



CANADA

House of Commons Debates

VOLUME 135 • NUMBER 109 • 1st SESSION • 36th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Tuesday, May 26, 1998

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Tuesday, May 26, 1998

The House met at 10 a.m.

[English]

Prayers

• (1005)

[English]

ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

The Speaker: I have the honour to lay upon the table, pursuant to section 23(3) of the Auditor General Act, the report of the Commissioner of the Environment and Sustainable Development to the House of Commons for the year 1998.

[Translation]

This report is deemed permanently referred to the Standing Committee on the Environment and Sustainable Development.

CANADA POST CORPORATION ACT

Ms. Paddy Torsney (Burlington, Lib.) moved for leave to introduce Bill C-409, an act to amend the Canada Post Corporation Act (letter that cannot be transmitted by post).

She said: Mr. Speaker, I am pleased to present this private member's bill, an act to amend the Canada Post Corporation Act. Once it is enacted it will ensure that Canada Post does not deliver contests or prizes which instruct people to pay a fee in order to claim their prize. An extraordinary amount of Canadians are inadvertently subject to these fees and moneys are collected. I think it is a consumer rip-off.

It would also instruct Canada Post not to deliver letters that inadvertently display logos which mimic government logos on their envelopes. This is again intended to confuse or rip-off Canadian consumers. I think this is an important piece of legislation.

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

* * *

PETITIONS

HEPATITIS C

Mr. Jim Hart (Okanagan—Coquihalla, Ref.): Mr. Speaker, I rise, pursuant to Standing Order 36, to deliver a petition to the House from 665 petitioners from around British Columbia who are asking parliament to revisit the issue of the hepatitis C compensation package.

• (1010)

The petitioners are asking that the House reflect on the concerns of citizens of Canada and offer a fair, compassionate and humane compensation package to all who received tainted blood.

PUBLIC NUDITY

Mr. Dick Harris (Prince George—Bulkley Valley, Ref.): Mr. Speaker, pursuant to Standing Order 36, I am pleased to present a petition from citizens of Prince George—Bulkley Valley and also from Prince George—Peace River who are concerned about the growing trend of explicit public nudity and the effect it is having on children.

ROUTINE PROCEEDINGS

[English]

CANADIAN FORCES

Mr. John Richardson (Parliamentary Secretary to Minister of National Defence, Lib.): Mr. Speaker, pursuant to Standing Order 32(2), I have the honour to table, in both official languages, the 1997 annual report of the Provost Marshal of the Canadian Forces.

* * *

[Translation]

GOVERNMENT RESPONSE TO PETITIONS

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

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There are laws in Canada to protect our children against this form of nudity in all media, but currently there are no laws protecting our children in public places.

Therefore, the petitioners call on parliament to enact legislation to amend the Criminal Code, specifically subsections 173 and 174, the indecent act and public nudity provisions, to clearly state that a woman exposing nudity in a public place, her breasts in particular, is an indecent act.

The petition is signed by several hundred petitioners from our ridings.

YOUNG OFFENDERS ACT

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, I am pleased to present a petition to amend the Young Offenders Act to reflect a change in the character of young offenders by increasing the maximum penalty for violent crimes, such as first and second degree murder, attempted murder, manslaughter, aggravated assault, aggravated sexual assault and armed robbery, to double the maximum penalty and to allow the publication of the young offenders' names after a second indictable offence, to lower the age limit which defines a young person to include only those youth between the ages of 10 and 17 and, with violent crimes, youth aged 15 or older should be transferred to adult court.

I submit this petition signed by over 200 petitioners in and around my constituency.

Mr. David Chatters (Athabasca, Ref.): Mr. Speaker, I, too, would like to present a petition on behalf of the family of Barb Danelesko and some 300 other constituents of mine. They ask that the Young Offenders Act be changed to reflect the character of young offenders by increasing the maximum penalties for violent crimes, such as first and second degree murder, attempted murder, manslaughter, aggravated assault, aggravated sexual assault and armed robbery, to double the current maximum penalties and to allow the publication of young offenders' names after a second indictable offence, to also lower the age limit which defines a young person to include only those between the ages of 10 to 17 and, with violent crimes, youth aged 15 or older should be transferred to adult court.

