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OFFICIAL REPORT
(HANSARD)

Monday, May 11, 1998

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Monday, May 11, 1998

The House met at 11 a.m.

Prayers

GOVERNMENT ORDERS

● (1100)

[*English*]

CANADA GRAIN ACT

The House proceeded to the consideration of Bill C-26, an act to amend the Canada Grain Act and the Agriculture and Agri-Food Administrative Monetary Penalties Act and to repeal the Grain Futures Act, as reported (with amendment) from the committee.

● (1105)

SPEAKER'S RULING

The Acting Speaker (Ms. Thibeault): There are 11 motions in amendment standing on the Notice Paper for the report stage of Bill C-26, an act to amend the Canada Grain Act and the Agriculture and Agri-Food Administrative Monetary Penalties Act and to repeal the Grain Futures Act.

[*Translation*]

Motions Nos. 1, 5 and 7 to 11 will be grouped for debate but voted on as follows:

(a) a vote on Motion No. 1 applies to Motions Nos. 5 and 8 to 11;

(b) Motion No. 7 will be voted on separately.

[*English*]

Motions Nos. 2 to 4 and Motion No. 6 will be grouped for debate and voted on as follows: (a) A vote on Motion No. 2 applies to Motions Nos. 3, 4 and 6.

[*Translation*]

I shall now put Motions Nos. 1, 5 and 7 to 11 to the House.

[*English*]

MOTIONS IN AMENDMENT

Mr. Jay Hill (Prince George—Peace River, Ref.) moved:

Motion No. 1

That Bill C-26, in Clause 7, be amended by replacing line 42 on page 5 with the following:

''Special Crops Board referred''

Motion No. 5

That Bill C-26, in Clause 7, be amended by replacing line 24 on page 6 with the following:

''Crops Board may be entitled''

Motion No. 7

That Bill C-26, in Clause 7, be amended by replacing line 10 on page 7 with the following:

''49.02 (1) The Minister shall establish a''

Motion No. 8

That Bill C-26, in Clause 7, be amended by replacing lines 11 to 13 on page 7 with the following:

''Board of Directors, referred to as the Special Crops Board, within six months after the coming into force of this section, composed of not more than nine directors appointed by the Minister, chosen from a list provided by officially registered special crops commodity groups, for''

Motion No. 9

That Bill C-26, in Clause 7, be amended by replacing line 16 on page 7 with the following:

''(2) The Special Crops Board''

Motion No. 10

That Bill C-26, in Clause 7, be amended by replacing line 24 on page 7 with the following:

''Special Crops Board shall be''

Motion No. 11

That Bill C-26, in Clause 7, be amended, in the English version only, by replacing line 29 on page 7 with the following:

''the Special Crops Board such''

He said: Madam Speaker, I wish I could say at the outset that it is a pleasure for me to rise to speak to Bill C-26 this morning.

Despite the pleas of opposition members during second reading debate on March 27 to the government to actually listen to producers, to farmers, to the special crops producers themselves when this bill was being considered at committee, the government failed to implement the very amendments that the producer groups wanted almost unanimously. I speak primarily about the issue of the negative option billing.

The way Bill C-26 is presently constituted, the check-off or the levy from producers' cheques when they haul in a load of special crops will be mandatory despite what the government says and despite the fact that producers wanted it to be voluntary. It is only voluntary by nature of negative option billing. In other words, the producer must at the beginning of the crop year state that he or she does not want their levy to be put into the pool to provide for the insurance of the buyers and then keep track of how much is collected off their crops during the year and submit those receipts at the end of the year.

● (1110)

There was an amendment at committee stage put forward by the government and the parliamentary secretary implied that the producer would now only have to apply once during the year in order to opt out. I do not see that in the way the amendment is written. It is a small step in the right direction in that it clarifies that the Canadian Grain Commission, acting as the agent for this fund, must reimburse the producer if he or she opts out.

The only substantive amendment made at committee stage that was passed, just to bring the viewers at home and the industry up to speed, was that the Liberal dominated agricultural standing committee dropped the possible future inclusion of the six standard grains: wheat, barley, oats, rye, flax and canola.

There was some concern in the industry in western Canada that at some time in the future this levy on special crops could be expanded to the standard grains. Fortunately the government saw the wisdom of clarifying that and actually excluded them. Unfortunately the government did not show the same wisdom when we were debating Bill C-4, the changes to the Canadian Wheat Board Act. It should have done that to exclude any grains other than barley and wheat which are presently under the control of the Canadian Wheat Board.

What does Bill C-26 do? It establishes a system of licensing and insuring special crops dealers and buyers. It moves from the present system whereby the buyers and the dealers have to put up a securities bond to cover the unfortunate eventuality of bankruptcy or receivership to protect the producers. It moves away from the present system of putting up bonds to a system of licensing and insurance.

This bill has been hailed by the government as the greatest thing since sliced bread in the context of what is good for the special crops producers, but there is absolutely no evidence that moving to this new system of licensing and insuring will actually expand the special crops industry.

As well, Bill C-26 makes some changes to the Agriculture and Agri-Food Administrative Monetary Penalties Act. The present enforcement mechanisms in the act are much too limited in scope. Most of the mechanisms are too harsh and costly to impose. In many cases, if there are minor infractions, there is a limit to what the Canadian Grain Commission can do. I think this is a step in the right direction and certainly one that we would support.

As well, Bill C-26 would repeal the 59 year old Grain Futures Act, clearing the way for the Manitoba Securities Commission to assume responsibility for regulating the Winnipeg commodity exchange. I think that, as well, is a step in the right direction and certainly something we would support.

As usual, there are a number of things contained in the bill which the opposition supports. However, I must say at the outset of the debate today that while my Reform colleagues and I, acting as agriculture critics for the official opposition, gave tentative support pending committee stage at second reading, we will withdraw that support and oppose this bill unless the amendments that we have before us in Groups Nos. 1 and 2 today are passed.

What do our motions in Group No. 1 actually do? We feel there is a need for a board of directors made up primarily of farmers versus the advisory board that is presently constituted in Bill C-26. The bill, as presently laid out, allows the minister to appoint an advisory board to assist him with the management of this levy fund and the insurance that will flow from it.

● (1115)

What we have said, what producers have said and what witnesses who appeared before the standing committees have said is that they want to see farmers in control of the fund. They do not want to see it in the control of the administrators, the bureaucrats with the Canadian Grain Commission. They do not want to see it being controlled by possible patronage appointees put forward by the hon. Minister of Agriculture and Agri-Food.

Because it is farmers' money, producers' money, that is being taken off their cheques and funnelled into the fund they want to see that controlled by farmers.

We have put forward a group of amendments. First, Motion No. 7 states that the minister must, not may, bring forward a board of directors made up of farmers. Second, these producers would be chosen from names submitted by special grains commodities groups. In other words, farmers would choose those people, put the list forward, and the minister would choose them.

We certainly have seen with the appointment of a past Liberal MP, Ron Fewchuk, the type of political appointment that we do not want to see on this board. There are many other examples. I just use the one that echoes the concern of producers.

With the motions contained in Group No. 1 we see that the people on the advisory board will not have a lot of power. We have seen that with the Canadian Wheat Board. Even if the minister appoints this advisory board made up of nine members, the majority of whom must be producers as it states in the act currently, we heard from producers that they are concerned about not having much power. They are only in an advisory capacity. Certainly we have seen that with the Canadian Wheat Board. That is one reason, because of a lot of pressure from western Canadian grain farmers, that the wheat board is moving toward a board of directors made up primarily of producers, of farmers.

With this group of amendments we want to see the same thing for this special crops advisory board. We want to see it become a managerial board of directors that would have some real power to look after farmers' money drawn from a check-off from their cheques and used to assure grain buyers and grain dealers. It is the farmers' money. Why should they not have control of that rather than bureaucrats or government appointees?

That is basically the thrust of Reform's motions contained in Group No. 1. I certainly urge all members to seriously consider these amendments.

They are amendments not just put forward by the official opposition. We heard from a lot of producer groups concern on the part of farmers. They did not want to see this check-off used because it is mandatory up front, as I already laid out at the start of my remarks. They did not want to see that check-off used in a way that they might feel is detrimental. They want to see it managed as effectively and as efficiently as possible. The only way they can see that happening is if farmers control the fund.

Mr. Gerald Keddy (South Shore, PC): Madam Speaker, the last time I spoke to Bill C-26 was at second reading. I stated that there were a number of elements of the bill that needed to be looked at more closely and that I expected the committee would look into the bill in further detail when it did clause by clause analysis.

The committee in fact looked into the issues of concern. The government even introduced several amendments that made this piece of legislation better for western Canadian farmers. Committee members from all parties supported the government amendments. The government actually provided some good, sound amendments in this piece of legislation.

However, the government did not see eye to eye with the opposition parties on one key element, that being the voluntary aspect of the bill. The amendments that my party has put forward from the hon. member for Brandon—Souris take into account this element of the bill. The majority of the stakeholders who appeared wanted this system to be voluntary.

Group No. 2 Motions Nos. 2, 3, 4 and 6 speak to the aspect the government has not addressed. I will speak to this later.

• (1120)

The amendments put forward by the hon. member for Prince George—Peace River address a number of concerns. Group No. 1 amendments speak to removing oversight power from the special crops advisory committee to an appointed special crops board of no more than nine members. The members would be appointed by the minister from a list of recognized commodity organizations in western Canada. This change from the special crops advisory committee to a special crops board was suggested by Saskatchewan pulse growers and supported in committee by Manitoba pulse growers.

The brief of the Saskatchewan pulse growers which they submitted to the standing committee addresses this issue by suggesting that section 49.02 be amended, stating that there be an increase of the powers of the advisory committee to that of a board of directors because the bill relies on regulations for many of the specifics with respect to the insurance program. It is desirable for special crops producers to have direct responsibility for the development of regulations as well as the selection of the insurer and agent.

These amendments speak to the need for producers to have a say in how the speciality crops program will be carried. This allows the stakeholders to shape the regulations of the legislation and it is positive for producers to have input into the process.

The PC Party will be supporting these amendments because they add to the democratic process of allowing the producers to engage in the legislative process by giving them responsibility for the development of the regulations.

Mr. Chris Axworthy (Saskatoon—Rosetown—Biggar, NDP): Madam Speaker, I rise today to support the group of motions put forward by the member for Prince George—Peace River. They make a valuable contribution to the bill and I urge all parties to support the motions.

The New Democratic Party believes that Bill C-26 is basically a good piece of legislation. It follows years of consultation but some improvements are needed. The motions moved by the member for Prince George—Peace River contain some of them as do the motions moved by the member for Brandon—Souris.

Special crops are of growing importance in western Canada. According to many, Canada is the world's leading exporter of lentils and peas. They are important economic products for western Canada and for Canada as a whole.

We would support any measures that would improve the ability of farmers to prosper from growing and marketing these special crops. We also support measures that would put the entire special crops industry on a firmer financial footing. That is primarily why we are in favour of Bill C-26.

When we come to the motions moved by the member for Prince George—Peace River we see the member recommends that the minister appoint a special crops board rather than a mere advisory committee. The member is also recommending that the directors of the board be chosen by the minister but from a list of officially registered special crops commodity groups.

There are several reasons why both these recommendations make good sense. Farmers will be paying for this insurance program without any contribution from government. Therefore it makes sense that they should call the shots. For example, they should decide who should act as the agent for the insurance program, for their insurance program.

The Standing Committee on Agriculture and Agri-food heard from many organizations representing special crops growers. In particular the Saskatchewan and Manitoba pulse growers associations both recommended a full-fledged board of directors rather than an advisory committee.

We believe this would improve the legislation and would improve its acceptance by farmers. These producer recommendations are embedded in the motions put forward by the member for Prince George—Peace River.

As a result the proposals recommend themselves. I urge government members and all other members of the House to support the motions. I congratulate the member for bringing them forward.

Mr. John Harvard (Parliamentary Secretary to Minister of Agriculture and Agri-Food, Lib.): Madam Speaker, it is a pleasure for me to be able to respond to some of the comments made by the previous speakers.

I wish to start on a positive basis. I have taken note of the fact that the spokesman for the official opposition supports changes to the monetary penalties act. We appreciate that. We think those changes are taking us in the right direction. The official opposition supports the change that the Manitoba Securities Commission takes over responsibility for the Winnipeg Commodity Exchange. We appreciate that support as well.

● (1125)

There is another aspect to this group of motions to which we will give our support. There is an amendment from the official opposition that will make one change and we will support it. Right now the way the bill is written up, it is written to say that the minister may appoint a special crops advisory committee. The amendment would change the language of the bill to say that the minister shall appoint a special crops advisory committee; in other words moving it from the permissive to the mandatory. Certainly we will support that motion.

In so far as the other proposed amendments are concerned, we on the government side will be opposing them. I will take the next three or four minutes to explain why.

The speaker for the official opposition talked about the mandatory check-off, what we call the mandatory non-refundable approach to financing the insurance scheme. The subject will come up for further debate in detail when we get to the second group of motions.

The reason we oppose the voluntary opt in approach is that it would create administrative difficulties. It would create some uncertainty. We support the so-called mandatory refundable approach. We want a plan that is viable. We want a plan that is administratively efficient, and we think this is the best way to go. It is already done by the pulse organizations in the provinces of Alberta and Saskatchewan. They say it works for their organizations and we believe strongly that it will work for this insurance plan.

I would point out that we consulted widely over a long period of time leading up to the bill and we think this is exactly what producers want. This is what dealers want. This is what the special crops industry wants. This is why we are doing it.

There was reference made that somehow a fund would be created by the bill. Nothing could be further from the truth. This is an insurance plan; nothing more and nothing less. If they are talking about a fund that is factually incorrect.

When it comes to seeking out candidates for appointments to the special crops advisory committee the minister will consult widely. There will be plenty of opportunity for commodity groups to make their recommendations so the minister fully understands the wishes of producers and dealers.

I would like to get to the heart of these motions which proposes that we have an elected board of directors as opposed to an appointed special crops advisory committee. We have consulted widely and have found the industry does not support this approach. Our consultations indicate that they want an appointed board by the minister.

● (1130)

The spokesperson for the official opposition tried to draw an analogy with Bill C-4, the wheat board bill. This is not analogous. When we talk about the special crops industry, if we were to move to an elected board of directors, the cost of elections would be prohibitive. A number of spokespersons for the industry have told us that.

Naturally the costs of an election would have to be borne by the producers. They already have enough costs weighing them down. This would be an unnecessary cost. That is why we would oppose

having an elaborate election which would require an elaborate system and an elaborate mechanism to choose nine directors.

Madam Speaker, you know as well as I and all Canadians do that if we get into the business of having to elect the directors as opposed to appointing them, we will get into the question of who is going to be eligible. Where would the boundary lines be drawn if the area was going to be divided up one constituency or district per director? To some extent it would be very difficult.

Let me also point out that right now there is no registry of official commodity groups. The previous speaker was suggesting that we could go to the commodity groups for their suggestions. There is no registry at the moment. That simply would not work.

When it comes to an appointed special crops advisory committee, we have to exercise some trust. We have to exercise some faith.

Is it not interesting. I hear a member from the Reform Party making a negative remark about government. I am quite sure that is why they came to Ottawa in the first place. They would like to form a government. Typical of the Reform Party to talk down to our public institutions and to be negative about parliament. It is typical of the Reform Party.

The advisory committee will work very well. It will have a majority of producers. It will speak for producers and it will speak for the industry.

Another thing I would like to point out, and this was discussed in consultations many times over, is that if we move from an advisory group which makes recommendations to an elected board of directors, then we raise the possibility of financial responsibility. In other words the board of directors would be making decisions. Along with that comes financial responsibilities as opposed to an appointed advisory committee making recommendations to the minister who would make the decisions. The people we consulted said that an elected board of directors may create a problem.

All in all, we have consulted widely. This is what the industry wants. We think it will work very well with an appointed advisory committee.

Mr. Jake E. Hoeppner (Portage—Lisgar, Ref.): Madam Speaker, it is always a pleasure to listen to the hon. parliamentary secretary from Manitoba. He has his roots in the soil but they are growing in the wrong direction; instead of up they are going down and when they are down they go up.

● (1135)

It is astounding how the listening apparatus of a human ear is so different. When the witnesses were before us we never heard anything about an advisory board. The special crops people said they wanted a board that was appointed by the industry. They said they only needed a small board and they knew industry people who could run the board. An advisory board means that they are going to give advice to somebody. Who is it in this bill that is going to give advice? It is the minister again.

Last week we saw how this Liberal government loves to create a two tier system among the hepatitis C victims and among the farmers. The hon. parliamentary secretary should realize that the Ontario wheat board has had a fully elected board for years. It did not need an advisory board.

The advisory board in western Canada gave us information that we did not need and it did not give us information that we should have had. None of those advisory board members ever told us that the wheat board was the biggest player on the Minneapolis grain exchange. They sat on the wheat board advisory board for years and we did not know.

Hon. Lyle Vanclief: You elected them.

Mr. Jake E. Hoeppner: We elected them but who shut their mouths? The agriculture minister says they were elected but how were they elected? They still have to listen to the minister and the wheat board. It is really astounding. The special crops industry would not have developed to the stage that it is at had it not been for the Canadian Wheat Board putting pressure on farmers to know nothing, to do nothing and to be happy with nothing.

The Ontario farmers made the decision that they wanted a fully elected board and now they even have a clause to opt out. What a difference in farmers from Ontario and from western Canada. If we could just reverse the universe and put western Canada into the middle of the country maybe we would get some privileges and be treated equally. The Liberal government has never known what equality means when it comes to western farmers.

The special crops industry is a tremendous boon to the western agricultural industry. If it were not for the special crops industry, farmers would be starving today. The problem today is we will probably need a special crops industry for wheat and barley soon because nobody wants to grow it. It will become a special crops industry. It has become so non-profitable that farmers have refused to grow it.

We have heard time and time again that the farmers want to run it themselves. They want a voluntary insurance and licensing agency. What do they mean by voluntary? They have said they want to choose whether or not to participate at the beginning of the crop year.

I can guarantee to this House that had this been really voluntary, probably 90% to 95% of the farmers would have participated in this board or the special crops industry mechanism. However, they

have not been given that opportunity or will not be given that opportunity. Farmers will again be second class to eastern farmers. They will not have the opportunity to run their business as they see fit.

I remember a year or two ago when the special crops people began phoning me about being licensed as a grain dealer. What did this government do? It sent the RCMP after these poor farmers because they were being successful. That is illegal in this country according to this democratic Liberal government. If they are successful, the government either taxes them to death or regulates them to death.

Here is an instance where the special crops industry has built western Canada to a point where it can practically survive on it alone without growing wheat board grains. Now the government wants to over-regulate it again.

The government does not know what voluntary means because it has not looked it up in the dictionary. Voluntary means they take your money and hang on to it as long as they possibly can and then maybe they will give some back after all the costs are taken off. That is what farmers object to. When farmers say voluntary they mean voluntary. When farmers say they will run it themselves they will run it themselves and they will not hound government to interfere with them.

● (1140)

It astounds me that in a democratic country where farmers have more or less designed and implemented an industry that has been very functional and a tremendous boon to western agriculture and industry, they are all of a sudden hounded by the RCMP. ''Hey, you haven't got a licence. You are not a grain elevator''. Good gosh, a grain elevator handles just grain, it does not process the stuff; it buys it, sells it and delivers it.

A special crops industry is one where for example the sunflower seed is grown, it is dehulled, it is roasted and it is sold. One makes it go and it is run effectively in the way which gives the best returns to the producer, not to the industry itself.

I was astounded when I read the Senate hearings a week ago. My good friend Earl Geddes, whom I know very well said that the milling industry had to be licensed because one farmer could be milling wheat for the other farmer, the neighbour, and this would not protect the domestic industry. What have farmers done all their lives? They have worked as a unit. They have helped each other out when they have had problems. Then when they grow a product they cannot even do with it what they want to.

The special crops industry thought it had freedom, it had the rights to do it because it involved nothing with the Canadian Wheat Board. Now we find out we want an advisory board, an advisory board like we have seen for the last 15 years that was non-functional and that did nothing for farmers but cost money.

It is of utmost importance that this bill be amended and that the Reform amendments be passed by the House or we will have more division in agriculture. If that is what the government wants, then it should pass the bill the way it is.

If the government wants to finally do something for agriculture producers in western Canada, it should listen. Give farmers the right to run the business the way they feel is best so that they can function positively and be encouraged by the fact that finally government is listening, not that government is regulating and over-regulating.

I have two minutes left which will not really get me into another subject. I will just say that if the government really wants to put its mark on western Canada it will listen to the amendments Reform has proposed and it will have a happy special crops industry performing what is best for this country. It will put this country on the map when it comes to things like pinto beans, navy beans, whatever has not been grown that farmers are now starting to grow because they will take the risks. Farmers will try these new products. They will grow them, they will process them, they will market them and nobody else will gain but the whole country.

I urge government members to finally sit up and listen to western Canada. Let farmers do what they feel is right for their industry, not what some politicians in Ottawa think is right because they have a little too much of the Ottawa dust in their ears that they cannot hear properly. We need some good heavy downpours, some good showers and some soap and I am sure hon. members would listen better and let farmers work the way they do it best, co-operatively and for the benefit of society as a whole, not just for people individually.

Mr. Roy Bailey (Souris—Moose Mountain, Ref.): Madam Speaker, perhaps we should have a bit of a history lesson here and ask a simple question. Why are there so many special crops now being grown on the prairies? us. If members opposite do not know, we will give them a quick lesson. They are being grown because farmers want to get rid of all the regulations and restrictions that have plagued them for at least three generations. That is why they want special crops.

The hon. parliamentary secretary to the minister of agriculture had a lot to say about elections. We are not talking about elections. The motions which my hon. friend put forth are not about elections. What we are talking about and what we oppose is the federal government handpicking people and putting them on an advisory board.

● (1145)

Virtually every time I make a trip to my constituency in the west I learn of some person who has been appointed to some board in Ottawa. Some of them have the audacity to tell me how much

money they make for being appointed as advisory people to a board. That is what we are opposing. That is what the west opposes. That is what the industry opposes. That is what the canola seed people oppose. That is what the pulse people oppose. That is what the sunflower people oppose. They do not want to be regulated by this government. For some reason this government does not seem to understand that. It just does not get the message.

The message is clear and simple. The Canadian Canola Growers Association will submit two lists to the minister of agriculture. It will do the election for each special crop group. The sunflower growers will do the same thing. The people who produce the peas will do the same. The minister will then appoint to this special board according to a simple recommendation from the producer, not by election or anything costly as the parliamentary secretary said. Here is the list of names, take your choice.

But we have a problem here. It is not a problem for the producers. It is not a problem for the people who grow the flax. It is not a problem for the people into the beans. It is not a problem for them at all. The problem lies on the opposite side. It is what if they are not Liberals. That is the problem. These special people are saying they have had 50 years of government hacks telling them how to run their business. They want to give the government a group of names to pick from. That is what this and all these motions are all about.

I say the following to the people from the west who have gone into special crops. You turn around and deny these people the right to submit their names to the minister and let him choose from the names they have selected and you will be in violation of a basic principle. That principle is that party hacks have more importance than those who come from the industry. That is the bottom line. It is as clear as that. Even a kid in grade four could understand it.

I see the parliamentary secretary does not understand. He wants to talk about elections. We are not talking about expensive elections. We are asking the minister of agriculture to select the names that come from the various interest groups in order to form the special board. Nothing could be more down to earth, nothing could be more grassroots and nothing could be more democratic.

I can hear members across saying maybe that is the way we should go. Let us get out of this habit of appointing a $100,000 a year political hack, giving him this and giving him that. The canola growers will select their person for the board. I challenge anyone opposite to say that our clauses are not in keeping with the democratic principle or with what is best in agriculture.

People in the Nipawin area of Saskatchewan said they could not make any money from growing wheat. Now there is no more wheat in most of the crops there. Even in my constituency people have been telling me time and again they are going strictly to oats, that they cannot afford to grow wheat under the board and that they have a legal market in Montana.

• (1150)

That is exactly what we are talking about. I do not have to move more than 10 miles from my home to see people experimenting with all kinds of new crops saying they wish anything they grow would be out of the control of the government. That is exactly what they are saying.

Now we are providing an opportunity to pick advisory boards without going the political route.

Do members have the courage to do this? Do they have the courage to support this resolution? It would bring a form of democracy in advisory committees to Saskatchewan, to Manitoba and to Alberta for the first time in 50 years.

Mr. Rick Casson (Lethbridge, Ref.): Madam Speaker, I am not sure I can follow that rousing debate. I might be a little shorter on history than some of the members opposite.

We want to address the amendments to Bill C-26 today. Bill C-26 is an act to establish a licensing system and an insurance plan for the special crops industry in western Canada.

It provides for the licensing of all buyers of special crops and for the voluntary participation of producers in the insurance plan. Voluntary participation protects them against default payment for special crops by licencees.

There is the problem. Our western producers are sometimes a little hesitant to trust this government to protect them. That is why we brought forward these amendments to the act. I understand from the secretary that some are going to be accepted.

The one thing that is important is that we want people involved in the industry of raising specialty crops to be involved in the decision making.

We should have the minister create a nine member board but create that board from a list of people put up by the specialty crops groups themselves. That makes perfect sense. That is what western Canadian farmers would understand. They could trust a system like that. It would be people they know, people who understand the industry be in there making decisions in the best interest of the farmers.

I think that is all western producers are asking. They want to make a living off the land and they want to be the architects of their own destiny. They want things like this and they need them. If we give this to them, they will be pleased and they will work hard.

My riding of Lethbridge in southern Alberta has a wide range of agricultural components. It starts in the Rocky Mountains and goes out on to the plains. It has some of the area of the highest heat units

for any area in Canada. Specialty crops are an order of the day. Most specialty crops are grown in the area I come from.

The reason people have gone to these crops is that they manage the crops themselves. Even the sunflower producers on Bow Island grow them. They have become quite a great marketing enterprise with Spitz sunflowers. This started out as a small business and now it is huge. Sunflower seeds are part of this list.

If we give farmers the opportunity to be creative and to decide their own destiny, they can and will be successful. We have to stop government interference. Therefore our amendment asks to have the board appointed by the minister but selected from a group of people selected by the producers.

This makes a lot of sense. I am sure the government, when it reconsiders this, will support it. This is what we are asking for.

The recommendations from witnesses at the committee, from the producer groups, are things the government should be very carefully considering and putting into this bill.

Lentils, peas and mustard are special crops that need special conditions. They need special treatment. They need people who know all the special conditions making decisions on how this insurance plan is going to work. The weather is critical. Some are more fragile than others. It is important that people on the board know all the conditions.

● (1155)

The motions in Group 1 that we have put forth are good motions. Some require words to be changed from ''may'' to ''shall'' for the minister to appoint to this advisory board.

However, the critical thing is to recognize the expertise that exists in the industry and with these producers and let us have these producers on the advisory board to ensure this system will work properly and will truly be in the best interests of farmers.

Mr. Charlie Penson (Peace River, Ref.): Madam Speaker, I am pleased to speak at report stage to Bill C-26 and in particular to the set of motions before the House. I want to support the motions put forward by my colleagues, specifically my colleague for Prince George—Peace River who has introduced some good amendments to this.

I would like to speak a little more specifically about why the whole area of specialty crops has become such an important part of farming in western Canada. My family and I operate a 2,000 acre grain farm in Alberta and we are now growing more and more non-traditional crops, meaning not wheat, barley or canola.

The reason for this is the difficulties we have encountered over the years with the Canadian Wheat Board. I do not think our operation is very much different than a lot of farms in western Canada which have experienced difficulty with market signals being sent by the monopoly situation with the Canadian Wheat Board and not knowing what kind of return we are going to receive.

Farmers now have a tremendous amount of money being expended every year. At this time of year fertilizer and chemical bills start to roll in and in many cases they are in excess of $100,000. This results in farmers needing the ability to price ahead to be aware of what crops are going to be sold and they are starting to look to other crops. Farmers are looking to peas, to fescue and to lentils, to crops outside the jurisdiction of the Canadian Wheat Board.

Because of the rotation system that is required to ensure disease does not build up, we still need to maintain some traditional crops. On our farm this year there are 1,000 acres of wheat which went in the ground within the last two weeks. Some of this wheat is soft spring wheat that we sell outside of the board but some like the hard red springs will have to be sold through the board.

Our party wants to see as a board that advises the federal government and takes authority on advising the specialty crops commission. Advisory boards sometimes have the potential for having people who know absolutely nothing about the industry itself.

There are all too many opportunities I am afraid to have former politicians, because they did not win in the election last time around, to get appointed to these boards and they may not do justice to the real issues. Farmers should be on these boards as they know what is best for their industry.

I support Motions Nos. 1 and 8 in Group No. 1 which state this should be a speciality crops board rather than an advisory group appointed by the government.

We have to go back to the Canadian What Board to see how the difference works. I am aware that we have had an advisory board in the Canadian Wheat Board, appointed by the federal government, for some time with basically not much authority. It has been a closed shop. I do not know that it has done a very good job.

● (1200)

Farmers in my part of the country are calling for the Canadian Wheat Board not to have a group of commissioners appointed by the federal government with an advisory board attached. They are calling for the Canadian Wheat Board to be operated by a group of directors of farmers who control the functions of the Canadian Wheat Board.

It is not very much different from what we are talking about today. Farmers pay the real cost of administering the Canadian Wheat Board. They will pay all the costs involved in this board.

Why should they not have a direct incentive and direct say in how it works?

I want to point out another reason I think that is important. I have friends and neighbours that have gone into the speciality crop industry in terms of organically grown grains. They have gone to a very big effort because it is a specialty market. They have to ensure that their farm is free of chemicals and commercial fertilizers for five years before they can grow organically grown crops. Yet they still have to go through the Canadian Wheat Board to get an export permit to market those crops.

Ministers of agriculture over the years have said that we should diversify, that we should try to get out of some of the main crops and into specialty markets. My friend, Dexter Smith of Peace River, has done just that. He has spent a tremendous amount of work to rig up his farm for organically grown wheat. He has to find his own markets. The Canadian Wheat Board does not do his marketing for him. Farmers have tried to develop a set of standards for their industry with no help from government, I might add. The government is standing in their way in many cases.

Dexter Smith has to go to the Canadian Wheat Board to buy his product back before he can sell it. The Canadian Wheat Board does not offer any elevators to take the specialty crop. There are no elevators in the entire Peace River country to take Dexter Smith's crop. There are no elevators in Alberta to take it. It would just get dumped in with the regular wheat and therefore lose the effect of having been organically grown.

He has to find his own markets. He has to arrange for the transportation. Yet what do we have? The Canadian Wheat Board standing in his way, inhibiting his ability.

If we have an advisory board on the specialty crops that we are talking about today, it will be appointed by the federal government, probably with some ex-politicians, people not having expertise in the area. That will get in the way of the people in the industry. We really want people with knowledge of these specialty crops and how best to serve their own industry.

What would be better than to have a specialty crops board with members elected by fellow producers out of their industry, knowing that they would have the expertise on how to govern their own industry? It seems to me that is a reasonable request which has to be considered.

As I was saying, things have changed significantly in the farm industry over the years. When I started farming 30 years ago wheat, barley and canola were the main crops in our part of the world. That is not the case any more. We have lost our transportation subsidies through the Crow rate. We have lost subsidies in terms of GRIP and other government programs. In fact our Canadian grain farming industry has moved faster than that of any other country to get rid of subsidies worldwide. We are far ahead of our GATT commitments in terms of phasing down our subsidies.

Yet, what is our trade department doing for us to try to ensure we have opportunities to export to countries in Europe that are still maintaining heavy domestic and export subsidies? I would maintain not that much. It had better start to do something soon or our guys are going to get tired and say, ''We are complying with what you have asked of us to get to a market driven industry, but we have competitors worldwide that are still being subsidized very heavily. You had better do something about it or we are going to be back asking for subsidies again''. That is the exact approach we do not want.

The trade department and the Liberal government had better start getting aggressive, or else they will lose market opportunities and some excellent farmers.

In conclusion, I would like to add my weight to those in the Reform Party who in speaking today said that we need some common sense in the approaches to this industry. If we are to have speciality crop marketing boards, let us make them producer marketing boards that are elected from their own members instead of having a group of advisory board members that may not have any expertise in the area. It seems to me the bill would then enjoy the support of the entire farming community in those sectors.

• (1205)

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, it is a pleasure to follow some of my more knowledgeable friends in the Reform Party on this debate. We are addressing Group No. 1 motions on Bill C-26, an act to amend the Canada Grain Act. In particular we are discussing a couple of issues, but the big issue is the push to ensure there is some producer representation on the special crops advisory board.

I am extraordinarily disappointed with the presentation we heard from the parliamentary secretary a few minutes ago. He suggested a very transparent tactic in my judgment. He suggested that elaborate elections will be necessary to bring about the motion my friend from Prince George—Peace River has proposed.

He is proposing only that the specialty crop producer groups be the ones who submit to the minister a list of names of people who would be excellent representatives on this special crops advisory board. The parliamentary secretary had the audacity to try to frighten people by suggesting there was to be some big elaborate election. It is not true, and the parliamentary secretary knows it. I am very disappointed he would go to those lengths to try to frighten people. It certainly does not do him or his government any credit.

