the release of political prisoners.

All members will agree this very significant announcement is an important step in human rights negotiations between our two countries. Congratulations to the Prime Minister.

* * *

HEPATITIS C

Mr. Gerry Ritz (Battlefords—Lloydminster, Ref.): Mr. Speaker, we know this government has a tough time treating all Canadians equally.

We heard debates last week about hep C victims who have to consult their calendars to see if the federal blood supply made them sick on a date convenient for federal lawyers. It is clear this government needs some big lessons on how to treat citizens fairly and equally. When it comes to the Canadian family we are not all alike but we should expect our government to treat us all equally.

Instead we have a government that offers a child care deduction to parents who are both working to support their tax burden but cannot see the value in a parent staying home to take care of their own children.

When 70% of Canadians say they wish they could afford to stay home with their children and 90% say it is very important to do so, when will this government listen to the public and bring fairness to the tax code?

* * *

ELIZABETH FRY WEEK

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, the week of May 4 is National Elizabeth Fry week during which time Elizabeth Fry societies across the country will hold activities to enhance public awareness and education regarding the circumstances of women involved in the criminal justice system.

National Elizabeth Fry Society week is always the week preceding Mother's Day as the majority of women who come in conflict with the law are mothers. In fact, the majority of these women were the sole supporters of their families at the time they were incarcerated.

When mothers are sentenced to prison their children are sentenced to separation through no fault of their own. On the occasion of national Elizabeth Fry week let us support the important role of the Elizabeth Fry Society in identifying community based alternatives to costly incarceration for non-violent offenders.

ORAL QUESTION PERIOD

• (1415)

[*English*]

HEPATITIS C

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, first Quebec opened the door and today Ontario has pledged to pay compensation to the pre-1986 victims of hepatitis C on the same basis as the existing package. The federal government can therefore no longer pretend that there is unanimous provincial consent for its position.

This issue is not going to be resolved by more conference calls, press releases or insults. When is the Prime Minister going to take personal responsibility for resolving this crisis by agreeing to renegotiate the compensation package?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, just before Question Period we learned through the news of the Government of Ontario's announcement. We of course received the Government of Ontario's press release but have not had direct contact from it. Therefore I think our first step should be to contact the Ontario government and get precise information on exactly what it has in mind.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, Premier Harris has shown some real leadership in this matter by agreeing to open up the compensation package and agreeing to pay his fair share.

For a response, instead of the federal government saying ''This is encouraging and interesting, we are prepared to sit down and talk about it'', all we hear is another dull non-answer which is the only type of answer we ever get from the Deputy Prime Minister.

When is the Prime Minister and the federal government going to stop being part of the problem and start being part of the solution?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, as the Deputy Prime Minister has said, we learned just moments ago of the apparent change in Ontario's position, I think the third position in the last five days.

I think we should get the particulars on Ontario's position. This is obviously a new and important development. It is a departure from the position that had been shared by all governments very recently. We will get the particulars on Ontario's position and respond to the hon. Leader of the Opposition when it is fully understood.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, the health minister is obviously out of the loop. Canadians do not want to hear from this health minister again. He is a discredited health minister. The only reason he should be on his feet is to announce a renegotiation of the compensation package or to announce his resignation. Which will it be?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, the history of this better shows that had it not been for the federal government, there would have been no compensation package at all.

When we did come together, we developed a position that all governments agreed to in relation to those infected before 1986. Today's development is a new one. The ground has moved and an important partner has changed its position.

I am telling the hon. Leader of the Opposition that we will take that position into account. When we understand fully what Ontario is saying, we will respond.

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, Canadians are begging for some leadership from this government and they have not seen leadership on this file now for over four weeks. The Ontario government has changed its position. The government, instead of coming alongside and saying it will work with it, is just muddying the waters and saying it will look into it.

Back when Mr. Trudeau was Prime Minister, a Red Cross researcher named Dr. Moore called for testing of the blood supply. Other countries were doing it and for nine years the Liberal government of the day chose to ignore them.

Is it not true that the real reason the Prime Minister will not compensate victims in the pre-1986 period is that he does not want the Liberal government of the day implicated in this tragedy? Is that not the truth?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, when the ministers of health came together a couple of times on this issue, we developed a position that we all shared.

Today Ontario has taken a different position. That is an important development. I spoke to Clay Serby, who is the chair of the provincial ministers this year, just before two o'clock. He agrees that ministers of health should look again at this issue.

Once we understand what the position of Ontario is, we will be in a position to respond to the question put by the Leader of the Opposition.

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, the position of the Ontario government is apparently that it wants to compensate the pre-1986 victims. We want them to. Victims rights groups say it should happen. The only holdout now is the federal government.

France and Japan had poison blood problems too. A lot of their senior bureaucrats were charged and convicted. Some of them ended up in jail.

• (1420)

In Canada we have a criminal investigation about the destruction of evidence. Now Dr. Brill-Edwards who, was a senior scientist in the health protection branch, has revealed the truth about why the Liberal government will not compensate for the pre-1986 period. The truth is that they knew about the evidence and failed to act—

The Speaker: The hon. Deputy Prime Minister.

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the fact is that as late as Friday afternoon, Clay Serby, the NDP health minister, said that he was speaking on behalf of all the provinces. He said that the provinces are not calling on Ottawa to extend the compensation package.

We heard through the news about Ontario. I think it is only reasonable that we be in touch with Mr. Serby and hear what the position is with respect to all the provinces.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, not only are nearly half the members of the House in favour of compensating all victims of hepatitis C infected through blood products, they are joined by at least three provinces, which represent nearly 66% of the people of Canada.

With such massive support for all victims, how can the Prime Minister let his Minister of Health continue to say at every opportunity that the file on the victims not compensated is now closed?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the question of the hon. member indicates why we need more information. Mr. Harris has today accepted responsibility for victims of hepatitis C prior to 1986 and would like to share compensation with the federal government.

The Government of Quebec is not prepared to pay any compensation, according to what Premier Bouchard said last week. He mistakenly said that the burden is a federal burden only. That is why we need more information.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, I remind the Deputy Prime Minister that the unanimous motion of the National Assembly was made by the Liberal Party of Quebec and supported by its new leader, Jean Charest, a reasonable man, according to the Prime Minister.

Will the Deputy Prime Minister finally acknowledge that the provinces are doing more than their share given the cuts in transfer payments this government has imposed on them?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, something important happened this morning: Ontario changed its position. We must now find out from Ontario the details of its new position and also find out whether Quebec will take the same position and provide a financial contribution for those infected before 1986.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, if the Minister of Health wants to talk about money, that is what we will do. The Prime Minister has said on many occasions that his government would pay the greater part of the compensation for hepatitis C victims. Compensation of $1.1 billion has been offered, but there remains the $1.6 billion in care needed by victims that will be paid by the provinces.

Will the Deputy Prime Minister or the Minister of Health admit that, by limiting its contribution to $800 million out of a total of $2.7 billion to cover the cost of hepatitis C, and thus footing only 30% of the bill, Ottawa has done not too badly?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, the costs of the health care system are paid by the federal government and by the provinces. Each year, we transfer money to the provinces for the health care system.

Regarding compensation of victims, I again wonder whether Quebec will be contributing financially for those victims infected before 1986, as Ontario has apparently done.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, when the Minister of Health says that the federal government pays the cost of health care, he forgets to point out that transfer payments have been frozen at $12.5 billion. Hepatitis C victims or not, transfers have been cut and then frozen.

Does the minister not understand that those with hepatitis C are victims twice over, first because of the government's incompetence and now because of its stubbornness?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I believe my hon. colleague is forgetting about equalization payments and tax points, which are forms of transfer made by the federal government to the provinces for medical care.

• (1425)

It is therefore completely erroneous of him to suggest that all payments for medical care come solely from provincial taxpayers' pockets. Each year, the federal government pays Quebec and the other provinces millions and millions of dollars for medical care.

[*English*]

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, my question is for the Minister of Health.

I think it is clear what all Canadians want. They want all victims of hepatitis C from tainted blood to be compensated. Frankly they want the finger pointing in this place and elsewhere to stop.

The Minister of Health himself has said that this is a new development. It is certainly grounds on which he could call the federal and provincial health ministers together. Will he do that? Will he let Ontario put its new position to the entire set of health ministers and himself and see if they can all get their heads together and solve the problem?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, I welcome the refreshingly constructive approach reflected in the member's question. Forgive my sense of shock, Mr. Speaker, but I think he is quite right.

There is a new development here. It is a significant development. One of the major partners in confederation has changed its position on an agreement that all governments had reached. Let us look at this new development. Let us find out from more than the wire story what Ontario is saying.

I have already spoken with the chair of the provincial ministers. He has indicated that perhaps a meeting of ministers at this point would be appropriate because in the last analysis, our responsibility is together—

The Speaker: The hon. member for Winnipeg—Transcona.

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, I would hate to think that all of this is happening just because Ontario changed its mind. It is not a major player, it is a province and if any other province changes its mind, I hope it might have the same effect.

When will the meeting take place? Are the ministers of health going to meet this week? Let us get this thing over with. Let us do the right thing. There is a new development. Get the ministers of health together. Let us get a solution which meets the values of all Canadians, which is that these people should be looked after.

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, as I have indicated to the member and to the House, we are going to find out from Ontario, from more than a wire story, what it is that Ontario is saying. I will be speaking with Clay Serby who is the minister from Saskatchewan, this year's chair for the provincial ministers. If appropriate, then the ministers will meet.

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, the Minister of Health has been saying that just as soon as he gets a copy of the resolution then he will take a look at it and the government will. I would like to table that resolution right now. I will do so at the end of my question so that he can deal with it.

The primary responsibility for the control of blood safety rests with the federal government. It is clear that there are provinces that believe it is wrong to cut off 40,000 people who are suffering from hepatitis C.

When will this government and the Minister of Health show the same leadership as Ontario and compensate all hepatitis C victims?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, let me repeat for the member because she should know that if it was not for the leadership of the Prime Minister's government, then victims of hepatitis C would not be compensated at all.

When we did meet, ministers in good faith did their best to come to an agreement on a difficult decision. We all agreed on a position. Ontario has now apparently changed its position. That is an important development. As I have said to the House and I say to the member, we will now take a look at what it is Ontario—

The Speaker: The hon. leader of the Conservative Party.

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, we have one province that has put its money where its mouth is, as asked by the Prime Minister of Canada. That province is willing to help those who are sick through no fault of their own.

Now we also have a former senior official from the Department of Health, Dr. Brill-Edwards, who has stated ''If the federal government had been doing its job safeguarding the blood supply, then the huge numbers of people suffering and dying simply would not be there''.

Why will the government not take the stand today, do its job and compensate all hep C victims?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, I think the member should remember that the Krever report, which went into all of this history in great deal and examined what problems resulted in the tragedy, made it clear that while the federal government regularly played a part, the provinces as proprietors and the Red Cross as operator of the system were also at fault. I reassure the member we will look at what Ontario is proposing. If it is a significant development then we shall respond appropriately.

• (1430)

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, the government has known for several hours about this change in Ontario's position. It must have something more constructive to say than what it has said.

Mr. Harris has said ''Ontario will do the right thing and we call upon the federal government to join us''. The answer we want is to this question. Will someone on behalf of the government stand and say ''We will do the right thing and join the provinces in renegotiating this agreement?''

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I was informed of this development shortly before question period. I am not aware of people on this side of the House being aware of it for several hours.

However, I want to assure my hon. friend and all Canadians it has always been and it will continue to be our intention to do the right thing.

Mr. Preston Manning (Leader of the Opposition, Ref.): So far we have not seen any doing the right thing on this file, Mr. Speaker.

When this renegotiation occurs the current health minister's credibility will be shot. He will be incapable of renegotiating a new agreement. The current health minister has misrepresented the position of the provinces from the very beginning in the House. He has bad mouthed them and he tries to take credit for giving leadership when the leadership is coming in this case from the provinces.

When will we have a new health minister who would be capable of renegotiating in good faith with the provinces?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, the Leader of the Opposition should know that we discovered at one o'clock this afternoon what Ontario was proposing. Ontario is the province that has changed its position three times in the last seven days. We apparently have a new position from Ontario, but I for one would rather find out directly from Ontario and when we do find out we will react appropriately.

* * *

[*Translation*]

CALGARY DECLARATION

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, my question is for the Minister of Intergovernmental Affairs. Seven months after the Calgary declaration, a Léger & Léger-COM-QUEST survey reveals that no one, or virtually no one, knows what is in the declaration, and that those who do have an idea of its content say it will not lead anywhere.

The minister was concerned about the lack of consultations in Quebec compared to elsewhere, so what is his answer today, now that we know that 90% of the people of Canada are unable to say what the Calgary declaration contains?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, I cannot comment on a survey when we have only seen part of it. Only a few excerpts were published in the press and we can see from the wording of the questions that people were not really asked what the exact content of the Calgary declaration was.

On the other hand, according to a poll whose results were recently released in B.C. this past January, 54% of the people surveyed in British Columbia were familiar with the Calgary agreement, 62% supported the unique character of Quebec society, 69% supported the role of the National Assembly, 80% supported the Calgary agreement, and 66% would have no objection to inclusion of this agreement in the Constitution.

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, the minister is confusing wishful thinking with reality. At the time of Meech and of Charlottetown, the minister was an attentive observer of the Canadian political scene. He noted that each of these initiatives led to total failure.

Now that he has become a front line player in the creation and follow-up of Calgary, is he not just reshooting the same old film, with the same old actors, and the same old predictable ending, in other words the Calgary declaration, which is not enough for Quebec and far too much for Canada?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, first of all, the Calgary agreement is not a constitutional text. Moreover, there is something interesting here in connection with what went on at Charlottetown. At Charlottetown, a post-referendum survey indicated that the majority of Canadians were unable to name a single clause from the Charlottetown agreement. On the other hand, when they were shown it clause by clause, Canadians, Quebeckers included, were somewhat against it.

The difference with the Calgary agreement is that when people are surveyed about whether they are in agreement with each of its clauses, there is very strong support in Canada, Quebec included.

* * *

[*English*]

HEPATITIS C

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, when we are talking about changing positions I want to remind the health minister about something he said not very long ago. He said the file was closed. I distinctly remember him saying that. In fact when his backbenchers came to him and asked him about this he told them that the file was closed.

• (1435)

Who has changed positions here? Is the truth not that the real reason the government is changing its position is that it is losing the PR battle?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, the ministers of health of 12 governments came together in good faith. On a tough issue they agreed on a common position. That has now changed.

As I have said to the hon. member's colleagues, we are to examine the new position of Ontario. We want to know the response of the other provinces, for example. We will respond appropriately when that information is known.

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, the file was closed and now the file is open. We understand the government is finally starting to feel a little heat from the public.

When will the health minister acknowledge the real reason they are pushing the file back on to the table and opening the file up again is that they are losing the PR battle? They know their backbenchers want this deal. They know the public wants it. When will they admit they made a mistake and that is why they are opening this file?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, I have told the member and his colleagues that in view of the new development we are to find out what the position of Ontario is and to respond appropriately.

* * *

[*Translation*]

CALGARY DECLARATION

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, the Minister of Intergovernmental Affairs says that the unique character referred to in the Calgary declaration is the same thing as the distinct society of the Meech Lake accord. Yet the premiers are playing down this so-called unique character, saying that it does not confer any special status on Quebec.

Would the minister who calls himself the master of clarification explain this major contradiction to us?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, in fact, it is not a special status, but an undertaking by all Canadians to have a federation that respects the principles of equality, it being understood that equality is not synonymous with uniformity, but must go hand in hand with deep respect for the country's diversity, including the unique character of Quebec society.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, the minister said he went into politics to sell English Canada on the idea of distinct society. When he sees how strongly opposed Canadians are to entrenching special status for Quebec in the Constitution, does he realize that, even though he has tried to sell Quebec short, his plan is destined to fail abysmally?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, I did not go into politics to sell the idea of distinct society; I went into politics to help my fellow Canadians keep their country together.

Canada in its present form, without constitutional changes, and with the forces of change seen in this country, is infinitely preferable to the Bloc Quebecois' separatist approach. The Constitution can, however, be improved. This will be done in stages, after serious debate.

I would ask my colleague, however, if he finds fault with any one of the principles in the Calgary declaration?

* * *

[*English*]

THE SENATE

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, an Environics poll taken in Alberta this year indicated that 91% of Albertans would prefer to elect their next senator as opposed to having a senator appointed through the patronage system. Ninety-one per cent of Albertans means that people of all political stripes want an elected senator.

Premier Klein has called a Senate election for this fall. Will the Prime Minister and the government appoint these elected senators, or do they hold Alberta voters in too much contempt?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, we have the greatest regard for the views of Albertans. I might make an exception for the guy who asked the question.

Were Albertans asked whether they wanted to elect senators for life without any recourse if they were not happy with what they were doing? That is the weakness of the position asserted by my hon. friend. With the election of people who were then appointed, they would be there until age 75 no matter what they did or did not do. That is not democracy.

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, on lectures on democracy from a government that just ran roughshod over its own backbenches, if the government is unwilling to respect the wishes of its own members, how will it respect the wishes of millions of Alberta voters?

They will go to those ballots on October 19. Hundreds of thousands of Alberta voters will choose their next senator. Will the government appoint those elected senators or will it not?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the hon. member has not answered my question. Why does he want to elect people for life? That is not democracy. I notice there is no resolution in the Alberta legislature calling for an amendment to the Constitution.