PUBLIC SAFETY OFFICERS

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I am pleased to present a petition signed by people of Peterborough and the surrounding area who note that police and firefighters are required to place their lives at risk in the execution of their duties. They point out that the employment benefits of police and firefighters are often insufficient for the families of those who are killed while on duty. They suggest that the public mourns the loss of police officers and firefighters killed in the line of duty.

Therefore these petitioners call upon parliament to establish a fund known as the public safety officers compensation fund for the benefit of families of public safety officers killed in the line of duty.

* * *

[Translation]

QUESTIONS ON THE ORDER PAPER

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

The Deputy Speaker: Is it agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[English]

SUPPLY

ALLOTTED DAY—CRIMINAL JUSTICE SYSTEM

Mr. Jim Pankiw (Saskatoon—Humboldt, Ref.) moved:

That this House condemn the government for the deplorable state of Canada's criminal justice system, and the government's lack of concern for public safety, as demonstrated by their refusal to: (a) strengthen the Young Offenders Act; (b) abolish conditional sentencing for violent offenders; and (c) introduce a Victims' Bill of Rights.

He said: Mr. Speaker, I will be splitting my time with the hon. member for Langley—Abbotsford.

Today's supply day motion is aimed at strengthening Canada's criminal justice system. Canadians have lost faith in our justice system because it caters to criminals and it ignores victims.

The Liberal government has mismanaged our justice system so badly that the protection of society is not its primary purpose. The Liberal purpose for the justice system is the quick release of offenders and the protection of their rights. The justice system has become a revolving door for criminals. They go into prison knowing they will only serve a fraction of their sentences before being released, free to pursue their criminal activities.

• (1015)

The solicitor general, the minister in charge of prisons, said in January that he wants more low risk, non-violent offenders on the

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streets. Let us examine exactly what the Liberals consider to be non-violent, low risk offenders. Rapists and pedophiles have been released into many communities thanks to this Liberal government's conditional sentencing program. Conditional sentencing means offenders serve their time in the community subject to certain parole style conditions. The Liberals treat these despicable members of our society as upstanding citizens whom they consider to be low risk and not deserving of jail time.

On May 19 the *Globe and Mail* featured a story in which a Windsor woman was in a grocery store and ran into the man who was convicted of raping her. The man had been sentenced only a few weeks earlier and was given 18 months of house arrest. A 63-year old Kelowna man sexually assaulted his niece and received a conditional sentence. Two Montreal rapists received conditional sentences. The list goes on and on.

On December 8, 1997 the justice minister stated in this House: "We agree in principle that conditional sentencing is working well". Working well for whom? It works great for the criminals, that is for sure. But there you have it. The Liberals are most concerned with criminal rights. The Liberal focus is on what is best for the criminals, not on what is best for society. The previous justice minister, now the discredited health minister, agreed to a victims bill of rights over two years ago and we are still waiting. Victims are still waiting and still nothing from the justice department.

The justice committee spent almost a year travelling across the country, consulting and hearing testimony on proposed reforms to the Young Offenders Act. It tabled a comprehensive report in April 1997. The Liberals have had that report for over a year but what has the minister done? Did she bring in legislation? No. Did she introduce tough new measures to deal with young thugs? No. Did she display a keen interest in taking on youth crime and defeating it? No. Instead, over a year later the justice minister released a glossy discussion paper complete with a colourful logo. She calls it a strategy paper but what it amounts to is more stalling and more delays in reforming the flawed Young Offenders Act.

I speak about the Young Offenders Act as a representative of a province that is all too familiar with the problem of youth crime. Saskatchewan has the highest rate of youth crime in the country on a per capita basis. Regina and Saskatoon are ranked first and third among Canadian cities when it comes to break and enters, most committed by teens.