Reformers are disappointed that the government once again has ignored the advice of witnesses who appeared before the agriculture committee and said they had no particular problem with the advisory board as long as they had some representation on it. They said they wanted their people to come forward. They are, after all, the people who are supporting it. It is their money that goes into

supporting it through a check-off program. It is not the government's money. It is farmers' money.

Does that matter to the government? No. It knows everything. It does not need the advice of producers. Heavens no, that would be terrible. We know how the government feels about advice. We saw that in the hepatitis C debate not long ago when backbenchers had lots of advice for cabinet that was ignored. That is exactly what will happen when patronage appointments come forward to offer advice to the government on special crops. The government has complete latitude under the legislation to appoint patronage appointees to the speciality crops advisory board. That is wrong. When will the government get that through its head?

An hon. member: The freshwater fish association.

Mr. Monte Solberg: Mr. Speaker, my friend mentions the freshwater fish association. We know what happened with the Freshwater Fish Marketing Board. A former Liberal member who had absolutely nothing to do with fishing in his past life, except he had gone fishing once or twice, was appointed head of the marketing board. He had absolutely no clue what it was about, but he picked up a $100,000 a year job because he was a former Liberal MP. Now he runs it, I am sure to the chagrin of producers in that industry.

The government is to take that same sullied formula and apply it to the special crops advisory board. It is absolutely ridiculous and completely contrary to all the advice it received from the agriculture committee. The government in its defence sets up an elaborate make believe scheme in which it suggests that Reformers are proposing to elect people. It is not true.

All we are saying is that these specialty crops groups can at their annual general meeting get together and maybe have a little election among themselves. They can say that they think Bill, for example, has done a good job in the past and put forward his name, as well as Larry and Myra. They will be the names they submit. Maybe the minister will choose one of them. Maybe he can even check their Liberal credentials to find out if they are good Liberals, and if they are they can end up on the advisory board.

I do not think that is radical. It makes a lot of sense to have representation of the people whose money is going into this thing on the board. That is exactly what the witnesses are asking. I can say from personal experience that producers of speciality crops are very upset with the idea of more regulation.

● (1210)

I come from a Medicine Hat riding where there is a lot of irrigation. As a result people grow a lot of high value specialty crops. People in my riding grow beans, sunflowers and all kinds of crops including spearmint. They have told me they do not want to deal with the board any more. They are tired of dealing with the board. When they have an option they get out of wheat because if they deal with wheat they have to go through the board. They are going into specialty crops and are trying to make a living without interference from the government.

Whenever the government sees something going well, it seems it has to step into it or more than likely step on it and crush the life out of it. That is exactly what the government has done many times in the past.

I am speaking on behalf of my constituents when I say that the last thing we want is the federal government to bring on line some more patronage appointees to tell producers how things should be done from their perspective atop the hierarchy, when producers themselves are the ones gunning it out, supporting the board with their own money and trying to make a living. They are the ones who know how. They have a stake in it. Why is the government so afraid to let producers have a say in the whole process? It just does not make any sense.

I encourage my friends across the way to learn from the hepatitis C vote. Those backbenchers know they had absolutely zero influence on the hepatitis C vote. They were chided by their Prime Minister for having the effrontery to actually raise their voices and suggest that in the case of hepatitis C maybe the government should open its mind a bit and consider compensation.

They should understand that is exactly what the government will do with the people they appoint to the advisory board. They will do exactly what they want. Although the government loves to give the appearance that it is committed to democracy, at every instance and every opportunity it turns around and does exactly what it wants to do.

It is shameful. It is wrong but it is certainly the pattern we have seen from the government. I urge members across the way to support the motions that have been put forward by my friend from Prince George—Peace River, motions that will bring at least a hint of democracy to the legislation. I encourage members across the way to support the motions.

The Acting Speaker (Mr. McClelland): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. McClelland): The question is on Motion No. 1. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. McClelland): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. McClelland): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. McClelland): In my opinion the yeas have it.

And more than five members having risen:

The Acting Speaker (Mr. McClelland): The recorded division on Motion No. 1 stands deferred. The recorded division will also apply to Motions Nos. 5, 8, 9, 10 and 11.

The next question is on Motion No. 7. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

● (1215)

(Motion No. 7 agreed to)

Mr. Gerald Keddy: Mr. Speaker, I rise on a point of order. I would like to ask for the unanimous consent of the House to move the second group of amendments introduced by the member for Brandon—Souris.

The Acting Speaker (Mr. McClelland): The House has heard the request of the member for South Shore to move the motions originally proposed by the member for Brandon—Souris.

Is there consent for the hon. member to move the motions?

Some hon. members: Agreed.

Mr. Gerald Keddy (South Shore, PC) moved:

Motion No. 2

That Bill C-26, in Clause 7, be amended by adding after line 8 on page 6 the following:

''(2.1) Subject to subsection (2.2), every producer of special crops shall be entitled to participate in an insurance plan established under subsection (2).

(2.2) The Governor in Council may, by regulation, prescribe the circumstances in which a producer of special crops may not be entitled to participate in an insurance plan established under subsection (2).''

Motion No. 3

That Bill C-26, in Clause 7, be amended by replacing lines 9 to 12 on page 6 with the following:

''(3) A producer who participates in an insurance plan established under subsection (2) and who delivers or causes to be delivered a special crop to a licensee shall pay to the''

Motion No. 4

That Bill C-26, in Clause 7, be amended by replacing lines 15 and 16 on page 6 with the following:

''(4) A licensee shall collect the levy referred to in subsection (3) from every producer who is required to pay the levy under that subsection and shall remit it to the agent within''

Motion No. 6

That Bill C-26, in Clause 7, be amended by replacing lines 3 to 5 on page 7 with the following:

''(8) A producer of special crops who participates in an insurance plan established under subsection (2) may, in the prescribed manner, withdraw from the plan. The agent''

He said: Speaker, I would like to mention again, as I did during the second reading debate, a resolution that was passed at the Saskatchewan Canola Growers Association's annual meeting. Similar motions were passed at the Western Canadian Wheat Growers convention, the Western Barley Growers convention and the Saskatchewan Pulse Development Board. In addition, the concern mentioned in this motion has been raised by other stakeholders in the farming industry out west.

The motion reads as follows:

Whereas the majority of Saskatchewan Canola Growers Association members also are growers of specialty crops, and

Whereas the proposed Special Crops Rural Initiative Program would appear to favour the Canadian Grain Commission and not necessarily special crop growers, and

Whereas the Special Crops Rural Initiative Program is promoted as being voluntary, it is in reality a form of negative billing which all consumers reject—, and

Whereas the scheme has questionable support at the farm level, and

Whereas the Saskatchewan Canola Growers Association rejects the compulsory nature of the Special Crops Rural Initiative Program, and

Whereas the Special Crops Industry has flourished without such a program,

Therefore be it resolved that the Saskatchewan Canola Growers Association inform the federal and western provincial ministers of Agriculture of their concerns and at the very least that the Special Crops Rural Initiative Program be truly voluntary for both the growers and the special crops dealers.

This resolution aptly describes what Bill C-26 fails to do. It fails to give farmers choice, not unlike what the government did with Bill C-4, which failed to give farmers choice in how they sell their wheat.

The compulsory nature of the special crops insurance plan is a form of negative option billing. Today's producers run large operations and should not have to apply to opt out and then to receive their money back if they do not wish to participate.

Farming businesses should have the right to decide for themselves if they want to be bonded or licensed and, if so, pay the bills themselves. Producers should have the choice to decide for themselves if there is too much risk selling to an unlicensed buyer. Special crops producers would be better off having choice between selling to large licensed grain dealers and small unlicensed grain dealers. That would make sense. I hope the government considers giving farmers that choice.

● (1220)

The amendments put forward by the PC Party today speak to these concerns. I hope the government will also listen to the stakeholders and vote in favour of these constructive amendments.

Once again I would like to conclude that the PC Party supports this bill, but we can make this a better piece of legislation if the government supports these amendments and the amendments put forward by the member for Prince George—Peace River.

I know the government wants to rush Bill C-26 because it believes it is simply a matter of housekeeping. However, let us try to give farmers in western Canada a piece of legislation that gives them choice.

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, it is a pleasure for me to speak to the amendments in Group No. 2, put forward by my hon. colleague from the Progressive Conservative Party.

I note at the outset that these amendments, Motions Nos. 2, 3, 4 and 6, as put forward by my hon. colleague from the fifth party, clearly outline the need for voluntary participation in this levy that is going to be imposed on producers of special crops in western Canada.

When the commodity groups appeared before the standing committee on agriculture almost unanimously their one greatest concern was the fact that, despite the premise that the levy or the check-off would be voluntary, the fact is that it is mandatory upfront.

I just want to explain this to everyone watching the debate today so they clearly understand what this means. When the producer hauls a truckload of the designated special crops to the delivery point, the levy of 38 cents per $100 will be deducted regardless of whether he or she opts out of the check-off; in other words, does not want to participate in the insurance plan.

As my hon. colleague from the Conservative Party just said, very clearly this is a form of negative option billing. In this case the producer has no option but to have that levy deducted from his or her paycheque.

At the start of the year he or she can apply to the agent, the Canadian Grain Commission, which is going to be administering this fund, stating that they do not want to participate and they want their levy money returned to them following the completion of the crop year.

The way the bill is constituted, they then have to keep track of how much would be deducted off of each and every truckload and each and every designated commodity because they may grow more than one of the special crops. They have to keep track of that and then at the end of the year or at a designated time set up by the agent apply for a refund.

There was some concern expressed at committee, both for the need to have this voluntary upfront and if it does have to be this negative option billing process that the producer should only have to let his or her views be known once. In other words, if they wanted to opt out they should not have the administrative burden of keeping track throughout the year and tallying it all up at the end of the year, similar to how they now have to keep track of the GST and apply for a refund.

Without fail, when the producer groups appeared before the committee they said this was their greatest concern. Did the government listen? Unfortunately, no.

Amendments that I had put forward on behalf of the official opposition at committee were voted down by the Liberals on the standing committee for agriculture. The amendments that I introduced at committee were virtually identical to the ones put forward by my hon. colleague now at report stage. Appearing before the Standing Committee on Agriculture and Agri-Food on April 21 were eight commodity groups: the Alberta Pulse Growers Commission, the Manitoba Pulse Growers Association, the Saskatchewan Canola Growers, the Saskatchewan Farmer Consultations for SCRIP, the Saskatchewan Pulse Growers, the Western Barley Growers, the Western Canadian Marketers and Processors Association and the Western Canadian Wheat Growers Association.

● (1225)

If memory serves me correctly, with the possible exception of the Western Canadian Marketers and Processors, all of the witnesses appearing expressed the same concern about the way in which this levy would be collected. In other words, there would be an additional administrative burden placed on farmers. They would not be able to opt out, in a one-time opting out, whereby they could say ''I have looked at this. I have studied it. I understand that the government is moving to endeavour to have insurance for all of the special crops buyers and dealers to ensure that in the event one of them were to go bankrupt the producer, if he or she had speciality crops in storage with that particular dealer, would be covered''. Why is the industry interested in making some changes in this area? As we have heard, there is a concern out there that there are a number of unlicensed small dealers, small buyers, and that farmers in some cases may be unaware they are not protected. In other words, these dealers, these buyers of the speciality crops, are possibly unlicensed and therefore have not put up a bond to protect the producer, to protect the farmer, in the event of bankruptcy.

The government wants to implement this process. It will mean more regulation. All dealers and buyers will have to be licensed, for which of course there will be a licence fee, and all of them will have to be insured.

We heard from a number of producers about this. The problem is that once again we see big government making decisions for the producers. Instead of the old adage ''buyer beware'', possibly we

could have ''seller beware'' and allow the producer to make a conscious choice. Perhaps he or she could derive a bit more money, a few more dollars per pound or per bushel or per tonne, whatever the case may be, for their product if they were to take the risk of selling that product to an unlicensed, uninsured, unprotected buyer or dealer.

If there was a substantial amount money involved the producer might not want to take the risk. For example, they may be shipping carloads of a commodity. We could be talking about hundreds of thousands of dollars. If they did not want to take that risk, they would then ensure that they sold their product or had it in storage with a dealer or buyer who was insured, who was bonded, so they would be protected in the unlikely event that the particular company were to go broke. I say unlikely because the instances of these corporations, these dealers, going broke is very, very rare.

Unfortunately there is a real lack of evidence as to whether this process, this check-off to ensure that all dealers and buyers are insured and licensed, is going to be a great boon for the special crops industry. Certainly the government would like everyone to believe that this is going to promote the industry. However there is no real evidence that this will happen.

• (1230)

In some quarters there has been some evidence to suggest that it will provide a disincentive for good business practices by these dealers. Presently if a sizeable bond has to be put up, there is an incentive built in to ensure they operate in as efficient and effective manner as possible and to ensure that they do everything to keep from going bankrupt. If they go bankrupt, of course they will lose the sizeable bond they put up. Now they will be working with an insurance fund where the farmers are paying for the insurance. They will not be putting up any bond whatsoever. Therefore, it is no wonder dealers and agents are in favour of this legislation.

Mr. John Harvard (Parliamentary Secretary to Minister of Agriculture and Agri-Food, Lib.): Madam Speaker, I am glad to respond to some of the remarks made by members opposite. Let me mention a couple of things before I address the concerns which apply to the Group No. 2 motions before the House.

The Reform Party critic refers to this as a fund. This is not a fund. It is an insurance plan, no more and no less.

The member for Medicine Hat expressed concern about having producer representation on the special crops advisory committee. Had the member for Medicine Hat bothered to read the bill, he would have found that not only does the bill provide for producer representation on the advisory committee but it also requires that a majority of the members of the advisory committee be producers. It is explicitly expressed in the bill that a majority of the members of the advisory committee will be producers. That is about as straightforward as I can make it. It is factual.

Members of the Reform Party made several remarks about electing or not electing the special crops advisory committee. Now those members are saying that they are not in favour of elections. All they want are commodity groups to come up with a list of possible appointees and for the minister to choose the members from the list. At least the Reform Party has made some progress. I guess those members have realized in the last few days or weeks that elections would be a very expensive way to go.

If the Reform Party is not talking about expensive elections, it is good because I do not think anyone would want that. Their suggestion of having a list drawn up by commodity groups and the minister would then choose members from that appointed list is problematic too.

We opposed the motion because there is no mechanism for officially registering commodity groups when it comes to special crops. We would have to ask with respect to the the Reform Party's suggestion, how many commodity groups would have the privilege or right to come up with the list of names for the committee?

Under the insurance scheme, I think we have 11 recognized special crops. Would it be just those 11? What if the situation was that one specialty crop was represented by more than one official commodity group? What would be done then?

• (1235)

The minister has made it very clear that not only will there be a majority of producers represented on the advisory committee, but the minister will consult very widely. There is no barrier, none whatsoever, to any of the commodity groups, to any individual producer or anyone who is concerned to bring forward all the names they want. Then the minister will have to do the best job he or she can to come up with the final list of appointees to the advisory committee. I think the system will work quite well.

Let us get to Group No. 2. Previous speakers talked about abandoning our proposal for a mandatory refundable system. They would like an opt-in plan. We want this insurance plan to work and to work well. We want it to be viable. We want it to be administratively efficient. This is why after many years of consultation we have decided that the best way to do it is a mandatory refundable approach. That approach is already used when it comes to the funding of pulse organizations in Alberta and Manitoba. It goes even further in Saskatchewan where there is a mandatory non-refundable approach.

We are going to make it as simple as possible to have fees returned at the end of the crop year. At first it was envisaged that producers would have to apply for a refund of fees if they had opted

out but not any more. Now the onus will be on the dealers, on the agents. They will have to do the book work and return the fees.

The Reform Party critic talked about whether it would be necessary for a producer to opt out only once or whether a producer would have to opt out every crop year. That kind of provision is not written into the bill. It is a matter for regulation. That will be decided when the regulations are drawn up. I know the minister will hear representations. If there is one overwhelmingly dominant view, I am sure that view will be accepted. However that is a matter for regulation. We think the mandatory refundable approach is the best approach.

We have to remember another thing. At this juncture, and I hope that it changes, a lot of specialty crop producers are not well aware of this plan. I am absolutely sure that while they do not know about it, they would like to be part of it. I would not want a voluntary opt-in situation as proposed by the Conservative Party and Reform Party in which some could find themselves without insurance because they did not know that the insurance plan was available.

• (1240)

This way there will have to be a conscious decision. A farmer or producer will have to think this through, can he take the risk of selling his produce, his crop to an agent without insurance. Farmers are big boys. They can make that decision. But we want the system as simple as possible and we want it viable.

Remember that if this plan does not work, then they do not have any security because the bond system is going out. We want to make absolutely sure that the farmers think about this and think about it well, and that they will make the right decision. I think that they will.

Mr. Monte Solberg (Medicine Hat, Ref.): Madam Speaker, I appreciate the chance to rise and speak to Group No. 2 but also to rebut what the parliamentary secretary has said.

I will begin with something he said a minute ago. He suggested that if the insurance plan was voluntary, some farmers might not actually become a part of it because they did not know about it. That suggests the parliamentary secretary takes a pretty dim view of the ability of farmers to run their own affairs.

Obviously farmers run extraordinarily complex operations when they run a farm. They make hundreds of thousands, even millions of dollars of decisions every year. Is the parliamentary secretary suggesting that perhaps they might forget to plant their crops in the spring? Maybe we should have someone from the government come out and plant their crops for them. Or maybe they would forget to take off their crops in the fall. Maybe we should have somebody come out and take their crops off for them as well.

What the parliamentary secretary is suggesting is ridiculous, that farmers would not know about it, that they are just too dumb. That is what he is suggesting. I disagree with that. It is ridiculous.

Earlier I heard the parliamentary secretary say that I had misspoken when I suggested that all of the members of the special crops advisory committee should be appointed and that the government was not proposing to appoint some producers. Indeed that is correct. I have with me Bill C-26 which would amend the Canada Grain Act. The member is correct. In fact the situation would be that if there are nine members on the board, a majority of them would be chosen by the government and the others would come from elsewhere.

I simply point out that under the plan that is being proposed by the official opposition all of those nine positions would come from producer groups. The parliamentary secretary is suggesting that the government would still retain the power to choose a bunch of unelected hacks, political patronage appointees, for some of these positions. We say that is wrong. We say all nine positions should be filled by the producers. I do not think that is radical. I think it makes sense. That is what the witnesses told the committee and the member knows it.

He also knows that Canadians are democrats. They want to have their representatives on these boards which are supposed to represent their interests. That is just common sense.

Although the member was quite correct in pointing out where I had misspoken, I think he was true to the letter of what I was saying if not the spirit. That is where he was wrong.

I want to touch on the voluntary check-off idea for a moment. Reformers moved this in committee. It is now being moved by Conservatives at report stage. We agree with it. We agree with the idea of a voluntary check-off. The idea of having a mandatory check-off I know producers disagree with.

• (1245)

I have heard it from producers in my riding. They told me as much. They want the voluntary option. They do not like the idea of the government holding on to their money until the end of the year and then getting it back in some way, shape or form. They like the voluntary option.

I remind my friends across the way, if they wonder how this will go over with people, of what happened when the cable industry proposed to do the same thing with cable television, this idea of negative option billing. It went over like a lead balloon. There was a virtual revolt because consumers want to have the choice. Consumer sovereignty, what a novel idea. It should be the same thing in Bill C-26 but the government always wants to have its own

way. It always takes the attitude that it knows better. It does not know better.

Why not give people the option? Why not let it be voluntary? What is wrong with that? Why not have the voluntary option? We know that the groups that appeared before the committee almost to a person said they wanted the voluntary option. What is so wrong with that? Why not listen to what people are saying? Why hold hearings if no one listens to what people are saying? I think that is fair. I think it makes sense.

Unfortunately the government has missed the whole idea behind the point of having witnesses appear before a committee. It is to get some guidance on how these things are supposed to work. Remember that the witnesses are the people who are affected. They have a stake in it. They have their whole livelihood in this so why would they not be the ones who are best suited to make those choices, to make those judgments? Why is the government not listening to the real experts? That is what it should be doing.

We disagree with the whole idea of the government's having the sole ability to pick whomever it wants to sit on this board, some of them of course would be producers but again it could go ahead and pick only producers with the right political credentials and some of them would be people who would probably be political appointments, probably defeated Liberal MPs from the prairies, of which there are many after the last election.

They have a lot to choose from, a big slate this time, even though some have already been scooped up into other patronage positions so perhaps they would have to serve in two patronage positions at once, I do not know.

Second, we disagree with the idea of the mandatory check-off. Not only do producers not want it, it is contrary to the whole idea of consumer sovereignty. I remind the government that if it is going to have witnesses, and a bunch of them tell it what to do, listen to them. Hello in there, listen to them. That is what people want. They want to have their testimony listened to and abided by, especially when they speak more or less with one voice.

Mr. Chris Axworthy (Saskatoon—Rosetown—Biggar, NDP): Madam Speaker, I too am in support of the motions put forward by the member for Brandon—Souris. I think this has been one of the most controversial parts of the bill.

The insurance program for special crops producers in Bill C-26 will be financed by producers from a levy or check-off on all crops delivered to the buyers and dealers. The government says this insurance program is voluntary.

As we have heard and as is clear, that is not quite true. Farmers have to pay a levy up front and at the end of the year according to the government's plan, they can apply to get their money back. This is rather like the negative option billing process put forward by the cable television suppliers. We know that generated a consumer revolt. People simply do not want these kinds of procedures in order to ensure they have insurance coverage should they want it.

What we heard at the agriculture committee when Bill C-26 was discussed was many producer groups asking that the insurance plan be made voluntary. They said that farmers would not appreciate another check-off, that they would not appreciate the paperwork necessary to get their money back at the end of the year.

A motion was put at committee that the plan be made voluntary but government members voted it down.

● (1250)

This is a difficult position to be in. The main trust of the bill is something we support but this managing nature is something we do not support. As a result, New Democrat members will support the motions put forward by the member for Brandon—Souris, the effect of which would provide producers with a choice in their payment of the insurance levy. As I have said, this is what producers through their commodity organizations have requested.

Government members at the hearings of the agriculture committee had no solid explanation as to why this plan should be made mandatory and had no explanation as to why that was a better choice than making it voluntary. We have yet to hear arguments as to why having the plan voluntary would not work effectively, especially since it is what producers want.

The motions put forward by the member for Brandon—Souris are asking that the right thing be done by producers. I hope government members will vote in support of those motions unless we hear good, solid explanations as to why the voluntary nature of the plan which growers want is something that will not work. To date we have heard nothing and I doubt we ever will. Therefore I urge members to vote in favour of these amendments.

Mr. Jake E. Hoeppner (Portage—Lisgar, Ref.): Madam Speaker, I would first like to compliment the Conservative Party for picking up on this clause and giving us this second group of amendments to the bill to make it voluntary. It is very important and quite complementary to what farmers want.

What does voluntary really mean? To me it means something I decide how to do and how I want to handle it.

The comment was made that it is only 38 cents per $100 that this is going to cost farmers. Maybe that is not that huge a sum but when we look at the input costs of farmers to the 38 cents on every $100 they spend it is another 3.8% increase in expenses. They are the best to decide whether they have the funds available to service that extra debt.

When I look at 38 cents per $100 I know that covers our hail insurance premiums which is something we need because we are in a hail area. If we do not have that coverage we are probably out of luck and looking at bankruptcy around the corner if we cannot cover our costs.

I cannot condemn this plan as a total package because I think it is going in the right direction. However, the Liberal government would find that if it were voluntary to the terms that a farmer would define as voluntary, it would probably receive 90% to 95% acceptance if farmers could afford that money. The majority of farmers want to take risks out of their operations. With the huge input costs it is becoming harder and harder to make that bottom line meet what it is suppose to.

As the parliamentary secretary said, it is not a fund. It is an insurance plan. However, we still have to realize it is set up for the special crops industry and they will have to make it financially sound. If it does not pay the expenses or the claims that will be processed against it they will have to increase that premium to make it viable or else there will be no insurance plan.

Those are things we have to consider. If we make it mandatory and then all of a sudden the premium rates increase to $1 per $100 that probably would be something that farmers could not afford.

I like to believe that governments always intend the best but sometimes because they do not listen to producer groups or farmers maybe the intention is not fulfilled or it somehow gets distracted. When the parliamentary secretary says that there will be at least five producers on that advisory board, that still leaves the option of four appointed political people or friends or whomever they would like to appoint. That means they would only have to persuade one out of five farmers to side with them and farmer clout would be gone as far as the board is concerned.

● (1255)

When I hear politicians saying they will make it as simple as possible, this really bothers me. What does that really mean? During debate not too long ago the hon. member for Yorkton—Melville talked about Bill C-68 and the regulations put forward. The member indicated how they were becoming impossible to implement and costs would be prohibitive. One of the Liberal members stated it is no more complex than the Income Tax Act. If that is the simple method implemented to bring this bill forward I would be really scared on simplification. I think that spells disaster.

This is the reason farmers are very hesitant to approve something they do not have control over. We know that with the regulations we now have on farms regarding environmental issues, such as gasoline tanks being diked, it is becoming very hard for farmers to have the right to farm. That is why I think they are very hesitant to accept this bill when the voluntary portion is not included in it. I must compliment the Conservative Party for bringing this forward. I think this will make the bill fly if the amendment is passed and it will be quite successful.

The parliamentary secretary indicated that the government would listen and act in good faith. I want to believe that is going to happen but we have to look back approximately one year when the wheat board minister, who was the agriculture minister, set up the Western Grain Marketing Panel.

For a year and a half we heard in this House that farmers were going to get marketing choices. The government said it would listen to farmers and spent a couple of million dollars travelling across western Canada. I think the committee did listen. There were some very good people whom the minister appointed to that panel. They did a very good job. What has happened to that report? Absolutely nothing. None of the suggestions by the panel was accepted. Its advice was not heeded.

The then minister of agriculture went back to farmers and had them write letters. Thousands of letters came in. They said exactly the opposite of what the Western Grain Marketing Panel had said. All the suggestions and recommendations were thrown aside.

We are again debating Bill C-4 and not only has it created a lot of debate in the House but it also forced the Senate to have another round of hearings in western Canada and listen to farmers. We have spent millions of dollars on the process of listening and wanting to act in good faith.

We have to show our producers, our constituents and taxpayers that we really want to act in good faith. Let us accept what people tell government, implement their suggestions, implement the regulations they would like to see in these bills and then act on it. Bills can be changed. Nothing says this bill is for eternity. We may have a different government after the next election and it may say it does not think the regulations are right. Let us get something the general public, the producer and the taxpayer, really thinks is in its interest and is cost effective.

I am certain that if farmers believe this insurance plan and this licensing plan is worth the money spent on it they will support it. I have never seen a program yet in western Canada during the 35 years that I was a farmer that was not supported by the majority of farmers if it made sense.

Practically 75% to 85% of the farmers in my area supported the western grain stabilization act. When they realized how it really worked when it triggered payouts close to 100% supported it. Other farmers wanted to join. They had that option. They were allowed to join.

● (1300)

That is what I think would happen with Bill C-26. If it was made voluntary, we would be amazed at the percentage of farmers who would support it and would give the government credit for making it voluntary and cost effective and for ensuring that there was protection not just for the producers but also for the processing industry. When they work together, get good protection, get the markets, it can only help everybody.

I was astounded when I spoke to two young farmers last week. I asked if they were hear to listen to the Senate hearings on Bill C-4. One of the young gentlemen said that they were here to try to create a seed industry, the export of seeds, for pinto beans to Mexico. I asked why they were interested in growing pinto beans as seed for Mexico.

He said that they had developed this industry and they were always running into problems with foreign markets. The Mexicans are producing an inferior product. The people who wanted to buy the product hedged on the price saying that the Mexicans could sell them the product for less money, but they never looked at the quality of that product. They were trying to develop a seed market for the Mexican farmers so that it would improve their product and they would have a level playing field on the foreign markets.

That is the way the special crops industry has worked over the years. It is a tremendous asset to this country. We should accommodate their wishes and pass these amendments.

Mr. Lee Morrison (Cypress Hills—Grasslands, Ref.): Madam Speaker, it gives me pleasure to speak in support of the amendments by the hon. for Brandon—Souris to this legislation.

I am pleased to know it is the intention of the government to keep its program as simple as possible. That warms my heart. We hear quite a bit of this. This is the government of all governments that loves to regulate, loves complications, loves paperwork, loves to control people. As somebody said earlier in this debate, it likes to keep its foot on people's necks to keep them down. That is the traditional Liberal approach in both social and economic matters. I guess it is something one has to get used to.

I am very fortunate as a farmer in that I produce the one commodity which this government has not yet managed to get its grubby little hands on. I still have the possibility of raising a product and selling it. I do not have to get permits. I do not have to tug at my rural forelock when I approach some bureaucrat. I take my product, which happens to be beef cattle, to the market and I run them through the ring. The auctioneer says sold, I get all my money and that is it, finished. That is the last I see of them.

An hon. member says to just wait. Actually we have had to fight this fight on several occasions. There have been constant threatening moves on the part of various federal governments over the years to intervene in our market. We have always been able to stave them off because we have an extremely strong producers organization which defends us from the machinations of the politicians.

We have been able to keep ourselves independent. We do have a small check-off but it is organized by us for us. We deal with our own business and we do not have any government intervention. It is lovely.

There is a situation in my riding which I think is relevant. There is a fellow who grows organic wheat as he calls it, no pesticides and no herbicides. It is not a special crop in the sense of Bill C-26, but a special crop nonetheless. He has problems with his marketing. The elevator system cannot handle the product because the moment it touches a commercial elevator it is no longer certifiable. It will be contaminated with the product already in the system. That cannot be avoided. He has to find his own markets. He has to arrange the transportation. He does it all himself.

● (1305)

Right now Mr. Arnold Schmidt of Fox Valley in my riding has a trailer load of his product sitting at Emerson, Manitoba. This trailer load of product has been hijacked by the federal government. He wants to get it across the border. This is not a carload of grain in a hopper car. It is a bagged product sitting at Emerson, Manitoba. It costs the man $25 a day to have it sitting there effectively under seizure. He can bring it home if he wants to but this would not be a terribly productive operation. If he does, it will cost him more money.

He is supposed to buy that product back from the Canadian Wheat Board. In other words it can be sold to the Canadian Wheat Board and then bought back. In the process about 90 cents a bushel is dribbled off to the government for a service that was not provided. He is not in any pooling system. They cannot use his product but under those regulations he would have to pay into the pool. He has to pay ransom to get his product out of the country.

Understandably this man is a little upset. The problem is that this is his sole means of livelihood. He grows literally thousands of acres of organically grown grains. He is marketing it mostly in Canada but some of it goes outside Canada. There is an outfit in the states called Our Daily Bread which deals in nothing but organically grown grain.

All of a sudden, without warning and for no apparent reason, the government has decided it will enforce this and nail the guy down. This is an example of how the benevolence of government, doing

things that are supposed to help us farmers, can simply make life difficult for us.

The people who grow beans, peas and lentils to a large extent are doing it because these products are not under government control. It is a free market out there for this stuff. People can do as they like just as I can do with my cattle. They have their own producers organizations which apparently function very well. However when the government sees something that is not regulated ''My God, we have to do something. These people are dangerous. They are making a living and we are not involved''.

This drives me around the bend. How many years have we been growing specialty crops on the prairies? Not very many. Perhaps one of my colleagues could tell me. Is it 12 years, 15 years?

An hon. member: Fifteen years tops.

Mr. Lee Morrison: Fifteen years tops. It has taken that long for the government to wake up to the fact that there is something out there it has not yet regulated ''We have failed in our duties as a government. Let us get out there and grab them by the neck''.

I return to the specific amendments being proposed. They certainly will ease the pain. Why anybody should be subjected to a form of negative billing by their very own government truly escapes me.

When the cable companies during the last parliament were negative billing on their cable services, there were members on the other side who went berserk. Now the government is proposing negative billing and apparently it is quite all right. Mother government has determined that this is the way to go.

Again my compliments to the member for Brandon—Souris. I wholeheartedly support his amendments. I wish the amendments went further in the sense that I do not think that too many of these people growing specialty crops if it comes right down to it even want the bill, but if we are going to have it, surely it could be improved.

● (1310)

Mr. Charlie Penson (Peace River, Ref.): Madam Speaker, I am pleased to join the debate today on the second group of amendments to Bill C-26.

There has been quite a debate here about government's role in the specialty crops area. I think the phrase that is hated most of all on the prairies is ''I am from the federal government and I am here to help you''. That is when farmers and producers head for cover in the back 40. They know they may have a well-intentioned government out there ready to provide a program but quite often it goes off the rails in the process. Some of my colleagues have already talked about that today.

The issue here really is a matter of whether this is a voluntary check-off or one that is a negative option billing and has to be applied for. It seems that government has not learned a lesson from the cable television industry issue that raised so much furore a couple of years ago. It is okay to back off there but when it comes to farmers, mother government knows best. It sounds like something we used to hear out of Russia in the height of the central planning days. It certainly did not work there and I do not see how it is going to work here.