• (1440)

The only way to reform the Senate in a meaningful way is to amend the Constitution. Until that happens the Prime Minister is obliged to live by the Constitution. That is what he will do and that is the right thing to do.

[*Translation*]

ATLANTIC GROUNDFISH STRATEGY

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

We have learned that the federal government is preparing to buy back fishing licenses from some of the fishers currently benefiting from the Atlantic groundfish strategy.

Since there are many people who will not qualify for this new buyback program, what does the minister intend to do exactly to support the others benefiting from this program—fishers or fishery workers—who will soon be faced with nothing?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, as you know, the Atlantic groundfish strategy will come to an end this August.

A number of my colleagues and I are working very hard at the moment consulting communities and individuals and collaborating with the provinces to be sure that we will deal with the post TAGS situation in the most appropriate way possible in order to help communities and individuals, since the fish will not be returning to the waters of the Atlantic as we had hoped.

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[*English*]

NUCLEAR WASTE

Mr. Lynn Myers (Waterloo—Wellington, Lib.): Mr. Speaker, my question is for the Minister of Natural Resources.

A Canadian environmental assessment agency panel recently decided against allowing enormous vaults inside the granite of the Canadian Shield as the best and safest method of disposing of nuclear waste.

In light of this decision, what does the government plan to do to dispose of nuclear waste in Canada?

Mr. Gerry Byrne (Parliamentary Secretary to Minister of Natural Resources, Lib.): Mr. Speaker, the storage of nuclear wastes is currently done in a very efficient and very responsible manner. The Government of Canada is always interested in making sure that we have a long term solution, one that is appropriately put.

The Seaborn panel investigated deep geological disposal of nuclear waste. The panel came back with the conclusion that while technically feasible and while environmentally feasible there were concerns from a sociological perspective. People felt that this was not the right method.

We will continue to work with stakeholders to provide suitable solutions.

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THE SENATE

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, Alberta is not the only province where the vast majority of voters want the right to elect their senators.

In a major opinion poll conducted recently Marketrend Research found that 84% of British Columbians demanded the right to elect their senators.

We know the Prime Minister thinks he is smarter than his average backbench MPs. That is why he did not let them vote freely on the hepatitis C issue. Does he really think he is smarter than the B.C. voter when it comes to selecting their own senators?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I would like to know if in answering that poll question the respondents in B.C. knew that if they followed the Reform proposal the senators would be elected for life and they would never have a chance to unelect them?

It seems to me that the best way to deal with this matter is through constitutional amendment. So far I have not noticed any province putting forth an amendment by way of resolution in its legislature to call for a fully elected Senate. Until that happens, the Prime Minister has no alternative but to follow the Constitution, which he is doing.

Mr. Jake E. Hoeppner (Portage—Lisgar, Ref.): Mr. Speaker, Western Opinion Research just conducted a huge poll in Manitoba. Eighty-six per cent of Manitobans want their senators elected. Only seven per cent said ''let the Prime Minister appoint them''.

We know how the Prime Minister treats his backbench MPs like sheep who cannot think for themselves. He whipped them so hard on the hepatitis C vote that some of them cried while they were voting.

Is this how the Prime Minister plans to treat 86% of Manitobans on Senate elections?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, did the 86% of Manitobans who answered the poll realize that the Reform proposal was that people be elected for life to age 75 and that they be allowed to stay there no matter how they did their jobs?

I am sure that Manitobans, like the others who answered the poll, thought that the election, if there was one, would be for a limited fixed term so that they would have a chance to unelect the people who were originally brought to the other place by election.

• (1445)

Until that happens, that is to say until the Constitution is amended, then the Prime Minister has no alternative but to follow the Constitution.

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HEPATITIS C

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, we appreciate the first sign of openness that the government has shown today on the matter of compensation for hepatitis C victims, but we also know we have to act quickly to end the confusion.

Although I know I cannot refer to documents, the fact is that the premier of Ontario did issue a press release indicating precisely that this government was prepared to enter into discussions regarding compensation for all hepatitis C victims.

Given this situation, will the minister give assurances to the House today that he will call a meeting of health ministers and announce—

The Speaker: The hon. Minister of Health.

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, once again I acknowledge the constructive approach of the hon. member and I thank her for it.

I will be speaking again with Minister Serby from Saskatchewan, who is the chair this year of the provincial ministers. The ministers will no doubt have their own responses to this development in Ontario.

If it would be helpful, I am certain that the ministers will be prepared to meet and discuss this matter.

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, we in the House all want to do the right thing on this issue. We know we have to end the confusion in the country. We have to end the confusion in the House. We have to end the confusion for blood injured Canadians.

Given that the minister has said he will look into this matter and given the fact that we have the facts before us, will he announce today that a meeting of the health ministers will take place in the very near future?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, I think out of respect for the ministers I should communicate with them directly and I intend to do that.

I will have a response for the member at the earliest possible date in connection with the prospect of a meeting of all ministers on this subject.

ROYAL CANADIAN MOUNTED POLICE

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, last week the President of the Treasury Board stated that he did not see any problem with what his employee, Jacques Roy, was doing since the information he gave up for legal fundraising was actually public information.

Will the minister stand in his place today and tell the House that applications for funds for federal departments are public information prior to their governmental approval?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, that information has been given totally, every fact, to the RCMP.

It has made an investigation. It has concluded the investigation. There is no new fact here. There is nothing more to add.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I think there is more to add.

Canadians need to know that private information given to the government is not being used for a Liberal Party graft.

Last week it was confirmed in a Montreal courtroom that Jacques Roy, special assistant to the President of the Treasury Board, turned over government information to a convicted extortionist, Pierre Corbeil.

My question to the minister is, what disciplinary action has been taken for his employee, or does he condone this activity by his employee?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, it is a minister of this government that has asked the RCMP to make an investigation. All the facts were in front of it. It made its investigation. It has concluded the investigation. It has gone in front of a judge. There are no new facts. This investigation has been done.

Once again, the RCMP knew all the facts involved. There are no new facts. There is nothing more to add.

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RURAL CANADA

Ms. Susan Whelan (Essex, Lib.): Mr. Speaker, in my riding of Essex I have many rural constituents whose economic interests and needs are different from those in large urban centres.

How is the minister responsible for rural affairs determining what rural Canadians want and need from their government?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, building on the Canadian rural partnership that this government has initiated with rural Canadians we will be conducting a number of rural dialogues coast to coast in rural

communities across this country, giving rural Canadians yet another opportunity to have discussions about partnerships with the federal government on how we can serve them and what they need from the federal government.

I am looking forward to the results of those rural dialogues to build an even stronger rural Canada.

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GUN CONTROL

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, Canadians were told by the justice minister and her government that gun registration would help control the black market in firearms and reduce gun smuggling in Canada. Now the minister's own bureaucrats are saying that her gun registration scheme will have the opposite effect and increase black market trade in firearms.

● (1450)

What is the minister going to do now that she knows the legislation will have the opposite effect of its intention?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, gun registration will work. That is something this government is convinced of.

Let me just remind the hon. member and the official opposition that the latest Angus Reid poll of March 1998 indicated that 80% of Canadians support gun registration.

As opposed to continuing to criticize gun control and gun registration, maybe it is time the member and his party got in tune with the rest of Canada.

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[*Translation*]

ROYAL CANADIAN MOUNTED POLICE

Mr. Richard Marceau (Charlesbourg, BQ): Mr. Speaker, according to news reports, the RCMP 125th anniversary celebrations will cost $1.5 million for Quebec alone.

Can the Solicitor General tell us what the total bill for the RCMP celebrations will be? How much will be spent in Quebec and, in particular, where will that money come from?

[*English*]

Hon. Andy Scott (Solicitor General of Canada, Lib.): Mr. Speaker, as the commissioner of the RCMP already advised the member before the committee last week, the fact remains that the RCMP has an ongoing budget that involves the Musical Ride and other activities like that which are a part of Canadian heritage.

I am very proud of that activity. The reason there is no specific number attached to 125 is because the RCMP celebrates its good job in this country all the time.

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FOREIGN AFFAIRS

Mr. Rick Laliberte (Churchill River, NDP): Mr. Speaker, my question is to the Minister of Foreign Affairs.

In 1993 the government promised to renegotiate the NAFTA to ensure that the deal worked for the benefit of Canadians. The latest development is that Canada's freshwater is up for sale and Ontario says it is legal to permit private sale and export of Canadian water to overseas markets.

Under the NAFTA there is very little the government can do to protect our natural water resources.

With the expressed concern on this issue, what will the minister do to protect Canada from bulk exports of our water?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, it may be of some interest to the hon. member that the proposed exports are to Asia, not to the United States, and therefore are not covered by the NAFTA at all.

What we are looking at, however, is the real question of the large scale export of freshwater which we certainly have always taken a strong stand against.

We are now examining various pieces of legislation, including the Boundary Waters Treaty and other matters to determine whether there is some form of prevention that can be applied.

It is a matter of real concern and we are looking at the options we have.

* * *

ROYAL CANADIAN MOUNTED POLICE

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, as much as the minister would say the file is closed and the matter will go away, I want to point out that it is a fact that it was an employee of his who provided confidential information to Mr. Corbeil. It is a fact that Mr. Corbeil then, in turn, used this information to participate in an illegal kickback scheme to the Liberal Party.

It is a fact that the person involved in the office of the President of the Treasury Board could not have participated in this if the information had not been provided. It is a fact that the President of the Treasury Board, who denied the involvement of his office, is wrong.

In light of these facts, will the President of the Treasury Board clean up his office or resign?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, the

RCMP was asked by a member of this government to make an inquiry. It knew all the facts involved in the investigation and it made one charge. It was judged. The person who was charged has pleaded guilty.

May I suggest that the hon. member is whipping a dead horse?

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EMPRESS OF IRELAND

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, my question is for the Secretary of State for Parks.

In 1914 the *Empress of Ireland* sank near Rimouski and with it 1,014 people died. May their souls rest in peace.

Reports now suggest that salvage operators are contemplating using explosives to recover valuable nickel ingots from the site.

What is the government intending to do to prevent the desecration of this site?

Hon. Andy Mitchell (Secretary of State (Parks), Lib.): Mr. Speaker, the government and I believe all Canadians want to see this site protected. That is why last week the federal government asked the attorney general of the province of Quebec to ensure that Criminal Code provisions with respect to desecration of grave sites will be enforced.

I was also pleased to see the minister in Quebec invoke the cultural properties act of that province to ensure that the site will be protected for a year.

• (1455)

Finally, I have written to my counterpart in Quebec to offer collaborative approaches to ensure the long term protection of this very important site.

* * *

GUN CONTROL

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, the firearms bill has been receiving a very rocky ride. Four provinces and two territories are contesting it constitutionally in the courts.

Now we understand at least part of the reason. It is because the justice minister's own consulting group, the Firearms User Group, is telling the minister that this bill will greatly increase the black market trade in firearms of all types.

Can the minister explain how her firearms bill is going to increase crimes in terms of firearms smuggling and black marketing instead of decreasing it? How can she explain this?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am not sure I understood the question, but let me reassure everybody in this House that our new gun control legislation will not increase black market transactions or smuggling in firearms.

Let me go back to my earlier point. Support for gun control and gun registration is growing in this country. The only people who seem to be opposed to it and stand in the face of 80% of Canadians are members of the official opposition.

* * *

[*Translation*]

ASBESTOS INDUSTRY

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, my question is for the Minister of International Trade, or the parliamentary secretary, if he will deign to answer one of our questions for once.

The Council of Europe has just recommended a total ban on asbestos throughout its territory. This impacts seriously on this important sector of the Quebec economy.

Will the minister or the parliamentary secretary tell us whether this matter of an asbestos ban was raised when the minister met with France's minister of foreign trade last week in Paris?

[*English*]

Mr. Julian Reed (Parliamentary Secretary to Minister for International Trade, Lib.): Mr. Speaker, the secretary of state for health for France is meeting this afternoon with the Prime Minister. I am not privy to the agenda that the Prime Minister has, but I do know that discussions have been ongoing and will continue.

The province of Quebec has played a prominent role in co-operation with the Government of Canada and we will continue to work until this is satisfactorily resolved.

* * *

THE ATLANTIC GROUNDFISH STRATEGY

Mr. Peter Mancini (Sydney—Victoria, NDP): Mr. Speaker, the Minister of Human Resources Development talks about post-TAGS and I am glad because the current TAGS program is an exercise in confused objectives, poor management and unrealized goals.

Four years after its implementation, what assurance can this minister give east coast fishermen, plant workers and their families that the successor program will not be starved of cash by the Minister of Finance? Can he also indicate when it might be announced?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, I think it is very unfair to talk about the program as being starved of cash. The program, consisting of $1.9 billion, was established to assist fishermen in very

difficult circumstances during the crisis of 1993. I do not think that $1.9 billion was starving the people of cash.

Right now we are being very responsible. We are looking very carefully into the needs of the communities and the fishermen. We are consulting with the provinces involved to ensure that we meet the challenges of the post-TAGS environment as well as we can.

* * *

ROYAL CANADIAN MOUNTED POLICE

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I am back on the issue of dead horses, but I would like to know from the President of the Treasury Board what safety provisions he has put in place to ensure this type of information is not going to be used for an illegal purpose like we have seen in the past.

I would like to know when he knew, what he has done and what he intends to do about this leak of information from his office.

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, all of these questions have been answered.

* * *

THE SENATE

Mr. Rob Anders (Calgary West, Ref.): Mr. Speaker, when? October 19. Where? Alberta. Who? No appointee can be more accountable a representative than a senator chosen by the people of Alberta. The only question remaining is why?

Will the government respect the will of Albertans or will it stand the Deputy Prime Minister to absorb the shock waves for not appointing the duly chosen person on October 19?

• (1500)

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the hon. member is undermining his own credibility by asking a question like that. How can people be accountable to the population of Alberta if they are elected for life? It does not make any sense.

* * *

PRIVILEGE

BILL C-3—SPEAKER'S RULING

The Speaker: I am ready to render a decision. Earlier today a question of privilege was raised by the hon. member for Pictou—Antigonish—Guysborough concerning the availability of documents relating to the justice committee study of Bill C-3, an act respecting DNA identification.

The hon. member for Pictou—Antigonish—Guysborough contended that the justice department had agreed to provide certain documents to members of the Standing Committee on Justice and Human Rights. He added that while some outside groups had apparently been supplied with the documents last Friday, he himself had not received the documents until this morning. This, he argued, constituted a breach of his privileges as a member of parliament.

[*Translation*]

I would like to thank all of the members who took part in the debates earlier today.

[*English*]

Exchanges on this matter have revealed that there was indeed a problem with the distribution of these documents. The House has been informed that the documents were offered by the minister to the committee as a matter of courtesy and not as a result of a formal request made by the committee. There seems to have been a bona fide effort made by the department to forward the information to committee members in a timely fashion but obviously some difficulty arose.

Although I sympathize with the hon. member's complaint, I cannot find that any privilege has been breached. While this may amount to a grievance concerning the timing of the distribution of documents, it does not in my opinion constitute a prima facie question of privilege.

* * *

POINTS OF ORDER

TABLING OF DOCUMENT

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, I understand that I must have unanimous consent of the House in order to table the resolution from the Ontario Harris government with regard to the hepatitis C situation. I would like to have unanimous consent, Mr. Speaker, to table this resolution in the House today.

The Speaker: Does the hon. member have consent of the House to put the motion?

An hon. member: No.

ROUTINE PROCEEDINGS

[*English*]

ORDER IN COUNCIL APPOINTMENTS

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I am pleased to table in both official languages a number of order in council appointments which were made by the government. Pursuant to the provisions of Standing Order 110(1), these are deemed

referred to the appropriate standing committees, a list of which is attached.

* * *

● (1505)

[*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 five petitions.

* * *

[*English*]

COMMITTEES OF THE HOUSE

HUMAN RESOURCES DEVELOPMENT AND THE STATUS OF PERSONS WITH DISABILITIES

Mr. Bryon Wilfert (Oak Ridges, Lib.): Mr. Speaker, I have the honour to present in both official languages the second report of the Standing Committee on Human Resources Development and the Status of Persons with Disabilities.

Pursuant to order of reference of Tuesday, March 17, 1998 your committee has considered Bill C-19, an act to amend the Canada Labour Code (Part I) and the Corporations and Labour Unions Returns Act and to make consequential amendments to other acts, and has agreed to report it with an amendment.

* * *

PETITIONS

CRTC

Mr. Mac Harb (Ottawa Centre, Lib.): Mr. Speaker, I have a petition signed by many of my constituents and other constituents in the national capital region asking parliament to review the mandate of the CRTC and to direct the CRTC to administer a new policy which includes the licensing of religious broadcasters.

IPPERWASH PROVINCIAL PARK

Mr. Gordon Earle (Halifax West, NDP): Mr. Speaker, pursuant to Standing Order 36 I am pleased to present a petition calling for a public inquiry of Ipperwash. This petition is signed by many residents of the province of Ontario. It indicates that because of the serious and many unanswered questions around the fatal shooting of Anthony Dudley George on September 6, 1995 at Ipperwash Provincial Park, the petitioners are calling for a full public inquiry to be held to eliminate all misconceptions held by and about the government, the OPP and the Stoney Point people.