Carol Wright of North Battleford was so sickened by the Young Offenders Act that she created a petition signed by 70,000 people. And what is the justice minister's response? What does the justice minister offer Ms. Wright and other residents of Saskatchewan plagued by youth crime? The minister released a pamphlet entitled "Canada's Youth Justice Renewal Strategy" which is coloured and designed like a fancy promotion piece. Typical Liberals, do nothing, just discuss, release a paper, discuss some more, study it, have a report.

How much longer do Canadians have to wait? How much longer does our safety have to be compromised before this government

will act? How much longer must Canadians live in fear of walking down the streets in their own communities and in their own neighbourhoods? The minister's colourful PR package does nothing to make our streets safer or to address the concerns Canadians have about youth crime.

The minister's proposals leave too much discretion in the hands of judges. We have seen where that has led with conditional sentencing. In typical Liberal fashion it is left up to a judge to decide whether names should be published and whether a violent young offender should face an adult sentence. So-called special sentencing options will also be left to the discretion of judges.

Rather than ensuring young offenders face stiff sentences and penalties by entrenching them in legislation, the minister wants to leave everything to the whims of judges. Clearly leaving too much power in the hands of judges is not the way to proceed.

• (1020)

That type of open ended discretion has led to the mess we are in today where young offenders who murder and rob are given slap on the wrist sentences.

The minister states that adult sentences will be given to those who display a pattern of violent behaviour. What kind of pattern? How many offences make a pattern? None of this is explained so I assume this also would be left to the discretion of a judge.

The minister is also vague about non-violent offences. Is break and enter going to be considered non-violent? What about drug trafficking? Will these youths be sentenced to community work? Do we want burglars and drug pushers serving community sentences in our neighbourhood?

I do not want to waste the time of this House with a detailed analysis of the minister's strategy paper because it simply continues the consultations, the discussions and the debate that have raged over the Young Offenders Act for years.

Now all we get is a smoke and mirrors strategy paper from the Liberals to make it appear as though they are serious about cracking down on crime.

Let us look at what others are saying about the minister's paper. The attorney general of Ontario said: "I do not think beyond a couple of things that it really deals in a comprehensive way with the concerns that Ontarians have expressed over and over again".

The justice minister from Alberta said: "From what I am hearing from Albertans every day, this will not fit the bill". It will not fit the bill because this strategy is not about the protection of society. It is not about anything. It is just hot air, more talk and more debate.

Since the Young Offenders Act was introduced in 1984, the justice department has operated in a social engineering fashion and look at what it has got us. People are afraid to walk the streets at

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night. Violent crime by youth is at an all time high and some cities are contemplating curfews for teens.

The Liberal way is the wrong way and this new strategy paper does absolutely nothing to steer the youth justice system off the wrong path.

The guiding principle of the justice system should be the protection of society. The rights of criminals should be secondary. The maximum age for the Young Offenders Act should be lowered to 15 years for all offences and the minimum age for the Young Offenders Act should be lowered to 10 years in order to get young offenders into the system early.

We need truth in sentencing and the names of all convicted violent offenders should be made public regardless of whether they were convicted in adult or youth court.

There should be parental responsibility for their children's actions. The minister speaks of parents paying court costs but their responsibility should go beyond that in cases where it can be demonstrated that parents were negligent.

We also need to promote personal responsibility. Individuals must be responsible for their own actions. The Liberals believe that our environment is responsible for criminal behaviour. They believe individuals have no personal obligation whatsoever. Blame it on TV, blame it on alcohol, blame it on the humidity, the alignment of the stars and planets, whatever, but do not feel you are personally responsible. That is the message being delivered to criminals by this Liberal government, but that is the wrong message. Criminals must be held accountable for their actions.

The types of changes that Canadians wanted to see are not mentioned in the minister's new glossy package, but then this government has not done anything with respect to bringing our justice system into line with the views of Canadians.