The issue itself of whether there should be insurance for these producers of specialty crops is not a bad one but it is one which should be decided by the producers themselves. As one of my colleagues said earlier, if we take half a per cent here and one per cent there, pretty soon it adds up to something big. Farmers are under a lot of stress already and have difficulty competing. They want to decide for themselves whether they want to take insurance.

On my own home farm in Alberta we do not choose to take hail insurance. It is an option we have. It is a management tool. It is available. That is the way it should be with regard to the specialty crops issue. It should be available. If farmers want it, they will support it. If enough of them support it, it is going to be a viable option. If they do not, or if only 20% support it, maybe it is not going to be viable and maybe it is something that really is not needed. It seems to me that farmers should have that choice.

Choice is not something the government seems to offer when it comes to farmers. On the Canadian Wheat Board debate, if there was a choice offered, producers would vote with their product. They would support whatever system worked best for them. Maybe two systems could work side by side, the Canadian Wheat Board working side by side with the free market option. Maybe it could work that way and I think it probably would. Surely the choice should be left up to the producers. It is in every other aspect of Canadian life. It seems to me that is what should be done here as well.

It bothers me that the government has chosen to take a negative approach, that farmers have to pay it unless they want it back. The government seems to think that farmers will forget about it and it will sort of chew away and that money will be added to the pool.

If this was voluntary and farmers decided not to take it, what is the issue? The farmers would no longer be eligible for that insurance. Farmers would know that, in the same way they know that if they do not choose to take crop insurance they are not eligible to collect. If they do not choose to take hail insurance, they are not eligible to collect hail insurance. It would be the same here. It is a choice.

It seems that the government has a condescending view of farmers, that they are people who cannot run their own lives and do not know how to operate a business. I have a big surprise for the Liberal government. Farmers know full well what they are doing. They are running operations which in many cases are in the millions of dollars. They make choices every day. They make choices on what kind of fertilizer to put on, what kind of seed, what is the best kind. They access information through the Internet on the best varieties. These people are intelligent. Surely they can decide whether they want an insurance program for specialty crops.

● (1315)

In the Peace River country a lot of people are growing peas, a speciality crop. It is a management tool that surely should be available to them but let them make the decision. Why should they have to wait a year to get their money back if they do not want to participate in the project? They would not be covered for the insurance if they decided to get their money back at the end of the year. The pool would have that money for a full year. It is a bureaucratic set-up. It takes time to get it back and for the check-off to take place. Surely the better system would be to have it voluntary so that they would say this is a management tool they want and need in their business.

Another issue is the issue of having some responsibility for farmers who do not want to take that insurance. They have a choice in to whom they sell product. They have a choice in the same way that if I produced a book I could sell the book. If I produced a pen I could sell it to somebody. If I thought the person was a poor credit risk, that he or she would go broke and not pay me, I would want to do some investigative research to know it was a stable company when I hauled my product there.

Why do we need government interfering in all that process? Could it not just be a process for those people who choose a voluntary process? Could it not just be a process that says ''I will sell my peas off my farm to that company, but before doing that I want to know that when I get a cheque it will not be NSF, that the company is good for it. I have a choice of whether or not I take insurance. If I decide I do not want that 2% cost to me I will do my own research and find out whether or not it is a viable company?''

I suggest that 98% of the commerce that goes on in Canada out of a $750 billion gross domestic product takes place in that manner. Government does not interfere in all areas of business. When we buy a car there is no insurance that says the company will to produce it. It is a simple business transaction. It seems to me the same should apply here.

Those are my comments. I know a lot of people in my riding of Peace River would choose not to participate if it were voluntary. There are those who would choose to participate. I guess it would be a matter of whether there were enough people involved in the process to make it into an economic feasible insurance program. If there are not enough people who want to participate maybe it should not be in place to begin with.

Mr. Rick Casson (Lethbridge, Ref.): Madam Speaker, it is a pleasure to rise today to speak to the amendments to Bill C-26. I thank the member for Prince George—Peace River and the members of the agriculture committee from the Conservative Party for working on the amendments and coming up with a very good list of improvements to the bill. It is a pleasure to rise to support the amendments that the Conservative Party has put forward today.

The idea that farmers and producers need government involvement in regulations to implement an insurance plan is wrong. These producers are running huge operations and are very capable of making proper management decisions to maximize the return on their investment.

Right now across the prairies it is springtime and choices are being made as to what crop to seed, how to prepare the seed bed, when to do that, and everything that goes along with those decisions: fertilizer, spray or whatever. They are made by the farmer because the farmer makes those decisions in his own best interest.

The idea that government has come forward with this licensing program to have a negative option billing system is wrong. We saw it last year or the year before when cable companies were trying to use that method. It is just not right, the fact we have to tell somebody we do not want that and unless we say no we will get it.

What is that? That is not the way the country should be run. If farmers want to be involved in an insurance plan they will indicate that they want to be involved. They will let the minister know up front and they are involved. This way they have to let the minister know they do not want to be part of the plan. The levy is still taken from them and then they have to apply to get it back. That just creates another set of books to be kept by farmers.

● (1320)

All we are hearing is that producers want government out of their lives. They want to be able to make their own decisions, run their own operations and do what they know is best for them. They do not need to keep another set of books. They do not need to pay their accountants another $50 or $100 to figure this one out. If they could let it be known up front that they do not want to be involved, it could be a voluntary process. It would go a long way toward improving what the bill is trying to do.

We are speaking in support of the amendments in Group No. 2 put forward by the Conservative Party. They were also raised and discussed in committee. They are good amendments. They are

good quality suggestions on how to improve a bill and make it more friendly for western producers.

However they were defeated by Liberal committee members. They have come back in this form and there is a chance to debate them in the House. They were debated at committee. Witnesses came before committee to suggest some things and now we have the ability to discuss them here, to have another airing of them. I hope government members will see the light and find their way clear to support some of them.

There is this idea of government being involved in everything we do in our lives. What is government's role in the lives of farmers and Canadians in general? How much should it be involved? We are being overregulated, overgoverned and overtaxed. We need the government to establish an atmosphere in which we can thrive. That is all we ask. We ask to be left alone in whatever endeavours we choose. That is certainly true for the agricultural community. Some people in the agricultural community are far better qualified to have more input into how things can be developed in Canada than any government member.

We debated the Canadian Wheat Board Act about a month ago. Government members all voted for that bill with its amendments. Yet only 14 of them had a direct relationship to the western grain producer. That shows how these things can be taken away from the people who have most to do with them.

We should create an atmosphere within the agricultural community for entrepreneurs to come forward, to develop their own skills, and to have voluntary means for becoming involved in different programs. They are asking for the option to run their own lives. They want the government out of their lives. They fill out enough forms. The government knows enough about their operations already. It does not need to be involved any more.

I offer my support to these amendments. I hope the entire House will see the merit of them.

Mr. Allan Kerpan (Blackstrap, Ref.): Madam Speaker, I listened to some of my colleagues speak to the amendments to the bill. It brought me back a few years to shortly after we were first elected in 1993. This issue arose then. It was a fairly major issue in my part of Saskatchewan.

In my old riding of Moose Jaw—Lake Centre a good number of people produced specialty crops. There were also dealers that bought and sold the various crops. I talked to many of those fellows at that point in time. A great many were certainly supportive, if not anxious, to see some sort of insurance program whereby producers could be assured that their produce would be insured against any company that might happen to get into financial trouble.

Many dealers wanted to see this take place. Unfortunately it did not happen as quickly as it might have or could have, but it was not for lack of trying on many people's part. At that time some government members liked the idea of an insurance program. I see one of them in the House right now.

• (1325)

That is not what I am here to argue or to debate today. I truly believe that there should be and must be some way to protect dealers and producers from unfortunate events taking place within a company.

What strikes me as odd is that if we speak with farmers in the coffee shops and grain elevators in central Saskatchewan where I come from, generally speaking the federal government will become the laughing stock of the conversation. This is not all the time but a lot of the time. The angle farmers take is that the federal government is in their faces again and whenever it gets involved things cannot be good.

This amendment allows producers to have voluntary participation in the program. That is the key to having some success within the system.

If we look at other aspects—and we do not have to be farmers to think some of these ideas—obviously we do not have carry fire insurance on our houses if we do not want to. It is voluntary. We do not have to carry insurance on possessions if we choose not to. Obviously most Canadians carry insurance because we could not afford to have any type of major loss.

That is also the case in the farm business. Many farmers carry crop insurance because they cannot afford a single loss. They all carry insurance on their farm machinery because they cannot afford to lose a $200,000 combine, which would break many producers.

The key is that the whole system is voluntary and that is what makes it effective. As a farmer I have not carried crop insurance for about 10 or 12 years because I thought it was too expensive for what I might get back out of it if I lost a crop. I was prepared to look after myself in the event of crop failure. We have had a few in Saskatchewan. We are not like Peace River in northern British Columbia where if they do not get 60 bushels an acre it is a failure. I happen to live in Saskatchewan where we are quite happy if we get 60 bushels in two or three acres. That is the difference.

Mr. Wayne Easter: Try P.E.I.

Mr. Allan Kerpan: We hear the member for Prince Edward Island. Those people happen to be very wealthy. I do not know why he is even in the House speaking about this issue because they do not need an insurance program in P.E.I. The point is that it has to be voluntary.

I will look at a side issue, GST, and how it is collected from farmers. A huge bureaucracy has been created in Revenue Canada to handle the GST revenue. It is ridiculous. I have always said that.

If farmers are buying a product, a piece of equipment or something that they need for the farm and it is zero rated, why do they pay the GST up front, go through the bureaucracy of applying

to get it back, run it through a paper trail that is six miles long and finally get their cheques back for the GST in about four or five months?

Mr. Lee Morrison: You just don't understand.

Mr. Allan Kerpan: The member for Cypress Hills—Grasslands says that I do not understand. I guess he is absolutely right. I just do not understand why we do these things in our system today.

There is a simple way to do it in Bill C-26. We have the computer system and the technology. We have other check-offs to which we have access if we want to take them. However, when I sell my load of lentils and if I choose to buy the insurance should be up to me. It must not be up to the bureaucracy or the federal government.

One of my learned colleagues in the Chamber just a few minutes ago mentioned the cattle industry. I produce a few cows. I have the opportunity to sell to whom I want. I do not have to worry about check-offs. I do not have to worry about the bureaucracy. If I lose money by selling to the wrong person and a cheque bounces, that is my responsibility. I have nobody to blame but myself.

• (1330)

For far too long, in both provincial and federal governments, we as a country, in all areas of our society, have come to say that government must be all things to all people.

The time is long past for that kind of thinking. We must take some responsibility for our own actions. If we buy something that does not work, if we sell something that does not work, yes it is unfortunate, but we have to be prepared to look after ourselves.

Another issue that comes to mind is the Canada pension plan. We went through a huge debate on that during the last six months as to how it should work. We are hearing more and more people say they are not going to rely on the CPP because it probably will not be there when they retire.

That is the same kind of thinking that we are getting from farmers in the agriculture industry. They are saying ''Get out of my face. Leave me alone. I will look after myself. If things go bad I have no one to blame. Nobody else has to take that responsibility''.

A member of our party mentioned a while ago the pretty good success that farmers, at least in western Canada, have had with special crops. My area is no different. We have been able to grow lentils, peas and other things that we never grew before simply because the varieties are better and we have had good weather, resulting in some decent crops.

We made some money over those few years. We have made a few dollars on those special crops. In fact they have kept a lot of the farmers in my area in business. During the late 1980s and early 1990s prices were deflated and many farmers went bankrupt. They were forced to switch to those special crops. The only thing I would say is that we probably waited a little too long because they have been very good for us. What could put a damper on that sector of the industry is overregulation from any level of government and I think that is what we are seeing in Bill C-26.

Bill C-4 which amended the Canadian Wheat Board was passed by this House not too long ago. It is now in the Senate. Again, that bill will overregulate. It will put people in place to create a huge bureaucracy where none is required.

I would tell the government to back off, to listen to what the regular farmers are saying and only give that type of assistance or help where people want it and where it is required.

I would say to the member for Brandon—Souris that I appreciate the fact that he brought this amendment back to the House at this stage. Certainly I would support that kind of thinking.

Mr. Roy Bailey (Souris—Moose Mountain, Ref.): Madam Speaker, I am pleased to join in this discussion again, simply because we have something here which I believe we do not want to make compulsory.

I want to draw to the attention of my hon. friends opposite that in Saskatchewan and the three western provinces at this time those farmers who wish to contribute to research do so and it is deducted at the elevator. Those who do not wish to do so have no deductions.

I might add that it is not compulsory. There is not very much complaining; none in fact. But the number of farmers who are contributing, according to the latest information I have, is very high.

An hon. member: How high?

Mr. Roy Bailey: I do not know, but the last I have is that it is high.

But I do know this. We have a new venture. We have a new series of crops. We have a new industry in the west. All of a sudden the thinking is that if we cannot get more compulsory aspects into it then of course that is a bad thing.

What the hon. member for Brandon—Souris is doing in bringing in these resolutions is simply saying ''Let the industry, the agency and the board prove themselves. If they want to go in and take insurance, fine. Let them take it. If they do not feel it is worth it, then let them opt out''. That is how simple it is. But to demand insurance when there is no proven product is not a very good thing.

If I carry house insurance with the same company for a number of years and I find out that when I put in a claim I get zippo out of it, what am I going to do? I am going to at least change companies. Under this plan they will not have a choice; they are either in or out.

• (1335)

These motions deal with the insurance plan. If they can prove to the producers that it is good, then they will have them all in. If they see that it is not good, they have the right to drop out with nothing to declare. Nothing could be fairer.

When we have a new commodity group coming into being I do not understand why they want to add a compulsory element. Why do we not let the producer decide? It is his crop and his risk, so let him decide. We should not force him into a program where he may wait two or three years after his premiums have been used up to see whether it is valuable or not. If we go into this we should at least allow it to be voluntary.

Some things we need to have compulsory insurance on. All across Canada we need to have compulsory insurance on our cars. The reason for that is not so much that we may wreck our own property, but we may hurt someone else. We can all understand that type of compulsory insurance. It is not compulsory to put fire insurance on our houses and it should not be compulsory for the producers of the specialty crops to have to put insurance on those crops. Many people feel they cannot afford to do this. Therefore, to make it compulsory is not adding anything whatsoever to this industry.

Ask the western farmers if they should have this. What did the witnesses say in committee? Did they say they wanted compulsory insurance? No, they did not say that. If they did not say that, if the producers do not want it, I think we are going too far by making it mandatory.

Yes, they can have insurance. Let them enter the insurance plan, but if they do not want to stay in it then let them out. Let the thing work on its own merit. We should not have something that is compulsory and keeps going because it is run by a few, whether it is making payments or whether the producer is left to evaluate it.

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

Some hon. members: Question.

The Acting Speaker (Ms. Thibeault): The question is on Motion No. 2. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Ms. Thibeault): The recorded division on Motion No. 2 stands deferred until tomorrow afternoon at the end of Government Orders. The recorded division will also apply to Motions Nos. 3, 4 and 6.

* * *

DNA IDENTIFICATION ACT

The House resumed from May 4 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 of Motion No. 7.

• (1340)

Mr. Chuck Cadman (Surrey North, Ref.): Madam Speaker, I am pleased to participate in the debate on Bill C-3 at report stage. I will restrict my comments to Group No. 3.

I support the amendment as proposed by the member for Sydney—Victoria even though it causes me some concern.

Throughout the review of this legislation by the Standing Committee on Justice and Human Rights we heard from many witnesses about their fears and worries over abuse, leaks and criminal misuse of the DNA databank. To overcome these fears and to protect against the wrongful use of DNA information we need some form of consequence.

The hon. member for Crowfoot proposed an amendment before the justice committee to limit the punishment in clause 11 to strictly indictable with a maximum term of two years. Motion No. 7 maintains the dual procedure aspect, but increases the maximum indictable procedure to five years. If we are to protect the information in the databank we require sufficient consequence to offenders.

I believe that many of the naysayers to DNA legislation will be brought on side when parliament impresses upon them how seriously we intend to attempt to protect potentially sensitive DNA information.

Mr. Jay Hill (Prince George—Peace River, Ref.): Madam Speaker, it is a pleasure for me to address the amendment in Group No. 3 to Bill C-3. At the outset I would like to state that this particular amendment addresses two real concerns that I hear constantly from Canadians as I travel across Canada and throughout my riding.

One is the whole issue of the privacy of the individual; the privacy of individual Canadian citizens. The second issue concerns sufficient deterrence to dissuade Canadians who might break the law in some fashion. In this particular case we are talking about

those who might reveal information contained in DNA sampling. We want to make the threshold of the penalty sufficiently high enough to ensure that people will be dissuaded from releasing that type of information.

Very clearly, as my hon. colleague for Surrey North just noted, during testimony when the justice committee was reviewing Bill C-3 there were a number of concerns brought forward by witnesses dealing with these two fundamental issues. One concern is privacy. How will the DNA samples be protected to ensure they will not be used in a manner in which they are not intended to be used? We have seen cases in the past dealing with income tax and other issues whereby government agencies obtained certain information about Canadian citizens which was ultimately leaked into the public arena. A growing concern for Canadian citizens is their fundamental right to privacy. One of the major stumbling blocks in this DNA legislation is the need to convince Canadians that it will be used appropriately and properly and that the legislation is in place to protect the well-being of society, because there is an inherent distrust.

I would suggest that with the advent of things like Bill C-68, the gun registration, there is a growing inherent distrust of government on the part of the average Canadian citizen. There are some good reasons for that. Citizens have seen some of their fundamental rights continuously eroded, continuously chipped away by big government. Big government knows best. Big government is going to look after us from the cradle to the grave. We had some speeches on this very point in the preceding debate on Bill C-26.

We have to ensure that the concerns about the right to privacy are adequately addressed. How are we going to ensure that? Simply put, as my hon. colleague from Surrey North just said, deterrence has to be sufficient. Any individual who would break the law and reveal that information has to be dissuaded from doing it. We want to have the penalties sufficient to deter them from doing it. I often refer to the system not as a criminal justice system unfortunately but as a legal system. Too often we see in our criminal justice system that it is not meeting the needs of the average Canadian.

• (1345)

The system is failing. A large part of that is because there is inadequate punishment for crimes. We need some minimal sentences. We need some sentences that truly deter those who would break the law.

We have seen in the last couple of years farmers receive more punishment for trucking a load of grain across the U.S. border and selling their own product without getting the necessary Canadian Wheat Board permits than someone who commits rape, someone who preys on the most vulnerable in our society, the women and children. It is disgusting that people can get away with conditional sentencing. Those people are not deterred whatsoever from committing heinous crimes against the most vulnerable members of society.

This Liberal government continues to do nothing to address the issue of conditional sentencing and the need for minimal sentences to deter these individuals. This is absolutely appalling.

We have contained in Group No. 3 a proposal that deserves serious consideration. We want to increase this penalty from two years to five years to make it sufficient to hopefully deter anyone from doing such things and, perhaps more important, to ensure Canadians can have confidence that the government is serious about preventing this information from getting out.

These Group No. 3 amendments deserve serious consideration and I urge all members to do exactly that.

Mr. Allan Kerpan (Blackstrap, Ref.): Madam Speaker, I appreciate the opportunity to speak on Bill C-3, the taking and storing of DNA samples.

When the solicitor general introduced the bill last fall I attended the press conference for the release of the bill. One of the biggest concerns members of the media had was how we would protect ourselves, protect society from the misuse and abuse of someone holding key information that we all contain in our bodies, DNA sampling.

I want to make it straight, up front, plain and clear that we in our party felt the idea of a DNA bank and sampling was a great idea, a wonderful idea. Make no mistake, we certainly support that type of thinking.

I spent a week in Washington, D.C. last fall speaking with experts about DNA sampling and other justice matters. One of the things I discovered when I was there is how much faith the Americans are putting into this DNA bank. Certainly there are some things in the American system that I would not want to see in Canada, make no mistake about that. The feeling among the scientific and technological community in the United States is that this is the biggest breakthrough since the introduction of fingerprints in being able to identify criminals. That is a huge step. This DNA identification act is such an important part of such groundbreaking technology that it has the absolute ability to solve crimes committed many years ago. Where most evidence may have been lost, misplaced or forgotten about, we have the ability under this bill with this kind of technology to solve a crime that has remained unsolved for years. Think of the impact that is going to have on families of victims.

• (1350)

Many who have never been able to find out who committed a terrible act against a member of their family will now have that opportunity through this technology to solve those crimes.

On the other side of that, and we have seen it recently with a couple of major cases in Canada, is the ability to exonerate people who have been wrongfully accused. There are people on both sides of this issue, also those who would like to see DNA not used for many reasons. We have now the ability to exonerate people who have been wrongly convicted. I think that is just as important as it is for those who need to see crimes solved.

The key to this is that the samples for this DNA registry must be taken at the proper time, used properly and stored properly. That is what Group No. 3 deals with, the absolute assurance that these DNA samples will not be used for other types of activities that would be both illegal and morally wrong.

I have been a strong supporter of the idea that we need to take DNA samples at the point of arrest because obviously that is the most beneficial time. We need to have those samples go with that accused person right through their trial and if they are found guilty, those DNA samples would remain a part of our DNA registry that would become a large part of our criminologists' files.

The final step is that the samples of those people who are found not guilty must be removed from the registry in order to safeguard the privacy of innocent people.

Group No. 3 also talks about the ability to assure our society that these samples are not used improperly. This is an opportunity to have a very strong set of regulations in this area. I spoke a few minutes ago on Bill C-26. I said government overregulates and we have far too much bureaucracy and I still believe that. But here is an area where we must come down hard. We must use the maximum amount of punishment to assure people that their DNA samples will not be used for devious purposes. This is an area where government policy and laws need to play a very important role.

We all know people have access and have the ability to hack into computers. We know this is happening. There is no question in my mind that people are getting into our police computers on a regular basis and it is pretty hard to stop. We must have strong enough laws in place to make sure that those people are caught, convicted and punished to the full extent of the law.

That is the only way we are going to see a DNA registry really have the acceptance and the success that I think it can have. It can be a major breakthrough in crime detection and even prevention. We know a criminal will say that if there is an increased chance they will get caught for this crime, they will think twice about committing that crime in the first place, especially in the areas of rather petty crimes.

We have to put all the links of this chain together to make Bill C-3 successful, in the taking and storing of DNA samples.

• (1355)

Without all those pegs being put into the proper holes, the registry or the bank itself has the very strong possibility of not being successful and not being used to its fullest extent.

I really support the kind of idea where we would come down heavy. I want to also be a little negative toward the government because in some areas of other amendments that we proposed for this bill, it has pretty much ignored us.

The government is not prepared to move on some of the amendments we talked about such as taking samples at the point of arrest. I think without having all these links in place the bill itself may fall far short of what it is really capable of.

Mr. Monte Solberg (Medicine Hat, Ref.): Madam Speaker, it is a pleasure to speak to the Group No. 3 motions of Bill C-3, an act that would bring about a DNA database.

There are two key issues we need to address here. One is the issue of privacy and the other is the issue of deterrence. My friend from Prince George—Peace River talked a little about this.

I think it is very important that whatever system is put in place people know their privacy is ensured. As finance critic for the official opposition, I could say how many times we have had people come forward to say how very concerned they are with respect to the information they have to give to banks and to government organizations.

People want to know that information will not be misused. That is a pretty important consideration. I think a lot of people are concerned in a day and age where technology has become all encompassing.

Giving information to one person may mean that it is spread out, that everybody has access to it everywhere. It is a very legitimate concern. I support the hon. member's motion to put in place some big penalties to ensure that if people misuse this information they will face a very severe penalty, up to five years in prison.

I support this absolutely because knowledge is power. I think we need to ensure whatever system is set up that we have the right deterrents in place to guarantee that the information will not be misused.

I support what the hon. member has brought forward as a motion in Group No. 3. I think it is a good idea. We need to support it.

The Speaker: My colleague, you still have eight minutes left. I know you were just getting into the meat of your argument. We will return to you right after question period.

STATEMENTS BY MEMBERS

[*English*]

ITALY

Mr. Sarkis Assadourian (Brampton Centre, Lib.): Mr. Speaker, I rise in the House today to honour the victims of the tragic mudslides that ravaged southern Italy last week.

In an instant the mudslides destroyed homes and buried families, killing hundreds and destroying the lives of thousands. Almost 2,000 people are homeless and the economy of the region will feel the effects of the disaster for years to come.

The Ontario Federation of Clubs and Associations of Campania has established an account with the Toronto-Dominion Bank, branch 1890, account number 642. Donations can be made at any TD bank in Canada.

I encourage Canadians to once more show their generosity and solidarity and to contribute to the relief efforts for the victims of the tragic mudslides.

* * *

JUSTICE

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, it has now been 335 days since the justice minister was sworn in. It has been almost one year since the minister claimed amending the Young Offenders Act was a priority.

The minister has been promising for months to introduce those amendments in a timely fashion. What changes has the minister made to the Young Offenders Act after almost a year of claims and promises? Absolutely nothing.

We have had nothing concrete from the federal justice minister despite the justice committee's recommendations tabled over a year ago. We have had nothing in spite of the urging of the provincial attorneys general and we have had nothing in spite of the demands of Canadians from all across the country for a toughening of the Young Offenders Act.

● (1400)

Spring is here. The tulips are in bloom. It is time the gopher got its head out of the hole.

* * *

SKILLS TRAINING

Mr. Roy Cullen (Etobicoke North, Lib.): Mr. Speaker, I rise today to highlight the remarkable achievements of two programs in my riding of Etobicoke North that are helping unemployed workers to get the skills they need to take their rightful place in the workforce.

S. O. 31

The Rexdale micro skills project assists recently unemployed women and offers targeted solutions to meet their diverse needs. Going into its 13th year of operation, this program offers computer skills for accounting, for business and industry, for Internet training and training at automated work stations.

The program offered at Humber College provides each client with a unique return to work action plan.

[*Translation*]

Together, these two programs will help 735 unemployed persons to gain the skills required to get and keep a job.

These valuable programs owe their existence to $3 million in funding from Human Resources Canada.

[*English*]

This is money well spent. I can happily report that 65% to 75% of the Humber College clients and 80% of the Rexdale micro skills graduates go on to full time employment. Bravo.

* * *

HIRE A STUDENT

Mr. Wayne Easter (Malpeque, Lib.): Mr. Speaker, this year marks the 30th anniversary of the hire a student program offered through Human Resources Development Canada. The human resources centre for students on Prince Edward Island is working diligently to make this anniversary year the most successful hire a student campaign to date.

This year the centre is also offering services to the farming community. Farming operations that require student workers will have their listings posted for interested and qualified candidates to speak directly with them.

To all island businesses that have supported hire a student in the past, a very hearty thank you. And to those employers who have not experienced the positive impact a student can make to their business, I urge them to become part of this year's 30th anniversary of the hire a student program.

Congratulations to all involved in this program under the youth employment strategy.

* * *

DRUNK DRIVING

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, I want to introduce my colleagues and the people of Canada to a committed and dedicated family from Langley, British Columbia who are in the gallery today.

Ken and Eileen Roffel have worked tirelessly to get drunk drivers off our roads by speaking out about zero tolerance. You see, their son Mark was murdered in Langley, British Columbia by a drunk driver. Since that terrible ordeal they have raised immense awareness about drunk driving by getting petitions signed. Today I

have the privilege of submitting one of the largest petitions ever sent to the House of Commons.

It cannot stop here. This House will prepare a draft bill on drunk driving no later than November 30, 1998. We must pay attention to the message Ken and Eileen have brought us through hundreds of thousands of Canadians signing this petition. Do not drink and drive.

Finally, I want to say this. The murder of Mark Roffel was senseless but his family and hundreds of thousands of Canadians will remember him forever. His story will live on through a positive change in drunk driving legislation.

* * *

VAISAKHI

Mr. Gurbax Singh Malhi (Bramalea—Gore—Malton, Lib.): Mr. Speaker, Sikhs in Canada and around the world are celebrating Vaisakhi, the 299th birthday of the Sikh faith Khalsa, along with festivals associated with the harvest season.

I am sure all members will join me in congratulating Canadian Sikhs and recognizing the credible and considerable contribution they have made to Canada during their 100 year presence in this country.

Today I would like to invite all parliamentarians to join me and members of the Sikh community in the Commonwealth Room following question period for Vaisakhi celebrations.

* * *

EMPLOYMENT

Ms. Carolyn Parrish (Mississauga Centre, Lib.): Mr. Speaker, I rise in the House to comment on the steady decline in Canada's unemployment rate. At 8.4% unemployment is at its lowest level in almost eight years.

I am also pleased that much of this new private sector job creation is taking place in my own province of Ontario. Thanks to federal economic policies, interest rates are down and economic activity is up.

Unfortunately the Ontario government has chosen to sacrifice this considerable fiscal dividend by ploughing ahead with an irresponsible 30% across the board tax cut. That means closed hospitals, overwhelming demand at food banks and sky high tuition fees. Ask Ontario's post-secondary students what they think of Mr. Harris' big heart.

• (1405)

Our government eliminated a federal deficit that had climbed to $42 billion. Now that we have a balanced budget, we are cutting income taxes for those who bore the brunt of spending reductions: low and middle income Canadians.

Balanced government policy is what brings unemployment numbers down at a steady pace, not right wing ideology that ignores the everyday lives of low and middle income families.

* * *

[*Translation*]

LEGAL SYSTEM

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, this past weekend, the people of Taschereau in Abitibi—Témiscamingue joined together in protest against our legal system, particularly the practice of releasing people without bail. Close to 5,000 signatures were gathered in three days in support of their action.

This protest was triggered by a tragic event. Christine Bertrand, 17 years old, and Laurie Lefebvre, who was just 18 months old, lost their lives when they were struck while on the shoulder of the highway in Taschereau. The driver responsible for this terrible accident fled the scene.

I wish to assure the people of Taschereau and the surrounding area that they can count on me to support their petition and to bring it to the attention of the House of Commons. They can also count on me to make the necessary representations to the Minister of Justice.

In closing, I wish to express my condolences to the families of the victims and to the community of Taschereau, whom this tragic event has brought together in great solidarity.

* * *

[*English*]

COURAGE TO COME BACK AWARDS

Ms. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, last Thursday evening I had the honour of representing the Minister of Health at the annual Courage to Come Back awards of the Clarke Institute of Psychiatry in Toronto.

The evening provided an opportunity for us to share in the remarkable stories of individuals who have shown extraordinary courage in their recovering from life threatening illness, injury or addiction and now serve as models of hope and inspiration.

I would like to thank Janice O'Born, the chair of the Clarke Institute of Psychiatry Foundation; president and CEO of the Addiction and Mental Health Services Corporation, Dr. Paul Garfinkel; and Nancy Coldham, chair of the courage committee. They are fighting the difficult battle against ignorance with respect to mental illness.

We were all very pleased and impressed by the empathy of the evening's special hosts Mark Tewksbury and Silken Laumann. Most important, we were all truly inspired by the evening's award

recipients: David Shannon, Ralph Booker, Gabriella Melendez, Jeffrey Ostofsky, Andrea OuHingwan, Sandy Naiman and Ian Chovil. They have all had the courage to come back and go that extra mile in the invaluable role of public education. They are role models for all of us.

* * *

HOCKEY

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.): Mr. Speaker, when much of the country is wrapped up in the NHL playoffs, hockey fans in British Columbia have had to suffer through another year of the Vancouver Canucks missing the playoffs.

However, not all is bleak for the BC hockey fan. Yesterday the junior A league South Surrey Eagles capped off a wonderful season by winning the national championship in Nanaimo with a four to one victory over the Weyburn Red Wings.

The Eagles capped off an incredible playoff run which saw them win 25 games and lose only three. In the Royal Bank cup tournament they won all six games, outscoring the opposition 32 to 7.

Congratulations to owner Cliff Annable, coach and general manager Mark Holick, the staff, and especially the players who showed hockey need not be about money but about the joy of playing the game.

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[*Translation*]

LEADER OF THE BLOC QUEBECOIS

Mr. Denis Coderre (Bourassa, Lib.): Mr. Speaker, the maritime provinces have replied ''No thanks'' to the leader of the Bloc Quebecois' attempts to sell them on Quebec's separation from the rest of Canada.

The francophone minority and Acadian groups have replied ''No thanks'' to the supposed advantages of Quebec independence.

The illusions of the separatists, who are desperately seeking support for their cause, have been met with ''No thanks''.

The Acadians have given his inflated promises and lame theories a resounding ''No thanks''.

What we prefer by far is a true partnership with the francophone and Acadian minorities of Canada. That is the reason we are saying ''No thanks'' to the separation of Quebec, because we prefer to live together, rather than to divide up this country.

S. O. 31

MILLENNIUM SCHOLARSHIPS

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, at the signing of the manpower agreement with Quebec, the Prime Minister justified his enthusiasm by saying that through this agreement he would be avoiding interfering in an area considered an extension of education, an area of provincial jurisdiction.

The ink was barely dry on this agreement before the government rushed headlong into this very area of provincial jurisdiction with the millennium scholarships.