NEWFOUNDLAND FERRY SERVICE

Mr. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Mr. Speaker, pursuant to the appropriate standing order I would like to table in this House a petition regarding Newfoundland's gulf ferry service. This is a petition that I would like to talk about further.

The petitioners are calling upon parliament to respect the terms of the constitutional obligation that Canada shares with Newfoundland in providing an essential public ferry service between the province of Newfoundland and Labrador and the mainland of Canada. The petition calls upon the Parliament of Canada to enact an appropriate level of funding for this service and to ensure that indeed it is deemed an essential service so that there is a continuous link.

TAXATION

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am pleased to present a petition on behalf of a number of Canadians including petitioners from my own riding of Mississauga South.

The petitioners would like to draw to the attention of the House that managing the family home and caring for preschool children is an honourable profession which has not been recognized for its value to our society.

The petitioners would also like to point out that they agree with the National Forum on Health which stated in its draft report that the Income Tax Act discriminates against families who choose to provide direct parental care in the home to preschool children because it does not recognize the true cost of raising children.

The petitioners call upon parliament to pursue initiatives to eliminate tax discrimination against families who decide to provide direct parental care in the home to preschool children.

* * *

[*Translation*]

QUESTIONS ON THE ORDER PAPER

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the following question will be answered today: Question No. 92.

[*Text*]

Question No. 92—**Hon. Lorne Nystrom:**

With regard to recent changes in the tax treaty between the United States and Canada, which restore a tax exemption from U.S. federal income taxes to all Canadians who received U.S. social security or railroad retirement in 1996 and 1997, what measures has the Minister of National Revenue taken to ensure a speedy refund to eligible recipients of the excess taxes that were deducted for tax years 1996 and 1997?

Hon. Harbance Singh Dhaliwal (Minister of National Revenue): Revenue Canada has completed processing the majority of 1996 reassessments for those recipients of U.S. social security benefits who benefit from the treaty change. The department is already working with the Internal Revenue Service to obtain details

of the taxes withheld on 1997 social security benefits and will begin processing the 1997 refunds for eligible recipients as soon as this information is available.

[*Translation*]

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

[*English*]

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I rise on a point of order.

This is again an opportunity I am putting to the parliamentary secretary to advise the House when we might expect an answer on Question No. 21. On numerous occasions I have stood and asked when, not if, but when we might expect an answer. It is a real brow wrinkler when one considers the line of questioning that is put forward in the House that pertains to this exact question that was tabled.

I again ask the parliamentary secretary when we might expect an answer on this question.

● (1510)

Mr. Peter Adams: Mr. Speaker, I repeat that I understand the member's concern. I believe we are well over 60% in responses. I will look into the situation on Question No. 21, as I did last week.

The Speaker: Shall the remaining questions stand?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

DNA IDENTIFICATION ACT

The House resumed consideration of Bill C-3, an act respecting DNA identification and to make consequential amendments to the Criminal Code and other acts, as reported (with amendment) from the committee; and the motions in Group No. 1.

The Speaker: Before question period the member for Fraser Valley had the floor.

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, I would like to talk briefly about Bill C-3, an act respecting DNA identification. I started my comments just before question period.

For those who are watching this debate it would be useful for them to consider this bill as the new fingerprinting act of the 1990s. It is what used to be done with fingerprints back when that was the leading edge technology for identifying people who had been at the scene of a crime. Once someone was convicted of a crime, their fingerprints were entered into the record never to be taken away. People who were repeat offenders and so on could therefore be found. Bill C-3 in essence should mirror the efforts that were made during what I imagine were similar debates on what to do with fingerprint evidence.

It can generally be understood why we support the bill. It allows the police to take a DNA sample. That DNA sample could be very useful in the prosecution of a crime and the conviction of a criminal. The sample would be in the criminal's permanent records in case that person ever committed another crime. For all those reasons it is easy to support the bill.

It is unfortunate as I said before question period that the bill does not treat evidence the same way as it treats the taking of fingerprints. I will explain that.

When the police charge someone with a serious crime, under the current rules they are taken to the police station and upon charges being laid their fingerprints are taken. Those fingerprints may or may not be kept on the permanent file, depending on whether or not the person is convicted. In other words, the fingerprints are taken. If the person is convicted, the fingerprints become part of the person's permanent record. The fingerprints go along with the person's photo and other information about that individual into the person's permanent record.

Bill C-3 is a half-step toward that. Instead of allowing the police to collect the evidence at the time of the charge being laid, it does not permit samples to be taken other than from designated dangerous offenders, upon the charge being laid. Unfortunately that means that evidence which should form part of the evidence on that person's file is not necessarily available to the police at all stages.

Within this first grouping it is important to note that there are some amendments to support and some not to support.

On Motion No. 1 with respect to privacy we understand the need to keep that DNA evidence, just like fingerprints, if we can think of it that way, and it is important that that evidence not get out into the general public. It would not be proper to take a DNA sample and, because of either sloppy record keeping or a poor effort on behalf of the police or the court, to allow those records to get out into the general population. DNA evidence is evidence used by the police in their work and it should stay that way.

The first motion is unnecessary because the bill already fully recognizes the potential of that DNA evidence to get out into the general public. If it is improperly used, it is a violation of the person's rights or their privacy.

• (1515)

Already in the bill there is a provision that carries a term of up to two years for someone charged who wilfully or knowingly gives DNA evidence improperly.

In other words, if somebody sells DNA, gives it away, does something with it that is improper, this is a criminal offence just like it is to give away evidence that is on police files right now. Those files are secure for obvious reasons, and so they should be.

Motion No. 1 about respect of privacy is unnecessary in our opinion. There are already provisions in the bill that are sound. The provisions are adequate and they respect the privacy necessary with the taking of DNA samples.

Motion No. 2 is easy to support. This amendment says that we do not want all private agencies and labs taking samples and so on. We want to have some quality control on DNA. A single strand of hair, anything, could contaminate or change the DNA sampling process.

It is important that the most rigid standards be upheld so there is no contamination, no possibility of a file being mishandled or misinterpreted. In other words, it should be done with the highest of standards because they may literally be taking someone's life in their hands. That person may be committed to a lifetime of imprisonment if the matter is not handled properly.

We would like to see a government agency handle that. It is not that government agencies have a perfect record, as we have seen from the hepatitis C issue we have been debating in the House of Commons lately. What can be done with a government agency is put restrictions, guidelines and quality control on it that will ensure, to the best extent possible, that someone will not have their DNA sample somehow mishandled.

One agency does it. There is one set of rules. It is a not for profit agency and that is the best way to ensure that standards are upheld. It is easy to support Motion No. 2 and we will be doing that when the vote comes later.

Motion No. 3 talks about safeguards against wrong persons accessing. Again it is the same argument I used on Motion No. 1. There are safeguards against persons accessing that DNA databank. We want to ensure that only properly qualified people who have the authority to work with those samples have access to them.

Again we believe there are adequate safeguards in place and do not believe this third motion to create a new level of safeguards is necessary.

The final amendment within this grouping, Motion No. 5, talks about a three year review of this process. At first blush it might seem like a good idea. It may even be necessary.

The government I believe will be revisiting this bill if it passes it as is. If it does not pass the amendments we have put forward, I believe it will be back for review. It will not be because there is a mandatory three year review. It will be back for review because it just will not work properly.

The Canadian Police Association has already said that it is not happy with the way this bill is drafted. It wants to see some changes in it. It wants to give the police the tools necessary to do their job.

Hopefully, if some of these amendments pass, I do not believe this amendment will be necessary. The three year review will not be necessary. It will be a make work project for a very busy justice committee but I do not believe it is necessary if the amendments go through.

We will be interested to see what the government says during the course of this debate to see if any of these amendments are going to see the light of day. If they are not, we may need a review. I think it will happen whether we ask for it or demand it in legislation or whether it just happens naturally.

The review unfortunately will happen, mark my words, if the government does not pass the amendments the Reform Party and others have put forward today.

Mr. Rob Anders (Calgary West, Ref.): Madam Speaker, I would like to clarify for the people at home that I am generally in favour of setting up a DNA databank. I think it makes a lot of sense.

When fingerprints were first brought in, they helped solve a lot of crimes that previously were unsolvable. Having our DNA databank will give us the technological tools to solve crimes that right now we do not have the capability for. As a result it is generally a good idea. But the problem with Bill C-3 as it stands is that it does not give the government as many opportunities as it would otherwise have with some of the Reform amendments and others across the way to go ahead and break these crimes, get these criminals convicted and incarcerate them.

• (1520)

In the first grouping of amendments, Motions Nos. 1, 2, 3 and 5, the first amendment by an hon. member from the Bloc is with regard to the respect of privacy. Unfortunately I am not going to be able to support my Bloc colleague on this because it basically precludes us from having access to information that we would otherwise possibly need.

So even though it is something done with respect to privacy I would have a tough time in some of these circumstances to look a victim of rape in the eye and because of a lack of due process or some problem that would be laid out in this amendment be able to say that because of a technicality the offender walked free. Therefore I am not going to be able to support the Bloc member on Motion No. 1.

Motion No. 2, proposed by an NDP colleague, precludes private agencies and labs from taking samples and creates public standards and better accuracy of testing quality. I believe these types of DNA materials or DNA information should be kept by the government. I would have some problems with it being doled out to

somebody or any group willy-nilly. As a result I support this NDP motion.

The only concern I have with this motion is that I hope, if indeed private laboratories become more advanced than the public ones we have for DNA identification and information gathering, that this will not preclude the use of some of the advanced techniques that private labs may have access to above and beyond the public ones, if that happens. I think it would be a real travesty if we were to prevent justice from having access to advanced techniques that may be available in the private sector that would not possibly be available at that time in the public sector. On that level that is the only caution I give to NDP Motion No. 2.

Motion No. 3 is to safeguard against wrong persons accessing the DNA databank. This again speaks to the first motion. Once again it is from my hon. colleague from the Bloc. We have to make sure there is privacy and this information is not doled out to anybody. It is something used almost exclusively for this criminal work and nobody else has access to it unless they are actually doing work with regard to the investigation of a crime.

Motion No. 5 is basically viewed as a make work amendment in that it asks for a three year review. If we are able to get some of these amendments on the national databank passed then we are not going to have to worry about as many reviews of the legislation in the process if we set it up right in the first place.

Speaking to the generalities of these four motions in the first group motions and how they impact the bill as a whole, we are looking to set up a registration system so that we can track those offenders, those violent criminals, and prosecute and convict them where possible. The government has no problem going ahead and registering people, law-abiding citizens, with Bill C-68. On firearms certainly there should not be a problem with being able to give the necessary tools even above and beyond what we have here in Bill C-3, to enhance the ability of police officers to go ahead and convict.

Some of these suggestions were provided to us by the Canadian Police Association. It is not just the Reform Party standing here in the House today asking for increased powers and expanding jurisdiction of some of these things so that the national DNA databank can be more effective.

● (1525)

The police and their representative, the Canadian Police Association, are asking for some of these things.

These are reasons why some of these amendments need to be included and why the DNA databank needs to be as effective as possible. We would see a reduced cost of enforcement of the law and a greater ability to convict. There would be an increased effectiveness of the enforcement of the law. We believe in public safety. We believe people deserve a sense of security. We should not be instilling a false sense of security. We should make this as effective as we can.

We do not believe in depriving the police, the RCMP or the respective municipal police forces, the tools necessary to to conduct their work in criminal investigations and violations of the Criminal Code.

This will be bar none the most effective thing that has been changed with regard to the justice system in the collection of evidence since the introduction of finger prints. Finger prints with their oils would probably leave some skin samples to enact some DNA information gathering. It has expanded beyond the oils that are left on one's fingers and skin samples to hair and in the case of sexual crimes semen samples and blood samples. All these things are now available to us to test and determine. No one else in the world will have the same DNA of a criminal left at the scene of the crime.

The gist of this is good but half measures are not good enough. That is why we have to make changes to this bill to make sure that it is better than what it is. Because of DNA people who are innocent and who have been charged with a crime will not be convicted wrongly. It is the innocent who will triumph in this. They will be vindicated by DNA information gathering. If they were not at the scene of the crime, it will be that much more easily ascertained.

I leave this caution with the government. We ask some of the fundamental questions of cost, who wants it and other questions I have asked before in this Chamber. The cost of our not making these amendments to make this as effective as possible and to expand the range of the collection of DNA evidence will mean some people will walk free when they are criminals and should not be walking free.

Who wants it? Obviously not only the police officers who enforce the law and the people who want to see justice but also the victims who would see some of their perpetrators walk free.

For the victims, for the Canadian Police Association, the police officers, for the law-abiding citizens who want to see justice served and a more effective justice system, we need to enact some of these changes. We need to make sure that Bill C-3 does not go through without serious questioning and without making it the best that it could be.

Mr. John Duncan (Vancouver Island North, Ref.): Madam Speaker, I am happy to talk about Bill C-3 and the Group No. 1 amendments related to DNA identification.

I like to think Canadians are concerned about health and safety matters above all else. There are some intensely personal questions that come to mind when we start thinking about health and safety issues. It is useful to get off the topic of our criminal justice system for a minute and talk about our medical system to show a

commonality in how people approach these intensely personal decisions.

We have, for example, technology breakthroughs in the medical area occurring all the time. People buy into those technologies very readily. It is very simple to equate the medical breakthrough, the medical technology with personal health consequences.

• (1530)

We have had lots of examples today. This morning I was reading an article concerning mice and cancer and the two antidotes that they can put together to basically cut off the blood supply and shrink tumours to nothing. This research could possibly lead to a real breakthrough for humans. We will have no difficulty convincing the public at large, the funding groups, the health care deliverers or anyone else that this is all well and good, the way it should be and that it would have major consequences in a positive way for society at large.

We embrace new technology and people support it. We understand the benefits and want the benefits of technology.

We have a lot of advances in technology on the crime prevention front as well so why would we think a lot differently in this regard? I have some major concerns with this legislation because we and the government know the public wants DNA identification and a DNA databank. It wants all those things. We now know we have the technology as well.

The government has created Bill C-3, which we are debating now, and is selling it as if this will give the public what it wants. I am sorry, but when one reads the bill it is not giving the public what it wants. It is actually completely tying the hands of our law enforcement people to utilize this new tool in a way that is going to benefit society.

The only rationale I can come up with as to why the government would do that is that it shows a consistent pattern. We have seen that consistent pattern displayed in other aspects of criminal justice legislation brought before this House. It was demonstrated in question period today. The justice bureaucracy knows that the fallout from implementing the firearms registry, the way it is currently legislated, will actually lead to increased smuggling and to an increased premium for black market firearms. We have known this on an ad hoc basis for years.

We knew that because we had reports in the media at the time that bill was introduced thanking the justice minister from people involved in those various illicit activities because they were going to improve profit margins. This is not rocket science, but unfortunately it is a case where the government is legislating on a politically correct basis rather than on what will achieve positive results for society.

We have seen the same thing from this government in terms of conditional sentencing. That legislation went through in the last parliament. This is the legislation that allows judges to not impose prison sentences for various reasons. That can be an enlightened thing to do but it is not an enlightened thing to do when we are talking about violent or sexual offenders.

Reform amendments in the last parliament tried to ensure the legislation would apply only to violent and sexual offenders. We were told by the government that it need not be in the legislation because that is the way it would be applied. We are sorry, but that is not the way it has been applied. We have walking, talking, living examples of violent sexual offenders who have been given essentially no sentences, conditional sentences. These people are hazardous and risks to society. Many of them have reoffended because they have not been in prison.

• (1535)

Now we have DNA legislation that only scratches the surface of what is possible. We know national standards are needed with this legislation. Quality control guidelines and restrictions are needed.

Other technologies will be coming to the crime prevention front. If we are to tie the hands of our enforcement people on this technology, what are we doing? Are we denying ourselves the benefits of other new technologies? Another new technology has already proven itself once. It has many of the same benefits of DNA technology but it is all based on odour. Up to a month after it can be determined whether an individual has been in a room in that timeframe.

I have another example of the enlightened use of technology, which I believe happened in England. A perpetrator said in court that he had never been somewhere. It turned out that there was some plant material in his clothing. They compared a sample from his clothing with trees from all over that nation. They determined that the DNA from the plant material could only come from the place where the crime was committed. That is a nice non-intrusive use of DNA.

Why would we not enact the very best legislation we can when we have an obvious public taste for it instead of having the appearance of legislation? I do not know how to respond to that. We used to be able to go to someone with a basic toolbox when we needed to have our cars fixed. Now we have to go to someone with computer technology, with diagnostic equipment and so on. As society moves, our legislation has to move. As this bill is constituted, it does not cut it.

Mr. John Reynolds: Madam Speaker, I do not think we have quorum in the House.

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

And the bells having rung:

The Acting Speaker (Ms. Thibeault): We now have quorum.

Mr. Jason Kenney (Calgary Southeast, Ref.): Madam Speaker, I note that some of my colleagues opposite regard sitting in the House of Commons to debate as a waste of time. I hope the record reflects that. It is an interesting remark on how they regard democracy and its functioning, a fine example of which we saw the other night during the vote on hepatitis C.

● (1540)

I am rising today to speak to Bill C-3, an act respecting DNA identification. We are dealing with the Group No. 1 amendments to this bill.