They want to strengthen the Young Offenders Act. The Liberals bring forward this meaningless paper. They want truth in sentencing. The Liberals established conditional sentencing where rapists and pedophiles are released into society, into our communities.

Canadians want a victims bill of rights. The Liberals continue to champion the rights of criminals. I therefore urge all members of the House to speak in support of today's supply day motion.

To speak against it, someone must either be a Liberal or they must have an extremely warped sense of justice. I guess those are really one and the same.

This Reform motion reflects the opinion of average Canadian citizens and I know many members will want to support the objectives of this motion when they speak in favour of safer streets, safer communities and a more effective, functional criminal justice system.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I listened carefully to what the Reform Party member had to say on this and my question is a very simple one.

• (1025)

Does he agree that, whether with respect to youth or the entire penal system, there are also two solitudes in Canada when it comes to the issue of crime? There is our attitude in Quebec with regard to the entire penal system, young offenders, parole, rehabilitation, and reintegration into society, and the attitude of the other solitude further west in Canada on these same issues.

Since the member was so interested in the Young Offenders Act, I wish to point out that the 66th convention of ACFAS was held during the week of May 14. This important meeting of specialists, political scientists, criminologists, and those working in the sector is held annually in Quebec to examine all aspects of crime. I will read the conclusion and I would like the Reform member to tell me whether or not he agrees that there are two irreconcilable solitudes in Canada, not just with respect to crime but with respect to other matters as well, and that we will never be able to see eye to eye.

This conclusion says "The federal proposals to amend the Young Offenders Act that were released Tuesday by the Minister of Justice reveal a growing gap between the approach to crime in Quebec and that in English Canada, particularly in the West". This was the view expressed by Quebec researchers during the symposium on politics and social management. They conclude as follows "There are two irreconcilable solitudes; that of western Canada, among others, and that of Quebec".

Will the hon. member at least admit that there is an increasingly wide chasm between Quebec and the rest of Canada? If so, what does he propose to prevent this chasm between the two Canadian solitudes from growing even wider?

[*English*]

Mr. Jim Pankiw: Mr. Speaker, I cannot provide any specific explanation as to why youth crime is higher in Saskatchewan than in Quebec, in fact higher than anywhere else in the country.

The Reform Party has proposed a three step plan to deal with young offenders. The first step involves early intervention and prevention. The second is community based sentences for non-violent, non-serious crimes. The third is what I focused most of my discussion on, getting tough and having effective and harsh penalties to deal with repeat violent offenders who are not start getting the message currently.

We had a town hall meeting recently in Saskatoon. Advocates of the current system's remaining as it is were there and there was a

young offender there who had committed repeat violent crimes over a period of five years. His opinion was “see, now I’m better”, but if our Young Offenders Act were working and effective, his first offence would have been his last. That is the type of justice system we need to prevent people from getting into patterns of repeat criminal behaviour.

Mrs. Sue Barnes (Parliamentary Secretary to Minister of National Revenue, Lib.): Mr. Speaker, I want to comment on the opposition from the Bloc in Quebec. I applaud the system of youth justice in Quebec because it is well integrated. But I also want to say very strongly and emphatically that whereas the loyal opposition talks about plans in town halls and stridently critiques, in London, Ontario last week I opened the Sonier Centre, together with many of the community partners.

We are not at the planning stage. We are at the implementation stage. That implementation in my city involves crime prevention. It involves getting a collaboration between boards of education, early intervention to prevent children leaving school. It involves getting neighbourhood watch and the St. Leonard society, youth justice circles.

We can talk and critique but really what matters is action, and action starts in communities.

Mr. Jim Pankiw: Mr. Speaker, I compliment the hon. member on her community initiatives to deal with the problem of youth crime. I wish the justice minister would take some initiatives at the federal level.

● (1030)

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, I am pleased to speak to the Reform Party supply day motion today. It addresses a number of issues that are very near and dear to my heart, in particular the Young Offenders Act, victims rights and conditional sentences. I can speak to any of these points for a full day and still have more to say about them.