Even Pierre Elliott Trudeau, the spiritual father of the current Prime Minister, said ''If a government has so much revenue that it starts looking after that part of the common good not under its jurisdiction, we must assume that government has taken more than its share of taxes''.

The Prime Minister's only ally in this area is Jean Charest, who has no respect either for Quebec's jurisdictions or for the legitimate aspirations of the people of Quebec, whom he claims to represent.

* * *

• (1410)

[*English*]

HEALTH CARE

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, a study at the Université du Québec à Montréal found that a 10% decrease in health spending would reduce life expectancy by six months for men and three months for women as well as increase infant mortality. This government's continued $3.5 billion cut to health is the real threat to medicare and to people's lives, not compensation for hepatitis C victims.

As we also know, Justice Krever found that a lack of resources at the health protection branch was a factor in federal regulatory failure of blood and the infection of tens of thousands of Canadians with HIV and hepatitis C. Instead of learning from that four year multimillion dollar Krever report and applying its lessons to other important health protection issues such as pharmaceutical drug approval, the government is choosing to slide down the path of cutbacks and deregulation, just as the Mulroney government before it.

When will we see a government that makes health care a priority and that faces up to its responsibilities?

* * *

[*Translation*]

LINGUISTIC MINORITIES

Ms. Raymonde Folco (Laval West, Lib.): Mr. Speaker, the Reform Party's new Canada act fizzled with its proposal to give the provinces full responsibility over linguistic matters.

The Reform Party members fail to understand the fact that a united Canada requires a policy on minorities that has been approved and explained by Parliament and a federal government concerned about francophone communities outside Quebec.

Assuring groups of Acadians and francophones outside Quebec that they can always count on the Government of Canada to defend their culture and their identity is a mark of respect for them.

* * *

[*English*]

WESTRAY MINE

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, in the early morning of May 9, 1992 a violent explosion rocked the tiny community of Plymouth just east of the town of Stellarton in Pictou county, Nova Scotia. The explosion occurred in the depths of the Westray coal mine instantly killing the 26 miners working there at the time.

On Saturday, the sixth anniversary of the disaster, more than 150 people gathered at the Westray Memorial Park to commemorate this tragic loss of life.

We in this House must extend not only our sympathy and compassion to the many victims of Westray but also work to ensure such a tragedy never occurs again. I urge the Minister of Justice to address the recommendations made by Justice Peter Richard in his inquiry report. Furthermore I invite all hon. members of this House to join with me in calling on the province of Nova Scotia to provide fair severance to all of the former employees of Westray mine.

In memory of the victims of Westray, let us take responsible appropriate actions as elected officials of this House.

* * *

FRANCOPHONES OUTSIDE QUEBEC

Mr. Hec Clouthier (Renfrew—Nipissing—Pembroke, Lib.): Mr. Speaker, last Thursday when the Reform Party released its so-called new Canada act, its leader said it contained some of Reform's best ideas for strengthening the federation.

If Reform wants to know what Canadians think of its best ideas, the francophone communities outside Quebec, including mine in the riding of Renfrew—Nipissing—Pembroke, have responded with a big no thank you.

These groups have told the Reform Party that there must continue to be a strong role for the federal government in ensuring that the rights of the official language minorities are safeguarded. Canada's francophones recognize this would not be possible if the federal government were to simply abdicate its responsibility to the provinces as Reform would have us do.

Reform's old ideas about abandoning official language minorities do not look any better now that they have been reprinted with a fancy new cover. They are still bad news for francophones outside Quebec. That is why Canadians continue to reject them.

[*Translation*]

You have another think coming, my friends.

* * *

[*English*]

CRTC

Mr. Jim Abbott (Kootenay—Columbia, Ref.): Mr. Speaker, Liberal backbenchers have written the heritage minister ''When CRTC appointments come from an industry, make decisions favouring the same industry and then land jobs with companies which were subject to their decision, consumers can easily lose confidence''. What an understatement.

The Minister of Industry has said that he wants appointments to the CRTC to be people who share the Liberal vision. No fear Mr. Minister. The current board of the CRTC are Liberals and are connected either to former CRTC chair André Bureau, or to the person who appointed Mr. Bureau, the former Liberal minister of communications, Francis Fox, or to the heritage minister's former campaign manager's firm, Thornley Fallis, and they all have cable connections.

The Minister of Industry also said to the House ''when you are before the CRTC somebody wins and somebody loses''. Right now Canadians are losing. I say to the minister: dismantle the current board before summer hearings, complete a thorough mandate review and if you can, make it politics free.

ORAL QUESTION PERIOD

• (1415)

[*English*]

HEPATITIS C

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, I have a simple question for the government.

Can the government confirm that over the weekend it made an offer to compensate the pre-1986 victims of hepatitis C?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, no such offer has been made. We are awaiting the meeting on Thursday when ministers will be together in the same room at the same table.

As the hon. Leader of the Opposition knows, the very purpose of that meeting is to find out where the provinces are since there is some disagreement among them and to determine whether a new consensus has been forged.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, we have been told by the Hepatitis C Society of Canada that this offer was made using the member for St. Paul's as a go-between, but the offer had strings attached. The victims were told that the Prime Minister will not compensate them unless they promise not to hold him responsible.

Why is the government still attaching strings to its offers of compensation?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, I have to tell the hon. Leader of the Opposition that his information is wrong. There is no offer. There is no agreement. There are no strings.

There is only a federal government which had a consensus among all governments in the country, which has seen some provinces change their position, and which has now agreed to a meeting of all ministers so that we can take stock, find out where the provinces stand and determine whether there can be a new consensus forged to deal with this in the appropriate way.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, I think it is very important that we be clear on the government's position, that the government be clear for the sake of the House, that it be clear for the sake of the premiers but, more important, that it be clear for the sake of the victims.

Is the minister denying that an offer was made over the weekend to the victims of hepatitis C for compensation prior to 1986?

Hon. Allan Rock (Minister of Health, Lib.): Yes, Mr. Speaker, that is not good information. As I have said, our interest is now in meeting with ministers on Thursday. They will be coming to Ottawa for that purpose. We will be sitting at the table to hear where the provinces stand on these issues and to explore whether a new consensus can be reached.

The information conveyed by the hon. Leader of the Opposition is incorrect.

Mr. Grant Hill (Macleod, Ref.): Mr. Speaker, this information comes directly from the hepatitis C groups themselves. They say they are being hushed up.

This is what the president of the Hepatitis C Society said: ''We will not be forced into silence on the issue of fault in exchange for compensation''.

Why is the government trying to silence the victims of hepatitis C?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the premise of the hon. member's question, as usual, is wrong.

We are not trying to force the victims to be quiet. We want to have a further discussion with the provincial ministers to see if there can be a new consensus, but we are certainly not trying to force anybody to be silent.

I repeat, the hon. member is completely wrong in this.

Mr. Grant Hill (Macleod, Ref.): Mr. Speaker, this information is so fresh that the president of the Hepatitis C Society has actually resigned now. The new president simply says that she will not be bought off.

I will ask the question again. Is the government going to say that there was no representation made with the member for St. Paul's on this issue to offer compensation in exchange for silence?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, I can speak for myself and indeed for the government in saying that we have made no offer. We have said nothing about anybody being silent. I have had no communication with the Hepatitis C Society during the weekend.

The hon. member's information is wrong. We are looking forward to meeting with the ministers on Thursday. Frankly I hope from that meeting we will have a better understanding of where the provinces stand and will also determine whether a new consensus can be arrived at.

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[*Translation*]

CALGARY DECLARATION

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the Prime Minister announced on the weekend that, if the Calgary declaration was approved by the provinces, he would use it to amend the House of Commons resolution on distinct society.

My question is for the Minister of Intergovernmental Affairs. Is this not proof that the Calgary declaration is largely irrelevant, because ultimately it will be used to amend a House of Commons resolution that is completely worthless because it was introduced purely to please the Prime Minister and ease people's consciences?

• (1420)

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, last Thursday, the premier of Quebec said that the Calgary declaration was dangerous for Quebeckers.

Some hon. members: Oh, oh.

Hon. Stéphane Dion: Please stop me when you have had enough. I will begin by reading the principles and you can tell me if you notice anything dangerous.

All Canadians are equal and have rights protected by law.

I imagine it would not be dangerous if it read ''All Canadians are unequal and do not have rights protected by law''.

All provinces, while diverse in their characteristics, have equality of status.

Even René Lévesque admitted that the provinces were equal in status.

Canada is graced by a diversity, tolerance—

The Speaker: I am sorry, but I must give the floor to the hon. member for Roberval.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the minister fails to understand that the Calgary declaration is viewed as dangerous because the members opposite wish to create the illusion that there will something in it for Quebec. That is what is dangerous.

If the House of Commons resolution to recognize distinct society has any value, how does the government explain that it did not rely on it when it came time to create the millennium scholarships program, which tries to force Quebec into the same mold as the other provinces and ignore its specificity?

The Speaker: Before giving the floor to the minister, I believe we do not have simultaneous interpretation. We are going to try to sort that out.

The hon. Minister of Intergovernmental Affairs.

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, the budget speech indicated clearly that we were deeply concerned with respecting the country's diversity and existing education programs, and we are negotiating very hard to respect Quebec's existing programs.

This too flows from the Calgary declaration, from our commitment to a just federation that would take into account the true nature of the country, including the unique character of Quebec society.

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, my question is for the Minister of Intergovernmental Affairs.

When we asked the Prime Minister about the sometimes odd approaches the provinces took in consulting on the Calgary declaration, he said it was not his concern and they could choose how they went about it.

What explanation does the minister have for the Prime Minister's statement on the weekend that the parliamentary commission established by the Government of Quebec was nothing more than a trap for Jean Charest? Are we to understand that the federal government has suddenly decided that what the Government of Quebec does is of concern?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, the Prime Minister is a polite man. He simply repeated what the Quebec premier said, which was to the effect that the premier wanted to trip up the leader of the official opposition—not yet, but anyway—the leader of the Quebec Liberal Party on the Calgary declaration.

This objective is not about informing Quebeckers on the content of the declaration. This is why Bloc Quebecois surveys never ask people whether they agree with the content of the Calgary declaration.

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, before they are consulted, they have to know what it is about, because 90% of the people have no idea what the Calgary declaration is about.

It was to be a sort of lifebuoy for the Quebec Liberal Party and federalist Quebeckers.

How can he now claim that a parliamentary commission to look into it suddenly amounts to a trap for the current head of the Liberal Party, Jean Charest?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, we will keep looking at what the declaration has to say.

Canada's gift of diversity includes Aboriginal peoples and cultures, the vitality of the English and French languages and a multicultural citizenry drawn from all parts of the world.

In Canada's federal system, where respect for diversity and equality underlies unity, the unique character of Quebec society, including its French speaking majority, its culture and its tradition of civil law, is fundamental to the well being of Canada. Consequently, the legislature and Government of Quebec have a role to protect and develop the unique character of Quebec society within Canada.

* * *

[*English*]

THE ECONOMY

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, tomorrow the Prime Minister heads off to the G-8 bragging, no doubt, about the rosy economy even though more Canadians are living in poverty than ever, 1.5 million children. What a tragedy.

• (1425)

Will the Prime Minister be explaining to his G-8 colleagues his Liberal government's formula for increased prosperity for the few and growing poverty for far too many?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, there is certainly a lot more to be done but I am sure the Prime Minister will explain that the unemployment rate has gone down almost 3% since he took office. It is now at the lowest rate in eight years.

He will explain that inflation has disappeared. He will explain that interest rates are at record lows. He will explain why the *Globe and Mail*, which is no friend of the government, had a headline on the weekend ''Jobs aplenty as economy booms''.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, the government's grasp of the poverty reality is about as real as the Prime Minister's homeless imaginary friend. Maybe the next team Canada mission should be right here at home so the Prime Minister and his colleagues can discover the Canadian reality of growing poverty.

Child poverty in Canada is the highest in 17 years. Will the government recommit to Canada's millennium project, unanimously adopted by the House, namely eliminating child poverty by the year 2000?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, it is true that even though the economy has been performing very well and we are very pleased at the general approach we have been having there remains too much poverty in the country. Many Canadians find it difficult to cope with that reality. We hope that more and more individuals will be picked up by the booming economy which remains a top priority of the government.

We have for the people who still find it tough the national child benefit which we will increase in the next three years to $1.7 billion. We have also improved the family income supplement in the last budget and in many other measures regarding poverty.

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TREASURY BOARD

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, Pierre Corbeil, a Liberal Party fundraiser, has been convicted of influence peddling for hitting up companies that had applied for grants under the transitional jobs fund.

Mr. Corbeil knew which companies to go after because someone who worked for the minister responsible for the Treasury Board gave him the confidential list of companies. That someone was Jacques Roy.

Can the minister confirm whether Jacques Roy is still his employee?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, it is a fact that it is the government that asked the RCMP to make an investigation into the allegation.

The RCMP made a thorough investigation. It reviewed all allegations including the fact mentioned and made a charge against one individual who has pleaded guilty and has been sentenced.

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, the minister does not seem to know who works for him or, if he does, he does not want to admit it. Jacques Roy is still employed by the minister.

Can the minister explain why one of his staff, who was party to activity which resulted in a Liberal fundraiser being criminally charged and convicted, is still working for him?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, the RCMP has investigated these facts thoroughly. It has in the end come to a conclusion. It has charged one individual.

The government has co-operated fully with the RCMP. One individual has been charged and sentenced.

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JUSTICE

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, Reena Virk was a Victoria school girl who was beaten mercilessly by a pack of 15 young offenders. They swarmed her, beat her and burned her with cigarettes. She staggered away barely alive but they came back. They got her and they killed her.

The first two attackers were sentenced last week. One of them got away with just a year in open custody, no jail; she just got grounded.

Does the justice minister think that is fair?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, everybody is very aware of the tragic circumstances surrounding the death of Reena Virk.

Let me inform the House today that I will be tabling tomorrow afternoon before the Standing Committee on Justice and Human Rights the government's response to its proposals for the renewal of the youth justice system.

• (1430)

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, it is time for more than a response. It is time for legislation.

I hold this minister accountable for the broken Young Offenders Act which she has refused to fix for 335 days. This was the bloodiest beating in the history of Victoria. The Young Offenders Act means these murderers will just walk free.

Is the Minister of Justice prepared today to look Reena Virk's mother in the eye and say that everything will be corrected tomorrow at this little press conference?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, as we have said in this House on many occasions, the renewal of the youth justice system

is a complex and serious matter. It should not be trivialized or sensationalized for cheap political points.

Therefore let me reiterate. Tomorrow this government will table its response on the renewal of Canada's youth justice system.

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[*Translation*]

HEPATITIS C

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

The federal government is announcing that it will be seeking a consensus at this week's meeting with the ministers of health on settling the hepatitis C question.

Does the Minister of Health admit that, in order to reach a consensus between the provinces, given their far from equal financial means, he will have to agree to use some of the government surplus to inject more money in order to compensate victims?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, first we must find out the positions of the provinces, our partners in the health care system.

I trust that Minister Rochon of Quebec will be in attendance, for I am particularly interested in the Quebec position .

Mrs. Madeleine Dalphond-Guiral (Laval Centre, BQ): Mr. Speaker, how can the Minister of Health claim he wants to find a real solution for the hepatitis C victims, if he does not announce his intention to inject more money, when he is the one who can afford to and this is a prerequisite to a solution?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, the federal government has already committed $800 million for 1986 through 1990. Now we are waiting for the position of all our partners to be determined.

As the hon. member is already aware, the provinces have expressed a variety of positions, so we shall see next Thursday whether a new consensus will be possible.

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[*English*]

JUSTICE

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Ref.): Mr. Speaker, the public is tired of having this wait and see game for the Young Offenders Act. National consultations were completed five years ago, yet this government only plans now to respond with a strategy to a committee and then talk some more.

When is the minister going to introduce legislation? Will it deliver the people's agenda of real change or will the minister just rename the act?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, as I have said before, the opposition and other interested Canadians will have the opportunity to review and comment on the government's response when it is tabled before the standing committee tomorrow.

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Ref.): Mr. Speaker, the countdown to see young offenders legislation by this justice minister totals a disgusting 335 days.

Can the minister state today that her young offenders strategy response will become substantive legislative change? Will she deal with age, secrecy, consequences and victims for true young offenders rather than just youthful adult criminals under the Young Offenders Act?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I have no intention of pre-empting the role of parliamentarians by commenting directly on what is in the government's response.

I look forward to the positive contributions of the official opposition when the response is tabled tomorrow.

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[*Translation*]

MILLENNIUM SCHOLARSHIPS

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, all of Quebec agrees that the federal government has no business interfering in education and that it should let Quebec administer the federal millennium scholarships program itself, according to its own priorities.

But, once again, the federal government is sticking to its guns and trying to impose its scholarship program.

How does the Minister of Human Resources Development explain the government's refusal to make any change whatsoever in the millennium scholarships program, although that is what everyone in Quebec is asking it to do?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, first of all, I think that this legislation offers tremendous possibilities and that the Bloc Quebecois opposition has not even begun to take a serious interest in what these possibilities could be at the present time.

• (1435)

What I can say is that, one month ago, at the request of Premier Bouchard and the minister, Mrs. Marois, negotiations led by my deputy minister were begun. We are negotiating in good faith and in the firm belief that, within the existing framework agreement

and legislative provisions, we can find solutions that are consistent with the interests of young Quebeckers wishing to attend university.

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, how can the minister claim to be acting in good faith when he is stubbornly ramming his bill through and not giving an inch in negotiations? Is this not more like hypocrisy than good faith?

The Speaker: I ask you, dear colleagues, to be very careful in your choice of words, and the word hypocrisy is not allowed. The hon. Minister of Human Resources Development.

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, understandably, when they run out of arguments, they have to resort to this sort of abusive language.

We know that the millennium will be here in a year and a half. We are proud to have a government that has decided to celebrate the knowledge and skills of young people so that they can function in the knowledge economy. We wish to do this as an adjunct to the excellent work being done by the Government of Quebec with its loans and grants programs. We are going to implement the program without any duplication and ensure that our young people have access to the best options possible for the economy of the future.

* * *

[*English*]

ACCESS TO INFORMATION

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, Canada's information commissioner should be the person who ensures access to information requests are processed in a timely, comprehensive manner; no illegal shredding, no whiteouts, no lost documents. This person should be independent minded and should not be a hand picked Liberal appointee.

Why not produce a job description, advertise it and open it up to anyone who wishes to apply and who can meet the standards?

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, no candidate's name has formally been offered yet for the position of access to information commissioner. The hon. member knows it.

Anyone can apply for the position. If the hon. member has a name to offer we would be quite willing to hear it.

The hon. members across ask what the job description is. I find it unfortunate that they did not bother to read the act.

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, what we need is openness and accountability, something this government promised and has not delivered.

Can anyone in this country apply and does that person have to be a Liberal appointee and have connections to the bureaucracy in order to be appointed?

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Of course, Mr. Speaker, anyone can apply. That is obvious.

The problem is that the people across in the Reform Party have not read the act and they admit not even knowing what the job is about.

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[*Translation*]

VARENNES TOKAMAK PROJECT

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, my question is for the Minister of Industry. The Varennes tokamak research team has just received the Canadian Nuclear Association's 1998 award of excellence for its exceptional contribution to the development of nuclear fusion science and technology. Yet, tokamak is struggling to survive, for lack of federal funding.

Why is the federal government not maintaining its $7.5 million contribution, so as to ensure the survival and development of this project of the future?

[*English*]

Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, the Government of Canada has contributed some $90 million to this project in Quebec since 1981. In 1996 when the decision was taken not to proceed with fusion work the government undertook a lump sum payment of $19 million to discharge its further obligations with respect to the project. That additional sum of money was paid in 1997.

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IMMUNIZATION

Ms. Elinor Caplan (Thornhill, Lib.): Mr. Speaker, my question is for the Minister for International Co-operation.

A report this morning from the World Health Organization identifies immunization as a key factor for increased life expectancy. This reinforces the goal set at the world summit for children in 1990 to immunize every child against diseases such as polio and measles. What is Canada doing to support global immunization efforts?

• (1440)

Hon. Diane Marleau (Minister for International Cooperation and Minister responsible for Francophonie, Lib.): Mr. Speaker, Canada has been a key supporter of global immunization. This morning I announced a five year, $50 million international immunization initiative.

We are working with the Canadian Public Health Association, Rotary International, UNICEF and the World Health Organization.

Canadian vaccines as well as Canadian made syringes will be used as part of our initiative to help all children become immunized.

* * *

THE SENATE

Mr. Bill Gilmour (Nanaimo—Alberni, Ref.): Mr. Speaker, we had a lame duck question from a Liberal to a Liberal. I thought this was question period, not the time to make announcements.

The Speaker: Colleagues, if we begin to comment on the quality of members' questions, I would urge you to stay away from comments like that, as all they do is incite one another.

Mr. Bill Gilmour: Mr. Speaker, an Angus Reid poll released today shows that the majority of Canadians want the Senate changed.

Only 11% of Canadians are satisfied with the Senate as it is; over 84% want change. Alberta is taking a lead by electing a slate of senators in October. Ontario and B.C. have senate election bills pending. Clearly Canadians are not happy with an unelected, unaccountable upper chamber.

What concrete steps is this government prepared to take to give Canadians a Senate that works?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the people who answered the poll were very disappointed to learn that the Reform Party supports efforts by the provinces to elect senators who would then be appointed and then be totally unaccountable. Surely the Canadian people deserve something better than that.

Mr. Bill Gilmour (Nanaimo—Alberni, Ref.): Mr. Speaker, that has to be a Liberal answer. We have had 131 years of a system that does not work. Let us try something that will work.

The polls also show that only 14% of Canadians think the Prime Minister should replace Andrew Thompson's seat by an appointment. The Prime Minister has promised Senate reform. He has produced 28 straight partisan appointments.

My question is regarding the Ontario seat of Senator Thompson. Who will fill that vacant seat, the Prime Minister's choice or the choice of the people?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the Reform Party had a chance to bring about a real reform of the Senate when the Charlottetown accord was before Canadians. Instead it voted against the Charlottetown accord and caused any real reform of the Senate to be put off indefinitely. Reformers should look at themselves in the mirror and see where the blame lies.

POVERTY

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, my question is for the Prime Minister. The finance minister talks about growing economic optimism but a National Council of Welfare report shows devastating growing poverty. Poverty is up by 17% and child poverty has reached a high of 21%. These millions of Canadians are not optimistic, they are desperate.

Will the Prime Minister heed the warning of the national council and stop this growing inequity and set real targets to eliminate poverty?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I have looked in a preliminary way at the report and it points to a problem we are already beginning to work on.

● (1445)

In the last budget of the Minister of Finance, 400,000 low income Canadians were taken off the tax rolls completely. Millions more low and middle income Canadians are having their taxes reduced. We are increasing by $850 million the child tax credit which is aimed at helping lower income Canadians.

These are just a few examples of our efforts to deal with the issue of poverty, particularly child poverty.

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, the deputy prime minister spouts empty rhetoric while children go hungry.

The truth is that federal support for welfare, health and education has been slashed by $3 billion since 1996 and poor people are paying the price. They are standing in food lines, living in shelters and raising kids on welfare rates that keep them in poverty.

Will the government replenish transfers to the provinces and ease the suffering of the poorest of Canada's citizens?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, the very first gesture of this government was to restore the Canada health transfer by $1.5 billion. That was a very welcome gesture.

Second, this year and in the coming two years we will be investing $1.7 billion in the national child benefit to fight child poverty. We are also increasing deductions for child care and we have increased tax relief for low income Canadians. I could go on.

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ROYAL CANADIAN MOUNTED POLICE

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, a political staff member of the minister's office

has been directly involved in the commission of a criminal offence and nobody in this government is taking any responsibility for it.

The Liberal code of ethics claims transparency and accountability, which have surely been trampled in this case.

What is the President of the Treasury Board doing to prevent Jacques Roy or any other member of his staff from using confidential information to raise money for the Liberal Party in the future?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, it was at the request of the government that the RCMP made a thorough investigation.

The government has co-operated fully with that investigation. The RCMP received all the facts. It charged only one individual. That individual has pleaded guilty and has been sentenced.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, the minister seems to be suggesting that unless a criminal charge is laid everything is okay.

We know this is not the case. Pierre Corbeil did not act alone. He committed a crime thanks to confidential information provided by someone in the minister's own office.

Will the President of the Treasury Board stop hiding behind these meaningless statements and bureaucratic gobbledegook and clean up his office? Or does he condone the activities of Mr. Corbeil?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, the RCMP has investigated this matter thoroughly. It has had the full co-operation of the government and it charged only one individual. That individual has pleaded guilty and has been sentenced.

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ORGANIZED CRIME

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, this is national police week. Canadians say thank you to the police officers who work in our communities and on the front lines against crime.

More and more, Canadian society is being victimized by organized crime where the front lines are not so clear and the criminals themselves may operate from other countries.

My question is for the solicitor general. What is the Government of Canada doing to protect Canadians from this growing international threat?

Hon. Andy Scott (Solicitor General of Canada, Lib.): Mr. Speaker, the member is right to characterize the organized crime issue as international. That is why there are 1,000 delegates in Toronto this week, representing some 20 countries' law enforcement agencies, all dealing with the question of organized crime.

As we discussed this morning, the government has primarily two responsibilities. One is to provide the tools. That is why we provided the witness protection program, the proceeds of crime legislation and the anti-gang legislation. That is why we established the national co-ordinating committee on organized crime under the leadership of the RCMP. That is why next week I will be in Washington discussing this very problem with Janet Reno.

The fight against this scourge on Canadian society continues.

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THE SENATE

Mr. Rob Anders (Calgary West, Ref.): Mr. Speaker, I wonder if the minister can send us a press release.

On June 11, 1990, Stan Waters was appointed to the Senate after being elected by the people of Alberta. That did not require constitutional change.

In 1993 the Prime Minister had this to say about the Senate: ''The Liberal government in two years will make it elected. As Prime Minister, I can make it happen''.

My question is to the Deputy Prime Minister whose leader promised us an elected Senate. How does he plan to make it happen?

• (1450)

Hon. Herb Gray (Deputy Prime Minister, Lib.): First of all, Mr. Speaker, I would like to check the total transcript that the hon. member is referring to.

Secondly, to make it happen there has to be a constitutional amendment and I do not see any resolutions in any of the provinces to amend the Constitution. Until the Constitution is amended the Prime Minister has an obligation to follow the Constitution.

Simply electing people who then have to be appointed for life does not change the Senate, it just compounds what the hon. member is complaining about.

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[*Translation*]

POVERTY

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, my question is for the Deputy Prime Minister. The government made a very firm commitment to the fight against poverty. Since then, however, it has slashed funding to education, social assistance and health. This morning the National Council on Welfare issued a

statement reminding the government that it is responsible for the rise in poverty everywhere in the country.

Will the Deputy Prime Minister admit that, if the government is serious about wanting to really fight poverty, it must first and foremost hand back over to the provinces the billions of dollars it has cut from health, education and welfare, under the pretext of reducing its deficit?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the fight against poverty is currently being waged with tax cuts and increased tax credits for poor children. We are going to continue that fight until a true victory has been won. We have made considerable progress already, moreover.

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[*English*]

HEALTH

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, patients in Canadian hospitals today are receiving unlicensed blood products without their knowledge or consent. Hospitals have been informed of a shortage of the human serum albumin and told that unlicensed product is available through the Emergency Drug Release Program. Manufacturers are still not compliant with licensing regulations that were passed five months ago.

Is this not the same kind of situation that led to the spread of HIV and hepatitis C through the tainted blood scandal? Will the minister investigate this serious situation today and indicate what steps he is taking to ensure that manufacturers comply with the blood licensing regulations?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, I will certainly take account of what the member says. I will look into it and respond to her.

As a general matter, we have now agreed with the provinces to the creation of a new blood system which will open its doors later this year with a form of governance that mirrors the Krever recommendations and a form of regulation from the federal government that reflects the Krever recommendations. At least when we start the new blood agency it will be on a new foot and hopefully toward a new and safer age.

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NATIONAL FOREST STRATEGY

Mr. Gerald Keddy (South Shore, PC): Mr. Speaker, the Minister of Finance has stated that Canadian woodlot owners are like any other Canadian business. Yet Canada's national forest strategy for 1998 to the year 2003 recognizes that woodlot owners are not like other businesses and that a change to capital gains taxation is required.

I wonder what the Minister of Natural Resources thinks of the taxation recommendations in our national forest strategy.

Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, the Minister of Finance has repeatedly explained the impact of the current tax rules to the hon. gentleman.

Recently federal and provincial ministers and a variety of others interested in the forest sector have worked very hard on developing a new forest strategy for Canada for the next five year period. Over the course of those five years all of us will be working very hard to ensure that we maximize sustainable development in our forests, including in the woodlot sector. All worthy ideas will be taken into account.

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ABORIGINAL AFFAIRS

Mr. Stan Dromisky (Thunder Bay—Atikokan, Lib.): Mr. Speaker, my question is for the Minister of Indian Affairs and Northern Development.

There have been concerns expressed in my riding regarding the financial accountability of native reserves.

Can the minister tell Canadians what First Nations are doing to improve their governance structure in order to address these concerns?

Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, as was emphasized both in the Speech from the Throne and *In Gathering Strength*, our response to the royal commission, this government agrees with aboriginal people that building strong, accountable and transparent governments is a priority.

• (1455)

It is important to share with the House the progress that is being made in this regard.

I would note that the Assembly of First Nations recently signed an agreement with the Certified General Accountants of Canada to train First Nations accountants and to develop a code of ethics for First Nations accounting.

I would also note that all First Nations are developing conflict of interest guidelines as part of funding agreements. The Alberta chiefs are developing an accountability framework and through the British Columbia First Nations Financial Officers Association—

The Speaker: The hon. member for Vancouver Island North.

THE ATLANTIC GROUNDFISH STRATEGY

Mr. John Duncan (Vancouver Island North, Ref.): Mr. Speaker, the scandals of TAGS stand as a lesson that costly programs motivated entirely by politics do nothing but harm Atlantic Canadians.

It has been harshly criticized by fishermen, the auditor general and the premier of Newfoundland, and has resulted in a major lawsuit against the government. Now it wants to do it all over again.

Would the minister name one single feature of the second TAGS that will prevent the mismanagement and incompetence that dominated the first TAGS?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, I find it incredible that the hon. member can stand in the House to say that. Canadians experienced terrible difficulties when we realized there was no fish in 1992 and 1993 we had to act and act quickly.

What we did was not perfect, but what we did was the best we could do to help Canadian citizens who were in a difficult situation. We put forward that money to help the fishermen through a difficult time.

We are addressing the post TAGS environment. We are learning from our experiences of the past and we will do better in the future.

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[*Translation*]

NUCLEAR WEAPONS TESTS

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, my question is for the Deputy Prime Minister.

This morning, we learned that India conducted three limited strength underground nuclear weapons tests on the weekend. These tests are the first conducted by India since May 1974 and are part of a strategy of confrontation with Pakistan.

Will the Deputy Prime Minister inform the House what concrete action he intends to take to show Canada's disapproval of this dangerous initiative?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, Canada's high commissioner to India has already indicated the Government of Canada's concern about this event. The matter has also been raised in other world capitals.

We are taking this situation very seriously. It is completely contrary to the desired approach world-wide on the resolution of nuclear matters.

[*English*]

JUSTICE

Mr. Peter Mancini (Sydney—Victoria, NDP): Mr. Speaker, it has been over 21 years since Leonard Peltier was extradited to the United States on the basis of alleged false information.

In 1994 the then justice minister authorized a full review of the case and in February 1997 indicated the findings would be made public prior to the June 2 election. They were not.

Will the current Minister of Justice tell the House why the review has not been made public and if and when she intends to do so?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I can reassure the hon. member that we are reviewing that report right now in relation to privacy concerns.

As soon as I am satisfied and the privacy commissioner is satisfied that we can release that report I will do so.

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CORRECTIONAL SERVICE CANADA

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I understand that there is a research project in the works proposing such things as aroma therapy and massage as treatment for criminal behaviour.

Could the solicitor general confirm that CSC is investigating alternative therapies? If it is, if it could include me and a few of my colleagues on these massages that would be wonderful.

Hon. Andy Scott (Solicitor General of Canada, Lib.): Mr. Speaker, my suggestion would be that what we need to investigate is the research capacity of the Reform Party which has a tendency to make these things up.

* * *

THE ATLANTIC GROUNDFISH STRATEGY

Mr. Gerald Keddy (South Shore, PC): Mr. Speaker, Tony Cunningham of Shelburne County, Nova Scotia is anxious.

He is anxious because Mr. Cunningham will soon stop receiving TAGS support. He wonders when this government will announce the licence retirement program that allows him and thousands more like him the opportunity to leave the groundfishery.

Could the Minister of Human Resources Development inform the thousands of people like Mr. Cunningham when they can expect to hear of a package that allows them to retire their licences?

● (1500)

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, we are well aware of the situation. The TAGS program will be ending in August. We intend to address the post-TAGS environment very well. This is why we have conducted all the consultations we have with individuals, with the communities and with the provinces.

We are working very hard right now, some of my colleagues and I, to make sure that we have the best approach in the post-TAGS environment.