Ms. Marlene Catterall: Madam Speaker, I rise on a point of order. The member knows it is not permitted to refer to the presence or absence of members in the House of Commons.

But having done so I think it is only fair to point out that his party is far outnumbered.

Mr. Jason Kenney: Madam Speaker, I gather that is not taken as a point of order. I did not make any remark about members opposite but since the point has been raised I will say that normally one finds more members in the opposition benches than on the government benches.

I was remarking on the heckle of a member opposite who said what a waste of time to have a quorum call. They believe it is a waste of time participating here in the highest chamber of democratic deliberation in the country.

That reflects the sterling commitment to democracy and conscientious representation we saw from members opposite on the hepatitis C vote. It is shameful.

It is interesting that members opposite are not willing to sit here and discuss this important bill to provide amendments to Bill C-3 on DNA identification.

The Reform Party supports the principle of the bill which is to provide access to our police forces and agencies to use the new biological technology available to them to develop evidence for the prosecution of criminals accused of serious crimes.

This kind of DNA identification is something the Reform Party has been pressing for over several years. It is well known one of the raisons d'être of our party is to promote a justice system where the rights of victims are placed in greater balance contra the rights of criminals.

In all these bills dealing with the Criminal Code and evidentiary matters, sentencing matters, we must as members of this place strike a balance, an equilibrium between the civil liberties of citizens to not be convicted except in accordance with due process of law and in accordance with principles of fundamental justice on the one hand and on the other hand to ensure that we have a justice system that functions and throws away the bad guys.

I think all too often we end up with the wrong balance. All too often we become too concerned about the civil liberties of the Karla Homolkas of the world and not sufficiently concerned with empowering our peace officers and our police to enforce the criminal law.

It is a good thing from our perspective that the government finally has come forward with some step in the right direction of DNA identification in Bill C-3 but we do find the bill falls short on a number of points.

Motion No. 1 from a member of the Bloc Quebecois is with regard to respect for privacy rights. This proposed amendment goes on through six clauses giving detail of safeguards that should be in the legislation with respect to privacy. Quite frankly, this motion is redundant in so far as the bill already contains adequate safeguards to protect privacy of people vis-à-vis DNA identification.

Section 487.07(1) on the respect of privacy and sections 487.08(1) and (2) on the use of bodily substances already recognize the potential damage if DNA information is improperly used. Also there are penalties included in section 487.08(4) which provide penalties for the contravention of these areas protecting privacy. As a result we find Motion No. 1 redundant and therefore we will be opposing it.

● (1545)

Motion No. 2 comes from an hon. member of the New Democratic caucus. It precludes private agencies and labs from taking samples. It essentially limits the collection of DNA samples to the government through public agencies. This seems like a sensible enough safeguard and we will therefore support Motion No. 2.

Motion No. 3 in this group of amendments deals with safeguards against the wrong kinds of people accessing information stored in the DNA databank and proposes a registry of those who would be accessing the information.

Again we find this redundant in so far as provisions are already included in the act to protect against unauthorized personnel from accessing the personal DNA information included in the databank.

Finally, Motion No. 5 deals with a review for the privacy commissioner to ensure that the act is not contravening the privacy rights of Canadians. This seems like a completely unnecessary amendment in so far as Bill C-3 already empowers the privacy commissioner to review violations of people's privacy rights as enumerated in the privacy laws. We will be opposing Motion No. 5 for that reason.

We really need to ensure with respect to all the amendments in Bill C-3 that our police agents, our peace officers, are able to enforce the law without undue red tape, burdens and hurdles. We want to ensure that the civil liberties of Canadians and their rights to privacy are protected, but not at the expense of hamstringing the people who have the difficult job of investigating serious crimes and who need the evidence to convict and effectively prosecute the worst criminals in society.

I look forward to speaking to future amendments on Bill C-3 as we proceed through the debate.

Mr. Werner Schmidt (Kelowna, Ref.): Madam Speaker, it gives me a great deal of pleasure to enter the debate on Motions Nos. 1, 2, 3 and 5 in group one.

I would like to focus my remarks on three areas: first, DNA as a technology; second, the privacy issue which is addressed by these amendments; and, third, getting to the point which the Deputy Prime Minister made such a point of in question period today of doing what is right.

Referring to DNA as a new technology, we now have at the disposal of our law enforcement agencies a technology that allows them to pinpoint more accurately the identity of a perpetrator of a particular crime. Not only is it a very useful tool. It is a reliable tool and it is a valid tool. Those are the two absolutely essential criteria that need to be applied to any scientific test.

If two different scientists looking at the same sample come up with the same conclusion then we have some reason to believe the tests are reliable and are in fact are honestly depicting on a continuing basis, no matter who does the test, what the result will be. It is also valid in the sense that it is an accurate depiction of who gave a particular sample and to whom it belongs. This is a very useful and necessary tool to make sure that mistakes are not made.

Why is this tool so important when it comes to crime detection and to identification of perpetrators of crime? The number one point is obviously to protect society. We want nothing more in our society than to be secure, to have happy families and to be safe on our streets. We want to predict with reliability that we will be able to go down to the corner store to pick up our groceries and our lives will be safe, and that our children will be able to go to their school buses or walk to school without the need bodyguards and things of that sort. That is what it is for. It is also there to protect the suspect.

All kinds of cases in this regard come to mind. Most directly is the Milgaard case. He was incarcerated after being accused of having committed a crime until the DNA samples revealed unequivocally that he was not the person who had committed the crime but that someone else had committed it. For many years he suffered incarceration because he was improperly identified. We have here a very useful tool which should be available to law enforcement agencies.

● (1550)

A couple of the motions deal with privacy. Of course we are concerned about privacy. There is nothing more significant than privacy of the individual. In fact we have appointed in the country a privacy commissioner whose job it is to make sure that there is not an unusual, unnecessary or unconstitutional intrusion into the privacy of individuals.

Last weekend we had in this city a discussion on electronic commerce. The Information Technology Association of Canada came together with major business interests. What did they talk about? They talked about privacy. They talked about the security of information. They talked about the security of transferring funds from one institution to another or from one account to another.

What was the news report on Saturday in the *Globe and Mail*? It reported that the CIBC had some chip problems. What was the problem? Several individuals had deposited money and it was not credited to their account via the automatic bank machine. The bank assures us and assures those individuals that they have a record and will be credited with those moneys. However it points out that the need for privacy is absolutely imperative and must be reliable and valid. It is essential that this be provided for in the act and it is provided for in the act.

It goes beyond that. We need to be sure that communication is maintained in a secure manner so that it goes only to those people who need to know, who have to know and for whose protection that information exists. We need to recognize that not only is it protected from eyes that should not see it but also protected from use by people who have no right or need to use that information. Privacy needs to be provided for and it is being provided for. The amendments that are being proposed are redundant in that sense and I commend the government for having done that.

I want to move to the third area of doing what is right. We need to do what is right. In this connection I refer to the kind of statement that has been made with regard to hepatitis C victims. The issue here is doing what is right. In the hep C case it is making sure the people who are suffering are properly looked after. That is one issue.

When it comes to the area of crime with which the bill deals we have three issues to consider. One is the careful identification and punishment of those who committed the crime. The second is to identify in order to protect future victims from further perpetration of the same individual against them. The third is the protection of society at large.

In a sense when somebody commits a murder, a robbery or a violent act of any kind indirectly we are all victims because we do

not know where the criminal will hit next. It is important to protect the rest of us against that kind of perpetration.

What is the right thing to do? The right thing to do is to use the absolute best technology and tools available for the identification of those who have committed crimes so that future victims can be protected and that the victim who is currently the object of a crime may say the person who did it has been properly identified and punished accordingly.

It goes beyond that as well. It means to do what is morally right. The moral thing to do is to provide the assurance for all of society that the number one concern of the government is to have a justice system that is fair and that has laws that are right. The laws must come out on the side of what is right and must punish that which is wrong. That generates confidence on the part of the individuals that they can rely on the law. More important and beyond that is the enforcement of the law.

● (1555)

We spent a lot of money hiring good, qualified and trained police officers and other law enforcement officers. We want to be sure that these people not only understand the law but recognize the significance of the law and are provided with all tools necessary to carry out the requirements of enforcing the law.

If we deny them the proper tools we cannot expect them to ensure our justice system meets the objectives for which it has been set out. We as the official opposition submit that the DNA test is one of those. The government will argue that is exactly what the bill is about. It provides exactly that but it is just the beginning. The government could have done so much better. It could have done a complete recognition of the DNA act and have given it to the law enforcement officers in such a manner that they could use it unequivocally, unassumably and without restriction.

Yet the bill restricts. It does not help. It starts and goes so far and suddenly the persons trying to enforce the law say they cannot go any further and the very thing needed to bring about a conviction is denied.

That is not the way a good legal system, a good justice system should work. It is not the way a solid, good enforcement agency should operate. It goes beyond this as well. It goes to the point of recognizing that in order to do this job right we need to ensure that evidence is intact, remains intact and is accessible only to those who need to know, and those individuals are the enforcement officers, the judges and the courts.

I submit that these three motions in Group No. 1 should be dealt with as being proposed. We would oppose the first motion. The second one we would support. The third and fifth ones we would oppose.

Mr. Ken Epp (Elk Island, Ref.): Madam Speaker, I am intrigued with the subject of identification of people. Fortunately I do not have an identical twin; the world could not take two of us. There is little doubt that I am a unique individual. The DNA that would identify me is like an individual serial number that is cranked out at the time of manufacture. This identifies me as a unique person.

When my wife and I were first married we moved to a little town in Alberta. Some of my acquaintances, having come from a large city, said ''How can you stand living in that town? Everyone knows what you are doing''. I said ''But I am not ashamed of anything I am doing so let them know who I am''. The reason I say that is that I think it underlies the principle we are debating in this DNA bill.

Those people who have not done anything wrong want the identification process to work correctly so they are not incorrectly accused of and convicted of a crime. On the other hand, those who have done something wrong are the ones who in our little town would hide behind the shades at night and leave town so no one would know what they were doing because they were not doing things they were proud of or they could defend in the community.

Consequently when we come to identification there really is a dual question. It is that ancient question of a justice system. There are two objectives in the justice system with respect to identification of criminals. As my colleague has just stated, the overriding principle of our system ought to be the protection of law abiding citizens. Consequently what we want to do is to correctly identify those in society who are not playing by the rules. They are the ones engaging in criminal activity which endangers the life, property and safety of ourselves and our families.

● (1600)

What we want to do in this dual objective of identification is to correctly identify the person who has actually done the crime. The second part of that which is really the mirror image of it, is to make sure that we do not falsely identify a person. In other words, we want to identify the person who is guilty and name the person as guilty rather than innocent. On the other hand, we want to be able to demonstrate that the person who is innocent is falsely accused.

I taught mathematics and statistics for a number of years and we had in sampling for example the type *A* and type *B* errors. One error was where if one had a sample in a manufacturing process and wanted to know whether or not a batch should be approved, one error was that you let the thing slide through when in fact it should be rejected. The other error was that you rejected it when in fact it was a sample that was within the specifications.

DNA is new technology which enables us to do this. It enables us to identify individuals in a unique way. With respect to criminal activity, it is unique because individuals who commit certain crimes leave behind telltale traces of identification. It is as if I had my social insurance number on little pieces of paper and whenever

I walked, every three feet one of those little pieces of paper would drop and they could be traced to see exactly where I went. Criminals leave particles of skin, hair and other parts of their bodies in various ways. Sometimes they are injured and they leave some blood. There are many different ways in which to get a unique sample that carries the serial number of the individual.

What we are talking about here is using that technology in the most efficient way so that our law enforcement people can identify correctly the people who are actually guilty and exonerate those who are not guilty.

With respect to the motions that are before us today, I would like to speak just in generalities. We need to make sure that the police have the mechanisms to ensure that the DNA samples which are collected and kept are done so in such a way that the identification process can be implemented in the most efficient way.

Consequently there is a great need to make sure that the police are able to collect samples and maintain them in a secure fashion. Certainly we also have to guard against the incorrect use of DNA as an identifier because obviously those who become aware that this is the identification that is used will soon invent ways of transplanting DNA evidence in order to implicate people who are innocent. All of those processes have to be very carefully safeguarded.

It seems that what we are talking about here is protecting the innocent and making sure that the guilty ones are the ones who are hauled on the carpet.

As I was saying in my analogy with respect to being ashamed of what one is doing, I really think that we err when we make rules favouring even the accused. I have often said that if I am accused of a crime I want the truth out if I am innocent, I really do. If there is a databank somewhere which contains the DNA identification codes of a whole bunch of different individuals and I am innocent of that for which I have been accused, I would appreciate there being a databank available so that the true culprit could be found, arrested and found to be guilty.

● (1605)

Frankly, I think that only those who are afraid of being caught would like to see the samples destroyed in a timely fashion. They would want to make sure that the track of identification is wiped out as quickly as possible in order to reduce the probability that they would be identified, accused and convicted of the crime.

When it comes right down to it, on behalf of law-abiding citizens of the country we want to strengthen this bill. We want to make it so strong that it actually works and works efficiently and favourably to its purpose. Those who say that we cannot do this and that they do not want to do it, to a degree I do not really care what they say. They may have their objections but what takes precedence here?

We talk so much about the rights of privacy, the rights of this and the rights of that. I sincerely ask at what stage do we say that the rights of law-abiding citizens and the rights and the protection of those citizens takes precedence over somebody having a DNA sample that maybe they should not have? That becomes secondary.

Of course I would be very concerned if somebody had my fingerprint, my DNA signature and was able to use it incorrectly against me. I want safeguards on that, there is no doubt about it. At the same time, let us not hamper our police forces and our law enforcement agencies in their ability to do their work.

The Acting Speaker (Ms. Thibeault): Pursuant to agreement made earlier today, all motions in Group No. 1 are deemed put, recorded divisions deemed requested and deemed deferred.

The House will now proceed to the debate on the motions in Group No. 2.

[*Translation*]

Mr. Richard Marceau (Charlesbourg, BQ) moved:

Motion No. 4

That Bill C-3, in Clause 9, be amended

(a) by replacing lines 22 and 23 on page 5 with the following:

''the convicted offenders index shall be destroyed without delay after''

(b) by adding after line 34 on page 6 the following:

''(3) Subsections (1) and (2) also apply to information communicated under this Act that is in the possession of any Canadian laboratory or federal or provincial law enforcement agency.''

Motion No. 6

That Bill C-3, in Clause 10, be amended by adding after line 34 on page 8 the following:

''(7.1) The Commission shall destroy the stored bodily substances of a person without delay after a forensic D.N.A. analysis of these substances is first performed under this section.''

Motion No. 13

That Bill C-3, in Clause 22, be amended by adding after line 29 on page 24 the following:

''(2) Paragraph 487.09(1)(b) of the Act is replaced by the following:

(b) the person is finally acquitted of the designated offence and any other offence in respect of the same transaction; or''

He said: Madam Speaker, I am pleased to again have the opportunity to speak and to try to refocus the debate on the bill before us today, which is Bill C-3 and the related amendments. It is a change from talking in vague generalities.

The first amendment proposed is Motion No. 4, which talks about the destruction of information in the convicted offenders index. As it now stands, subsection 9.(1) of the bill reads as follows:

> 9. (1) Subject to subsection (2) and the Criminal Records Act, information in the convicted offenders index shall be kept indefinitely.
>
> (2) Access to the following information in the convicted offenders index shall be permanently removed without delay—

It talks about permanent removal, even in cases where a conviction has been quashed, or absolute discharge given, or in the case of young offenders, but this is getting a bit more technical.

When we raised this in committee and asked why the file was not simply destroyed, instead of being permanently removed, we were told that this is complicated with computers, that they did not really know, that these were files, that it was technical, and so on. I was astonished, as were other witnesses. If we have the technological know-how and scientific knowledge to analyse DNA, which is such a tiny thing, and are able to penetrate to the very centre of human cells to identify people, I cannot believe that we are unable to destroy computer files.

It is with precisely this in mind that the Bloc Quebecois has introduced Motion No. 4. Instead of permanently removing the file and allowing it to float around somewhere in a computer bank, and not really knowing where it might end up later, let us destroy it and put an end to the problem. Let us remove the temptation to put this computerized information to an improper use later on. That was the purpose of Motion No. 4.

● (1610)

We did not come up with this on our own. A number of witnesses who appeared before the committee said ''Hold on, now, DNA technology is so powerful and potentially so powerful that something must be done to limit temptation as much as possible''. That is Motion No. 4.

Motion No. 6 is along the same lines:

> ''7.(1) The Commission shall destroy the stored bodily substances of a person without delay after a forensic DNA analysis of these substances is first performed under this section''.

If genetic testing is done, whether on saliva, blood or hair, the desired information has to have been obtained. Why then keep the hair, saliva or blood? We already have the picture and the information required.

Once again, the purpose of this is to take away possible temptation—because that is always present—so that our bodily substances cannot be misused. Let us not forget that, when a sample is taken for analytical purposes, it is possible to have a number of pieces of information not only about the person from whom the sample came, but also about that person's family, his or her parents, children, brothers and sisters. The closer the other individual is biologically to the source of the sample, the more information can be gathered about him or her.

Motion No. 6 is, therefore, in the same vein as Motion No. 4. Let us take away the temptation, so as to avoid its use for other dubious purposes.