At the moment I want to concentrate on the issue of victims rights. I want to relate a situation, one of many in my riding, that I am very concerned about. With regard to the once proud Canadian criminal justice system which today is basically a legal industry, I am asking people who are listening and watching this debate to take out a pen or pencil and a piece of paper and write down some of the dates I am about to give. It will give everyone a good idea of what the legal industry is all about, a legal industry that is perpetrated by a government so mired down in legalese and legal phrases that it has forgotten the basics of what we are all about, that is victims rights.

In 1994 I began working with victims groups across the country in developing a national victims bill of rights. In the latter part of 1995 the Reform Party adopted the proposals in the national

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victims bill of rights and included its blue book platform at our assembly.

In 1996 at the height of this issue my colleagues and I brought the proposals into the House on April 29. The then justice minister, the now woefully inept health minister, stood in the House just before me in debate and agreed to it. He said that we needed a national victims’ bill of rights and that it should be sent to committee. And there it sits. That is unfortunate.

I want to talk about an individual and give everyone listening an idea of what a victim goes through in society today. This is about one of these characters. His name is Clinton Dale McNutt.

In 1995 at age 19 McNutt’s adult criminal record began. He was driving with over .08 and was convicted of mischief, refusal to provide a sample and uttering a forged document. That can happen. Maybe we should intervene. Maybe we should look at it.

What happened five years later? He was sentenced in 1990 to eight years for attempted murder. During a domestic dispute McNutt shot his brother-in-law in the abdomen and his wife’s sister in the back of the head. Both survived. After a plea bargaining arrangement—and this is where the victims rights bill comes into play—McNutt pleaded guilty to one charge for that damage.

In January 1995 McNutt was granted day parole at Sumas Community Correctional Centre. This is the day care of all day cares for criminals. There are no fences, no guards and no security system. Criminals can venture out in the community of Abbotsford during the day, do what they please and go back at night to sleep. There have been four rapes by residents of Sumas centre in the last two years.

In July 1995 McNutt had day parole at Sumas centre but his day parole was revoked. He was found intoxicated at the centre, which is no surprise as booze and drugs come into Sumas all day long. The correction centre says that is the kind of risk faced in Abbotsford, British Columbia.

On October 18, 1996, McNutt was again granted day parole at Sumas centre for a second time. He was back into day care again so that we could look after this boy.

On April 14, 1997, not too long ago, McNutt was charged by the Abbotsford police with indecent assault causing bodily harm.

● (1035)

He is accused currently—I like the word accused—of leaving the Sumas day care centre and attacking the corrections volunteer whom he had met at the centre. The female victim required hospitalization. Even the workers are not very safe from this guy.

What happened after April 14? This is what should be noted. This is what that indecent assault victim is going through like many victims in our country today.

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On April 25, 1997, disclosure court was adjourned. On May 23 the discovery was adjourned. On June 24 disclosure court was adjourned. On July 15 disclosure court was held. On July 29 a judicial interim release hearing was held. November 7 was the preliminary hearing. He pleaded guilty. We must keep this in mind. He is now guilty of indecent assault. He said "Yes, I did it".

On December 2 sentencing was adjourned. On January 21 sentencing was adjourned. On January 29 sentencing was adjourned. On February 16 sentencing was adjourned to obtain a psychiatric report. That was after four adjournments.

Judge W. Field struck down the guilty plea and ordered himself removed from the bench after all this. He deemed a possible conflict of interest since the judge's former law partner defended McNutt in the attempted murder case when Field was a defence lawyer.

We have to piece this together and think about it. Suddenly the judge says, after adjournment after adjournment, that his law partner defended him years ago when he was a lawyer. He deemed it in conflict so he stepped down.

Then what happened? On February 26 they fixed a date for sentencing. On April 3 sentencing was adjourned since the crown counsellor announced that a dangerous offender designation was being sought. They did not do that way back when the victims were sitting in the court. After all this the crown decided to seek that designation.