* * *

PRESENCE IN GALLERY

The Speaker: I draw the attention of hon. members to the presence in the gallery of Mr. Yordan Sokolov, President of the National Assembly of the Republic of Bulgaria.

Some hon. members: Hear, hear.

ROUTINE PROCEEDINGS

[*English*]

INTERNATIONAL BUSINESS DEVELOPMENT PROGRAM

Mr. Julian Reed (Parliamentary Secretary to Minister for International Trade, Lib.): Mr. Speaker, pursuant to Standing Order 32(2) I am honoured to table, in both official languages, achievements of the international business development program for 1997 and 1998.

* * *

GOVERNMENT RESPONSE TO PETITIONS

Mr. Rey D. Pagtakhan (Parliamentary Secretary to Prime Minister, Lib.): Mr. Speaker, pursuant to Standing Order 36(8) I have the honour to table, in both official languages, the government's response to two petitions.

* * *

PETITIONS

CRIMINAL CODE

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, I have the privilege of submitting a very large petition, in fact one of the largest to come to the House.

The petitioners request parliament to prescribe the mandatory minimum jail term of seven days for persons found guilty of a first offence of impaired driving causing bodily harm or death by amending section 255(1)(a) of the Criminal Code to read as follows.

Everyone who commits an offence under section 253 or 254 is guilty of an indictable offence or an offence punishable on summary conviction and is liable, whether the offence is prosecuted by indictment or punishable on summary conviction, to the following minimum punishment, namely for a first offence, to imprisonment—''

The Deputy Speaker: Order, please. I hesitate to interrupt the hon. House leader but I think he knows the rules of the House precluding him from reading petitions. I invite him to comply with the rule and summarize the petition for hon. members.

Mr. Randy White: Mr. Speaker, I thought you would allow another 10 seconds on the issue given that it is the largest petition in the House.

For a second offence, to imprisonment of not less than 14 days and finally for each subsequent offence, to imprisonment for not less than 90 days.

● (1505)

HERBAL REMEDIES

Mr. Paul Steckle (Huron—Bruce, Lib.): Mr. Speaker, I have a petition with a great number of names to present this afternoon. It is regarding the way government may regulate herbs and teas in the future.

The petitioners are basically asking that their freedom of choice not be ended in terms of how they use those products. The undersigned petitioners humbly pray and ask for their freedom back and not to have herbs and teas defined as vitamins or as drugs.

* * *

QUESTIONS ON THE ORDER PAPER

Mr. Rey D. Pagtakhan (Parliamentary Secretary to Prime Minister, Lib.): Mr. Speaker, Question No. 33 will be answered today.

[*Text*]

Question No. 33—**Mr. John Cummins:**

With regard to the refusal of sport fishing lodges, in particular the lodges owned by Oak Bay Marine Group, to provide catch data during the summer of 1995 as required by section 61 of the Fisheries Act and meetings or conversations between Ministers and the lodge operators or the Sport Fishing Institute of British Columbia: (*a*) did any Minister of the Crown meet or have conversations with either the lodge operators or the Sport Fishing Institute of British Columbia in the summer of 1995, in 1996 and in 1997, and if so, who attended these meetings or participated in these conversations; (*b*) did the Department of Fisheries and Oceans, the Department of Justice or other agency prepare briefing material or otherwise brief any Minister of the Crown or their staff for any of these meetings or conversations; (*c*) when were Ministers of the Crown or their offices first informed that lodges, including those of the Oak Bay Marine Group, were refusing to provide catch data; (*d*) did any Ministers or their staff participate in the Department of Fisheries Pacific Salmon Management Teleconference calls in 1995 which considered the refusal of the lodges, including the Oak Bay Marine Group lodges to supply catch data; (*e*) were Ministers of the Crown briefed on June 11, 1997 or thereafter on the refusal of sport fishing lodges to povide catch data to the Department of Fisheries in 1995 and the legal actions on-against them; (*f*) did any Minister or their staff meet with officials of Oak Bay Marine Group in 1995, 1996 and 1997 (other than in the occasions referenced above) and on any of those occasions did the company make clear their displeasure at being required to provide catch data to the Department of Fisheries, and (*g*) did any Minister of the Crown go fishing with a representative of

Oak Bay Marine Group in August of 1997, what was the date of the fishing trip and who was in the party in addition to the Minister?

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): I am informed as follows.

(a) It is routine for the minister of the Department of Fisheries and Oceans, DFO, and staff to meet and speak with various members of the fishing community, including lodge operators and the Sport Fishing Institute of British Columbia, to discuss stakeholder issues. Former minister, the honourable Brian Tobin, met with sport fish lodge owners on July 12, 1995, to discuss chinook conservation measures and their impacts on lodge operations. Departmental staff are unaware of any other meeting, or conversation which took place during this timeframe relating to the context of the question.

(b) With regard to the July 12, 1995 meeting reported in (a) above, any briefing which took place was verbal information provided by senior departmental officials.

(c) Further to the honourable Brian Tobin's meeting on July 12, 1995, with sport fish lodge owners, the honourable Brian Tobin was informed about the subsequent refusal of lodges to provide catch data on August 17, 1995. Former DFO minister, the honourable Fred Mifflin, received briefing material on June 10, 1996. Departmental records indicated that the honourable David Anderson, at the time minister of revenue and member of parliament for Victoria, was briefed in late July, 1995 regarding the refusal of lodges in the Queen Charlotte Islands, B.C., including Oak Bay Marine Group, to provinde catch data to DFO.

(d) Departmental officials advise that a staff member of former DFO minister the honourable Brian Tobin's office attended one DFO Pacific salmon management teleconference call on May 26, 1995, which discussed proposed chinook salmon conservation measures. Discussions included expected opposition to the measures by Queen Charlotte Island lodge operators including Oak Bay Marine Group. The department is unaware of any DFO minister or his staff members participating in further teleconferences.

(e) Departmental staff provided a response to an anticipated oral question for the House of Commons relating to the referenced subject matter to the honourable David Anderson on September 24, 1997.

(f) Departmental staff and current ministerial staff are unaware of any meeting during the stated timeframe between Ministers or their staff where Oak Bay Marine Group officials made clear their displeasure at being required to provide catch data to DFO.

(g) Yes, the honourable David Anderson did go fishing for 4 hours on August 12, 1997 on a private vessel owned by Martin Dowling of Campbell River, B.C. The members of the party in addition to the minister and Mr. Dowling were Greg McDougall, Gerry Kristianson and Randy Wright, who is the vice-president, operations, of the Oak Bay Marine Group.

All other ministers have no information on this subject.

[*English*]

Mr. Rey D. Pagtakhan: I ask, Mr. Speaker, that the remaining questions be allowed to stand.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, once again I rise with respect to a question that was placed on the order paper on October 3, 1997.

Seven months have passed. We are into the eighth month. It is a very straightforward question. We have been told time and time again that they will be getting back to us, that they will provide us with the answer. It just does not seem to be happening. I ask the parliamentary secretary again when we can expect an answer to this question.

Mr. Rey D. Pagtakhan: Mr. Speaker, I have taken note of the commentary. That message will be conveyed to the parliamentary secretary to the House leader.

The Deputy 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 of Motion No. 7.

The Deputy Speaker: When the bill was last under consideration by the House the hon. member for Medicine Hat had the floor. He has eight minutes remaining in his speech.

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, it is a pleasure to rise again to address the motion in Group No. 3. My friends across the way were hoping I was finished but sadly for them and for me too, I guess, we are not finished yet.

I will touch on two issues and just remind members why we are supporting the motion by the NDP member. The reasons are twofold. We are concerned about the privacy aspect. As I pointed out before question period, there are concerns among the public in an age when technology has become so prevalent that if the government through the DNA databank were to receive a piece of information, a DNA sample, somehow it will become public and could be used in other ways the public would be very concerned about.

That is a very legitimate concern. Many Canadians are concerned that the government already has too much information about them. If we are to ensure that this very useful tool is given to police for use in stopping legitimate criminals, we must ensure the public's concerns are allayed. The best way to do that in this case, other than using due diligence when this DNA databank is set up, is to put in place very stiff penalties so that if people misuse the information they will face very severe consequences.

That is why we are very pleased to support the Group No. 3 motion that would place a maximum five year penalty on anybody who misuses the data. We are supportive of it. I believe the original legislation has a two year penalty.

When I read through the bill from cover to cover, as I often do before I turn in for the evening, that aspect concerned me. I was happy to see this amendment come forward. Reformers will stand in support of the motion.

We believe the DNA databank is a good idea. We want it. We think it is important for the police to have it, but we need to ensure legitimate concerns are dealt with. We think this is one way we could deal with this concern and therefore will support this motion.

● (1510)

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Ref.): Mr. Speaker, I have been given just a few moments to comment upon what is happening in the House today. We have a bill on the topic of using DNA samples as a tool to suppress crime, a bill in fact that the Liberals never really wanted. They were brought to the issue by the sweep of international events as other countries were responding to changing enforcement technology.

The Canadian people are far ahead of the government on the will to respond to crime. They want more than the narrow limits of the bill on DNA. The theme I am talking about here is how philosophically weak is the Liberal government. It specifically shows in the comments to the groupings of the amendments before us.

I heard a comment the other day that seemed to fit my point. After some political talk around a table over drinks with some obvious frustration, one interrupted the other and asked ''Just what do the Liberals really stand for anyway?'' The answer I overheard was telling.

She said something to the effect that ''When you get right down to it I suppose I have to admit that Liberals really stand for what will get us elected. When I think about it, it does not seem to matter too much about the long term view of what I think is good for the country. My party keeps changing and I really do not think we stand for anything exclusively. We have the red book now but things always change''.

I know that understanding or admission is a touchy sore point with the Prime Minister. I have heard him on several occasions in the House try to cover the inherent weak nature of his party and deliver his personal prescription of what it means to be a Liberal in the usual puff phrases referring to democracy, compassion, pragmatism and so on. I have heard this from every political stripe, from the diehard socialist to the deluded fascist, every group imaginable.

We say much about democracy and equality in our party also, but we write them down in a blue book after exhaustive voting, grassroots debate and discussion. Then we publish it for the country and we are on the record as accountable for those positions.

Reformers have been doing that for years before the Liberals ever conceived of the idea of a red book. It is because Reformers had a blue book and were killing the Liberals in the polls in the west that they quickly hothoused the production of the 1993 Liberal red book. The country knows that one now very much as the list of broken promises or the red ink book.

In other words, the Prime Minister knows in his heart how weak and without courage Liberals are. His pronouncements in the House about it betray him. The private admission of the lady to whom I referred who said she was a Liberal is not news. Everyone has heard those comments. The sad part of it for our country is that the lady, in spite of her admission, did not seem to feel motivated to do something.

To her it seemed okay that despite how much her party hurt the country or despite how short term expediency left Canada missing opportunities for greatness and raising the human spirit, she seemed content to sit with the insiders Liberal club; no risk, no hint of courage, no concern about leadership, just complacency.

In spite of what the Prime Minister has done on the hepatitis C file, Liberals who know better just shed their tears in private. They unfortunately stay in their Liberal seats instead of joining the people's agenda on our side.

Liberal manoeuvres on the DNA bill are typical of so much of their administration of the people's business. They are weak and this weakness has produced the consequence now that will directly affect the basic safety of our citizens. Liberal weakness to defend the streets of Canada against evil and the perpetrators of crime is a reflection of their inadequate policy. Our country faces challenges

and to be a Liberal today is obviously just not good enough to meet those challenges.

The basic economic policies of the government have been timid. Liberals have put the country through needless pain by drawing out the ordering of our national finances in halting steps, while sending shaky mixed messages to the investor community about where we are going. The Liberals are weak and are not up to the job of running the finances of the country.

On Saturday, May 9, a *Vancouver Sun* headline read ''Only weak dollar helps us keep pace with Americans''.

● (1515)

The article shows how Canada has fallen behind the U.S. in productivity, foreign investment and the generation of jobs and income. The finance minister does get some good advice on how to stem the trend, but he is weak. He is afraid of the politics of envy of the NDP. The socialist tendencies in his party hold Canada back. That results in keeping unemployment unnecessarily high.

I will make another point. The minister of trade is so weak that he cannot explain or sell an MAI type of agreement that would protect Canada's economic interests as we try expanding our economy abroad. He is so inadequate that he lets Maude Barlow and others lie baldface to the nation and deceive communities right across this country with their socialist, small minded inferiority complex.

The Liberal trade minister was not up to building a national political mandate within our country or lead internationally to overcome the problems of the MAI, even when Canada has a former cabinet minister in charge of the OECD. No wonder. The record is there. He is just a weak Liberal who is out of his league when he takes Canada to the international table.

I make those observations leading up to the greatest admission of weakness by Liberals that I have seen for some time. It was the press release of May 1 by the solicitor general and the justice minister. I quote in part:

> May 1, 1998, Solicitor General of Canada and Minister of Justice and Attorney General Canada released today the conclusions of three eminent jurists asked to review the constitutionality of taking DNA samples without prior judicial authorization at the time a person is charged with a designated offence, such as sexual assault.
>
> Since 1995, DNA samples can be taken for investigative purposes under the authority of a judicial warrant and the federal government now has legislation before parliament, Bill C-3, that would create a DNA databank based on DNA samples collected after conviction.
>
> Responding to a number of individuals and organizations that have continued to press for such amendment, the Department of Justice sought legal opinions from former Justice Martin Taylor of the British Columbia Court of Appeal, and from former Chief Justices Charles Dubin of the Ontario Court of Appeal and Claude Bisson of the Quebec Court of Appeal. Each concluded independently that this proposal would not survive charter scrutiny.

If charter scrutiny is the problem, then maybe the charter is wrong or out of date. If we have judges who will not approve a more expansive bill, then maybe we have the wrong kind of judges. After all, the public has had no input into their selection.

It comes down to courage and confidence of the government, courage and skill to act for the people. Make the supreme court reflective of Canadian society. Change the charter if we have to, the people are behind it. Pass legislation in this House that meets the challenges of the job. If the judges are not up to speed and strike it down, then use the notwithstanding clause. Under this Liberal administration parliament no longer seems supreme.

We are attempting to amend this bill through these various report stage motions. It is good as far as it goes, but I call on the government to show some resolve and strength of leadership. The DNA bill should be parallel to taking fingerprints. Liberals hiding and running because of legal technicalities is not a government of the 21st century. Opinions will continue to vary. We do not need this weak government. We need a government to positively decide and lead with courage.

Mr. Roy Bailey (Souris—Moose Mountain, Ref.): Mr. Speaker, you will note that because I am going to the Senators game tonight we will have a victory over there. That is why the juggling of the order, to allow me the time to get ready so that I can help them out.

DNA evidence has been used in the courts since 1988. The question is why has it taken a full decade for the government to come up with comprehensive legislation for the collecting of DNA samples to allow peace officers and the justice system to do their jobs. The tools are widely available for the collection of DNA samples. The track record for proving convictions and for proving innocence such as the recent high profile exonerations demonstrates the validity and viability of DNA testing.

Why is the government so far behind in this technology? Why is the government going through such great lengths to limit these tools and methods of DNA collection? Should the government instead be concentrating on regulating and safeguarding the methods available? The government is concerned with the protection of the rights of the criminals. That is why the bill allows only for the collection of DNA samples after a conviction for a crime that has been committed. Too bad the government does not use the same rationale in protecting the rights of law-abiding Canadians. The government has no problem setting up a central gun registry forcing people who have not committed a crime to give private information to the government and to keep a central databank.

● (1520)

Why is the government willing to punish law-abiding Canadians by establishing a flawed gun registry while at the same time hindering justice by not collecting DNA when a person is charged with a crime?

The Canadian Police Association represents the frontline of our justice system. Police officers are concerned that if they have to wait until a conviction in order to collect DNA samples, they will not be able to introduce DNA evidence during trial proceedings. This would be like not using fingerprints as evidence until after the person has been convicted.

Will the government tell us what it is afraid of? Will it accept the Canadian Police Association's recommendation that DNA samples be collected when a person who has previously committed a crime is being charged with the present crime? The police are concerned that if they have to wait for the conviction before collecting a DNA sample the accused would rather skip bail or not fulfil parole conditions rather than voluntarily submitting to DNA samples being taken from him or her.

Why volunteer to give evidence which may very well convict him or her of an unsolved crime? How can the government continue to argue against the rationale that is being given by the police who know and have to work with the criminal element? Why is the government willing to listen to people protecting the rights of criminals rather than the Canadian Police Association which promotes the interest of our police men and women?

The public is already concerned with the lack of teeth in Canada's justice system. The Young Offenders Act is under public scrutiny because it sees young offenders repeating crimes. The public is concerned about criminals released on early parole because once released many are again committing crimes. If these repeat offenders knew that their DNA samples were in a central registry, would they not be less likely to commit a crime? Does it not make sense to put into place preventive measures such as an extensive DNA sample bank for future victims?

The Canadian Police Association's main philosophical objection with Bill C-3 is this. It is a fundamental disagreement over the sovereign legislative authority of parliament in originating criminal law as opposed to a judicially supreme system favoured by the department and some justices. Having responsible government taken away from a free people is a terrible thing but giving it away is surely worse.

The government was concerned about what the courts would think of this bill when it was drafting it. Rather, should the courts not be concerned about what parliament is thinking? It is parliament that makes the laws, not the courts. The job of the courts is to enforce the laws that parliament makes. If this business of second guessing each other continues, it is the legislative function of parliament that will be hindered. It is known now that parliament is being hindered by the courts.

We all have a desire to protect our families and society. This bill would provide for matching DNA samples taken from a crime scene with those samples in the DNA bank. Does it not make sense that the larger the data source of the DNA bank, the likelier a match will be found? Why not seek measures to increase the data in the DNA bank rather than limiting the tools needed by law enforcement officers?

I have two more points. One of my colleagues said that this bill is a half step. It is obvious that this bill is going to have to be amended a number of times over the next few years. In the meantime because of samples that are not taken as a result of this proposed legislation, crimes will go unsolved. There is no question about that.

● (1525)

Why not get the bill right the first time? Why not accept the valuable suggestions from the Canadian Police Association and the opposition so that we have a bill that works from the start rather than having to amend it in the future?

All of us are concerned about due process. All of us are concerned about privacy. None of us want to see a system of DNA registration that would hinder our individual rights. The safeguard that has been proposed is that anyone who has already been convicted of a crime when charged with another would have to provide DNA samples. This way the general law-abiding public would not be subject to undue process in the courts.

Does the government think that people who have committed crimes against society have the same privileges as those who have kept the law? It is obvious attention is not given to the independence of this House. It is not given to the innocence of the victims but rather we are determined to continue to give rights to those who have already committed a crime.

As Churchill said, give our police the tools so they can finish the job. Do not hinder them in their pursuit of doing their job of bringing criminals to trial.

* * *

[*Translation*]

CANADA LABOUR CODE

BILL C-19—NOTICE OF TIME ALLOCATION MOTION

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Madam Speaker, an agreement could not be reached under the provisions of Standing Order 78(1) or 78(2) with respect to the report and third reading stages of 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.

Under the provisions of Standing Order 78(3), I give notice that a Minister of the Crown will propose at the next sitting a motion to allot a specific number of days or hours for the consideration and disposal of proceedings at the said stages.

Some hon. members: Shame.

* * *

[*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 of Motion No. 7.

Mr. Myron Thompson (Wild Rose, Ref.): Madam Speaker, it is a pleasure to speak regarding Group No. 3 in this DNA bill, particularly to speak in support of Motion No. 7 which amends clause 11 of the bill. It proposes that the penalty be increased from two to five years for anyone who violates, misuses or communicates any part of a person's DNA sample.

This motion would clearly be a deterrent to those who would be inclined to use this information for criminal purposes.

I can understand why this motion is necessary since there is considerable nervousness surrounding the privacy of individuals. The privacy commissioner has stated on a number of occasions that he has serious reservations with the storing of DNA samples themselves rather than just the analysis.

He felt this legislation seeks to use DNA to link specific offenders with specific crimes. Keeping the DNA sample itself would inevitably invite further uses of the DNA that have little to do with identifying offenders such as allowing researchers to use the material to study genetic links to criminal behaviour. That is the idea being proposed now in Correctional Service Canada.

I have been told by the commissioner's office that we are looking for alternative therapies to criminal behaviour. The problem with the privacy commissioner's theory that the analysis of the DNA is sufficient without the need to preserve the actual sample is that he did not take into account that in order for the databank to keep pace with technological advances the samples are needed. If not we would have recollect samples should the original analysis be obsolete.

The expenses associated with the repetition of these tasks would be astronomical. I hope that that would be taken into account.

• (1530)

The motion of my hon. colleague from the NDP should put the privacy commissioner's fears to rest knowing that a strong penalty was in place for the misuse of samples. There is only one word in this whole business that I have mentioned that frightens me a bit in the sense that it is a word which would cause most Liberals if not all of them to reject this kind of amendment to a bill.

The word is deterrent. Anytime we talk about creating penalties for breaking the law, penalties for doing wrong and that we need to impose penalties that would be a deterrent to individuals doing these things, the Liberal government seems to reject it. Deterrent is not part of the Liberal government's language.

Liberals have these flowery ideas, soft cushy mushy ideas that criminals have to be coddled in all fashions imaginable in order to change in their lives and make things better. I hope the Liberals will look at this part and say that yes we do need to deter people from misusing DNA samples that are collected. Anybody who would misuse or abuse that position should suffer the consequences. It would cause others to think twice before they did the same thing.

I only wish we could put people into power. Maybe someday we will, when we get rid of these pussycats in the government's front row who do not know the meaning of good law and order and strong discipline. The government is forever coddling criminals. It is to the point that in the penitentiaries the disposable income for a convict is $150 per month whereas the disposable income for a soldier in our army is about $40 a month. We do not look after law-abiding people nearly as well as we do the people behind bars.

Anytime any kind of bill is introduced that would be strong enough to deter people from other activities along those lines would be wonderful. It would bring about some changes this government would not want to see, not the way the government coddles up to the convicts making sure their rights are looked after while the victims rights in our land continually go downhill, depleted day in and day out. The victims are just poor victims but the criminals, man oh man, the things that are done for them.

We really have to be careful when we take these DNA samples according to the government. Criminals immediately get psychological attention. They can get massages, legal aid, all these things come to their rescue. I have talked to family after family after family of victims. If they need a psychologist to deal with someone who has lost a loved one, they have to pay for the service themselves, if they can afford it and most cannot, but we make sure the criminal gets that. If a criminal needs psychiatric help and has to be placed under observation for 30 days, we make sure the taxpayers pay for it while the victims, if they want any service at all, will have to pay for it themselves, if they can afford it and of course most of them cannot.

It is high time we focused on the victims in our country. The victims are the people that are being terribly offended in this nation by a government that does not seem to care at all about

them. The government shows about as much care for victims of criminal activities as it has shown for the people who were affected by hepatitis C before 1986. This caring loving government.

The government is completely off track. These amendments would help bring it back on track. The police association and all those who work on the front line, the ones who want to make the arrests who want to clean up the problems we are having with criminals in our land are saying to the government ''Let us take the sample at the time of arrest, let us take it at the time of charge''. But no. We are not going to allow that to happen until after.

● (1535)

Those are the police all over the country and anyone who works with crime and law and order. Walk into a police department in Calgary, Toronto or anywhere. Ask the police when it should be done and they will say that it certainly should not be done after conviction because it does not make sense.

However, we have to be careful when we do anything in this country because we will offend the charter of rights of the criminals. This is the charter that the mighty government under the Trudeau leadership brought in, to our great nation's dismay. It has been a roadblock to good justice in this land for far too long. I for one am really getting tired of watching progress being moved in a direction only to have the Supreme Court of Canada rule that under the charter of rights and freedoms we cannot go any further in that direction because it would offend or hurt the poor criminal.

I hope Canadians wake up to what is really going on in this land and that this government gets what it deserves in the next election, booted out of here so we can put something in that will do something with law and order.

Mr. Ted White (North Vancouver, Ref.): Madam Speaker, my colleague from Wild Rose mentioned the criminals and the easy life they have. The criminals in my area of the country get to play golf. The average taxpayer in my riding has to pay more than $50 a round but the criminals get to play golf on their own golf course. Is that not great?

If I were to think about this, I think the average Canadian would say that if we kept criminals busy 60 hours a week, 40 hours a week eight hours a day doing meaningful work and 20 hours of study a week learning to be better people, they would come out of those places a lot better than the people who come out after all the mollycoddling with colour television sets and playing on the golf course when other people have to pay. It is entirely wrong and is not the way it should be done.

As one of my colleagues said, if the government would just accept the sensible amendments to these bills, we would not have to keep revisiting these things. It is amazing how many bills come back for amendments one or two years later. The Nunavut bill is back in the House. The Minister of Canadian Heritage is running around handing out $300,000 for polls, which could have been done for $8,000 by professional companies, to try to justify and support bills that were passed when they had no idea what the definitions would be. It is a total mess.

If the government would just accept meaningful changes to its bills, little amendments like the one we are looking at here under Group No. 3, the bills would be much better. They would work better and they would not have to keep coming back here.

Under Group No. 3, the motion was put forward by a member of the NDP. We on the Reform side support the motion. It proposes a change in the penalty for releasing the DNA results for any other reason than for the purposes of the act. The government has a two year penalty in there. If somebody gets these DNA results and sends them out on a mailing list or allows them to be publicized in some way, there is only a two year penalty provided for under the act.

As my colleague from Wild Rose said, this is a typical example of the mollycoddling approach the Liberal government has toward criminals. This is a serious crime and it should have a much greater penalty. The proposal that has come from our NDP colleague is a five year penalty. We agree with it because if it was two years we could bet the person would be out in three months. That is just the way it works with this Liberal government.

Speaking today about the DNA act takes me back to when the member for Wild Rose actually got the first DNA bill through this House. Anybody who was here in the 35th Parliament, and all of those Liberals sitting on that side were here, will remember the day in question period when the member for Wild Rose stood up and challenged the then justice minister to do something about authorizing the use of DNA. On that day, whether it was by mistake or good fortune, the minister agreed to meet with the opposition. He said if the opposition would meet with him that day it could be done. The member for Wild Rose got right back up and said ''We will do it this afternoon'' and it was done. Within a very short time we had a bill through the House.

● (1540)

I was thrilled as the member for North Vancouver because the very first crime that was solved using that bill was a crime in North Vancouver. The police had been waiting for the power to use the DNA results. Why it had been delayed for so long heaven only knows. All it took was the willingness of the government to sit down and do something sensible that the people of Canada wanted. When we look at the DNA bill and the amendments proposed by the opposition members, anyone reading the bill can see that they are sensible amendments and really should be made.

As my colleague for Wild Rose alluded to, we have had 30 years of the Liberal wishy-washy bleeding heart approach to crime. Where has that got us? Absolutely nowhere. The situation today is that the police are frustrated. They can arrest people for crimes and they cannot get convictions.

I know I cannot use props but the tiepin I am wearing today was lent to me by a policeman friend. The policemen I know are friends and they should be friends of law-abiding people. These days the police are forced to act as facilitators because if they actually arrest anybody, they have a terrible job getting anyone convicted. The tiepin is a pair of gold handcuffs that the police wear to represent the difficult time they have in actually getting criminals convicted. I wish we could do something in the House to assist the police to do their work.

One of the frustrations alluded to by two of my colleagues is what we call the tyranny of the judges. The supreme court overrules the intent of parliament, turning us into an even worse type of wishy-washy Liberal approach to crime. I wonder, but perhaps I do not have to wonder too much what that has to do with the fact that the government actually appoints the judges and we end up with the same philosophy in making judgments on what comes down in the way of the law.

A few weeks ago the Supreme Court of Canada made a judgment on the Delgamuukw case, the Indian land claims case that came out of B.C. The case goes back probably about a decade. Many years were spent hearing the testimony in the case in B.C. It took more than a year for the judge to come out with his judgment. The judgment that there was no Indian claim to title was upheld by the B.C. supreme court after lengthy hearings. Then it went to the Supreme Court of Canada. In a lightning fast hearing a central Canadian court overturned everything that had been determined in the British Columbia courts and created nothing but chaos for the land claims process in the province.

This is another example of the type of tyranny that goes on that should be dealt with with the notwithstanding clause as mentioned by the member for New Westminster—Coquitlam—Burnaby. These sorts of decisions undermine the parliamentary process. They make it very difficult for parliament to do its work.

Over the Easter break I was in Australia. I was looking at a similar problem Australia ran into. About five or six years ago a court made a similar ruling to the one that has just been made by the Supreme Court of Canada. The court ruled that the aboriginals of Australia basically owned everything. They had title to everything. That created such chaos in Australia over the next three to four years that every time the government tried to do something, to develop a new park, to build a school, whatever it was trying to do, aboriginals would lodge claims in the court that they owned the land and nothing could be done with it.

We already see that happening in B.C. Three or four weeks ago the B.C. government announced it was building a new school in the heart of the city. What happened? Immediately some natives claimed that they own the land and the school cannot be built until they have settled their land claim. We can see this whole process running away into uncontrolled judicial decisions.

• (1545)

In Australia, after putting up with that for four years, they finally passed the native land titles act to put an end to the tyranny that was shown by the judges and to extinguish that aboriginal title.

All of these things stem from the refusal of government to treat crime in a meaningful manner and to treat criminals for what they are, criminals.

We know what causes crime. Criminals cause crime. We need to take a much harder line with criminals than we have been taking.

While the opposition is pleased to see this type of DNA legislation coming through, we would certainly like to see amendments made to reinforce the provisions of the bill.

Mr. Rick Casson (Lethbridge, Ref.): Madam Speaker, it is a pleasure to rise today to speak to the amendments to Bill C-3, the DNA act. The motion in Group No. 3 that we are debating would increase the penalty for anybody who abuses this information. If the information is used for anything other than what was intended, a very severe penalty should be applied. This is needed because the information is very useful in fighting crime. It is also very personal and should be used only for what it was intended.

DNA profiles contain uniquely private and personal information. This information should be used only for the purposes of identification.

The essence of this bill is to create a databank to identify every person who has committed a crime in this country. If the profile is on file, then anytime it comes up again we know exactly who the person is.

This would give a strong tool to our police, to our crime fighters. It is a strong tool for the protection of society. It is a strong tool for deterring criminals from acting because they will know there is a positive means of identification on file and that there will be no mistakes.

This motion goes on to state other reasons it is important to protect these profiles. The improper use or disclosure of DNA profiles can lead to significant harm to the individual, including discrimination in areas such as employment, education, health care, reproduction and insurance.

There seems to be a great deal of concern about the rights of people. If we have rights for the average citizen in Canada, then we need to secure those rights and make them stronger.

If we have this DNA information on file, it should be used for crime prevention and that is all it should be used for.

We support this amendment from the member for Sydney—Victoria.

If this very personal information gets out for any reason other than that for which it was intended, then the crime should be very, very strong. This should, in itself, go a long way in putting to rest some of the fears of the people who are worried about the rights of criminals. However, I think we should worry more about the rights of the individual.

Forensic DNA analysis provides information not only about an individual, but also about the individual's parents and children, thus implicating family privacy. Again, this is the type of information we do not want to be made public. The information is meant to be used as a tool to fight crime. It is not meant to be used as a tool to invade anybody's privacy.

Again, there is a need for a strong deterrent for anybody who would abuse this databank. Once this databank is in place, we need a very strong deterrent for anybody thinking of taking up criminal activity.

DNA profiles are also tied to reproductive decisions which are among the most private and intimate decisions an individual can make.

The reasons that have been put forward to protect DNA information indicate why we need this amendment. We need a strong penalty for anybody abusing this information because it delves into absolutely every aspect of a person's life. There are no secrets when a DNA profile is created.

Also, the bill states that the commissioner shall ensure that the national DNA databank authority maintains a record of every person who accesses the national DNA databank established under subsection (1). There has to be a record of any person who uses this databank to absolutely make certain that the use of this information is for what it was intended and that it cannot be manipulated for use in any other manner.

● (1550)

It was mentioned earlier the research that could be done with the DNA databank information on criminals. Persons could take all of that information and use it for various reasons. But it has to be kept for the use that was intended. That is why this motion was put forward.

It also states that every three years after this legislation comes into force a complete investigation must be carried out with respect to the national DNA databank and all aspects surrounding it. This is another aspect that was put in place to ensure the privacy of the individuals in the databank.

Anybody who thinks this bill is going to invade a person's rights must realize that all manner of legislation is being put into place to protect against that. The legislation is being put in place to make this bill acceptable to the people who feel that the information could be used in a improper manner.

With all of these aspects to the bill and the fact that this amendment has been brought forward to increase the penalty for the improper use of the databank, I think we have come to the point where it will be usable, the information will be protected and we will not have to be concerned with that.

Let us allow this DNA databank to exist. Let us use it as a strong tool to fight crime. Let us use it as a strong tool to protect people's rights in this country. Let us use it as a tool for deterrence and police action.