We now move on to the motions in Group No. 2. Motion No. 13 concerns clause 22 on page 24. This clause talks about section 487.09 of the Criminal Code and reads as follows:

> Subject to subsection (2), bodily substances that are taken from a person in execution of a warrant under section 487.05 and the results of forensic DNA analysis shall be destroyed, or in the case of results in electronic form, access to those results shall be permanently removed—

I come back to what I said with respect to Motion No. 4. If we have the technology to analyse DNA and see right inside a person, why make a point of not destroying the computer file? It can be done, instead of just eliminating the link between a given individual and his data, which would float around somewhere in the bank. Let us destroy the information in the databank. Let us remove the temptation.

Let us ensure that the right to privacy is sacred and that it will be respected not just today, but in future as well. It must not be forgotten that the bill before us today will be good for five, 10, 15 or 20 years, and is only a precedent that will undoubtedly change as technology advances, and goodness knows it is advancing quickly.

Let us therefore remove the temptation and ensure that the privacy of all Canadians will be respected.

The Acting Speaker (Ms. Thibeault): It is my duty, pursuant to Standing Order 38, to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Winnipeg North Centre, Hepatitis C.

[*English*]

Mr. Peter Mancini (Sydney—Victoria, NDP): Madam Speaker, I rise for a number of reasons.

First I rise in support of the Group No. 2 motions to amend Bill C-3, an act to establish a DNA databank. In speaking to those motions some things have to be clarified for those who will be listening to and reading this debate. I refer to some of the comments made earlier in the House.

There is a question everyone is interested in when we deal with this subject. It was raised at the committee on numerous occasions. My hon. colleague from Crowfoot and I had discussions about this matter. The question is what is the difference between the DNA samples and fingerprinting? We have heard various scenarios

around that. It was the subject of reasoned debate and questions to many of the witnesses who came before the justice committee during the many weeks we took to examine this piece of legislation.

● (1615)

I have heard comments in the House today that there is no real difference, that this is the new fingerprinting technology as we move into the next millennium. But there is a clear difference and it has to be enunciated and understood. Although I have still not received the written decisions of the supreme court justices that were referred to earlier on a point of order, it is my understanding that they concur with my interpretation of the difference between fingerprinting and DNA analysis.

To put this into the simplest terms, I questioned different members of the justice department. Let me explain it this way. The taking of a DNA sample is a taking of the self. It is a taking of a piece of the person, whereas a fingerprint is an image of the person.

Perhaps even a simpler way to put it would be to say that if one thinks a crime was committed at 1313 Mockingbird Lane, one might take a photograph of that home. That is like a fingerprint. But to give the authorities the right to walk into the home and take the furniture is a completely different thing.

It is a misnomer to say, as we move with this new technology into the next millennium, that it is the same as fingerprinting. It is not. It is an intrusion into the very sense of the person, into the very being of an individual. When my colleague, the hon. member for Charlesbourg, talks about the necessity of making sure that we have safeguards, it is to protect the individual self from any intrusion by the state, by the government into a person's most fundamental being.

I think that point needed to be clarified. It is an interesting debate. It is an interesting question. As we enact this legislation and as it takes shape over the next three or four years before it comes back to this House for review, it will be interesting to see exactly how both the authorities and the courts deal with that question.

If I can move to the issue before the House, that is, the questions put by my hon. friend from the Bloc, I support them in part. I submitted myself a very similar amendment which I believe the government looked at carefully.

It was my contention that the DNA ought to be destroyed absolutely. My colleague has indicated in his amendment that the index should be destroyed without delay.

The interesting thing is that there was considerable concern among the committee members when we were told that the DNA index of an innocent person could not be destroyed absolutely. That was the question put to them. ''Why do we not say that the index will be destroyed if the person is innocent?'' There was a pause and then we were told ''On the computer screen we cannot destroy, absolutely, that index. Fragments of it will remain, but they can't be used for anything. It is impossible for anybody to detect what it means''.

We have heard over and over again in this debate that technology is moving at a rapid pace, that we can barely keep up with the advances in science. Who is to say that if an innocent person's DNA is taken and analysed and put into the databank and traces of it remain that the technology in 10 years will not be there to take those traces and piece them together to determine what the genetic code of an individual is, whether they have a predisposition to certain illnesses, whether they ought to be insured and whether they ought to be hired for particular jobs?

I think the motion put forward by the member for Charlesbourg has some real merit. For that reason I would support Motions Nos. 4, 6 and 13, all of which provide safeguards for the destruction of the DNA profiles and bodily samples.

Why should we keep those samples? My colleague asks a good question. We live in an age of media celebrity. One can only imagine how much some hair samples from the scene of the accident where the Princess of Wales was killed might fetch on the open market if they were stored in some databank in some DNA laboratory for the next 20 years. Why not destroy them? Why not ensure that privacy is protected and that people are safeguarded?

● (1620)

There have been some comments that the bill does not go far enough in terms of giving the police what they want. That goes to the merit and the substance of the bill and I will speak to that later on.

Today I should point out that we are only at this point debating the amendments to the bill, so I do not want to use up any more time than I have to. With regard to the amendments in Group No. 2, I can indicate my support.

Mr. Jack Ramsay (Crowfoot, Ref.): Madam Speaker, I rise to speak on the motions in Group No. 2. There are three of them and they were all put forward by the Bloc member. I appreciate his participation on the committee, as well as our hon. colleague from the NDP. They were very concerned about this particular area of the bill, that is, the privacy and the potential improper use of DNA samplings.

The question is whether these amendments are needed in order to maintain the safeguard over not only the DNA samples, but the analysis, the profile.

Motion No. 6 has to do with clause 10, paragraph (7). The beginning of it reads: ''The Commissioner shall nevertheless

destroy the stored bodily substances of a person without delay'', and then the bill gives the conditions: (a), (b), (c), (d) and (e). The hon. member's motion would come in after (e) and read this way: ''The Commission shall destroy the stored bodily substances of a person without delay after a forensic DNA analysis of these substances is first performed under this section''. It says exactly that at the beginning: ''The Commissioner shall nevertheless destroy the stored bodily substances of a person without delay''. Why do we need the second notation to say the very same thing?

Unless I have read this wrong, or unless there is a problem in interpretation, I do not see the purpose of this particular amendment. Maybe my hon. colleagues who support the motion and who moved it can explain the rationale for this, but that provision is already there under 10(7). I do not understand the amendment and I am puzzled over it. It is the same thing with the other two amendments. I think the provisions are already there to deal with the privacy aspect.

My hon. colleague from the NDP who just spoke is concerned about privacy. It is a legitimate concern, but when we examined it in committee the expert witnesses provided very conclusive evidence that the profile of a DNA sample is useless for any other purpose. The sample itself can be used for other purposes, but the profile cannot be. It is the profile that goes into the index. If it is difficult or impossible to remove the profile from the index, what is the concern? What harm can it do? They cannot go further with the profile or do anything more than simply compare it with another profile. If there is an identification of that profile then, of course, they can identify where that sample came from.

I struggle to understand why we are so concerned about a matter when the evidence before the committee indicated a lack of concern.

● (1625)

There is the idea that the taking of a DNA sample is intrusive. However, we now hear that DNA can be picked up off a glass that someone drank from. It can be picked up from a Kleenex used for blowing one's nose. It can be picked up from a swab or a band-aid that might have been put on a finger. I have a band-aid on my finger because I cut myself. If I discarded this, there is my DNA sample.

There are literally hundreds of thousands of samples taken every year. For every child who is born a blood sample is taken. There are blood banks. Every time we go to the doctor to have a medical and a blood sample is taken it is stored. We have not seen any evidence of the abuse of the blood in blood banks now in existence and growing at a fantastic rate, probably faster than the DNA bank will ever grow because for every child who is born a sample is taken and every time we go to the doctor and give a blood sample it goes into a bank somewhere.

If this were a legitimate concern, that someone might have a vested interest in getting hold of these samples to do some kind of insurance check or whatever, I am sure there would be evidence of that now, and there is none.

When we talk about the threat to our privacy with regard to this bill and the powers it will give I think we should balance it with reality. The reality is that there is a huge databank now in the blood banks. We do not see abuse emerging from them that my hon. colleagues have suggested could emerge from a databank controlled by the RCMP.

There is no provision for the misuse of the samples which are now in society's databanks. In this bill we have a two-year penalty for any misuse of those samples, or the profiles. I think that the privacy of the individual who is compelled to submit a DNA sample is well guarded, certainly more so than when I went for my last physical and gave a blood sample. I do not know where that went and I have no reason to be concerned about it at this particular time.

Therefore, if I am not concerned about my sample sitting in some databank in some clinic, why should I be concerned if my sample is sitting in the RCMP databank protected by law, protected by the privacy commissioner who has the right to audit the operation of that bank at any time? Why should I be concerned when these other banks do not have those measures to protect my privacy? I have no concern that those samples I have given over my lifetime are being used improperly.

I think we are raising an issue, the justification for which does not exist. Although I respect the concerns that have been raised by my hon. colleagues and witnesses who appeared before the committee, I say show me where there is justification for this alarm or concern and certainly I will take it under consideration. But I have not seen anything to indicate that. The fact of the matter is that nothing can be drawn from a profile other than the identification factor. From the sample, yes, it can be done.

I will conclude by saying that I believe the samples should not be destroyed inasmuch as the new technology may be able to develop a better form of identification and a higher level of identification. If we can protect the samples or if we can protect the profiles surely we can provide the same protection for the samples under the act given the provisions within the act.

● (1630)

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I am pleased to rise in the House to partake in this very important debate on this very timely and important piece of legislation.

As has been indicated by previous speakers, the motion put forward by the hon. member for Charlevoix is aimed specifically at

the protection of the privacy of individuals and particularly the integrity of the test samples that may be taken by the police in the course of their investigation.

As with the previous speaker, I find myself in a position where I cannot in all conscience support this motion. It had been clearly demonstrated at the justice committee, by a professional chemist who spoke of the ability scientists would have to destroy the actual DNA profile, that this is not a possibility. The DNA profile itself is set up in such a way that it appears on a sheet with 24 other profiles. If one profile were physically removed all the other profiles would fall and it would cause a mix. I am not articulating this as well as the professor, but as I understand it is a physical impossibility to destroy the profile. I am puzzled as to the insistence of the hon. member from the Bloc that this motion be adopted.

Motion No. 4 of Group No. 2 is the first motion. For the reasons I have indicated I feel it is not appropriate that we would be quick to embrace this motion.

Motion No. 6 was moved by the hon. member from the Bloc. It speaks of the necessity of the commissioner to order without delay the destruction of stored bodily substances of a person after the forensic DNA analysis of those substances has been performed. As indicated by previous speakers, I suggest this is not a necessity and this proposed amendment in its present form would contradict the previous amendment. That is to say that section 7.1 as amended would contradict section 7 of the same clause.

The member for Charlevoix should have indicated in the amendment that there should be a deletion of section 7 if the amendment were adopted. In its present form section 7 is clear and sufficient. It would defeat the purpose if we were to do away with all the other safeguards. The safeguards are crucial to the protection of individual rights. The safeguards put specific onus on the commissioner to take into consideration certain factors as to when and where the substances and the DNA profile should be used.

It is not a section that we should tamper with at this time. I would not be supportive of this amendment for the reasons stated.

Motion No. 13 which appears in this grouping talks of the need to amend section 487.09 of the Criminal Code which speaks of the use of DNA sampling in trials or court cases where there has been an individual who has been found not criminally responsible. When a person is finally acquitted of a designated offence or any other offence with respect to the same transaction that individual would not be subject to any further review or that the DNA would never be sampled or used again.

This motion calls for the destruction of bodily substances and the removal of the DNA profile of a person found not guilty by reason of a mental disorder.

• (1635)

We believe it is important to continue to store and to keep this information and profile of an individual as the current law does presently provide. To destroy that information on the basis of the finding of the court would destroy the ability of the police, with the use of this sample, to establish that the individual had committed the actus reus. Whether they had formed the requisite mens rea, whether they had intended to do this act, would be a finding for the court. At least they would be able to put some finality on the investigation. They would be able to say we have the DNA profile, we have the individual who committed the act. That is an important feature that this amendment would prevent the law from doing.

Section 672 of the Criminal Code, which deals with mental orders, allows the courts to make specific findings with respect to a person's culpability and whether they have formed the intent to do so. There are provisions aimed at individuals who have been deemed to be not criminally responsible. This is not the time or the place for us to interfere with that, which is what this motion calls for. It is tampering with the safeguards that presently exist. It is not something that we should be getting into at this point.

The important amendments put forward are done so with the best of intentions. They are done so with a very clear purpose by the hon. member for Charlevoix, to address privacy concerns. Once again I am afraid that what we are in danger of doing should we accept these amendments is making this legislation unnecessarily cumbersome and more complicated than it is in its present form.

What we are hoping to do by the enactment of this important and historic piece of legislation is give police officers the necessary tools to conduct criminal investigations, particularly into very violent offences. This will help police officers to solve a great number of outstanding murders. This legislation will give those police officers a tool to get on with the very important task of solving these crimes not only for the purposes of holding people accountable for their atrocious acts but to give victims some closure. It will give the families of those who have been affected an opportunity to come to grips with what has happened. There are 600 cases in the province of British Columbia alone.

I hope the process we are embarking on today by going through this piece of legislation and looking at ways to improve it and to beef up what the intent of this legislation will help police officers to perform the important tasks they are charged with.

Mr. Nick Discepola (Parliamentary Secretary to Solicitor General of Canada, Lib.): Madam Speaker, Motions Nos. 4, 6 and 13 deal either with the destruction of DNA samples or information relative to the DNA databank.

[*Translation*]

Motion No. 4 introduced by the member for Charlesbourg is more or less the same motion introduced, albeit in another form perhaps, and the Standing Committee on Justice and Human Rights rejected it on technical grounds, as several members have already pointed out.

The motion poses problems, particularly from a technical point of view because of the limits of the technology that was and will be used, because data concerning a particular offender cannot be destroyed. We have already explained the technical reason for this. The link between identifying information and the actual profile is severed. It would be like removing all the telephone numbers from a telephone book, leaving a random list of telephone numbers and people's names, with nothing to connect them. The link would be severed like that.

• (1640)

The second part of the same motion deals with the communication of DNA information. Once again, it is felt to be unnecessary, because clause 6 of the bill stipulates that the RCMP commissioner may communicate information in the databank only to a Canadian law enforcement agency or laboratory that the commissioner considers appropriate. This is already covered in the bill.

Motion No. 6 deals primarily with the distribution of DNA samples.

[*English*]

Again we have a problem. The whole basis of DNA legislation is to establish a databank. A databank cannot be established if we do not have the samples, if we destroy the samples immediately upon taking the profile and the analysis at this stage. Our committee heard numerous testimonies that the technology and the analysis advance on almost a daily if not weekly basis.

As a result, if we were to destroy the samples right after the establishment of this one databank we would be defeating the purpose of the legislation which is to establish a DNA databank that will be useful not just now but in the future.

As a consequence we would like to keep the samples. It is important to keep the samples because as technology evolves, we would have requirements at times to retest the samples. The administrative costs associated with resampling everybody would be enormous. DNA samples should be kept.

Regarding Motion No. 13, the government supports this amendment. I am of the opinion, having spoken to some of the other members, that the Reform Party and the Conservative Party do not support this amendment.

We do because Motion No. 13 would amend paragraph 47.09(1)(b) of the Criminal Code to ensure consistency with equivalent provisions as outlined in the bill currently.

Bill C-3 proposes the destruction of bodily substances of acquitted persons. Unfortunately it does not make any distinction regarding the Criminal Code between substances obtained for acquitted mentally disordered and non-mentally disordered offenders.

This motion will therefore ensure that bodily substances taken from any acquitted person are destroyed. That is why we are calling on members to support this motion.

Mr. Jake E. Hoeppner (Portage—Lisgar, Ref.): Madam Speaker, it is a pleasure to rise on the second group of motions to make a few remarks.

I think the hon. member from the Bloc had the best intentions in mind when he proposed these amendments. They do not make the picture clearer as far as what we are trying to do with this bill.

I think the overriding principle of this bill should be that we protect the law-abiding citizen, that we do everything possible to give that protection to people who are affected by criminal acts.

I want to go back to about March 1995 when my son was brutally attacked in Winnipeg. He was beaten beyond recognition but hung on to life by a thin thread for a number of days.

When I phoned the police in Winnipeg to see what was being done to apprehend this person or persons who had attacked my son and a friend so brutally, they were rather at a loss. They had had a similar incident at the same place in October and a person was killed. They felt this was another incident where a gang had demanded some kind of violent act from people who wanted to be initiated and that killing a person was part of the initiation to get into that gang. I would have done anything to catch that person.

• (1645)

Had there been a databank available for the police to use in October, they could have at least marked the person even if they could not have apprehended the person. They could have then cross referenced that sample with the sample of the persons who attacked my son. I would have been very supportive of that.

I agree with the parliamentary secretary that we cannot try to take a piece out of a map. A map is very important to me when I travel across the country. If a destination on the map has been erased or there is a detour I did not know about, I would get lost and the map would not be of much value to me. That is the way I look at this databank. If we are going to form the bank, put some of the funding principles of the bank into the system and then erase the

data samples of those who have been wrongly accused, we will run into a lot of problems.