Mr. Lee Morrison (Cypress Hills—Grasslands, Ref.): Madam Speaker, I am pleased to support Motion No. 7 under Group No. 3 which is before us. This motion recognizes the reality that not everyone in the public service is always pure and without fault. It recognizes the reality that confidential information can be misused. In fact, we can cite many instances where confidential information has been misused. Take for example the Income Tax Act. Everything is supposed to be confidential, yet every year we get specific examples of information having been improperly released by bureaucrats.

Although I am not big on very severe criminal penalties for ordinary citizens who get fouled up in the law, I am very supportive of strong penalties for people in positions of trust who abuse their responsibilities and commit offences. I would say that this proposal to raise the maximum penalty from two to five years for the improper release of information is very well placed.

We also could list examples of the improper use of lists. This government is great for lists. In fact all Canadian governments have been great for lists. We will recall that Bill C-68 was passed in the last parliament. Because there were lists of all the lawful owners of handguns in this country the government was able, suddenly and out of the blue, to declare that about 400,000 people owned firearms which were no longer legal. They were, in effect, confiscated because their value was reduced to zero by the stroke of a government pen.

If the government did not have a list, the government could not indulge in this sort of hanky-panky. It is no wonder the Canadian people are reluctant to have their names on anything, particularly in the computer age.

There are other amendments, of course, which we will be supporting to this particular legislation as we go on through the day and perhaps tomorrow.

● (1555)

There is the absurdity, for example, that DNA samples can be taken only after conviction. I suppose we should take fingerprints only after conviction and take mug shots only after conviction. Why there should be different rules for DNA than for fingerprint-

ing is something I do not understand. However, that is another amendment which we will be discussing at a later time.

Getting back to Motion No. 7, I think it is very well thought out. I compliment the hon. member for bringing this forward. I notice some people on the other side nodding in agreement. I hope this amendment will ultimately pass because it really does improve the legislation.

Mr. Gerald Keddy (South Shore, PC): Madam Speaker, there are a couple of issues here that I think we should stop to take a look at.

The hon. member who just spoke made the point that we will not be able to take DNA samples until after a conviction. I think that is something we had better take a long, hard look at.

What this specific amendment is dealing with, however, is the fact that we are going to increase the penalty for misuse of a DNA sample from two years to five years.

It is a pretty simple proposition. This is not complicated. Even members of the government should be able to fathom this one, turn it around in their heads and support it. I expect they will. However, it begs a few more questions. Who are we protecting? Are we protecting the person who commits the violent offence? Are we protecting the public? Are we protecting some unknown entity? I am a little confused in the circle of life here.

It is time that we simplified the laws of this land instead of making them more complicated. If we are talking about misuse of a DNA sample, then let us increase the penalty. Let us understand what it is for, but let us also use that tool.

The police associations have asked for it. The barrister associations are a bit mixed on it. We do not have one complete answer there. However, it is a useful tool.

I am not catching the explanation that tells me that it is some type of an invasive plan or that it is invasive to the person who actually has a DNA sample taken. By plucking a hair from a head or by taking a swab of saliva out of a mouth we have a DNA sample. Is that somehow more invasive than putting ink on a person's hands and fingerprinting them at the point where that person is charged? We do not have to wait. What is going on here?

As responsible people, as the people who help to set the laws of this country, we should come to grips with this. This is not a complicated issue. This is childishly simple. Let us deal with it.

This is past due. We spent far too much time arguing about this and discussing this in the House of Commons. The justice committee has come in with specific recommendations. It is time to approve those recommendations and move forward.

We should understand that this is a new tool in the arsenal against crime. It needs some protective measures so we do not abuse it. We always run the risk of abuse in government or abuse by officials or abuse by a third party with some type of an ulterior motive.

Let us not think that we are quite in the days of Orwellian thought yet. This is not *Nineteen Eighty-Four.* We have the opportunity here to move forward. This is not an invasion of somebody's home. It is not an invasion of their bedroom. This is about a DNA sample which is going to be held in a databank with protective measures so that it will not be available to the general public.

● (1600)

We have spent too long, and I probably have as well, discussing this subject. I think it is time we move forward on it.

Mr. Mike Scott (Skeena, Ref.): Madam Speaker, I am pleased to rise to speak to the motion before us today.

It is important when Canadians look at their justice system that they feel the system actually has the ability to achieve what it sets out to achieve. It is vitally important that the justice system have teeth in it for those who would break the law.

One of the biggest criticisms—and it is coffee shop talk everywhere we go in the country—is that there is not sufficient teeth in the system right now. Many Canadians feel that serious and violent offenders are getting off with a mere slap on the wrist in many cases.

It is also important to have built-in safeguards to protect the safety and the privacy of citizens and to respect their individual rights. I have spoken many times in the House on my very deep commitment to individual rights in Canada, something that I do not think we stress nearly enough.

Therefore I am very supportive of the motion which would provide a much stronger guarantee to individuals that information obtained from a DNA profile would not be used improperly. In fact anybody who would do so would be faced with very severe penalties.

It is important that those penalties be articulated in the act and that they are tough. I do not want to see this databank abused.

As I said, Canadians are very much tired of a justice system that does not deliver. They are very much tired of a justice system that has no teeth in it. They are very much tired of a justice system where they see plea bargains that end up with serious and violent offenders getting a mere slap on the wrist for committing heinous acts and crimes.

It is no different when we are talking about the protection of individual rights. I believe that we have to consider the rights of individuals to their privacy. We have to accept the fact that the government has a very strong obligation to ensure that information obtained under a DNA profile is not abused.

I am very much in favour of the notion of DNA databanks. As a person who has absolutely no intention of ever committing a crime, I have no problem signing up for the program and making my DNA available to a databank right now.

Some hon. members: Oh, oh.

Mr. Mike Scott: I hear members across the way objecting to that, and I do not understand why.

Many people voluntarily provide their fingerprints for a variety of reasons to a fingerprint databank. I have absolutely no problem with making the job of law enforcement easier. I have absolutely no problem with the notion that people charged with a serious crime be compelled to provide a DNA profile or a DNA sample.

What I have a problem with is a justice system which molly-coddles those who commit serious crimes and those accused of committing serious crimes and which does not extract proper compensation or proper retribution for the transgressions.

● (1605)

As a parliamentarian, as a person who is going to be required to vote on the motion, I have absolutely no problem. I believe very strongly that the motion as it is written is a vast improvement to the bill.

We as parliamentarians have an obligation to Canadians to provide a justice system that works and that provides the safeguards Canadians expect, especially when it comes to their individual rights. Therefore I believe the motion as written addresses both those concerns, particularly if the justice system and the courts in the future will interpret the motion and will apply the motion as it is written. It will be a big step forward in terms of how our justice system in Canada is applied and does work.

I reiterate my support for the motion. It is time that we have a justice system in the country that works. It is time that we have means of identifying criminals and those who are accused of serious crimes. It is time that Canadians feel their justice system is working for them and not for the criminal element in society. It is time that we as a nation recognize our obligations primarily to our fellow citizens to provide for their safety and for their well-being.

For all of those reason I will be supporting the motion and will be encouraging all my colleagues in the House to do so as well.

[*Translation*]

The Acting Speaker (Ms. Thibeault): Pursuant to the agreement made Monday, May 4, 1998, Motion No. 7 in Group No. 3 is deemed to have been put and a recorded division deemed demanded and deferred.

The House will now proceed to the motion in Group No. 4.

[*English*]

Pursuant to agreement made on Monday, May 4, 1998, the motion in Group No. 4 is deemed moved and seconded. This group contains Motion No. 8.

[*Translation*]

Mr. Richard Marceau (Charlesbourg, BQ) moved:

Motion No. 8

That Bill C-3, in Clause 12, be amended

(a) by replacing line 11 on page 9 with the following:

''12. (1) The Governor in Council may make''

(b) by adding after line 13 on page 9 the following:

''(2) The Solicitor General of Canada shall have each proposed regulation laid before each House of Parliament.

(3) Each proposed regulation that is laid before a House of Parliament shall, on the day it is laid, be referred by that House to an appropriate committee of that House, as determined by the rules of that House, and the committee may conduct enquiries or public hearings with respect to the proposed regulation and report its findings to that House.

(4) A proposed regulation that has been laid pursuant to subsection (1) may be made

(a) on the expiration of thirty sitting days after it was laid; or

(b) where, with respect to each House of Parliament,

(i) the committee reports to the House, or

(ii) the committee decides not to conduct enquiries or public hearings.

(5) For the purposes of this section, ''sitting day'' means, in respect of either House of Parliament, a day on which that House sits.''

Mr. Pierre Brien (Témiscamingue, BQ): Madam Speaker, I would first like to point out that the group of amendments containing Motion No. 8 was initiated by my colleague, the member for Charlesbourg. As he is busy with other duties related to his role as an MP today, he is unable to move the motion and I will therefore do so on his behalf. I am pleased to do so because this is not the first time this kind of amendment has been introduced by the Bloc Quebecois. I will go into further detail later. The motion has primarily to do with the intended procedure for passing regulations related to legislation.

I would like to point out briefly that we are still talking about Bill C-3. For those unfamiliar with the bill, it allows genetic

fingerprinting in certain cases in order to establish a DNA databank for identifying individuals who have committed crimes.

It is a way of taking more modern scientific and medical technologies, which have made enormous strides, one step further. There is already a similar structure in place for fingerprints. According to the scientific information we have been given, DNA testing is very accurate and has a very high success rate.

• (1610)

To a certain extent, this bill represents that approach. It is important to understand that this is a first, that it represents something new and different, which demands a degree of caution. It is to be expected that the public will ask questions and that there will even be some reluctance. Some kind of legislative and regulatory framework is required.

This is what worries us a bit in this particular case, giving latitude to others than this House, this Parliament, when the time comes to define the type of regulations which will accompany an act like this one.

The use of DNA samples for identification, or for ultimate use in evidence being a relatively recent development, a great deal of caution is needed in our approach. At this point, it is the House which has the opportunity to debate the matter.

We are at the report stage. The bill has been debated at second reading and in committee. Situations may crop up when the powers will need to be expanded, or restricted. a little, and this requires much care and much follow-up. Parliamentarians should have some control over the regulations.

People expect us to be the ones in society with the power to make decisions on legislative measures, and they do not want to see others—even a well-intentioned minister—making use of departmental employees or ministerial staff to define practices, particularly if these are new practices. This would give them the sole power to make the rules and to have them passed by cabinet. All these powers, the way the bill is set up at present, are concentrated in the hands of a single individual, and do not lie with this Parliament as a whole.

This is not the only case where this is happening. It is a frequent occurrence. Without referring to any specific case, I would just say that this is a general government trend, this desire to get their hands on as much power as possible One way of doing so is through regulations. So, yet again the role of members is being reduced because their impact in the formulation of regulations is being restricted.

It is all very well to talk about the stages in committee and so on, there should still be a formal process providing for the consultation of the House in the passing of regulations. In our parliamentary system, that includes the other House to some degree and that is why the motion refers to it. You are no doubt aware of our opinion about the usefulness of that House, and when I say ''that House'' I mean ''the other'' House. It is an obstacle we can do without. We could even save some money. However, since they are still there, the motion refers to the usual course of legislative process and thus approval by the other House of amendments to the regulations.

All members of Parliament should be in agreement with this. I do not know how any member, regardless of political stripe, in the government or in opposition, can object to being consulted, to having a say and to taking a larger part in the legislative process.

We must never lose sight of the fact that a member of Parliament has a role to play in the legislative process, first and foremost. This is why we were elected, why people sent us here. People have expectations. Who gets the ultimate blame if things go wrong? We do. So it is only right that we be included as much as possible.

The tendency is to always put regulatory powers in the hands of the executive, cabinet, in other words, and the tendency must be stopped somewhere. Perhaps right here. I have trouble seeing how members, particularly Liberal members, could oppose this motion, Motion No. 8, in Group No. 4, in a series of amendments.

It is in this spirit that my colleague, the member for Charlesbourg, introduced his amendment. He is an expert and could have gone into much greater detail about Bill C-3 than I have, and he will perhaps have another opportunity to do so depending on how debate goes.

• (1615)

What I have tried to do right now is to explain the purpose of Motion No. 8 in Group No. 4 and to say that the member for Charlesbourg will obviously be able to count on the support of all his colleagues in the Bloc Quebecois. I hope he will also be able to count on the support of colleagues in other parties, including the member for Vaudreuil—Soulanges, who I am sure will give us his support, and other members of the Liberal Party who are listening very closely today.

I therefore conclude my remarks and hope that members will be persuaded by the argument that we should play a greater role as lawmakers, and that all parliamentarians will pass this amendment, which is Motion No. 8.

[*English*]

Mr. Ted White (North Vancouver, Ref.): Mr. Speaker, what a pleasure to see you back in the chair. I was giving speeches on Thursday and there you were. You had to listen to two. You will probably have to listen to two today. I can see you are thrilled with that prospect.

We are debating Group No. 4, Motion No. 8 on Bill C-3, the DNA bill. This motion amends clause 12 of the bill. As the bill now

reads, under clause 12 the governor in council can make regulations for carrying out the purposes and provisions of the bill but there is no statutory requirement for the regulations to be laid before parliament or the appropriate committee for review. We see this as a major problem. Parliamentarians and eventually the joint Standing Committee on Scrutiny of Regulations should be able to properly review, comment on and correct problems in the regulations.

The Bloc member wished all parliamentarians would support this motion because it would give us more say in the running of things. He will be hoping for that result but I suspect the Chrétien lookalikes will end up all standing in their places and doing what they have to do. While I will argue in favour of this motion I do not think for a moment that we are going to see support for it. None of the members opposite have stood in support. There is a very large attendance of them today. They are drastically interested in the bill. I see some laughter from the gallery and I think we all know why they are laughing when I talk about the large number of Liberals here today to listen to the content of the speeches.

We have had problems with regulations. When they do not go before a committee there is a danger there will be some sort of flaw in them. I am a member of the joint Standing Committee on Scrutiny of Regulations and I have been on that committee since I was first elected in 1993. I suspect most members would wonder what it is all really about and what that committee does. It is probably one of the most useful committees on the Hill. It is totally non-partisan in nature. We look at purely the legality and the appropriateness of the regulations that come before us.

Unfortunately it usually takes a few years before the regulations work their way through the system and come to our attention. On the odd occasion when a member of the House or some outside person notices some sort of problem in a regulation, they can bring that to our attention and we can take a look at it to see whether that regulation is ultra vires or whether it is appropriate. I admit that most of the problems we deal with are minor in nature. They tend to be related to translation where there could be a different word in French than in English. They may be minor misprints of one type or another. Sometimes they are technical in nature or legal in nature and the concerned departments will readily agree to alter them.

From time to time we strike things that are major in nature. The committee presently has the power to make a report to the House requesting disallowance of a regulation. We are very close to that situation now in connection with regulations for the participation of the police in political activities. For some years the committee has been very concerned about the police regulations which in effect make it illegal for a policeman to even stand at a shopping centre and gather names on a petition to not have a roadway go through his area.

• (1620)

That is how serious those regulations are. They so restrict political participation by police officers even on their own time that probably many of the activities of policemen during elections municipally, provincially or federally are illegal and they do not even realize it. For example, to wear the button of a political party when off duty or to have a sign on their lawn is illegal.

There is a major court case going on now in Quebec where these regulations are being challenged. Even with this, the committee has already recognized that this is inappropriate. We have been pressuring the solicitor general to get the law changed.

The process is happening right now. We are having a meeting tomorrow. We believe there will be new regulations drafted that meet the requirements for appropriateness. This is a very powerful function that the committee performs.

We have looked at the regulations in a totally non-partisan way. We have dealt with them. We have spoken with the solicitor general, with the drafters and we are getting those regulations replaced.

In the absence of any committee scrutiny or process whereby that can occur, all we end up with are ongoing legal battles. Eventually they reach some conclusion but it is a lot better for the political process to fix these problems promptly.

This is one of the reasons Reform is very supportive of this motion. The motion is not ideal in that the committees that these regulations will go before will probably be pretty much yes men and women for the government.

An hon. member: Yes persons.

Mr. Ted White: Yes persons, as one of the Liberals said. Isn't that just the ultimate in political correctness.

These yes persons, or the Chrétien lookalikes as I mentioned earlier, will each bleat their approval of any of the regulations without really considering seriously whether they are appropriate or legal.

At least by putting them through the process, eventually they will reach the joint Standing Committee on Scrutiny of Regulations and could even be brought to our attention earlier.

If the regulations go before the justice committee, then at least members of the opposition or a member of the public, a witness who sees those regulations coming forward and has concerns about them, can bring them to the attention of the joint Standing Committee on Scrutiny of Regulations. We can give our input.

One of the things absolutely essential with regulations is to get a regulatory impact statement. Then there is an obligation on the department producing the regulations to also produce a regulatory impact statement explaining what impact is expected for the regulation to have on the public or on those affected by the

regulation and it also gives the cost and whether alternatives have been pursued.

There could be other ways of achieving the same result. Those regulatory impact statements are an important part of the process.

I endorse the motion put forward by the Bloc. I doubt very much that the government will find in its heart to support this very good suggestion at the time of the vote but we certainly will.

[*Translation*]

Mr. Nick Discepola (Parliamentary Secretary to Solicitor General of Canada, Lib.): Mr. Speaker, in order to facilitate debate, I would like to read the motion, with its five points, two of which are of greater concern to us.

The motion reads in part as follows:

> 12.(2) The Solicitor General of Canada shall have each proposed regulation laid before each House of Parliament.
>
> (3) Each proposed regulation that is laid before a House of Parliament shall, on the day it is laid, be referred by that House to an appropriate committee of that House, as determined by the rules of that House, and the committee may conduct enquiries or public hearings with respect to the proposed regulation and report its findings to that House.

I will stop there. For a political party such as the Bloc Quebecois which, for four or five years now, has constantly complained about duplication and overlap, I find this amendment somewhat strange.

The member for North Vancouver himself mentioned that the House already has well established procedures requiring all departments to publish proposed regulations ahead of time.

• (1625)

Any interested party may comment on a proposed regulation before it takes effect.

[*English*]

It is well established. As the member for North Vancouver alluded to in a non-partisan way and to quote his words, there is a process already in place which provides for the prepublication and consultation of any regulations implemented.

As a result, the government considers this amendment unnecessary. I ask all hon. members to vote against the amendment since it is not needed.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I rise in support of this motion. This might come as some dismay to the hon. member opposite, but I do not share that opinion. This is an important part of the process to have embodied in this piece of legislation.

It attempts in a substantive way to keep elected officials in the legislative loop, to keep them as a part of the process and to ensure that arbitrary changes do not occur. The hon. member for Charlesbourg does go about this in an interesting way. One could almost draw from this an inference that the Bloc or the hon. member are supportive now of the Senate's being actively involved in the review of this type of legislation.

The bill in its present form would not allow those members of parliament who are most affected on behalf of their constituents in the changing of the legislation to be directly involved. In the current reading of the bill the solicitor general could bring about a change arbitrarily. He could bring about a change without going through the normal process of review of looking at the legislation and bringing in what might somehow be interpreted as damaging to the entire bill.

I do support what the hon. member for Charlesbourg is trying to effect in this amendment. It is something that I think we all want to encourage. We want to encourage consultation and participation in the process. It recognizes as well the importance of both houses.

Draft regulations are fine. Putting a process in place is fine. But what we want to do here at all times is ensure there is proper review and consultation. Parliamentarians are certainly a necessity and must be consulted when we are reviewing something like this. Let us not forget that this is arguably one of the most important opportunities we in this House have to bring forward a piece of legislation to combat serious violent crime.

The sad reality is that the bill in its current form does not go far enough. It does not allow police officers to use this legislation to the full extent. It does not allow them to arm themselves with an investigative tool to permit them to combat violent crime. It does not allow them to investigate fully and make full use of the technology. We are not keeping up with the rate at which technology is changing.

It also is consistent with the need for transparency and the need for responsibility for those who are entrusted with this important task of changing legislation to have their say, to have the ability to go before committee, to talk to the amendments, to flesh out ideas and to call witnesses if necessary. Therefore they can follow the procedure that has been put in place.

I encourage all members to take a serious look at this legislation, including the member opposite. I encourage them to support this type of change. It would be consistent with the stance that his government has taken to encourage openness and transparency. This amendment does that.

We have to encourage these types of amendments at this point when we are debating them in the House, before they are law,

before they are put in place hard and fast. We know when that does occur we will have to go back almost to the start.

● (1630)

It is then a very complicated process to invoke the change. Time is certainly of the essence with this particular bill. The clock is running. Sadly we know that each day in Canada violent crimes are happening. As we speak, violent crimes are being perpetrated across this country. As we speak, police officers are still unable to use DNA to the full extent that they could and which this bill offers them an opportunity to do.

I encourage all hon. members to partake in this process. Support this type of change which will allow members of the justice committee, members of the House on behalf of their constituents and all Canadians to have in place entrenched in this bill a process where they can surely have a voice in any changes that may come in the future with respect to DNA legislation.

We know that this is in many ways the beginning of what may be a very expansive use of DNA. This is something we have to keep in mind. The opportunity is before us. The opportunity is there for all members to partake in this, to seize the moment to put forward a piece of legislation that is going to empower police officers to make the most of this technology.

Mr. Chuck Cadman (Surrey North, Ref.): Mr. Speaker, I wholeheartedly support the amendment as proposed by the member for Charlesbourg.

Clause 12 as written in the bill permits the governor in council to make regulations as he sees fit, but we have seen how this government operates in this House on the recent hepatitis C issue. The Prime Minister decides. The backbenchers follow orders. A mistake, an injustice occurs and it takes an uprising to force the government to re-evaluate.

Motion No. 8 merely permits some form of parliamentary scrutiny over the power to make regulations or laws in this country. After all, have all members of parliament not been sent to this place to control and make the laws that are to affect their constituents back home?

If we leave clause 12 as it is presented in the bill, we are abrogating our responsibility to oversee, debate and influence. We will be leaving it all to be decided by the governor in council.

I fully appreciate how the members opposite leave everything to the Prime Minister and the powers within the party, but hopefully this will not always be the case. Hopefully, at some time and some time soon, all members of parliament will have the power and will be able to exercise that power to scrutinize and control the legislation and operations of this place.

The legislation must be set up so that when that day occurs, the members of this place will have the authority to review regulations or laws with respect to DNA identification. That is what democracy is all about.

Why would we ever want to leave the control of this place in the hands of a select few? Do we all not receive the same mandate to represent our constituencies, to ensure our laws are fair and just to all of us?

As has been previously stated, Bill C-68 which introduced the firearms act has an identical scheme of review as proposed by Motion No. 8. Surely we should be consistent by providing a similar scheme here as well. I urge all members to support this amendment.

The Deputy Speaker: Before resuming debate, it is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Waterloo—Wellington, Children; the hon. member for Winnipeg North Centre, Health; the hon. member for Mercier, Employment insurance fund.

Mr. Peter Mancini (Sydney—Victoria, NDP): Mr. Speaker, I rise to speak to the amendment to Bill C-3 proposed by the hon. member for Charlesbourg. I stand in the House today on behalf of the New Democratic Party indicating our support for the amendment put forward.

For those who will read *Hansard* or who may be listening to the debate today and who sometimes think of this House as one where there is no serious debate and no cohesion and no understanding of the principles of legislation, it is interesting to note that on both this amendment and the prior amendment, members of the New Democratic Party are supporting a motion put forward by the Bloc, supported by members of the Reform Party and by members of the Progressive Conservative Party.

In a most serious bill such as this Bill C-3, it is important that we be open to changes to the legislation that will make it better. The motion put forward by my justice committee colleague, the Bloc Quebecois member, indicates that any regulations that make significant changes to this bill be brought before the House for debate and for review and be referred, and I think this is particularly important, to the appropriate standing committee for review.

● (1635)

The public should know that at the Standing Committee on Justice and Human Rights and other standing committees of this House we examine pieces of legislation. We call witnesses before the committee to understand the impact and the implications of changes.

The scope of this legislation is so far reaching. The methodology of obtaining DNA samples and the whole area of DNA are so new that there are provisions within the legislation itself to bring it back before the House for review. That is something which is

telling because this is complex legislation. I think all members of this House are dealing with it in an intense way and in the best way they can, however there are provisions to bring this legislation back to the House for review to make sure that we can correct any defects.

The motion proposes to bring back before this House important regulations so we can continue to monitor the effectiveness of the legislation as we move forward.

I stand in support of it and indicate to the House that the NDP will be supporting it.

Mr. Myron Thompson: Mr. Speaker, prior to resuming debate, I would like to call for quorum.

The Deputy Speaker: Call in the members.

● (1640)

And the bells having rung:

The Deputy Speaker: I see a quorum.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I appreciate people coming in to listen to these important speeches.

My colleague from the Conservative Party and my colleague from the NDP made some excellent points as to why we should support Motion No. 8. My fellow colleagues from the Reform Party did likewise. It is important that members hear the arguments as to why we should and should not do something in the House. It would be different if they paid close attention and started listening to what these individuals finish saying and why we should support these things. We would be a lot better off in this place.

I am here likewise to support Group No. 4, Motion No. 8. The motion amends clause 12 of Bill C-3 regarding regulations. Clause 12 now reads that the ''governor in council may make regulations for carrying out the purposes and provisions of this act''. There is no statutory requirement for the regulations to be laid before parliament or the appropriate committee for review. This amendment will ensure that members of parliament are provided the opportunity to review the regulations made by the governor in council.

Bill C-68, the firearms legislation, has an identical section as the one proposed in this particular amendment. Although we support this amendment, given the need for the regulations to be scrutinized by the appropriate committee, we know from experience with Bill C-68 last November and in February 1997 that the committee just goes through the motions. All Reform amendments to these regulations were defeated by the Liberal members of the committee.

It amazes me that they feel that these regulations do not have to be scrutinized by parliament. I want to repeat that. I am amazed that there are people here who represent Canadians and who feel that regulations of this nature do not have to be scrutinized by parliament. What are members of parliament sent here for if it is not for something like that and particularly that, to scrutinize the regulations in the bills that are presented before the House.

The government has become such a dictatorship that it feels it can usurp parliament and its function. How can a law be enacted that will not be monitored? It is an absolute shame that time and time again all we do is go through the motions.

● (1645)

A majority of members in the House of Commons, mainly on the government side, go through the motions. They just do not pay attention and do not care. Whatever the lead sheep tells them to do they will jump up, bow down and do as they are told. That is not the way it ought to be but unfortunately it is. Maybe it is party politics or dedication to a leader: whatever I say you shall do. When will they rise to their feet when they have the opportunity to represent the voice of Canadians?

The DNA bill is one of the greatest things that could be available to our police departments to provide the kind of protection society needs, deserves and wants. However they will not support an amendment that states we should scrutinize these regulations and monitor them as elected people. According to that side of the House we do not have to do that. We simply take the orders in council and whatever they say we shall do. That should come to an end.

Members on that side of the House who cannot support a motion that states the people of the country would be far better represented by doing those kinds of things needs to take a good long look at themselves and ask why they are here. Is it for themselves? Is it for the party they represent or is it for the Canadian people? If it is not the Canadian people they should resign and go home.

I ask them to support Motion No. 8.

Mr. Rick Casson (Lethbridge, Ref.): Mr. Speaker, it is a pleasure to rise to speak to the amendment before us. It may be the most important one.

The legislation needs to come to the House to be scrutinized by the people who were elected to represent the people of Canada. We have already seen this done in Bill C-68, the gun registration bill, and it needs to be done here. We were elected to come here to represent the people of Canada. We are not here to take what the House wants back to them. That has been the problem with governments since time began.

We want to review the legislation. As representatives of the people of Canada we want to have a look at it. That is what this opportunity is for.

We support the Bloc amendment for its openness and transparency. That is what we need more of in the country and the amendment will start the process of going down that road.

The DNA act, Bill C-3, is very important to the people of Canada, the population in general. We are here to represent those people. We should be the ones who review the legislation, not a governor in council order.

I wonder why we have to stand to debate this type of legislation. Why is it that members elected by the people of Canada to represent them do not get a chance to look at it and that it comes through the governor in council?

When the DNA bill is in place it will be a tool that will change the way crime fighting is done in the country. It will help to put some sense back into our system. It will not allow criminals to hide behind any legality. Once the profile is in place it can be used whenever a crime is committed.

Allowing us to debate the bill in the House and in committee and to bring it to our constituents to get their feelings on it is the only way we should proceed.

• (1650)

I congratulate the Bloc for bringing the amendment forward. It is a strange day when all opposition parties support the same amendment, but this is one of those days.

The importance of public scrutiny or scrutiny by the House cannot be overemphasized. We cannot have bills or rules coming forth to govern bills that have not had the blessing of the people of Canada. That is what we are here to do and that is why we are supporting the motion.

It is not precedent setting. It has already been done with Bill C-68, which helps to move us along that way. I wanted to add my voice to the support of Group No. 4. Hopefully members opposite can find it in their hearts to do so as well.

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: Pursuant to agreement made on Monday, May 4, 1998, the question on the motion in Group No. 4 is deemed put and a recorded division deemed demanded and deemed deferred.

The House will now proceed to debate on the motions in Group No. 5. Pursuant to agreement made on Monday, May 4, the motions in Group No. 5 are deemed moved and seconded. This group contains Motions Nos. 9 and 14.

Hon. Andy Scott (Solicitor General of Canada, Lib.) moved:

Motion No. 9

That Bill C-3, in Clause 15, be amended, in the French version only,

(a) by replacing line 2 on page 13 with the following:

«gereuse causant des lésions cor-»

(b) by replacing line 5 on page 13 with the following:

«façon dangereuse causant la»

(c) by replacing line 10 on page 13 with the following:

«capacité affaiblie causant des»

(d) by replacing line 13 on page 13 with the following:

«avec capacité affaiblie causant la»

Motion No. 14

That Bill C-3, in Clause 22, be amended, in the French version only, by replacing line 5 on page 25 with the following:

«électronique, rendus inaccessibles une fois pour toutes dès que»

Mr. Nick Discepola (Parliamentary Secretary to Solicitor General of Canada, Lib.): Mr. Speaker, Motion Nos. 9 and 14 are essentially very technical amendments of minor nature.

Motion No. 9 will correct the French version description of our offences in the secondary designated offence list to ensure consistency with the French criminal code references for the same offences.

Motion No. 14 will amend the incorrect French translation for permanently removed in section 47.09, subsection (3), so that it reads:

[*Translation*]

''rendus inaccessibles une fois pour toutes''.

[*English*]

Therefore both motions will correct oversights in the French wording to ensure consistency in terminology throughout the bill with the Criminal Code.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, we support this group of amendments, Motion Nos. 9 and 14. It is an oversight and the government has corrected it. I wish it would correct some of the major oversights that are coming up.

I hope the Parliamentary Secretary to the Solicitor General will take a serious look at the motions in Group No. 6 and perhaps have a change of heart. We consider them to be the crux of the debate on the bill. It is a very important grouping. The debate will determine whether or not some members of the House, including the Reform caucus, will be able to support the bill at final reading.

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

[*Translation*]

The Deputy Speaker: Pursuant to the order made Monday, May 4, 1998, the motions in Group No. 5 are deemed to have been put and a recorded division deemed demanded and deferred.

The House will now proceed to the motions in Group No. 6.

Pursuant to the order made Monday, May 4, 1998, the motions in Group No. 6 are deemed to have been put and seconded. This group contains Motions Nos. 10 and 11.

[*English*]

Mr. Jack Ramsay (Crowfoot, Ref.) moved:

Motion No. 10

That Bill C-3, in Clause 17, be amended by adding after line 39 on page 15 the following:

''(4) Notwithstanding any other provision in this Act, if a person is charged with a designated offence and at the time of being charged has a previous conviction for a designated offence, a qualified peace officer is authorized to take samples of one or more bodily substances by means of the investigative procedures described in section 487.06.

(5) Samples taken pursuant to subsection (4) shall be retained in accordance with the regulations made under subsection (6) and not sent for analysis until either,

(a) the person is convicted of the offence charged, or

(b) the person fails to appear as requested by law in relation to the charge whereupon analysis shall be completed and, subject to section 9 of the DNA Identification Act, the results entered into the offender index.

(6) The Governor in Council shall make regulations respecting the retention of samples taken pursuant to subsection (4).''

Mr. Mark Muise (West Nova, PC) moved:

Motion No. 11

That Bill C-3, in Clause 17, be amended by replacing lines 5 to 7 on page 17 with the following:

''subsection, had been convicted of a designated offence and on the date of the application was serving a sentence of two years or more for another designated offence, or''

Mr. Jack Ramsay: Mr. Speaker, I have 10 minutes to cover two very important areas of Group No. 6 which have a direct bearing upon the workability of the new DNA databank and the authority of the police to take DNA samples from individuals suspected or charged with a primary designated offence.

● (1655)

The bill does not provide authority for the police to take a DNA sample from anyone who is under arrest or from anyone who has been charged. We understand the procedure for taking a sample granted under Bill C-104 which has been operative for some time now. However that requires evidence of a DNA sample at the scene, reasonable and probable grounds to believe that an individual is responsible for leaving that DNA at the scene, and then a judge's warrant authorizing the taking of a sample from the individual.

This is very cumbersome. The witnesses who appeared before our standing committee, particularly the crown prosecutors and witnesses representing the Canadian Police Association and the chiefs of police, stated very clearly that if the bill were amended to allow them to take DNA samples at the time a person is charged it could save lives. It could identify individuals who have left their DNA at the scenes of rapes, murders, assaults and other primary offence scenes.

We also heard that there are literally hundreds, if not thousands, of unsolved crimes of murders, rapes, serious assaults, manslaughter cases or so on where DNA samples have been left at the scene. Individuals who have committed those offences have been undetected. The police want a mechanism whereby when a person commits one of the primary designated offences the police can take a sample of DNA from the individual. This was rejected at clause by clause consideration of the bill.

We have introduced in Motion No. 10 a somewhat watered down version but still a very important part of the bill that would allow police to take a DNA sample from anyone charged with a primary designated offence who has been convicted of a previous primary designated offence. They could take the sample, hold it and not have it analysed until after conviction or after the individual has failed to appear in court.

If the individual runs and does not appear in court, an analysis can be conducted to determine whether or not the person is responsible or at least left any of his or her DNA at the scene of unsolved crimes. This is extremely important because on a yearly basis I understand from the testimony we heard before the committee some 60,000 individuals do not respond to reconnaissance or to bail. They simply skip and do not appear.

The concern is that if we have to wait until after conviction before the sample is taken it means for the individual on bail, knowing full well if he is convicted of the offence for which he is charged, that the DNA sample taken from him may link him to a more serious offence or at least another offence where he has left his DNA at the scene. The individual simply may disappear and never honour the reconnaissance or honour the bail he has been granted. Therefore it will be a frustration for police. We have been told by police witnesses that this bill of all bills could begin to save lives immediately. That is why it is so important.

We have heard from the government side that this would not be constitutional. It would not survive a constitutional challenge based upon privacy and based upon the intrusivity of taking a DNA sample at the time of a charge without the authority of a warrant.

The Canadian Police Association provided us with a legal opinion that refuted that.

• (1700)

A testimony submitted by Mr. Scott Newark, director of the Canadian Police Association, stated very clearly that they were willing to pay the cost of a reference to the Supreme Court of Canada before this bill goes forward any further to determine whether the government's hesitancy and timidity in this area is grounded, to determine whether the legal opinion submitted before the court would be acceptable and that these tests could be taken at the time of arrest or at the time of charge.

The government has refused this. After the fact it obtained three legal opinions. I suspect the government went shopping for legal opinions. It has now submitted legal opinions to members of the committee and members of the House in support of its viewpoint.

Now members can look at four legal opinions, three saying it would not be constitutional and one saying it would be constitutional. We never had an opportunity to question the retired justices on their deliberations, considerations, recommendations and conclusions. We never had an opportunity to have constitutional experts testify before the committee as to the veracity of the conclusions that are now part of the record. This is very unfortunate.

These legal opinions should have been placed before the committee at the time the bill entered committee. We would have been able to examine them carefully. We would have had the time to look at the opinions and perhaps obtain other legal opinions from those with a different viewpoint on the constitutionality of taking samples from the accused at the time of arrest or charge.

The police have the authority to take breath samples. They have the authority to take blood samples in cases of suspected impaired driving. What is the difference? If they can take one bodily sample already and the authority exists under the Criminal Code to do so, what in the world is wrong with doing it under the auspices of this bill? Why not allow the police to take a DNA sample from an individual who has been charged with a designated offence and who has one previous conviction to show that person is a repeat offender in this area? What is wrong with taking a sample and holding that sample until the individual has been convicted or fails to appear in court before it is analysed and placed in the bank? Once it is in the bank it can be compared with the samples and the profiles of other DNA left at the scenes of rapes, murders, serious assaults and manslaughters.

I urge all hon. members to carefully examine this motion. We think it is a balanced motion that draws a healthy balance between the concerns expressed by the justice officials and the requests and demands of police officers across this country and others in law enforcement. I urge all hon. members to give this motion their support when the vote comes.

Mr. John McKay (Scarborough East, Lib.): Mr. Speaker, it is a privilege to rise in the House to speak on this legislation. I have been privileged to sit on the justice committee throughout the deliberations and to examine the legislation as it has made its way through the committee stage.

• (1705)

I do support the bill. It is an excellent piece of legislation. I also support my friend's motion which I consider to be a point of philosophical divergence.

There are three points at which a DNA sample could be taken, point of arrest, point of charge, point of conviction. The purpose of this legislation is to give the police access to DNA profiles for the purposes of identifying individuals so they can be linked or not linked as the case may be to crime scenes. It is not conclusive proof but taken with other evidence adds to the weight of evidence against an accused. It also works the other way to eliminate suspects.

We were told at committee stage that a properly gathered sample creates a 1 in 94 billion probability sample. Notwithstanding this high level probability, it is not in and of itself conclusive as to the issue of guilt beyond a reasonable doubt. The crown would still have to adduce evidence beyond a reasonable doubt that the accused is guilty of the offence charged. Defence counsel will still attack reliability, credibility, means of gathering the sample, the integrity of the sample, the errors in collection, et cetera. Nevertheless, it is of significant use to police investigation. Canadians have only to witness the Morin inquiry to understand the powerful input of DNA evidence.

If this is such a great tool, then why can the Parliament of Canada not make it readily available to the police? What could be the possible justification for withholding a tool that is readily accessible, surrounded by safeguards for abuse and would be of great assistance in solving outstanding crimes? The issues revolve around the point at which the sample is taken and the means by which the sample is taken. There are three points at which a sample of blood, hair or saliva could be taken, at arrest, charge or conviction.

It was not seriously argued before us that samples should be taken a point of arrest. This would simply create a fishing expedition on the part of the police and imperil the liberty of the citizen. The argument came down to a choice between point of charge and point of conviction. If truth were known many if not all members of the committee would have been content with a charge regime. To lay the charge the police must have reasonable and probable grounds that a crime has been committed. At that time, as a matter of routine, fingerprints and mugshots are taken; similarly, so could DNA samples. The police want to be able to take DNA

samples at that point and enter the results in a DNA bank for cross-reference purposes and for identification.

The technology has become so advanced that the taking of a sample is minimally intrusive. Logically if the taking of DNA samples is less intrusive than fingerprinting why should the justice system be deprived of that tool? If it is constitutionally okay to take a fingerprint and a mugshot, why is it not constitutionally okay to take DNA?

Here is where legal theory becomes so arcane and obscure as to lose even the most diligent of students. The core of the argument is that the state is absolutely prohibited from intruding on the sanctity of the person without consent. The person has an absolute right to the integrity of his or her personhood. Therefore the taking of a cell by any means, however intrusive or non-intrusive, is a breach of that person's privacy. The state is absolutely forbidden from doing it.

In addition, the depth and range of material revealed by DNA samples provides to the state a marker of that individual which is not only a complete profile but could be used for other purposes. In other words, the legal wall between the person and the state has been breached and the state knows far more about that individual than it has any right to know.

The argument is of dubious merit for two reasons. The first is the fear of using the profile for purposes other than identification. I believe the committee was not concerned about that issue as the procedures and safeguards were such a series of Chinese walls that it would be virtually impossible to breach those walls.

The second is the issue of invading the privacy of a person. The charter gives protection to the undue invasion of privacy. However, it can be statutorily sanctioned as it is with fingerprinting. If one can invade privacy by statute on fingerprinting, one can also surely do it by DNA sample simultaneously. We are after all legislators and our business is that of creating law. If statute sanctions fingerprinting as not unduly invasive, why cannot DNA sampling by statute, such as this this bill, also be considered to be not unduly invasive? Nice question with no neat answer. The advice of justice lawyers was that if we move the sample from point of conviction down to point of charge the bill would not withstand a charter challenge.

● (1710)

I have been in and around law for about 28 years and consider the views of justice lawyers to be excellent. When you retain lawyers you do not stand up and contradict them easily.

When the matter came to a clause by clause stage the minister and his lawyers from the justice department were quite adamant that the charge regime would not survive a charter challenge. To their credit, their arguments were strong. If we go to a charge regime the bill would not survive a charter challenge.

One week after the bill was taken back to the House justice lawyers were quoted, however, in the front pages of *The Globe and Mail* as saying every time they go to the supreme court they do not have a clue what will happen. Flip a coin. The supreme court is adrift in a sea of confusion.

The additions of Justices Binnie and Bastarach do not help in predicting the outcome. When this was brought to the attention of the justice minister she stated in committee that she was obtaining three more outside opinions from retired justices. To no one's great surprise, the opinions support the government's position.

This resembles the theatre of the absurd. The Parliament of Canada stands on the sidelines while justice lawyers and their surrogates argue out a position based on established precedent; hardly the point. The motion says in effect we have read your opinions, we have heard your arguments and we are not persuaded.

We believe there are adequate safeguards to protect privacy and sanctity of the person and that search and seizure is warranted in this instance. The tabling of the opinions could amount to the subtle use of a notwithstanding clause.

The bill has a huge hole in it. If Paul Bernardo were sitting in a police station this morning charged with a sexual offence he would not be DNA banked until he was convicted and if not convicted he would never be banked. The police could say to themselves with legitimacy they do not have the resources to do this. He is a blond, blue eyed boy with a job and a home in beautiful downtown Guildwood, which happens to be my riding. They could also state they have a lot more pressing problems than to get a justice warrant. The police in Fredericton who are conducting other investigations would never know about it. Nor would the police in Edmonton. So this is quite a large gap in the legislation.

Members may have detected a bit of skepticism on my part with respect to the efficacy of the bill but I am ultimately persuaded that the good qualities in the bill might be lost to charter challenge. However, I do support this motion and I do wish that the government had exercised a more subtle approach in excising out a charge regime be it on one conviction or on two convictions so that the bill could have a charter challenge at the point where we could try to advance the law in this area.

This brings me to my final point, the doctrine of supremacy of parliament. I was greatly intrigued by the comments of Mr. Justice Cory in the Brin decision. He said that courts use the charter to dialogue with the legislature. Dialogue as experienced by this legislator is more like a monologue. We speak, you listen.

Courts develop legal theory, charter theory about trees and branches and living documents to arrive at conclusions which look suspiciously like ex post facto reasoning, you legislators sit down.

I have been in and around the justice system in Ontario for quite a number of years and consider it to be one of the finest in the world. Ultimately, however, it is a very crude means of resolving disputes. Lawsuits have winners and losers, unevenly resourced litigants and narrow views of relevance materiality.

Legislation such as this is a product of years of analysis, drafting, study and witnesses. The committee spent months looking at this legislation and it went through an extensive consultation process prior to being introduced.

The members of the committee represent in excess of one million people who come from a variety of backgrounds, both philosophical and political. I would argue with little fear of contradiction that if we as a committee had our choice absent charter arguments that we would be presenting a regime based on charge.

In my view judicial attitudes are not consistent with Canadian values on this issue and judges need to know that after extensive debate and analysis parliamentarians are only presenting this bill due to limited and narrow thinking by judicial activists.

● (1715)

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, my hat goes off to the previous speaker. I think he gave a very compelling address to this parliament. I have the greatest respect for him, his legal background and his input on the justice committee. He obviously has substantial experience which is of benefit to us at that committee.

We have before us, in the form of amendments, Motions Nos. 10 and 11. This is perhaps our last chance to right a potential wrong because we are not going to have the opportunity to do it again for some time.

The motion put forward by the hon. member for Crowfoot is aimed specifically at allowing for the collection of DNA evidence at the time of charge. It has an additional safeguard, which was put in I suggest as a compromise to entice members of the government to take a second look at this amendment. This amendment would allow a person who has previously been convicted of a schedule of offences that have been deemed heinous enough or serious enough to suggest that therefore the prevention element should take precedence over that particular convicted person's right to be free from this intrusive taking of a DNA sample.

I will speak to that issue of intrusiveness later in my remarks, but the important point to be made here is that what we are talking about is the taking of a DNA sample which would allow for the prevention of the further commission of an offence, potentially, because the police with the DNA in their possession at that point in time could then take that sample and match it with crime scene samples that are connected to outstanding crimes.

Figures were discussed at the justice committee. In the province of British Columbia alone there are 600 unsolved murders. If we calculate that in terms of the population across the country, in terms of sexual assaults, serious assaults and unsolved crimes, what greater benefit could there be than for the use of such an innovative police investigative tool to address and solve these crimes? We should keep in mind that the perpetrators of these crimes are still out there. They have not been caught. They are not accountable. They have not been brought to justice. They are ready, I would suggest, to do it again.

This amendment would allow the police to make that match, to make that connection, to go out there armed with that evidence and hopefully complete an investigation that might prevent the perpetration of another crime.

I have the greatest respect for the hon. member who spoke previously. He has a great deal of confidence in the justice lawyers. I do not share the same degree of confidence. We have seen in the past that the Department of Justice has gone outside of its own lawyers' cadre to get a practising lawyer to represent the government in court. We have seen that in the current firearms challenge in Alberta. Similarly what we saw here was an opinion at the eleventh hour from three very respected jurists. There is no question they are very respected, but I would suggest that the question that was put to them was put to them in very narrow terms, coupled with the fact that we already knew the position of the government. Mr. Speaker, you will have to excuse my scepticism on the response that we received.

That is of course not the only opinion that the justice committee had the benefit of. We had the benefit of a similarly respected and decorated criminal lawyer, Mr. Danson, who gave the opinion in a very straightforward way that in fact the sampling at the time of charge, and that is without this added designation of having a previous conviction, would withstand a charter challenge.

I embrace some of the comments with respect to the supremacy of this parliament and the responsibility that we have here to make laws in the area of criminal law.

● (1720)

The remarks of the hon. member I think reflect, in many ways, the opinions of a lot of the non-partisanship that must go into the criminal field. The members of the committee voiced very similar opinions regarding the fact that we are being supreme court driven. That is a dangerous area in which to find ourselves.

Criminal law, first and foremost, has to be accountable and responsible to the people. The people have elected members of parliament. They have entrusted them and placed in them their hope and desire that we will make laws which reflect the protection of the public and the accountability we must find in our criminal justice system.

When there is a supreme court paranoia or a supreme court constipation about criminal law it is a very dangerous position to be in.

The hon. member gave the very apt example of Paul Bernardo. He said that under the current legislation we would not be able to use his DNA in future investigations. The very premise of this motion is that we should be taking a very proactive as opposed to reactive role in the use of DNA in the criminal justice system.

The important example made and emphasized by the Canadian Police Association was that an individual taken into custody for a designated offence, who was previously charged and convicted of a designated offence, has the benefit of due process.

If the police cannot take a DNA sample and use it in the course of a trial, use it as a sample against other outstanding, unsolved offences, it is a lost opportunity. It will slip through our fingers.

The Canadian Police Association emphasized the fact—and there are statistics to support this position—that individuals who are released on bail are simply not going to return. If criminals have in the back of their minds that if they return and are convicted of an offence they must face the possibility that they will have their DNA matched with a crime they knew they committed in another part of the country, they will not return for trial.

They are certainly not going to return if they are charged with a break and enter offence and they know they were involved in an offence of a much more serious personal nature, such as murder or sexual assault. If that opportunity is lost because of the way the current legislation is drafted it would be an absolute tragedy.

This motion, in a very straightforward way, would address that. It would allow police to use DNA to a much greater degree. That is the intention here. There is no hidden agenda. I would suggest that this motion is put forward in a very constructive, straightforward and practical way. I am surprised there is not more support for it.

Luckily we will have the opportunity to vote. I am still holding out hope and optimism that common sense will prevail and we will find that this amendment will be accepted.

The safeguards we have in place in the rest of the bill, that is to say, the provisions that would make it criminal if a person was to misuse the DNA technology, I suggest would protect individual rights. They would protect individuals from the fear of misuse; the Orwellian thought that somehow, some way, a person might misuse this DNA and therefore create a miscarriage of justice.

We cannot succumb to that fear, given the public interest and the importance of optimizing the use of DNA technology. It will happen. Mark my words. If Canada does not seize the opportunity to be on the cutting edge, to be a country prepared to move forward, making the most of this DNA legislation, we will be left behind. Other countries will be looking at our country, shaking their heads and saying ''Why didn't they do it when they had the opportunity?''

• (1725)

In conclusion, I want to suggest that both of the amendments found in Group No. 10 could gain the support and the confidence of all members of this House. When the vote is before us, I am encouraging and hoping that all members on both sides of this House will put partisanship aside and put common sense and good, right-minded thinking first.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I am pleased to speak to this particular amendment. It is one of a number of amendments that have been proposed to this bill governing the establishment of a DNA databank.

It is important to note that the amendment that is proposed at this point is directed at a mechanism which would take a DNA sample, analyze it for a DNA profile and put it into a DNA databank where it would, for practical purposes, be stored and kept indefinitely.

There are other ways in which the state can obtain a DNA sample and do an analysis. It can do it by warrant.

With respect to this particular motion, it is the desire of the mover and those supporting it to see a DNA sample taken when an individual is charged with a serious offence, the individual having been previously convicted of a serious offence, perhaps even a related offence.

It is important to keep that in mind. Just because one would not be able to take a sample at the point of charge does not mean the state could not move by warrant to obtain a sample from the individual at the time of charge for the purposes of investigating the offence at hand.

In this case the sample being taken, as proposed under this amendment, is not for the purpose of investigating the offence at hand, it is for the purpose of obtaining a DNA profile of the individual and putting it into the DNA databank for future reference and for the protection of society that would come from that.

Mr. Peter MacKay: No, it could be used for both.

Mr. Derek Lee: The member points out that it could be used for both. I accept that the amendment is proposing that it be used for

both. However, I am not so sure the amendment is drafted in a way that I would accept is suited to both.

In any event, I wanted to take note of the reasons that some members of the House, including myself, view this amendment as having some potential difficulty.

I agree with the member for Scarborough East and other members that if I were king I would implement a measure which would allow a sample to be taken at the time of charge, such as is proposed by this amendment. However, there are several areas of difficulty. I want to put them on the record because I never want it to be said that the reason the House did not adopt this, and the reason the committee that studied the bill did not adopt a similar type of amendment, was because we knew it would not be legally acceptable. I would not want that to be taken from the procedure here today, or previously, or from what may evolve in the House.

I believe that in the next while there will be a procedure which will allow DNA data to be taken at the time of charge in appropriate circumstances and not just when one is investigating the particular case at hand.

The reasons the government is sensitive to this are based on a series of charter decisions by the Supreme Court of Canada.

● (1730)

In each case we have a snapshot, a photograph, a freeze frame decision by the supreme court about a particular aspect of our civil rights, about a particular perspective on our charter rights. When we add up all the snapshots the court, as it is supposed to do, cautioned the state about certain aspects of the freedoms of Canadians. By the time they are all added up, which is what the justice department did, we have a significant body of caution directed at actions of the state which would remove a sample from an individual's body. In order to do that in our society the state has to have justification. That is a search and seizure. There must be a reasonable ground to do it. There has to be a reasonable basis even to do it under a warrant. One may be able to construct a reasonable justification for doing it at charge.

One threshold, one snapshot provided us by the supreme court of which we take note is the view that taking something from the human body is actually quite an intrusive act. In the case of DNA data sampling now it can be a rough of some of the skin, a swab from the inside of the mouth or a hair taken from the head. In each case it involves the taking from the body of something that is a part of the body. The court has defined and construed that as quite intrusive, and I accept that at this point in time.

It is true that under warrant or under reasonable circumstances in other parts of the Criminal Code peace officers or other authorized persons can take breath samples, blood samples with a warrant, and DNA samples with a warrant. We must remember that this amendment deals with taking a DNA sample for profile at the time a person is innocent of the charge because he or she has not yet been convicted. At that point in time is when this amendment would cause the sample to be taken.

It is pretty clear to most of us who sat on the justice committee that within a few months or a few years the obtaining of a sample of DNA will be obtainable technologically by much less than taking something from the body. Technology involving a scan, a brush by, something very much less intrusive than the taking of a piece of the body however minute it might be such as a hair follicle or hair root, does not exist right now.

That snapshot of the intrusiveness of DNA sampling was a caution light which has caused, at least in part, justice officials, the government and some of us in the House to accept that it is an area of caution. In my view it is an area of caution that we will be able to dispense with in the future because the intrusiveness of the sample taking will be much less than it is now.

Members have mentioned the Bernardo case. That is either an easy case or a difficult case depending on how we look at it. If we had had good effective DNA sampling at that time history might well have turned out differently. I wish we could have done it. Maybe in the future with the new technology we will be able to make these kinds of changes and come out with better outcomes in the criminal justice system.

The flip side of the Bernardo scenario, because if the Bernardo case is easy there is another case that is harder, is simply the case where a Canadian who is innocent of the offence charged has a criminal record and is under this amendment asked or required to give up a small piece of his or her body so that the state may analyse and put it in a databank for public safety purposes.

At this point because of the relative intrusiveness of it I believe there was a developing consensus in the Department of Justice that we would be reasonably well served by proceeding to construct a databank, a process, get the thing up and running, have it begin to work for Canadians, get the bugs out of it, ensure it is charter safe and make it work for Canadians.

● (1735)

I would be disappointed as a parliamentarian if within the next two to four years we were unable to increase the frequency or amount of data sampling available under the Criminal Code perhaps in a manner that is suggested by this amendment today. Were we able to do that I think it would enhance the safety of all Canadians in the future.

Mr. Chuck Cadman (Surrey North, Ref.): Mr. Speaker, I will be supporting both of the motions known as Group No. 6.

In Motion No. 10 the member for Crowfoot appears to be taking the biblical role of Solomon. We have heard much comment on the

need of our police to take DNA samples at the time of arrest. We have heard much comment concerning the invasion of privacy and the constitutional rights of the accused. This amendment proposes to take DNA samples at the time of charge but they will not be analysed until the time of conviction.

This would satisfy our police who have been concerned about offenders skipping out through the loopholes presented by Bill C-3 without such an amendment.

During the committee review the government cited finances as a primary reason for not taking and analysing samples at the time of charge. I will not comment on the government's concern over finances as compared to the safety of its citizens because I do not need to do so under these circumstances.

This motion gets around the financial question in that the expense only occurs once a conviction is registered.

There has also been much discussion over the constitutionality of taking DNA samples from those charged. This amendment limits the application to only those charged with a designated offence and those who have previously been convicted of a designated offence.

Parliament will be indicating to our courts that we see a public policy requirement to treat these types of individuals in a much stricter fashion.

Motion No. 11 permits the taking of DNA samples from incarcerated offenders who have been convicted of a designated offence and are serving sentences of two years or more for another designated offence. This amendment broadens the scope of Bill C-3 in that it is not just limited to the offence of murder. The amendment will do much for victims. It will solve and put closure to many unsolved cases.

Why should only incarcerated murderers and sexual offenders be subject to DNA sampling? For example, if someone has been convicted of manslaughter and is serving a sentence of two or more years for another conviction of manslaughter, should we not be taking DNA to determine what other serious crimes they may have committed?

Should the victims of these other crimes not be informed that the offender has been discovered through the comparison of DNA from the sample taken with the DNA profile in the crime scene index? In that way the victim can put some sort of closure on the matter and have some peace of mind that the offender is securely incarcerated and not apt to attack again in the near future.

That concludes my comments. I urge my colleagues in this place to support this important amendment.

Mr. Nick Discepola (Parliamentary Secretary to Solicitor General of Canada, Lib.): Mr. Speaker, I begin by thanking the member for Scarborough—Rouge River and the member for Scarborough East who have worked with me over the past several months to try, after I believe three attempts, to come up with a modification to the amendment ourselves but were unable to do so.

Motions Nos. 10 and 11 are essentially the crux of the legislation and the most contentious. Motions Nos. 10 and 11 would do two things. First, they would allow a police officer to take DNA samples for the DNA databank from a person charged with a designated offence who has a previous conviction for a designated offence. Second, they would expand the retroactive scheme of the bill to capture offenders serving a penitentiary sentence for one of those offences previously designated offence convictions. Both proposals, in my opinion and in the government's opinion, pose a very serious charter risk as has been debated in the House.

With regard to the timing of taking samples, I would also like to point out to hon. members that the Criminal Code already has a provision which allows police to take samples at any time from a person they suspect of having committed a serious offence, with one proviso, as long as they first obtain a warrant. That provision is in there.

The Standing Committee on Justice and Human Rights considered many of the proposals and amendments that are being debated today. To allow the police to take samples of the DNA at time of charge was rejected at that committee. Another recommendation was to expand the retroactive scheme. To that end some changes were implemented by the committee.

• (1740)

We have heard from expert witnesses. The members for Crowfoot and Pictou—Antigonish—Guysborough referred to various opinions. I point out for the benefit of the House, as committee members will remember, that officials from the Department of Justice gave us opinions on the charter challenge possibilities. We also heard officials from the ministries of justice and the attorney general of Ontario and the solicitor general of Ontario as well as officials from New Brunswick.

Members have claimed that they did not have ample time to question these officials. On the contrary, all these people testified before the committee on justice. Members had plenty of time to ask all their questions. They may not always have liked the answers or the opinions but they did have time to consult them. It was only after the justice committee presented its report to the Minister of Justice and the Solicitor General of Canada that the opinions of three highly respected judges were sought.

At that time the Reform Party and the chiefs of police decided they would exploit this stance on the part of the government and do everything in their power to make sure the government listened. For the second time in my political career I will be subjected to another billboard campaign. Again, for the second time in my

career, I will explain to the citizens of my constituency who I am confident will understand that the federal government has acted with a very balanced approach.

I will respond to the member for Crowfoot because he quoted extensively from the comments of Mr. Newark who suggested that we had asked the wrong question of the three former justices. In actual fact the three former justices were asked to provide an appreciation of the risk of a successful charter challenge pertaining to the taking of DNA samples at the time of charge without prior judicial authorization. They were asked whether the legislation would likely be found to offend one or other charter provisions. They were also asked if it could be saved under section 1 of the charter. It seems to me those questions were very clear.

The Canadian Police Association is now advocating the creation of a new police power to take bodily samples from an accused person who has previously been convicted of a designated offence simply on the basis of a police officer's belief that the person has committed another designated offence, without first going before a judge to seek the authority to do so.

The claim that the judiciary of Canada impinges on the powers of parliament is not justified in fact or in law. The courts perform their constitutional responsibility in reviewing the legislation to ensure the constitutional requirements are respected and to supervise the actions of the police in the enforcement of the criminal law and in the collection of evidence.

Bill C-3 reflects clear statements from our highest court that the invasive nature of bodily searches which are an interference with bodily integrity and undermine human dignity demands high standards of justification. Taking a sample on the off chance that a sample might link a suspect to another offence and the mere speculation that the accused may abscond do not meet these standards.

The notion of recidivism must be respected especially with retroactive sampling. The notion of recidivism can be used for the purpose of justifying to some extent the retroactive scheme. However, where used, the taking of samples for crimes committed before the coming into force of the bill is always on the basis of prior judicial authorization. Possible recidivism is not a justification for excluding judicial supervision prior to the taking of the sample. On the basis of the authorities it is of fundamental importance that the seizure of bodily substances be judicially approved before it takes place.

● (1745)

Where there is an elevated risk of recidivism such as with dangerous offenders, repeat sex offenders and serial killers, the need for special measures to protect the public is justified. To go further and take DNA samples from individuals who pose a low risk of recidivism or may not even be suspected of having committed another offence would place the constitutionality of the scheme in serious jeopardy.

I would also like to state that in Motion No. 10 there seemed to be very little justification for taking the sample at the time of the charge because according to the motion it would only be analysed once the conviction were to take place. The rationale for taking the sample would seem to be one for mere administrative convenience as opposed to what some members have been speaking on, to solve outstanding crimes. It is my understanding that the sample would be taken and only when the person is convicted would it be analysed. Therefore I do not see how outstanding crimes would be solved unless the person was convicted. It is likely that a rationale of administrative convenience would not meet the court test of the highest standards of justification.

Let us look at the consequences if this motion were adopted. Let us say we did support the motion. It is virtually guaranteed that notwithstanding the opinions we have had here, if we did approve the motion the challenge to the constitutionality of this provision would ultimately be heard by the Supreme Court of Canada. Most members have spoken to that end. The difference between our approach and their approach is they are willing to let it go to the supreme court. Such a final hearing on the contrary would take several years. During that time the police would take samples and subsequently have them analysed and if consequential amendments were made would have the results placed in the convicted offenders index.

If the supreme court were ultimately to determine that the provision was contrary to the charter and could not be saved under section 1, it would logically follow that all samples taken pursuant to the provisions would be found to be illegal seizures. The major consequence of such a finding would be that the evidence resulting from such seizures would be found inadmissible in court also. This would mean that many individuals would have been wrongfully convicted. As well numerous prosecutions would have to be halted.

In addition the profiles in the convicted offenders index of the people whose samples were taken pursuant to this provision would have to be removed from the data bank.

Finally if the government were to adopt this motion notwithstanding that it has received overwhelming advice from the Department of Justice and eminent private sector counsel that it would be found to be contrary to the charter, such a fact could make the provision even less defensible in the eyes of the Supreme Court of Canada.

In conclusion I have given various reasons why we cannot support the motion. Members have mentioned that we should try to take into account the examples of Bernardo and Clifford Olson. I

believe that laws should be made for the benefit of all Canadians and not to circumvent or to try to trap one particular individual. We had that experience in the section 745 hearings when the Bloc Quebecois members voted against that provision and allowed Clifford Olson to have a hearing.

If we try to enact all legislation in that respect we will never get anywhere. I believe that the government has come up with a very balanced approach which I ask all hon. members to approve.

Mr. Peter Mancini (Sydney—Victoria, NDP): Mr. Speaker, I rise to speak to Motion No. 10 and Motion No. 11 in Group No. 6.

I begin with Motion No. 11 because it is the less complex of the two. I indicate that I would speak in favour of Motion No. 11. It broadens and expands the provisions for the taking of DNA. The current legislation provides that a ''provincial court judge may on an ex parte application take from a person who has been convicted of murder''. The motion broadens that and I would support it.

I now turn to Motion No. 10 which as the Parliamentary Secretary to the Solicitor General has indicated is a more complex and difficult piece to analyse. I commend the hon. member for Crowfoot for bringing the amendment forward. From sitting on the justice committee with him, I know it is one which he struggled with. He has attempted to meet the criteria as set out in the objections that were raised to it. That being said, let us ask exactly what this motion does. I think the hon. member has two concerns.

• (1750)

The motion provides for the police to take a DNA sample at the time of charging an individual who has a prior conviction. To take that DNA sample, two things have to happen. There has to be a charge laid against the person and the person has to have a prior conviction for one of the designated offences.

In order to charge an individual, the police have to have reasonable and probable grounds to believe that the individual has committed the offence for which he or she is charged. That is a safeguard in our system to stop the police who have tremendous power in this country from charging anyone willy-nilly. The law is clear. The common law as it has evolved says that in order to arrest and charge an individual, there has to be reasonable and probable grounds.

The bill that allows the police to take a DNA sample with a warrant says that there has to be reasonable and probable grounds to take the warrant. They have to go to a judge and ask the judge if they can take a sample of any individual's DNA and to take that sample there has to be reasonable and probable grounds.

If we look at the purpose of this amendment, if the person has already been charged, then presumably the police already have done the necessary groundwork to take a DNA sample. With great respect to my colleague from Crowfoot, I think the purpose is to say what happens when the offender is charged with an offence and he may escape bail. That was mentioned by one of my colleagues in the House.

Clearly the Criminal Code bail provisions under section 515(10) provide for a bail hearing. Most people should know this. When someone is charged with an offence, they are to be released pending their trial unless the court has reasonable grounds to believe that the offender will escape so that they will not be dealt with according to law. There is a built-in protection to stop someone from leaving the jurisdiction under section 515 of the code to ensure that they do not escape.

In the scenario contemplated by my friend from Crowfoot in good faith, if the crown prosecutor has reasonable grounds to believe that the individual will escape custody so that his DNA sample will not be taken, then the prosecutor can raise that at the bail hearing to ensure that the judge remands that individual pending the trial. There is a mechanism to ensure that the individual does not escape.

There are some other aspects of this piece of legislation and some other comments on this amendment which need to be addressed. The member for Crowfoot asked what the difference is in terms of taking a blood sample, in that we allow that intrusion to happen so why can we not do it with DNA. There is an answer to that.

The taking of a blood sample at the time someone is charged is a crucial piece of evidence because the blood sample will change as time goes on. A person who is impaired at six o'clock in the evening and is charged with impaired driving may not be impaired at 12 o'clock the next day. The taking of the sample for a blood alcohol reading is crucial at that point in time.

The DNA sample does not change. If we wait six hours to take someone's DNA sample, the reading of that sample is not going to change. The reading of a blood alcohol level will change. When people ask what the difference is between taking blood at a particular time and taking the DNA sample, it is because the nature of the evidence is different.

We have been provided with four decisions which have been referred to by members in this House. One was solicited by the Canadian Police Association and three were solicited by the Minister of Justice.

• (1755)

Some of my colleagues have said that they know the three obtained by the solicitor general or the Minister of Justice reflect the government's concern and they question whether or not they

come totally unbiased. To be fair, we have to say that the opinion solicited by the Canadian Police Association was also directed and purchased by a particular organization to reflect its point of view and its argument.