Often the intent of the bills we pass in this House is very good but the bills do not go far enough. That is similar to when people plan trips. They have a time limit within which to get to a destination. That is the way I look at this databank. It is another tool we are being given to make sure we arrive at the destination we have been planning on over the last number of years.

Fingerprinting was a good tool. It has worked for many years. It has been used in some good investigative work. Now we have the extra tool of a DNA databank. We should make full use of it. We should use it to its best within the circumstances so that citizens and not the criminals get the protection.

We are so often worried and concerned that criminals will not have their rights. In my opinion when a criminal violates the law and he is involved in a violent act or in some act that affects society, there is a price to pay. If the databank can be used to mark this individual in a way that is not public but is there for the protection of the ordinary citizen, then it should be used to its fullest extent.

It is very important that the crime rate in Canada be brought down. Statistics show that violent crimes are continually going up. This is not just happening among the general population but with young offenders, adults and even some seniors. When I read of violent crimes by seniors I do not know whether it is old age or their attitude toward each other.

We were in the United States for a short holiday. A couple of seniors were playing cards and before the game was over they were both dead. One wonders how a couple of friends could be playing cards and get into such a furious fight that they would kill each other.

Sometimes things are overdone but in many cases when these criminal acts occur, it is a matter of the police finding out what has happened and getting to the bottom and the truth of it. If criminals are aware of the fact that there is very little chance of them escaping the law, that in itself will deter crime. It is important that we have more impact on criminals to make them realize they will be caught and will serve a penalty. That can override the few freedoms they demand because of the charter of rights. I would rather sacrifice somewhat and err on the principle of freedoms and rights than on the principle of criminality that the non-violent law-abiding ordinary citizen was not paying a price for.

● (1650)

It has become almost an accepted fact that someone in every family will suffer from a violent act. That is sad. Years and years ago when I was a teenager it only happened in large cities and it only happened to someone else. I hear of drive by shootings in my own little town of Altona. I hear of a murder in Miami because of the drug trade. And I found out in the last couple of weeks that one of my neighbours was gunned down because he was involved as an undercover agent for the RCMP, and there are no clues as to who did it.

I am therefore very determined that we in this House pass legislation that will make sure the criminals are apprehended. This bill is another tool for doing that. It is important that we make this bill as effective a tool as it can be to apprehend criminals. I think everyone is concerned about privacy and rights, but once people are affected by crimes and suffer through violent crimes, it becomes more important that we as lawmakers pass legislation that will protect citizens.

There are experiences in other countries where we can see how laws have affected the land. I was in the Soviet Union in 1991. I was told there were only 40 people in the city of Moscow to enforce the laws. That was scary. The government at the time had dictated law through the military regime. There had been no civil law and the government's policy of perestroika was taking place. The government did not have the laws of the land to protect law-abiding citizens. Following Soviet history in the last couple of years the criminal element has become stronger rather than weaker.

It is so very important that we give our RCMP and law enforcement officers a DNA databank that can identify people and which will not just catch criminals and ensure they were the ones involved in the criminal act but will also protect individuals who were not involved but happened to be in the wrong place. I mentioned David Milgaard earlier as an example.

Mr. Werner Schmidt (Kelowna, Ref.): Mr. Speaker, this group of motions but particularly Motion No. 4 strikes at the heart of the provisions of Bill C-3.

For the people watching, Bill C-3 is an act which provides for the establishment of a national DNA databank to be maintained by the commissioner of the Royal Canadian Mounted Police and used to assist law enforcement agencies in solving crimes. That is the overriding concern of Bill C-3.

It seems to me that this group of amendments and particularly Motion No. 4 would suggest the elimination of the DNA index which is the exact purpose behind the whole bill. I respectfully suggest that the purpose behind the motion may have been not to abuse or provide inadvertent access to the index. I can certainly respect, admire and support that intent. However, the way it is written suggests that the index itself should be eliminated. It seems to me that contradicts the very purpose and essence of Bill C-3.

● (1655)

The bill goes on to do some other things. It states exactly what the databank will consist of. It consists of a crime scene index containing the DNA profiles derived from bodily substances found in places associated with the commission of certain types of

serious offences and a convicted offenders index containing DNA profiles obtained from persons convicted or discharged of these types of offences. This gives us a very clear indication of what exactly needs to be done here.

The purpose and intent of establishing an index is to protect both society in general and in particular a person who might have been found near the scene of the crime, who may not have perpetrated the crime but may have looked like he did the job and really did not. The evidence that comes out of comparing profiles provides a much more accurate tool for the law enforcement officers to do the job they are charged to do.

The bill goes on to state that the enactment amends the Criminal Code to provide for orders authorizing the collection of bodily substances from which DNA profiles can be derived for inclusion in the DNA databank. It also amends the Criminal Code to authorize the collection of bodily substances from offenders who meet clearly defined criteria and also are currently serving sentences. A compulsory collection is included here.

The purpose of the bill, while admirable and while moving in the right direction, does not go far enough. It suggests the right things and moves in the appropriate direction but it is clear that it does not give to the enforcement officer the freedom to use the best judgment available at the time in order to collect the necessary information and data so that a conviction might later result when comparing the various profiles.

Finally the enactment contains specific provisions for regulating the use of these bodily substances collected and the DNA profiles derived from them and the use and communication of and access to information contained in the databank.

It is precisely in this connection that we have Motion No. 4 which pertains to clause 9(2). Subclause (2) is very clear. It amends the Criminal Code in that ''access to the following information in the convicted offenders index shall be permanently removed without delay after'' and the conditions are spelled out.

The intent here is clearly to limit the access so that if a person has been charged with an offence and the charge does not result in a conviction, while the evidence and the profile may be in the index, which should be and will be in the index, the access to that information is cut off if there is no conviction.

Is this not exactly the kind of thing the charter of rights and freedoms is about? It wants the privacy of the individual to be safeguarded so that it is not abused by other people and so that it does not become the object of abuse and misuse by other people.

It is really significant that this provision be in the act. However the motion does not suggest access to the information. It would destroy the index itself. That is the error as I see it in this particular motion. I wonder if the member who proposed this motion actually thought about the fact that this would remove the index rather than provide the adequate safeguards for abuse or the access to information by persons who might use it for their own purposes or for misguided purposes of one kind or another.

● (1700)

With all due respect to the member who submitted this motion, I suggest that probably it is not the kind of motion that would serve the interests of the intent of the bill, nor would it provide for the purposes intended of a sound and adequately balanced justice system in Canada.

I want to revert now to the purpose of the DNA profile in the first place. We have had cases in Canada where individuals have been accused of committing a crime and where all the evidence points in the direction that the individual did commit the crime, but there was no conclusive evidence. It was largely circumstantial. In fact, the circumstantial evidence was so powerful that the best lawyers' and the best judges' minds were put to work on this case and the individual was convicted and incarcerated.

Then with the persistence of people moving on and on and saying we need absolute evidence that is incontrovertible so that we can say clearly this person did commit this crime, they discovered that the circumstantial evidence was not supported by more concrete evidence. What was the evidence that was used to take away the doubt in this case? It was the DNA profile.

I think it is absolutely essential if we are to have a fair and just justice system that we have a tool, the best possible tool that has been made available to us through technology and science, to identify clearly and unequivocally who the individual was. That is exactly what the DNA index is designed to do.

That is why it is so essential that the enforcement officers be able to collect those kinds of samples that will result in an accurate and indisputable profile of a person and that the profile is absolutely unique and completely distinguishable from any other person.

When that kind of operation is possible, it should not be restricted to be used in an arbitrary or capricious way. The amendments proposed in this bill in general are the good ones. They should be supported. But the bill should go further.

Motion No. 4 in my opinion does not do that. In fact, it restricts the bill even more. I recommend that we oppose this amendment and consider very carefully how we can improve the enforcement of our legal system and also make sure justice prevails, that our streets are safe and that law-abiding citizens are protected and carefully rewarded.

Mr. Rob Anders (Calgary West, Ref.): Mr. Speaker, we are speaking now to the second group of motions. I want to clearly identify for the folks at home what we are speaking to. It is Bill C-3, the national DNA databank. There are 13 motions. We are now referring to Motions Nos. 4, 6 and 13.

To give a brief thumbnail sketch, one motion would basically destroy the convicted offender index. The whole purpose of the national DNA databank is to establish an index of those people who are convicted offenders.

I believe it speaks directly against the whole purpose of the bill. If the purpose of the bill is to establish a national index of convicted offenders and if Motion No. 4 proposed by a member from Bloc is to actually destroy the index, then it speaks directly against the main purpose of the bill.

There is more destruction yet. Motion No. 6 speaks to the destruction of stored bodily substances. To develop the index we need stored bodily substances. There is a debate in terms of whether once we have a profile established we need to keep the bodily substances, because once we have the profile, supposedly we have the profile.

• (1705)

I ask hon. members to think back with me in a bit of a tale. Imagine if previous to the discovery and the understanding of the double helix structure we had the ability to collect substances from the scene of a crime but without DNA evidencing or without being able to break things down on a DNA level and without being able to analyse bodily substances we would not be able to know whether they were the substances of that offender or criminal.

It is like we are standing on the edge of a technological cliff, on the edge of a brave new world. If we destroy these substances when the government has admitted here today that it was brought forward by chemists in committee that each day or each week advancements are being made in DNA technology, in the ability to analyse these things forensically or otherwise, we are tossing away data that will be vital in terms of the prosecution of these crimes. That is a crime in itself. That speaks to Motion No. 6. If we destroy these bodily substances when it would be easy enough to keep them on file and to bank them, all we are doing is keeping the profile as it stands right now at the simplistic level.

Far be it from me as somebody who is not a chemist but a mere politician to determine whether 10, 15 or 20 years down the road chemistry will advance or DNA analysis will have advanced to the point where the profiles can be much more expansive than what they are right now.

Motion No. 13 is with regard to once again destroying bodily substances. Here the idea is to keep it in sync with other parts of the Criminal Code in terms of destroying substances or pieces of evidence in the case of acquittal.

Once again let us think about this is terms of the victim and in terms of those who are innocent and want to be proven innocent and want to get their acquittals as opposed to those people who are actually the offenders.

Too many times we have taken into account the rights of the criminal rather than the rights of the victims in this circumstance. I am will now go over some of the arguments that have been brought forward today with regard to the second set of motions.

One of my colleagues in the Reform Party brought this up and it was very effective. The idea comes up that if one lives in a small town everybody knows what one is up to and is that not awful. Actually it is only awful if one is not very proud of what one is up to. This once again speaks to the whole idea of innocents.

If we have this national DNA databank and if substances are kept past one's acquittal and if bodily substances are kept rather than just the minuscule or whatever type of profile we are able to have at this time, never mind what we are going to have 10, 15 or 20 years down the road, the only people who have something to fear in this case are the criminals, not the innocent, for indeed they are the ones who shall be set free.

Merely it raises the question of what these people are doing if they are so worried about having a DNA databank that stays for longer than a year or for just that crime or case. The whole purpose of having the index is so that we can cross-reference these things when other crimes come up.

One of the Bloc members asked why we should keep these materials. We may need more samples to go ahead and verify a sample. Once again, I am not an expert in these things but if there are multiple clippings of hair or types of blood at a site and merely one sampling is taken then destroyed, what if there were other blood samples mixed in? We want to be able to know these things, so keeping the actual bodily substances is important.

The second point that I have already raised is to future testing. I think I would be a poor person to judge at this moment in history whether technology will change and allow us the ability to make further testing, more comprehensive testing than what we have right now.

• (1710)

NDP members also had a chance to speak to this set of motions. They said it was an intrusion of the self and that it was too important in terms of the intrusion of the self to allow these bodily substances and these databanks to be maintained. They said we should seriously question this. The destruction of these things in

what they considered to be due process it would be the best thing to do.

I think that is part of what we are getting at here. If all we are worried about all the time is the intrusion on the actual criminal, if we are worried about in a sense how the case of the defence stands, then we are not having as a primary concern the rights of the victims rather than the rights of the criminal. In that case, when there is a rape or a murder, why are we more worried about the intrusions made on the victim than the intrusions made on the criminal in these investigations?

Too often we are concerned with the criminal legal system, not enough with the victims.

We also heard today from a Reform colleague of mine about how blood banks are far exceeding the expansion and growth than anything we could possibly be worried about at this point with DNA databanks. If that is the case we certainly have a precedent set already with the expansion of blood banks for every new infant. To collect data in the case of crimes is merely doing due diligence for law-abiding citizens who want to see injustices righted.

The Progressive Conservatives, our Tory friends in the House, also spoke to this, the member in mind having actually sat in on the justice committee. He said that according to people who presented there was great difficulty, indeed an impracticality, with regard to the destruction of DNA profiles.

Having 20 profiles on a page and trying to destroy one, and thereby in some way tampering or destroying an entire page, it is getting rid of the whole purpose of having an index. Once again, if we are going to go to this trouble, if we are to increase the effectiveness of the enforcement of law, why tamper with the index in any way? We should want to have it. It is going to help in the prosecution of crimes.

We had Liberals who spoke to this group of motions and their words were often encouraging when they said why destroy samples when technology progresses day by day or week by week. I pointed that out as well, so good on them for recognizing something that has true value. They spoke to the costs and the administration of resampling these things. We would not want to burden taxpayers with more cost and more administration. It just does not make sense.

To my Liberal colleagues across the way who wanted to cut down on the administrative costs of resampling, good on them. I only wish they kept these things in mind on more issues.

Another Reform colleague spoke to the whole idea of indexing. Trying to get rid of the index is working against the very purposes of the bill and the underlying justice we are trying to achieve.

With that I leave it to other members in the House and say that in no way can we support some of these amendments, namely Motions Nos. 2, 4 and 13. We have to stand against them.

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, I too am pleased to speak at report stage of Bill C-3, an act respecting DNA identification, and Motions 4, 6 and 13.

As I indicated during my earlier remarks, we do support the principle of this bill but think it is too filled with exceptions, loopholes and red tape to provide our peace officers with the kind of latitude they need to make this important public safety legislation actually work for victims and potential victims.

● (1715)

Our first and final consideration should be to give our police officers, our prosecutors, our courts and our entire justice system the kind of evidence they need to convict people guilty of serious crimes and to ensure that they do not get around conviction because of legislative loopholes which allow the destruction of important DNA evidence or prevent its collection in the first place.

I would like to make specific reference to Motion No. 4 proposed by one of my hon. colleagues from the third party. It would amend clause 9:

> (a) by replacing lines 21 and 23 with the following:
>
> ''the convicted offenders index shall be destroyed without delay after''
>
> (b) by adding after line 34 on page 6 the following:
>
> ''(3) Subsections (1) and (2) also apply to information communicated under this Act that is in the possession of any Canadian laboratory or federal or provincial law enforcement agency''.

It appears to us that this amendment would eliminate the entire index. It would be destroyed. Perhaps this is a problem in the English translation. We cannot understand why our colleagues in the third party, or any other party, would be in favour of such a sweeping amendment that would undermine one of the central purposes of the act, which is to develop an index that can be used for future reference after convictions have been established against criminals.

The current legislation makes provision for the destruction of certain parts of the evidence. It narrowly defines which elements of the index can be destroyed. Motion No. 4 makes no such distinction. Instead it opens the door to the wholesale destruction of the convicted offenders index. This is something we cannot support. It occurs to us that this motion, as the bill on a whole, tends to place too great an emphasis on the rights of the criminals as opposed to the rights of the victims, a tendency we see all too often in criminal justice legislation of this nature.

I move to Motion No. 6 in Group No. 2. The motion was made by one of our colleagues in the third party. It would amend clause 10 after line 34 to read:

> ''(7.1) The commission shall destroy the stored bodily substances of a person without delay after a forensic DNA analysis of these substances is first performed under this section''.

For forensic science purposes it is important that substances be kept as new testing techniques are developed. We cannot project what kind of advancements forensic science will make in the years to come. Fifteen, twenty or thirty years ago legislatures in this place could not reasonably expect to have ever had the kind of sophisticated DNA testing science that is now available to us, our police officers and our prosecutors. Let us not hamstring future courts, future prosecutors, future police officers and investigators from using new technology as it becomes available. Let us keep this evidence on file. Let us keep it in the index. Let us not destroy it unnecessarily.

I do not understand what leads to these kinds of amendments. Why should the objective of this legislation not be to build up as comprehensive an index of DNA evidence as we possibly can while at the same time respecting the privacy rights of individuals who are not convicted?

Let us not fill the legislation with all sorts of loopholes and measures like this one. Evidence could be destroyed given this amendment which could later be necessary to use in the conviction of a violent offender. We cannot take such a risk. One piece of evidence in this databank could be enough to save future potential victims from violent offenders. We should err on the side of a comprehensive databank which does not destroy evidence for no particularly good reason.

• (1720)

I will move on to the third and final motion in the Group No. 2 amendments to Bill C-3, Motion No. 13 as proposed by the same hon. member from the third party. We find this motion difficult to understand. I am not sure the hon. member understands it. Perhaps he could enlighten us further. Apparently it would seek to amend paragraph 487.091(b) of the act and replace it with the following:

> ''(b) the person is finally acquitted of the designated offence and any other offence in respect of the same transaction; or''

We do not see the purpose of this amendment. It seems to be a dilatory and frivolous amendment with no useful purpose. It does not strengthen the bill in terms of its ambit or coverage or the size or extent of the DNA databank. We see no reason to support this amendment and will be opposing it.

In closing I want to summarize the importance of not turning the legislation into Swiss cheese for criminal defence attorneys to allow their clients to get through the loopholes and to tie up the courts, our police officers and prosecutors in legal red tape designed by and for people who are more concerned about the rights of criminals than they are about the rights of victims.

We oppose all three of these amendments and will continue to call on our colleagues in all parties to support the kinds of amendments which would make the legislation meaningful in terms of providing a comprehensive collection of a DNA databank of convicted criminals.

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Madam Speaker, it is a pleasure to talk to report stage of Bill C-3, an act respecting DNA identification, and to make consequential amendments to the Criminal Code and other acts.

We are now looking at Group No. 2 which includes Motions Nos. 4, 6 and 13. As my colleague has just said we oppose all three of these amendments.

The amendment indicates that the entire convicted offenders index will be destroyed. We support the bill in its intent, but changes need to be made to make sure it is an effective bill that will work for the police forces and the people of Canada, which is the most important point. When fingerprints are taken they are never destroyed. When blood type is taken upon birth it is never destroyed. Why anybody would want to do anything that would destroy an index of DNA is beyond me and the people in my party.

Motion No. 6 also put forward by the Bloc would destroy the bodily substances. It is very important, especially with the new science of today, that we do not destroy anything in our possession. There have been too many examples in the last few years of people who have been convicted on DNA evidence. Crimes have been solved after people have spent years in jail because with the new technology that has come along we have managed to prove who really committed the crime.

There is a case before the courts now where a gentleman spent a lot of his life in jail. Now somebody who was suspected at the time is now to be charged with the crime, will have to face the courts and the people, and will probably be convicted of a crime that he committed many years ago. If we had had the DNA evidence and material, the innocent person would never have gone to jail and the guilty person would have been convicted a long time ago. Certainly we have to make sure we maintain the substances taken from people. We obviously oppose Motion No. 13 which is part of this section.

• (1725)

When I look at the motions put forward in this section, I see that the government received some legal opinions from three former judges. We do not quite know how it hand-picked the judges. As we all know, when we are dealing with lawyers we can get an opinion from anyone we want. It depends on how much we want to pay for it and whom we want to go to. I would like to know who they were, as all three of these judges were unanimous in their decision in this

case as to what can and cannot be done according to the Constitution.

I quoted Mr. Taylor, QC, in a previous talk earlier today on some other motions and I would like to quote his conclusion. He said:

> It follows that I am of the opinion that legislative extension of police authority authority under Bill C-3 to sanction the taking of DNA samples without judicial warrant in the case of persons charged or arrested but not tried and convicted would be held contrary to the guarantees contained in one or more of ss. 7, 8 and 11(d) of the Charter, would not be saved by s. 1 of the Charter, and would therefore be found unconstitutional and of no force or effect under s. 52 of the Constitution Act, 1982.

The reference in the last line was to the Constitution Act, 1982. It gave the judges a lot more power than I believe they ever should have. I believe the Parliament of Canada should make the laws instead of the judges in the Supreme Court of Canada and the other courts in Canada.

What I find interesting about the statements that the former judge makes in this report to the government and some of the motions that are before the House is that right now blood samples are taken. Before I go into that I would like to read another conclusion by a former judge and then I can tie it together with the three motions we are talking about here. They make some very interesting points. Mr. Bisson, in his conclusion, says ''I would conclude as follows: an enactment authorizing upon a person—''

Mr. Rob Anders: Madam Speaker, I rise on a point of order. I do not believe we have quorum right now. I would like a quorum call.

The Acting Speaker (Ms. Thibeault): We will verify that right away.

And the bells having rung:

The Acting Speaker (Ms. Thibeault): I believe we now have a quorum.

Mr. John Reynolds: It is now nice that we have a few Liberals in the House, including the hundreds of thousands who are listening out their in the audience.

I was quoting Judge Bisson and his conclusions. He said that therefore, the guaranteed rights of a person by the charter having been infringed, the legislation would have been invalidated because section 1 of the charter could not save such legislation, the prerequisites having not been met. There was no equation to be made between the confirmed validity of the taking of fingerprints upon arrest and the taking also upon arrest without judicial authorization of bodily samples. Fingerprinting was not a search and seizure but the taking of bodily samples was and as such should not be performed without the greatest safeguards, the first of them being judicial intervention.

This is where I totally disagree with these judges. They are taking a position that there is a difference here. When people are arrested the police take fingerprints. Their fingers are placed on a piece of dirty stuff and then pressed on a piece of paper. They are kept on record and stay there whether or not they are convicted. From then on, if they are ever arrested in the future, the fingerprints will be on file.

They talk about this being an intrusion. They can take a DNA sample by a simple Q-tip on a person's tongue. They do not have to stick a needle in and draw blood. There are lots of ways to do DNA samples. What intrusion is that in anybody's system? When people are arrested they should be happy to have that done because they will be part of the system from now on and if they ever do it again we will easily catch them.

For people to be fighting this, I just do not understand.

• (1730)

It is great to bring in this legislation, but let us make sure it is going to work. There are literally thousands of unsolved rape and murder cases in this country. With the DNA samples of people in prisons right now we can solve some of those crimes immediately. The police know that, the people of Canada know that, so why do we have legislation that protects these criminals instead of bringing peace of mind to parents who have lost their children? People have lost family members and we have unsolved crimes.

I go back to the case I was talking about before. That man is going to go on trial for murder while an innocent person has already served time in jail. This man will be proven guilty by DNA. If we had his DNA 15 years ago we would not have had this miscarriage of justice.

I am sure we will have a chance to talk about this over and over again before the bill is passed. It is extremely important that the government look at this bill and accept some of the amendments being put forth by the opposition. I know from talking to some members on the other side that the same feeling comes from them. We are going to keep talking about this bill until we get some proper changes before the legislation is passed in the House.

Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.): Madam Speaker, I am pleased to rise again today to take part in the debate at report stage of Bill C-3. The Group No. 2 amendments deal with the disposition of DNA evidence which I will talk about.

First, I will tell a little story. A couple of years ago my constituency office was broken into at night. No one was there and no one was hurt. The next morning the police came and discovered that the television set was all that was missing. It is too bad because it was a new television set. The police dusted the place for fingerprints. They talked to us for a while and then went away. That evening a police officer came to my home with my television set in

his arms. I asked him how he got it back so quickly. He replied that there had been a fresh snowfall the night before. They simply followed the footprints of the fellow to a vacant garage where he had put the television set, waited for him to return and they picked him up. I tell this story a bit facetiously.

The act states that DNA profiles are uniquely private and personal information that may be used only for purposes of identification. It strikes me that that is basically what fingerprints are about. I am really glad that fingerprints are already included in the legislation. I would hate to think what would happen if we tried to legislate and categorize footprints in the snow. I can see the problems that would exist for some of our Liberal colleagues. It might be discrimination against a person on the basis of his weight because the impression was deep in the snow. It may have been a man, a woman or a crippled person and we could tell by the way they walked. We would be discriminating against these people by using such evidence.

My concern is that in looking at the DNA issue we are looking at a means of identifying someone who has done something really bad. We need to know who that person is and call that person quite appropriately to account for what they have done. The only reason the DNA evidence is needed is for identification. It should be kept on file until that purpose is accomplished. The only reason is for identification. It is not to talk about the genetic type of the person or to talk about latent genetic defects that may exist in future generations, it is only for identification. All of these other issues are protected.

● (1735)

This is an important issue for Reform members. In fact in the last parliament an almost identical bill, Bill C-94, was introduced toward the end of the second session. Even though the bill was seriously flawed, our party was willing to walk with the government, to fast track it through parliament. We felt that this DNA tool was just too important for our law enforcement agencies to be without.

The amendments in Group No. 2, all proposed by the Bloc member for Charlesbourg, relate to the destruction of DNA evidence. Why would it be important to destroy DNA evidence that has been appropriately collected?

I am concerned about Motion No. 6 which states: ''The Commission shall destroy the stored bodily substances of a person without delay after a forensic DNA analysis of these substances is first performed under this section''. Why would we destroy this evidence without delay?

The concern that comes to mind when looking at this motion may be cost. We are aware of the concern over the cost of establishing and maintaining this databank.

However, this amendment could actually increase the costs of the databank, not only the costs involved in the destruction of the evidence, but the costs of re-establishing the evidence, regaining the evidence or seeking the evidence from someone who is no longer around. What happens then?

As we are well aware, technology is expanding at a tremendous rate. As technology develops, tests and analysis change and improve. Although the DNA analysis is far more accurate than other technologies we have seen to date, in a couple of years this analysis may prove dramatically better than it is today.

In some sense, then, it seems like a waste of time and money to destroy evidence now which may be required at a later date for re-analysis.

As I think of the premature destruction of DNA materials I am concerned about the possible inaccuracies, the mistakes that could be made by a technician in analyzing the DNA evidence at hand. If the evidence is misanalyzed and then immediately destroyed, how do we recover the loss? I alluded to this earlier. This is still a relatively new technology. The tests and the analysis are not totally foolproof yet.

What happens if a technician who runs the initial tests did something wrong and, as a result, the analysis is off? What happens if the person whose sample is falsely analyzed is not in custody, is not available, cannot be found and the law enforcement agencies cannot obtain another sample?

I think it is much more cost effective and safer to keep these DNA substances in storage for a specified period of time rather than to prematurely destroy this valuable evidence.

This raises the question of why we destroy evidence that is legally, properly, appropriately gathered and is stored and maintained only for the purposes of identification. Why can this not be kept on record simply as fingerprints are today?

I cannot understand why there would need to be a move to destroy this evidence. It seems to me that it would be of benefit in two ways. First, if someone has committed a crime the evidence is there on file and can be used for identification purposes at a later date if that person reoffends. Second, if someone is apprehended this evidence could well turn out to be what is required to free an innocent person. The issue cuts both ways.

It is not only the apprehension of those who are guilty who we are concerned about, but the correct application of justice so that those who do not offend and who are apprehended and mistakenly charged may be cleared and the charges dropped.

Those people may then go about having normal lives with their families without further disruption and harm.

● (1740)

These are the concerns that I have. I hope to be able to speak to the other groups as they come up. I find this issue one that is interesting. It is extremely important for the maintenance of justice. We have seen time and again how people who have been

incorrectly convicted and sent away to jail for long periods of time have had their names cleared with the proper use of DNA evidence.

We cannot forget this. It is too important. It is a valuable tool. We must use it as vigorously as necessary within properly prescribed limits and we must quit the nonsense of how we can avoid using it when it is needed.

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Madam Speaker, I have a few brief comments to make. I raised some questions this morning in the debate which have not yet been answered by the government. I feel it is incumbent upon the government before we move on to answer these concerns.

Another thing that concerns me with regard to Bill C-3 and the privacy issue that the government has raised is simply this. We have raised a lot of concerns about Bill C-68, which is a bill that the Liberals passed in the last parliament. They infringed on citizens' rights with regard to privacy and so on. Now, in relation to this bill, they are raising the privacy issue for criminals.

When it was law-abiding citizens they were not concerned with privacy. Now that we are dealing with people who have been charged with major offences they say we have a privacy concern.

We can put in place legislation to protect the misuse of information that people would gather in this process, but for the government to be more concerned about privacy when it involves a criminal than when it involves a law-abiding gun owner I think is a real contradiction and something that should concern Canadians a great deal.

I think it is incumbent upon the government to explain to us why it cannot put safeguards in the bill so that the information that is gathered by the police is safeguarded.

I will review what this DNA databank would be. They would gather information, a hair sample, a saliva sample, a small amount of cells from the human body of the person who has been charged with a serious crime. They could use that to either prove the innocence or the guilt of the person. Because of technology these days we can look at these things and examine them closely. The molecules that are involved in this and the science behind it I will leave for another discussion, but the explanation is that the science is now available to use this to convict people or to declare them innocent.

We should use these new tools. The police are asking for them. We should put them in place.

I was reading the history of this. When fingerprinting was first brought in people raised all of these same concerns about privacy and about whether we should use this kind of thing. Nobody would question the use of fingerprints now. They have become a tool that we accept.

Just because it is new, using a DNA print from a person should not just be dismissed by this government. There are some very good things that can be done. The police have the ability now to use this. It would help a lot of people possibly in prison who say they are innocent to prove their innocence. It has been used already. But it will also help the police to solve a lot of crimes. They are saying it would and I think we should seriously listen to them. The government has put too many restrictions on that with what it has done and some of the amendments in this group and others address those. I think we should look at them closely.

• (1745)

The Acting Speaker (Ms. Thibeault): Pursuant to agreement made earlier, all motions in Group No. 2 are deemed put, a recorded division deemed requested and deemed deferred.

The House will now proceed to debate on Motion No. 7 in Group No. 3.

Mr. Peter Mancini (Sydney—Victoria, NDP) moved:

Motion No. 7

That Bill C-3, in Clause 11, be amended by replacing line 6 on page 9 with the following:

''exceeding five years; or''

He said: Madam Speaker, I am the only member with a motion in Group No. 3, so I suppose that makes it somewhat exclusive on my part.

I would like to make some general comments first. Some members of the Reform Party have commented on the importance of ensuring that police have an investigative tool. The NDP supports this wholeheartedly.

The average police officer on the street today needs every bit of assistance he or she can have to investigate the commission of a crime and do their job properly. The NDP certainly supports them in the work they do and we hope this bill with its flaws will provide police officers with some of the investigate tools they require to properly bring to justice those who have committed crimes.

I make the distinction between the accused and the criminals purposely because a couple of my colleagues in this House, the hon. members for Calgary and Calgary West, said at different times when speaking about the NDP that we wanted to put the rights of the criminals ahead of the rights of the victims. Nothing could be further from the truth.

We want to ensure that the rights of the accused are balanced in the justice system. Certain members forget that one is not a criminal when one is accused. Certain members forget that anyone in this House, including the members who have used the terminology, can be accused of the most heinous crimes. They are not criminals at that point and indeed the reason we have safeguards in

the system is that many people over the years have been wrongly convicted.

As a responsible and just parliament and as a society that takes its responsibilities seriously, we ensure there is a balance, that police have the necessary investigative tools to do their job and the courts have the proper rules to ensure innocent people go free and criminals are punished.

I move to my motion which increases the penalty for someone who violates the law. The current legislation provided by the government states in section 11:

> Every person who contravenes subsection 6(6) or (7), section 8 or subsection 10(3) or (5)
>
> (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or
>
> (b) is guilty of an offence punishable on summary conviction and liable to a fine not exceeding $2,000 or to imprisonment for a term not exceeding six months, or to both.

Because we recognize how important DNA information is and how private it has to be, the act provides that no person who receives a DNA profile for entry into the databank shall use it or allow it to be used other than for the purposes set out in the administration of this act.

Anyone working in the laboratory who receives the DNA analysis must keep that information confidential and can use it only in the way parliament deems it should be used. Subsection (7) goes on to say:

> (7) No person shall, except in accordance with this section, communicate or allow to be communicated a DNA profile that is contained in the DNA data bank or information that is referred to in subsection (1).

● (1750)

What I am saying in a capsule form is that the act makes it a crime to communicate improperly any information on any person's DNA. The maximum penalty for committing that crime is two years imprisonment. My motion says we should increase that penalty to a maximum of five years. We still have a minimum penalty that can be imposed. The courts have some discretion in determining how much of a penalty could be imposed.

The reason I suggest we do that is that, once again, the taking of the DNA and the index has to be kept regulated government and properly administered by the government. Anyone who breaches that should be considered breaking the law of this House and should pay a serious penalty. This would bring home to individuals how important it is to keep that privacy.

We live in a scandalous age in some ways. We have people selling love letters of the Princess of Wales for millions of dollars. We know that a taped interview of someone speaking to a political person can fetch thousands of dollars on the open market from the tabloids. We have to recognize that this most personal information, be it mine, be it anyone's watching the House debate tonight, be it anyone's on the government side or the opposition side, is so personal and so private that any attempt to communicate it other than provided by law ought to be punishable with a severe sentence. By increasing the sentence we would be sending out that message.

It is an important issue of law and order. Let me be very clear. The New Democratic Party is concerned about the safety of people in the communities of this country, those who are concerned about crime.

We also have a concern about misinformation that gets sent out to people. It was said in debate tonight that we know, we can take as a fact, that someone in our families will at some point be assaulted or be the victim of crime. That statement was said willy-nilly without a single statistic to back it up. Many people sitting in their living rooms watching this debate because we are parliamentarians accept with some respect what we say.

An hon. member: They do not believe a word we say.

Mr. Peter Mancini: It is our obligation to rise above that cynicism and give an honest debate on the issues before this House. Statements made without facts to back them up, statements made to inflame debate, do little to convince those people that we are seriously considering the needs and the laws that have to be in place for all the people of this country.

We take the recommendation of the Canadian Police Association seriously. We take the recommendation of the privacy commissioner, who is at the other end of the spectrum, seriously. We take the recommendations of the Canadian Bar Association seriously.

As parliamentarians it is our job to weigh each of those arguments, to balance them in the needs and interests of Canadians, after a thorough, informed, intellectual exercise. We have to be very careful when we stand up and say that the rights of criminals take precedence over the rights of victims when we are talking about accused persons. This country was founded on the rule of law. The rule of law has one tenant, that you are innocent until proven guilty. That is the purpose of this legislation, to allow the police the tools to help in determining whether someone is guilty. Once that determination is made then the rights of the criminal ought not to exceed those of the victim. I make those points for the people listening tonight.