It is similar to two parties going into court. One lawyer will put forward the argument for the client he represents and the other lawyer will put forward the argument for the client she represents. We can always ask whether the arguments are tilted one way or the other. Our job is to sift through those arguments and come to the truth.

This is not an easy motion to sift through. Every member in this House has struggled with this, in part because of the lobbying of the police association. I spoke with Mr. Newark just before addressing this motion today.

We have to look at those opinions for what they are. Three of them say that this motion, the taking of DNA at the time of arrest or charge will not withstand the charter. What does that mean? It means that the taking of the DNA sample at that point in time violates the freedoms of the individuals of this country. It means that the state is operating in a most intrusive manner. The courts have said, and it is our job as parliamentarians to say, that the individual cannot be impeded upon by the state all the time without reasonable limits.

Some colleagues in this House have taken umbrage at the fact that the supreme court is dictating to parliament. The supreme court has an important role and that is to interpret legislation that is passed in this House.

Let us be absolutely realistic about the way things happen in this parliament. I accept some of the arguments that say the supreme court is perhaps intrusive and perhaps invades some of the responsibilities of this House, but the supreme court is one of the very necessary checks in a checks and balance system for the Parliament of Canada.

Without substantial reforms to this House of Commons, and I say this without fear of contradiction in this House, the supreme court is the only check in this country on the power not of the government, but of the cabinet. If we look at the way law is made in this country, the cabinet introduces legislation to a majority party in this House of Commons and it passes it. We have seen that happen in the hepatitis C issue.

The Senate is supposed to be a check. We know what the Senate is. The governor general is an archaic check. The only check to the supreme power of the cabinet is the supreme court of this country. Until we reform this House, that check has to stay to protect the privacy of individuals.

Some members have referred to Paul Bernardo. If Mr. Bernardo were arrested and charged, the police would have the power needed to collect his DNA.

I have great respect for the mover of this motion. I understand why he wishes it to pass. We have to look at the best interests of Canadians and stop the state from interfering in their individual rights.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I believe that if there is one comment from the last speaker that disturbs me a great deal it is that concerning our duty to Canadians.

Our real duty to Canadians regarding legislation in a judicial system is to provide legislation that will give them the utmost of safety and the utmost of protection for them to live a life in Canada without having to look over their shoulders, for them to be able to look forward to the future. I believe that this bill will be a major step in that direction, provided that Motions No. 10 and 11 pass.

● (1800)

Motion 10 will allow for the taking of samples at the time of charge from offenders with one previous conviction and retained for analysis on conviction. Our original amendment introduced during clause by clause review was to allow for the taking of samples from all persons charged. Since this amendment was defeated we have put forward an amended version which addresses the concerns raised by the government members of the committee.

Government members cited finance and privacy concerns as the primary reasons why they would not expand the DNA bank and allow for samples to be taken and analysed at the time of charge rather than conviction. Reform's amendment specifically addresses the issue of cost, proposing that samples be taken on charge but not analysed until conviction, therefore reducing the cost associated with the testing of samples.

As well it addresses privacy concerns and concerns regarding individuals incriminating themselves. It also satisfies the Canadian Police Association's concerns regarding offenders released on bail pending trial, i.e. skipping out. A previous speaker said that through a councillor going to a judge and pointing this out to him, bail could be denied but that is no assurance. I have seen in the last five years some very unusual cases of individuals being bailed when there was really no reason that the courts should take the chance doing so.

The police believe that if an offender is guilty of a previous offence for which they have not been charged they may not appear for their trial if they realize that on conviction their DNA sample may be compared to DNA evidence left at the scene of an unsolved crime. This amendment was recommended and thus fully supported by the Canadian Police Association.

The amendment specifies that the offender must have been convicted of one previous offence. Again this is to satisfy concerns regarding privacy and self-incriminating evidence. Government

members of the committee said they would be more apt to support the taking of DNA from possible repeat offenders.

This motion goes a long way in correcting the massive flaw in Bill C-3 which is that it does not allow DNA to be taken on arrest except with a warrant. I still cannot understand why these samples cannot be taken just as fingerprints are now or as blood and urine samples are taken in suspected cases of impaired driving. I think public safety concerns are a lot more important than pure civil libertarian concerns.

I had the pleasure of playing an instrumental role back in 1995 when the first phase of the government DNA testing plan was passed. Bill C-104 allowed police to take samples without consent from individuals suspected of criminal offences, generally those involving serious violence.

The sample taken from the suspect would be matched with samples from the crime scene to determine whether the suspect had committed the specific offence being investigated. The legislation did not deal with the storage of the information or samples derived from testing. It provided a reasonable scheme to ensure that DNA samples were not taken from suspects unnecessarily.

I know the results that first phase of legislation had for Tara Manning's family. I will never forget June 20, 1995 when the justice minister said that he was prepared to introduce legislation by the end of the week for the purpose of adding DNA testing to the Criminal Code. This was a great day for victims because it provided a mechanism to answer many questions and for the police in solving crime.

Yet here we are working on phase two of the legislation and we hear arguments that a DNA sample is unduly intrusive compared to fingerprinting. I have to agree with the words of Tim Danson from the *Globe and Mail*:

> The high court has ruled that taking DNA samples as already allowed by law is not unduly intrusive. The method of sampling consists of cutting a piece of a person's hair, rubbing a Q-tip swab inside the mouth, or taking blood by a simple pin device similar to that used by diabetics.
>
> Further, the court has made it clear that privacy is far more affected when an individual is arrested, taken to court and forced to face the public and personal shame and humiliation that inevitably follow. Privacy interests protected by the charter of rights and freedoms relate to a reasonable expectation of privacy and not privacy at large. People who engage in criminal activity should expect some loss of privacy. Their victims certainly have. Perhaps the armchair constitutional academics should join us in the real world.

● (1805)

I certainly agree with that individual's statement.

With regard to Motion No. 11, which I support, it amends clause 117 regarding who samples may be taken from. It allows for the taking of DNA samples from incarcerated offenders who are serving sentences of two or more years.

During clause by clause review we proposed that samples be taken from all incarcerated offenders who had been convicted of one or more primary designated offences, serious or violent offenders. Our amendment was defeated.

Currently the bill allows the taking of DNA samples only from multiple murderers, sex offenders and designated dangerous offenders.

Given that a very small percentage of offenders commit the majority of crimes and there remains a number of unsolved crimes in this country, there is a great probability that a number of persons currently incarcerated for one offence may be responsible for many more offences. Without this amendment, the police will have many cases which remain unsolved.

I fully support this motion. However, it makes no sense to me why we have a databank that does not include samples from all convicted violent offenders. The bill as drafted now allows for samples only from multiple murderers, sex offenders and dangerous offenders. Two people who are exempt from this classification would be Clifford Olsen and Allan Legere.

I think all killers should be obliged to provide the DNA databank with samples even though they were convicted years before the bank was ever imagined. This is why this motion is so necessary and I hope government members will agree.

It is not as if we are suggesting they adopt a proposal like that from New Brunswick which has been the first to publicly press for the use of DNA samples in cases of property damage over $5,000. That day may come, but as of now I think the least we can do is test those who are serving sentences for two or more years.

Another reason for the necessity to test everyone serving two years or more is that a disproportionately small number of offenders are responsible for a disproportionately large number of crimes.

Stats Canada reports that of the approximately 23,000 offenders, 20% had served a previous federal sentence, 11% had served two previous federal sentences, 18% had served more than two federal sentences and 80% had previously been incarcerated.

The truth in these statistics is that the recidivism rate of a small number of offenders means that by taking steps to deal with this group alone would be effective in protection of the public. A recent CSC report confirms that those offenders detained for their entire sentence are less likely to recommit crimes than those released early.

By taking samples of those serving two or more years, it would not only solve many unanswered crimes, it would also send a signal that if you commit more crimes, you will get caught and you will be punished.

That is a deterrent we need to get out to the probable or possible offenders of the future. Do not do it. We will open up wide the use of DNA sampling and you will get caught and you will pay the price.

How can we refuse to accept that kind of legislation which would mean so much better safety for all Canadians throughout the land? Please support this amendment. Without it, the bill is not very good.

Mr. Ted White (North Vancouver, Ref.): Mr. Speaker, I did warn you that you would probably hear from me twice today.

The government has argued it is far too costly to take DNA samples at the time of the arrest of somebody who has been previously convicted.

It amazes me. It has indicated it will not support this amendment which would enable the police to take these samples at the time of arresting someone with a previous conviction.

• (1810)

It says it is too costly and yet it is prepared to spend perhaps hundreds of millions of dollars on registering the guns of law-abiding people like farmers who will never do anything wrong. It will not spend money on building a DNA bank which would solve crimes and therefore save enormous amounts of money in terms of property damage and personal harm done by criminals.

Where is the sense in wasting all that money on law-abiding citizens when there is absolutely no reason to do it and not spending the money where it is required in crime control?

This government is happy to give the Minister of Canadian Heritage millions of dollars to blow away on a flag program and millions of dollars to throw away on a heritage calendar which mentions every ethnic religious holiday one can think of except for Christmas and New Year, but it will not spend the money to help build a DNA databank which would help us solve crimes.

The government will spend hundreds of millions of dollars on the Social Sciences and Humanities Research Council which gives grants to professors which appear to be awfully like vacations but it will not give money to build a DNA bank that would help solve crimes for ordinary Canadians.

I was looking at some of the grants of the Social Sciences and Humanities Research Council. There was one for a woman to go to a little island just west of Fiji, a tax haven island. She was going for three years to study housing on this island. It is an absolutely ridiculous waste of money for a person to be given money to do that under the Social Sciences and Humanities Research Council grants.

These organizations give away money to study the make-up of blueberry jam. The member for Langley—Abbotsford has mentioned that one before. What a lot of rubbish. This is money just poured down the drain on useless, idiotic projects when we have here an opportunity to build a DNA bank that would actually make a difference. It would actually provide a deterrent, would enable the police to actually solve crimes and would relieve the suffering of many law-abiding Canadians.

The Liberals absolutely love spending money on all sorts of social engineering but they hate spending money on crime control or solving crimes. They are completely out of step with the public.

On another aspect of this bill, the government constantly talks about the court test of the legislation. It is so terrified of the court and what the court might do that it has become hog tied. It is unable to produce reasonable legislation because it is so afraid of the supreme court.

There was a clause put into the charter of rights called the notwithstanding clause and it was put there for a reason. It was put there so that notwithstanding the rulings of the courts, if the government felt that a ruling had been made out of step with the will of parliament and the will of the people the notwithstanding clause could be used to correct that problem.

Instead of being so afraid of these judges who defy the will of parliament and the will of the people and spending enormous amounts of money on preparing bills to be charter safe, why not use the notwithstanding clause a few times and show the judges what we expect of them?

We can have the public confirm the decision of the government by putting it to a binding referendum on the public will so that the government then cannot act in a tyrannical manner. If it does use the notwithstanding clause it will be endorsed by the public.

If we continue down this road of constantly talking about making bills charter safe, we surely know from our own experience in life that for every lawyer who says they drew up a document free of challenge and there is no way anyone can challenge this, there is another lawyer across the street who says it is full of loopholes and can be challenged from every direction.

We can have all the experts in committee who can make these suggestions on how we can make bills charter safe, but there is always going to be a lawyer out there who will study that bill and find some loophole or some clause where he can take it to challenge and with perseverance will mock it down. It happens all the time.

• (1815)

It is time we made it clear that we will no longer tolerate that as a society, that we need some crime control, and that if the judges will

not help us with that project we will use the notwithstanding clause to ensure they carry out the public will and begin to reflect a little of what society wants instead of what lawyers want.

Notwithstanding the comments of the member for Scarborough—Rouge River when he spoke earlier that there is nothing to stop the taking of DNA samples under warrant, when we look at the amendment being proposed by Reform we could have this amendment and still have the taking of samples by warrant if necessary. This motion gives an opportunity to begin building a DNA bank for repeat offenders so that we can solve some of the crimes they commit. I cannot understand why anyone would oppose that.

The member mentioned again that they are worried about charter challenges. Everything in this place is done worrying about what the courts might do to it. It is just completely crippling us, preventing us from doing our job.

Let us pass this motion. Let us add it into the bill and let us worry about what the court does with it a little later.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, it is a pleasure to speak to Group No. 6. I compliment my colleague from Crowfoot on the hard work he has done on Bill C-3.

Essentially it deals with the timing of DNA samples, the taking of samples at the time of charging the offender and retaining them for analysis upon conviction. It needs to be toughened up a lot. Members from the other side have mentioned a number of times that it is expensive to do these tests. What is the cost of not doing these tests?

I could not find any evidence in Canada, but let us look at the evidence in the United States. The United States has been much more aggressive than we have been in utilizing DNA sampling and DNA as a scientific tool in the fight against crime.

Recent FBI statistics state that less than half of all rapes were solved by police and less than 10% took samples at the scene of the crime for use by the laboratories. In only 6% of 250,000 rape cases was DNA was actually recovered and tested. That points to a significant flaw.

If we look at all the rapes convictions and take it as 100%, of those convictions only 48% or less than half was DNA collected and only in 27% was the DNA typed. Less than a quarter of all the DNA that was collected, which is about 12%, was from those convicted. That is a very small amount.

What are our costs, society's costs, the police costs and the judicial costs in not utilizing DNA as an effective tool against crime? We could think of all the time that would be saved if we could take samples from all those charged, charter challenges notwithstanding.

If one is innocent one has nothing to fear. If one is innocent the DNA can be used to exonerate. An enormous body of work, again from the United States and from the United Kingdom which has been even more aggressive than the States in utilizing the DNA databank, shows very clearly that DNA can be used as an effective tool to exonerate the innocent. It is a double edged sword. DNA can be used as an effective tool to convict the guilty and to make sure the innocent are not convicted. We have had both cases.

We had the case of Paul Bernardo where lives could have been saved if the samples that were taken from Mr. Bernardo were analysed in a timely fashion. Instead they were laid to languish in a laboratory and as a result at least two young innocent women were murdered and countless others were raped. We have also seen cases where the innocent would not have spent time in jail were DNA used as a tool to exonerate them.

• (1820)

If we are interested in justice we will pass Group No. 6. We will pass Motion No. 10 of my colleague from Crowfoot and will use it to make Bill C-3 a stronger bill.

There are other opportunities and other flaws that we can point to in using DNA. The United Kingdom has been particularly active in the DNA database and in employing DNA science. It is using something called STRs, short tandem strands of DNA that are more specific than the tools we are using today. If we use STRs, the short tandem strands of DNA, it is a much more effective tool in making a stronger more specific analysis of the DNA at the site of a crime.

We need to look at other flaws with respect to using DNA. Usually, as I mentioned before, not enough DNA is collected. It is not collected in a timely fashion. It is not collected at the scene of the crime and it is not processed in a timely fashion.

All those can be taken and used. If they are used can we imagine the savings in money and in time in police investigations? In the building and construction of a DNA databank we could have a mass of information that could be used to expeditiously convict a person guilty in the commission of a crime.

We need to learn not only from our experience in Canada which is in its infancy. We also need to look at the United States and in particular at the United Kingdom which have led the way in using DNA as a scientific tool against the war on crime.

It is important for us to look at the motions in Group No. 6, to utilize them and to adopt them to build upon Bill C-3. It is also useful for us to look at Bill C-3 to make sure that DNA can be taken from all those who are charged for the reasons I mentioned before.

Again, collect at the crime scene, use better specimen collection and preservation, and apply it not only to violent offenders. Why do we not apply it to non-violent offences too? What is the problem? If we are interested in the pursuit of justice, if we are interested in the

pursuit of truth and if we are interested in making sure that the guilty are convicted and that the innocent are released, why do we not use the DNA databank for those individuals too?

The cost of crime within our society is estimated at roughly $48 billion a year. What is the cost for us of not convicting the guilty? What is the cost of having the guilty released and running amok? All those things are important for us to take into consideration when we are trying to build Bill C-3 into a better bill for all individuals concerned.

I would also like to deal with the charter issue. It is important for us to look at the charter to make sure, when it comes time to revisit it, that the charter can be utilized and changed to ensure that good bills like a modified Bill C-3 are allowed to go through and that charter challenges do not get in the way of the pursuit of justice.

Too many times we have seen situations where individuals who were charged with crimes, who were patently guilty, got off scot-free because of a charter challenge, a loophole that prevents the guilty from being convicted and put in a situation where they will not prey upon innocent civilians.

In closing, I hope the government takes it upon itself to pass the motions in Group No. 6 to build a better Bill C-3. We look forward to its responses in the near future.

Hon. Sheila Finestone (Mount Royal, Lib.): Mr. Speaker, it has been a very interesting debate on DNA. A lot of issues around DNA have caused us some concern with respect to privacy rights and issues that relate to catching very serious offenders and not allowing a repeat of the offence.

• (1825)

Many members who participated in this debate have serious concerns. I share those concerns, but I believe the departments of justice and the solicitor general have done a very good job in listening to members, in particular members of the Reform Party, some of whom gave very well formulated and sound opinions and some of whom were off the wall.

That being said, I know there is a serious intent to ensure greater safety and security for citizens of the country by enabling us to target people who have the potential for repeated offences of the worst kinds.

The member for Wild Rose often brings into the House examples of serious offences which need to be addressed. It is very important to ensure in some way that multiple offenders never get out there again to continue those kinds of offences.

There are people who have demonstrated patterns of recidivism which are of serious concern to all of us. The legislation and the changes that have been made to it answer the concerns placed before us in a most efficient and effective way.

We had a conversation around the amendments found in Motion No. 11. I am sure members of the Reform Party recall the discussion around designated offences. The issue of a designated offence is a very broad term. Any designated offence is an even broader term.

I recall for those people who feel we are avoiding the issues in any way, shape or form by buying into the amendment that has been suggested that if we were to suggest an acceptance of Motion No. 11 we would be bringing into the prison system and into the taking of personal DNA, which is the most precious definition of who we are as a people, something that once out there in the public can never be recovered. It is vital information. If one has committed a B and E, has stolen a car or has broken into a shop, should we in those circumstances consider taking DNA? I am not in agreement. We were not in agreement in committee.

I see the member who did a very good job in defending his position in committee. He is talking with the Parliamentary Secretary to Solicitor General. I am sure they would both agree that this is not such a great idea. All three of us would agree that the best move is the move that will support the bill before us. It is a good bill. It contains the kinds of protection for society we need. Therefore I move:

That the House continue to sit beyond the ordinary hour of daily adjournment for the purpose of consideration of Bill C-3.

The Deputy Speaker: The House has heard the terms of the motion. Will all those opposed to the motion please rise?

And fewer than 15 members having risen:

The Deputy Speaker: I declare the motion carried.

(Motion agreed to)

Hon. Sheila Finestone: May I continue?

The Deputy Speaker: The hon. member may have lost her right to speak by moving the motion.

• (1830)

Mr. Lee Morrison (Cypress Hills—Grasslands, Ref.): Mr. Speaker, I am very pleased to have the opportunity to speak to Motions Nos. 10 and 11. I thought I would not get the opportunity. I thank the hon. member for her motion.

Having listened to the hon. Parliamentary Secretary to the Minister of Justice I wonder who is running this country. The parliamentary secretary gave very lucid arguments as to why we should not tackle the Supreme Court of Canada or put ourselves at risk of a showdown with the Supreme Court of Canada. If in the end the court prevailed and decided we had taken the wrong approach, those convicted during a period of three or four years prior to having the legislation declared void would have to be

turned loose because they would have been wrongfully convicted. I appreciate the argument and I would not like to see the guilty going free or conversely the innocent being convicted because of any error on our part.

However, this is a country of laws. It is time we made it clear not only to the public but to ourselves that the House of Commons of Canada is the supreme legislative body of this country and that we do not have to cower in fear of what the supreme court may do. We are trying to make predictions that the supreme court will disallow this legislation or that we think it will disallow this legislation.

If you put three lawyers in a room and ask them for opinions on this or any other subject, you will get at least five opinions. Therefore we should not be cowering here. If the House in its wisdom feels these are good amendments, which I believe they are, then this is the direction we should take.

Compared with what was previously brought forward in committee, Motion No. 10 is relatively innocuous. It states that samples can be taken on charge from previous offenders, not from just anyone who has been arrested. This makes it unnecessary in the event that the charged person is exonerated of having to take special measures in order to rid the databank of the samples as can be done with fingerprints now. If we go only for people with previous convictions then surely we do not have the problem of having samples in the databank from people who have never been convicted of anything because they are convicted before a sample is taken. I think this makes eminent sense. In my opinion there is no civil liberties problem involved in this.

The other question gets a little closer to the bone with the question of civil liberties, taking DNA samples from convicted people who are already in jail. Again the social benefit of doing this in this case may outweigh the danger to civil liberties. These are convicted criminals. These are not people who have been pulled in off the street and hair plucked from their heads to see what their DNA is. These are people who have committed serious crimes, designated offences.

These people could very well have in the past committed violent offences, in particular rapes, for which they have not been caught or charged

● (1835)

When they are in jail and have already been convicted of a violent offence, does it not make practical sense to check to see if maybe the fellow being looked for during the previous five years might already be in custody? I see no harm in this. There is no one in this House who is a stronger defender of civil liberties than I am. People who have known me here for the last few years I think will stand behind me on this.

This is a case where it simply makes sense to go ahead, take the sample and find out if somebody being held has committed some gross crime and if that is the case another charge can be laid and the fellow is kept in for a very long period of time.

I do not buy the philosophy that we have to quiver and shake and say no, the supreme court may override us. If worst comes to worst as I understand the law we could still use the notwithstanding clause to avoid having to turn a bunch of convicted felons loose. I may be wrong on that. Perhaps some of our legal talent could advise me.

That is the way I see it, that the notwithstanding clause could be used and therefore, contrary to what the hon. parliamentary secretary said, no one would have to be turned loose as having been wrongly convicted even if the supreme court did go against us.

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: Pursuant to agreement made on Monday, May 4, 1998, the questions on the motions in Group No. 6 are deemed put and a recorded division deemed requested and deemed deferred.

[*Translation*]

Pursuant to agreement made Monday, May 4, 1998, the motion in Group No. 7 is deemed moved and seconded. This group contains Motion No. 12.

[*English*]

Mr. Mark Muise (West Nova, PC) moved:

Motion No. 12

That Bill C-3, in Clause 20, be amended

(a) by replacing line 38 on page 22 with the following:

''order under section 487.051 or 487.052;''

(b) by replacing line 40 on page 22 with the following:

''tion under section 487.055 or 487.091; or

(e) provided voluntarily by any person who is charged with an indictable offence or is serving a sentence for an indictable offence.''

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, Motion No. 12 would allow an individual who is charged with a criminal offence or who subsequent to that charge has been convicted of an indictable offence to voluntarily provide a substance of DNA for analysis and entry into the DNA databank.

What this essentially enables an individual to do is give exculpatory evidence. Once again it demonstrates that this type of technology is not only to be used by the state but can be used by an individual and it would entrench this in the bill by allowing them to voluntarily give their DNA for use in the trial.

I suppose it could be argued that this would exist in any event if an individual wanted to do so and have the sample taken. Perhaps the funding is going to be a question that will inevitably be asked but this would include in the bill an individual's right to have their DNA considered by the state in the prosecution of a criminal offence. We are talking about designated offences.

The drafters of this bill in their wisdom have designated certain serious offences where DNA substances are very prone and very apt to be left.

I suggest this is a useful amendment. It is one that in the past would have been useful. The names Milgaard, Morin and Marshall come to mind with respect to how DNA did and could be used as exculpatory evidence.

It again shows the scope of the use of this type of technology in our criminal justice system and it is a positive suggestion and one which the government and hopefully all members of this House will support.

• (1840)

DNA is going to be used more and more in our justice system. It is inevitable. It is technology. It is going to serve a very useful purpose for those in law enforcement and for those involved in the justice system generally.

I hope all members would embrace this useful motion and would be supportive in their remarks and in the vote which will inevitably take place in the near future.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, if the government had the courage of its convictions it would grant the police the power to take a sample at the time of charge if the individual has shown by his or her actions that he or she has been in this type of difficulty before and if necessary protect that right by way of the notwithstanding clause.

As one of my colleagues indicated, it is time to tell the Supreme Court of Canada that we want the will of the people expressed through legislation created by elected representatives of this country and not be afraid every time we attempt to do it that nine unelected individuals are going to strike down the will of the majority of the people in this country.

We support this motion. We think this is a good motion. It does not hurt anyone. It causes no undue problems. It is of a voluntary nature. The provision for this type of activity was originally left out the bill. This motion would place it in the bill and recognize the right of individuals to volunteer samples for whatever purpose, but certainly for the purpose of exonerating them from offences they have not committed. How many times have people volunteered for breathalyser tests? How many have given samples of their blood, their scalp hair, their pubic hair in order to have that compared with samples found at the scene and to exonerate them? Other evidence has caused their arrest and charge.

We have looked at the cases that have come forward, the Milgaard case, the Donald Marshall Jr. case, the Wilson Nepoose case and so on. Those are only the ones we know about. Yet we probably have 50 section 690 applications a year going to the justice minister asking for a new trial or asking for mercy based on the conviction these people are innocent. This provides the means in this area whereby identification by way of DNA is allowed. It provides a statutory provision for that.

We support it and we congratulate the member for bringing it forward.

Mr. Nick Discepola (Parliamentary Secretary to Solicitor General of Canada, Lib.): Mr. Speaker, the government does not support this motion. We find it problematic because of the charter perspective. It calls for placing in the convicted offenders index the DNA profile of persons charged with an indictable offence who have provided DNA samples voluntarily. A person so charged is entitled to the presumption of innocence and may ultimately be acquitted. Therefore an innocent person's profile should not be part of the convicted offenders index.

There is another problem in that this motion has no provision for obtaining a person's informed consent to place the samples provided voluntarily in the convicted offenders index.

This motion applies to any indictable offence regardless of whether it is a designated offence and is therefore likely to provide DNA evidence that would be of assistance in a criminal investigation.

In light of these serious difficulties I urge hon. members to reject this motion.

• (1845)

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

[*Translation*]

The Deputy Speaker: According to the agreement of Monday, May 4, 1998, the question on the motion in Group No. 7 is deemed to have been put and a division thereon requested and deferred.

[*English*]

The House will now proceed to the taking of the deferred recorded divisions at the report stage of the bill.

Call in the members.

And the bells having rung:

The Deputy Speaker: To the relief of all hon. members, the chief government whip has requested that the vote on the motions be deferred until tomorrow at the conclusion of the time provided for consideration of Government Orders.

ADJOURNMENT PROCEEDINGS

[*English*]

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

CHILDREN

Mr. Lynn Myers (Waterloo—Wellington, Lib.): Mr. Speaker, it is absolutely crucial for the federal government to focus on children in the months and years ahead.

It is well known that well-developed children become successful productive adults who are better able to contribute to society's economy and to instigate a cycle of positive effects as they become parents and grandparents of the generations that follow.

As a society we need to continue to ensure that we are doing everything we can to help people carry out the most important job they will ever have and that is of a parent. As a society we need to continue to ensure that we are doing everything we can in the first three or four years of a child's life, noting that they are essential to the child's long term development.

We know now just how valuable it is to get these first years right, but how damaging it can be for children when they do not get the help they need at an early age.

As a society we need to continue to ensure that we are doing everything we can to prevent child abuse which is a crime with potential lifetime effects for the young victims. One abused child is too many.

As a society we need to continue to ensure that we are doing everything we can to prevent child poverty. Poverty affects not only a child's body but also their emotional and mental state. Poor children are more than twice as likely to suffer long term disabilities and other physical and mental health problems.

We at the federal level and indeed all levels of government need to work very hard to advance the cause of Canada's children. We must do so knowing that there is growing recognition worldwide of the importance of early childhood development. This is something we all have a stake in because it is all about the future of Canada. Early child development is a powerful investment in the future both socially and economically.

I ask the secretary of state responsible for children and youth what the government is doing to support our children. What is the government doing to advance the national children's agenda?

Mr. Tony Valeri (Parliamentary Secretary to Minister of Finance, Lib.): Mr. Speaker, as the member will recall, the Speech from the Throne acknowledged the importance of early childhood development. By investing now in the well-being of today's children this government is investing in the long term health of our society.

Federal, provincial and territorial governments have been working closely for some time on collaborative initiatives aimed at helping children get a better start in life. The community action program for children, the Canada prenatal nutrition program and aboriginal head start are just examples of highly successful programs already in place to help children in target communities.

To ensure that all Canadian children have the best opportunity to develop their full potential, we need a broader and much more comprehensive investment. Early childhood development alone is not the solution. A growing body of research tells us that we must look at the wide range of environmental factors that affect children's lives.

That is why the Speech from the Throne announced the development of a national children's agenda. Three levels of government are working together to develop a national strategy to improve the well-being of Canada's seven million children. This agenda will give us the opportunity to integrate the sometimes fragmented efforts of the different levels of government avoiding overlap and duplication to ensure we get the most out of each dollar we spend on children.

The national children's agenda is a long term action plan that requires a substantial investment of time and effort from all players. In the meantime we will live up to the commitment we made to Canadians.

As announced in the 1997 budget, the Canada child tax benefit will come into force July 1 to help low income families. As announced in this year's budget, we will increase the Canada child tax benefit by an additional $850 million by the year 2000.

• (1850)

Let me conclude by saying to the hon. member that these efforts by the Government of Canada demonstrate quite clearly that we are committed to do as much as we possibly can to move toward the elimination of child poverty, to promote early childhood development and to lay a strong foundation for the future of Canadian children and Canadian society.

HEALTH

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, I appreciate the opportunity to expand on my question to the Minister of Health about the painful shortfall in federal transfer payments for health care.

I proposed an amendment to a bill that would have required the minister to report every year to parliament on whether transfer payments are adequate enough to meet the needs for health services.

Let me explain why. I received a letter from George Bell whom I wrote to the minister about but have still not received a reply. Mr.

Bell waited six months before receiving diagnosis and treatment for a worsening nerve disorder. Last fall the first doctor told him the pain and tingling in his arm would probably go away. It did not. The second doctor booked him for a diagnostic scan for which Mr. Bell had to wait a month. After that Mr. Bell waited another month for more diagnostic services. His treatment only began recently and the surgery has not yet been scheduled.

Mr. Bell is a manual labourer who could not work because of the increasing pain in his arms. The Workers' Compensation Board turned down his claim because it stated he was suffering from a degenerative disc disease that was not as a result of his work duties. Mr. Bell has nothing to live on, is unable to work and is just now receiving treatment for his condition six months after he first approached a doctor.

Unfortunately there are many people out there experiencing similar frustrations and lack of timely care.

Today researchers at the Université du Québec à Montréal released a study that showed that health cutbacks reduced life expectancy for men and women as well as infants. The Liberal government cut $3.5 billion from health care over the past three years alone. That represents a huge number of beds, a lot of medical equipment and hundreds and perhaps thousands of staff. That represents months of waiting for surgery and life threatening hours of waiting in emergency rooms. It is quite simply unacceptable. This is not what Canadians want.

The Reform Party's answer is to introduce two tiered medicine where the rich can pay to jump the queue and the poor die on waiting lists. This is also unacceptable. This is not the Canadian way.

Right now a private hospital is operating in Alberta contrary to the public administration principle in the Canada Health Act. The Liberal government is doing nothing about it. The dollars of desperate and sick Canadians are going into the pockets of the owners of this private health operation instead of all those dollars being used for health services.

This is the way of the future, unless we stop it, unless we can give Canadians a voice in our own health care system. The amendment I proposed was a way to do that but the answer I received then from the minister was disappointing.

I would like the minister's representative to respond to Mr. Bell and to all Canadians who have to wait unreasonable periods of time, often at great personal expense for medical treatment. Why does he not wish Canadians to have a voice in our health care system? Why is he afraid of scrutiny of the current inadequate levels of funding for health care? Why are people like Mr. Bell forced to wait six months for treatment and be unable to work and have nothing to live on in the meantime? What answer does he have for Mr. Bell?

Mr. Tony Valeri (Parliamentary Secretary to Minister of Finance, Lib.): Mr. Speaker, the quality of health care available to Canadians is of utmost importance to the government. We know that high quality health care is a key contributor to a healthy population.

Simply focusing on how much money is being spent on health care will not provide a real picture of how good the quality of care is and how well the health system is doing in achieving important health outcomes.

Quality health care is also about the effectiveness and appropriateness of the care, treatment and services available to Canadians as well as providing those services in the most efficient way possible.

This government recognizes the importance that evidence based decision making has for improving the quality of health care. For example, we have implemented the three year $150 million health transition fund to gather in collaboration with the provinces and territories evidence and test pilot approaches in the areas of pharmacare, home care, primary health care and integrated health services delivery.

Also the government is spending $50 million over three years to examine the development of a health information system to ensure that those in the health system have the best information they need to provide quality care to Canadians.

Finally, the 1996 budget allocated $65 million over five years for the Canadian health services research fund.

The Canada health and social transfer provides the stability and predictability by ensuring $12.5 billion annually in cash transfers and total transfer entitlements that will gradually increase from $25.3 billion in 1997-98 to $28.5 billion in the year 2002-03.

[*Translation*]

The Deputy Speaker: A motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 6.54 p.m.)

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