I thank the House and I ask for support for my motion.

● (1755)

[*Translation*]

Mr. Richard Marceau (Charlesbourg, BQ): Madam Speaker, I am pleased to rise after my colleague in the New Democratic Party

and tell him that he is not alone. His motion may be the only one in Group No. 3, but he will not be the only one supporting it, far from it.

I must first say that, after asking parliamentarians to support a number of motions I introduced earlier, in order to emphasize the importance that the House and the government must attach to privacy, I was disappointed that these motions did not receive all the support I had hoped.

Motion No. 7, however, introduced by my colleague, the member for Sydney—Victoria, addresses the same principle, but from another angle that will perhaps appeal more naturally to some of the members sitting to the right of me, and perhaps even further right than that politically.

The motion calls for increasing from two to seven years the maximum sentence for individuals contravening certain provisions of the bill designed to try to keep information collected as secret as possible.

We in the Bloc Quebecois attach considerable importance to the protection of privacy. When it comes to anything to do with information, the Bloc Quebecois takes an extremely hard line. We were, for example, in favour of stiffer penalties for the destruction of information that should be accessible under access legislation. We want the greatest possible transparency, but we do not want this transparency to enable some individuals to obtain information to which they have absolutely no right.

It is important to remember that DNA reveals to us an individual's deepest secrets, his or her hair colour, and certain physical characteristics. For all we know, a few years from now, technology may make it possible to discover someone's personality. This is a very powerful tool, and it is essential that people be discouraged from using DNA data for purposes other than those set out in the bill.

It is therefore with pleasure that I support the motion introduced by my colleague, the member for Sydney—Victoria. I hope that other members to my right and across the way will do the same, in order to underscore the fundamental importance of the protection of privacy in this bill.

[*English*]

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Madam Speaker, I am pleased to partake in this debate and pleased particularly to follow my hon. friends and colleagues in the NDP and the Bloc.

I do note with some amusement that what we have here in the motion is a defence lawyer asking for more time in a sentence. I think that is telling and I think it is indicative of the intent of this motion, to emphasize the importance of protection of privacy here and to put a greater degree of flexibility before the courts to allow a judge to impose a sentence of up to five years when an individual chooses to breach this important piece of legislation by potentially misusing DNA evidence.

It is something that we in the House and hopefully the government will take very seriously and perhaps embrace the suggestion brought forward by the hon. member for Sydney—Victoria.

The flexibility, the discretion it would allow is certainly very important. It is also going to be safeguarded, as the hon. member for Sydney—Victoria indicated, in the sense that a judge still has discretion. There is still the fallback position that there is the summary offence by which the crown can proceed, that coupled with the fact that the crown and the defence will always have input into the sentencing process. The judge will then be called upon to apply the sentencing principles, to ensure fairness, to ensure that it is a measured response and not a cookie cutter response, a phrase that my hon. colleague from Nova Scotia will have also heard in courtrooms.

• (1800)

It is there. It is implicit in the particular system we have that there is not going to be a disproportionate response.

The hon. member's motion in essence broadens the ability of judges to look at the factual scenario before them if it involves a breach of this privacy, a breach or misuse of DNA evidence. I therefore concur with his remarks. I believe it is an important motion he is bringing to the House.

It emphasizes and provides a more serious note and response to a criminal activity that would involve the criminal misuse of DNA evidence. It is important that we look at this and consider it very seriously because in bringing forward the bill we are arming the government and police with a very important tool to respond to a very important and widespread problem in Canada.

That is why we on this side of the House are encouraging the government to go all the way. I think this is going to be the emerging rallying cry about this particular piece of legislation, all the way with DNA. Let us use this to the full extent. Let us for once be on the cutting edge of the justice system. Let us move forward, not with tentative steps. With no disrespect whatsoever to the supreme court, let us not clutter our minds too much with what the supreme court will do with this piece of legislation. Let us move forward in an informed way.

We have had extensive hearings on this particular bill. Numerous witnesses have given input before the committee. Members of the policing community, members of the victims advocates groups, members of the science community who are going to be called upon to implement this bill, all of them are encouraging us to make the most of this opportunity we have at this time. This is the time for parliament to act, to do something in a positive way that is going to help the law enforcement community and significantly help satisfy those victims who feel that the justice system is failing them.

To put a point on this, we have an opportunity to reflect the serious reprisals when this legislation is breached. If a person chooses to misuse this, the hon. member's suggestion is that we should raise the ceiling to five years for an indictable offence involving the misuse of DNA technology. That sends a very clear, unequivocal message to those who would be so inclined to partake in that criminal activity. It ups the ante on the importance of ensuring that there is deterrence, that there is a significant response from the government and from the justice system when this legislation is breached.

We need to ensure that the police and Canadians at large know they have the support of parliament and know that parliament is working to protect them.

On behalf of the Progressive Conservative Party, we support this particular amendment. We support it as an important step in building a piece of legislation that is workable and that is taken very seriously by Canadians. It allows the police to get on with the very important task they are charged with, to implement and to use this tool in a significant way in their daily fight against crime.

With those remarks, I congratulate the hon. member for Sydney—Victoria, my colleague from Nova Scotia. He brings forward a very important amendment. I urge all members of this House at the time of the vote to take it very seriously, turn their minds to this suggestion and to support it. That is what should happen.

• (1805)

Mr. Jack Ramsay (Crowfoot, Ref.): Madam Speaker, I too urge and recommend support for this motion. I put forward a recommendation in committee that we strike the summary conviction portion of this section and leave it at a two year indictable maximum penalty. Of course that was struck down but we will see what happens when we come to the vote on this increasing of the penalty.

What are we doing here? We are safeguarding privacy, yet we are expressing a fear and an apprehension that is inconsistent in many ways. When I give my doctor a blood sample, he can do whatever he wants with it. I can volunteer a blood sample to a police officer and he can put my sample into the DNA bank together with the profile. According to the bill, if he misuses it, he can be charged and sentenced to jail for a maximum of five years, but not my doctor. He can use my blood sample in any way he wants. He will not face a charge let alone a five year jail sentence. There is an inconsistency in what we are doing, yet we are doing it. Why are we doing it? Because of the apprehension. By way of examination that apprehension is mythical.

We looked at all of the privacy concerns and the misuse of the profile and the samples. I saw no basis for the concern. Yet we have this here. This kind of apprehension is real. We saw it in the justice officials who appeared before our committee. They were so apprehensive of what the supreme court could do if we went all the way with DNA and allowed the taking of samples at the time of arrest or at least at the time of being charged for one of the primary designated offences. There is an enormous apprehension so I suppose the House will recognize that apprehension whether it has a basis or not and we will proceed cautiously in the shadow of the Supreme Court of Canada.

That is why we are saying if anyone dares to do what anyone else in charge of databanks, blood banks or whatever can do with immunity, we are going to sentence them to a possible maximum penalty of five years. The underlying motivation for it is that apprehension which we recognize as members of parliament, and we have to. Yet at the same time the law enforcement agencies tell us what they need to solve the unsolved crimes.

I will touch on something mentioned by my NDP colleague about the rights of the accused, and he is right. This bill deals with more than just the accused. It also deals with those who have been convicted of one of the designated offences and who is in custody as a result. It will allow for the taking of DNA samples from some of those individuals. It goes beyond just the recognition of the rights of the accused to defend themselves and to not self incriminate.

When we examine what this bill will do, there is no justification for our not going all the way. The reason is that if we examine even what the three former judges have said, we already have the means and the right to take a blood sample if a police officer believes a person is impaired by way of alcohol or drugs while operating a motor vehicle or a vessel. I think it is under section 254. We have that authority now.

• (1810)

When I rushed through the three constitutional legal opinions on this bill, I found only one to be a realistic examination of the inconsistencies that arise. What did Mr. Taylor say about it? He said that it was allowed because it was an offence in progress and that the evidence can dissipate from the system of the individual over a period of time.

Nevertheless, I think it is a very weak argument to suggest that to take a blood sample from that individual under those conditions is constitutional but that it is not constitutional to take a sample from someone who is under arrest and charged with a designated offence, whether it is murder, rape, manslaughter, aggravated assault or one of the other designated offences. I see an enormous inconsistency which is based on apprehension.

The real testimony we should be adhering to and listening to is the testimony that comes from the forensic scientists themselves. They know whether or not there is a privacy danger. They know

whether or not there is a possibility of misuse and whether we should guard against that. They know all of these things.

When we listened to the witnesses who appeared before the committee, with the greatest respect to them, we were hearing an apprehension and in most cases a baseless apprehension. We will guard this right of the police to take samples. We will set up hoops for them to jump through. I predict at the end of the day we will deny them the right to take a sample from an individual under charge who has a previous conviction for a designated offence. Perhaps I am speaking ahead of my time but that motion is coming up and we will see how members vote on it.

I simply say that the apprehension contained within this motion where we are going to make it a possible five year jail term for someone who improperly uses a DNA sample is enacted within this legislation. Other databanks do not have that kind of legislation governing the use or misuse of the samples that are taken from babies and individuals every day and which are certainly lodged with their names attached.

I support the motion. I understand the reason for it very clearly. It is simply an expression of the apprehension that surrounds this whole area. Apprehension of what? It is the apprehension of the Supreme Court of Canada. Individuals on that court will examine this from their viewpoint and say either yes or no, that we have gone too far or that it is okay. So far they say it is okay. We can take samples now under certain conditions. All they are really saying is that we can take samples not by statutory authority but by judicial authority. We need judicial authority. A judge must issue a warrant in order to take a sample under bill 104.

It seems that statutory authority is not sufficient. Reasonable and probable grounds to believe someone has committed a designated offence is not enough. Even charging them and having them appear before a judicial official and swearing out an information based upon reasonable and probable grounds is insufficient. Judicial authority is needed through the issuance of a warrant. That is the way it seems to be.

Perhaps we need to move in this slow and cautious way and open it up as years go on until we see that the apprehension and fear is simply a myth and does not really exist.

● (1815)

Mr. Nick Discepola (Parliamentary Secretary to Solicitor General of Canada, Lib.): Madam Speaker, I would like to point out that many witnesses were heard. Also, as has been pointed out, we heard a lot of testimony.

I may have missed one of the meetings. Unless I stand to be corrected, I do not recall any of those witnesses asking to increase the penalty for the misuse of any information from two to five years. As I said, we heard a lot on privacy issue concerns that were generally raised, but not once did I hear any testimony from any witness asking what this motion calls for.

As a government we have been very concerned about any potential misuse. That is why from the onset we entrusted the administration, the establishment and the co-ordination of the DNA databank with one of the world's most respected police agencies, the RCMP through its commissioner. They will be entrusted with the administration and the set up of the databank. We have tried to find the proper balance between making sure that there would be no potential misuse of any information provided and to show Canadians that we are serious about DNA.

As has been pointed out, the profile can disclose much more than a fingerprint. As the member for Sydney—Victoria pointed out during committee hearings, we have a tendency to compare DNA profiles with fingerprinting. As he so aptly put it, a fingerprint is an impression of me whereas DNA is a part of me. There is a substantial fundamental difference between the two yet we often confuse the two.

I would like to caution hon. members. This amendment refers to subsections 6(6) and (7). These subsections refer to the misuse or disclosure of the contents of a profile. We are not talking about the identification of the individual to whom the profile may belong. It is similar for samples.

We are saying that if it is misused it is a very serious offence. We have tried to strike a balance. We did not consult the supreme court on everything as the critic from the Reform Party might lead us to believe. We simply said that there here is a crime. Here is the message we want to get across to Canadians, that it is serious to misuse any of this information. We simply tried to be consistent with similar offences that are established already in the criminal code.

We believe that if the government were to extend the penalty from two years to five years it would be inconsistent with similar offences in the criminal code and very excessive. To that end I ask that the hon. members vote against it for those reasons.

Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.): Madam Speaker, it was interesting to hear the hon. parliamentary secretary make the comment that no committee witness had advocated this kind of penalty. I would ask him to note that while it may not have happened in committee there have been at least four witnesses in the House of Commons who are advocating that.

I encourage the member not to base his judgments on the legislation simply on the committee and on the witnesses. I encourage him to remember that the members of the House come here with a point of view that represents many other people as well as their own. We represent positions to the House and to the government so that they may be aware that in this instance people are very concerned about the inadequacy of the justice system in apprehending serious violent offenders who are doing great harm

and great damage to individuals, to our communities and to the structure of our communities.

• (1820)

There is no question that the issue of the DNA testing is a very serious one. The parliamentary secretary is quite correct when he says that these profiles provide an enormous amount of very personal information.

It is extremely important that everyone realizes that within the legislation it is necessary that this information be used only for what it was intended, that is for the identification of people who have been apprehended and to help in the determination of their innocence or guilt by the evidence provided there.

There are some interesting paradoxes in the government's point of view. As I consider this issue I see how important privacy is. I would not want to diminish that importance in any way. I could also point out other instances where the importance of privacy is not nearly so important.

For example, I received a letter from a constituent who is a financial counsellor. He is concerned about information he has received from StatsCan. Now StatsCan is promoting a purchase of information from individual tax returns, about the financial situation of communities, districts and right down to the individual.

This is all based upon postal code. How could a profile be developed from a postal code? In one instance a postal code might be a large apartment building. It would not be too difficult to determine to which individuals, from the profile that StatsCan provides, it would apply in a very personal way. As members are aware, the information that comes out of a person's income tax return is pretty personal.

I want to tell of another instance of a profile based upon a postal code. When my family and I lived in Calgary we had a house on a corner of a block in that city where we had an individual postal code for that house in that city.

I did not realize at the time that by postal code profiles StatsCan could open my income tax return to financial institutions, financial advisers and anyone who cared to pay them money for the information.

My point is that there are some instances where personal privacy is very important to the government. In other instances it is not nearly so important.

I believe that Motion No. 7 is drawing attention to the importance of the private nature of this information. If it must be used for a specific purpose only and beyond that there is a heavy penalty, it draws attention to the importance of this personal information. It must be used in an appropriate way. If it is not used in an appropriate way then there are serious consequences.

I congratulate the member for Sydney—Victoria for presenting the motion. I think it is timely. I think it draws attention to a very important aspect of the bill. I notice my colleague from the Conservative Party mentioned that he is a defence attorney. Now that we have had both the prosecution and the defence speak on this issue, as well as a number of lay people like myself, we have our bases covered.

Strengthening this section to make it a more serious offence by increasing the maximum sentence for indictable offences may serve as more of a deterrent for those who may entertain some thoughts of misusing this information.

• (1825)

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Madam Speaker, I just want to respond for a moment to the comments that were made by the government representative across the way.

He said that ''a fingerprint identifies me but DNA is a part of me''. If that is the argument then in fact he should support this amendment. At the present time if this DNA data is being used for purposes anything beyond what a fingerprint is used for, we are saying there should be a punishment for that. That punishment should fit the crime. I applaud the NDP representative who brought forth the amendment. I am glad to see they did it. If in fact what he said is a valid argument then he should be supporting the amendment. He said that ''DNA is a part of me''.

Let me give a little science lesson here. When you leave a fingerprint behind the technology is going to be there in the next year or so to take from that fingerprint the same information that you could get if you took a hair or a saliva sample from someone. We need to have appropriate punishments in place if someone uses that. The government should be supporting this amendment.

We will have the technology soon to do all kinds of things and we should be protecting the public from misuse of this information. The DNA data should be used in the same way as a fingerprint is used to identify the person; no more, no less. We would support that.

I agree with what the NDP has done here. It is interesting and it is almost historic that the NDP recognizes the severity of a penalty does send a signal to society on the severity of a crime. I think we need to do that. If people can devise some kind of method in the future to misuse the DNA samples and invade people's privacy, we should be looking forward and making sure there are appropriate punishments in place.

Maybe we do not see the big picture, but the question that is before us in regard to this amendment is should or does the length of a sentence send a signal to the public as to the seriousness of a crime. That is what we are debating and that is why the government should support this. There is the potential to commit some serious crimes with the misuse of these data.

The public also has a concern that the courts are not using the provisions of the law to send a signal to society on the severity of some of the crimes. I may be off on a little tangent here but in my riding we had some very serious crimes committed, murder in fact, and the courts dealt very lightly with them. Some of the penalties were less than eight years. One penalty was four years. They were out in less than two years on parole. That sends the wrong signal to society. It is abundantly clear that we need to send the kind of a signal that this can be very serious.

In conclusion I want to talk a little bit about the contradictions that this government is making by not supporting an increase in the penalty.

The government put in place legislation that if you make a mistake on the gun registration certificate, the little piece of paper you fill out when you are supposed to register your gun in a few years, you could get up to 10 years in prison for making a mistake on that. Here you could do something much more serious, misuse DNA data, and you only get two years. I find that ironic. If find it unbelievable that this government would do something like that. It is a real contradiction and that is why the government should change its mind and support the amendment that the NDP MP has put forward.

• (1830)

[*Translation*]

The Acting Speaker (Ms. Thibeault): It being 6.30 p.m., the House stands adjourned until 10 a.m. tomorrow, pursuant to Standing Order 24(1).

(The House adjourned at 6.30 p.m.)

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