On April 20, 1998, the dangerous offender hearing was adjourned. On April 27 the dangerous offender hearing was adjourned as McNutt entered a new plea of not guilty. He had the right to do that because the judge stepped down and there was a new judge: "I was guilty before but I am not now". The victim who was indecently assaulted was sitting there listening to this stuff. On October 29 the pre-trial was scheduled. On November 30, 1998, the preliminary hearing was held.

What is going on? This goes on every day in almost all our cities. This is nothing but a sick legal system, a legal industry feeding on itself at the cost of victims. They sit there day in and day out, the lawyers earning big pay for this sort of thing, while the case is adjourned and adjourned and the judge steps down. He pleaded guilty; he pleaded not guilty after another judge was on the case.

They laugh. Look at them over there laughing at it. Liberal members think it is funny. They should try going to the victims and asking them about it. I think it is sick.

Unfortunately I only have a minute or I would start on what is wrong with the system. We should take that for what it is worth. That is what victims are going through day after day. It is darn well time the government had the courage of somebody's convictions to develop a national victims bill of rights to make sure that victims are not treated like third class citizens, to make sure that victims

have at least the same rights as criminals, and to make sure that victims are treated decently in a country where they should have always been treated decently in the first place.

• (1040)

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, normally a government member ought to have risen to say that what has just been said makes no sense. I cannot remain seated without commenting on such a speech.

I think I have figured out what the hon. member's problem is. Having listened to him carefully for 10 minutes, I think he is in the wrong legislature. He should be a member of a provincial legislature, because everything he mentioned relates to the administration of justice. As far as the disqualification of the judge is concerned, he may have forgotten, but he did not specify which level of court this was. It was probably a court of first instance, where the judgeships are provincial, not federal appointments. If the judge is incompetent, let the hon. member speak to the Minister of Justice for British Columbia, which is where he was appointed, but not in this place.

I think that he is comparing apples and oranges, and scaring everybody in the process. This is how prejudices are created in Canadian and in Quebec society, when people listen to these folks with their tales of the bogey man, trying to stir up fear about the Young Offenders Act, for instance.

Everything the hon. member had to say about the adjournments, the changes of court dates, the disqualification of the judge, who appears not to have done a good job, comes under provincial jurisdiction. The Bloc Quebecois members are not in agreement with this, because we respect your Canadian constitution. We may not have adopted it, or signed it, but we do respect it.

Some hon. members: Oh, oh.

An hon. member: They cannot understand for they are not listening.

Mr. Michel Bellehumeur: Instead of yelling, the hon. member should perhaps listen to what I have to say. He would hear somewhat more balanced and realistic speeches. People would not be alarmed. The game they are playing here is a dangerous one. Crime, the judicial system and public safety are nothing to joke about. They should not be making political hay with them and they should certainly not be picking up easy votes in western Canada on such important matters. I think their remarks are outrageous.

Some hon. members: Hear, hear.

Mr. Michel Bellehumeur: Furthermore, I am receiving applause from the Liberals, the New Democrats and the Conservatives. Something is wrong in this system.

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I am coming to my question and I will be brief. The hon. member would do well to come more often to the meetings of the Standing Committee on Justice and Human Rights. We recently heard the testimony of an illustrious individual from British Columbia on a victims bill of rights and on everything the member has just said.

It was refreshing to hear someone from B.C. expressing views that are different from those of Reformers, because that province has a good system for victims. Perhaps it could be improved. If the federal government has surplus money, let it give it to the provinces to improve the system. British Columbia, like Quebec, has a good system already.

[*English*]

Mr. Randy White: Just what I need, Mr. Speaker, and just what the country needs: a separatist telling us in the House how our provincial governments and our judicial system should run, a separatist telling us how our Canadian judicial system should run.

This is about politics. This is about a government and politicians who legislate in the House and leave the administration of political decisions that lead to legislation to provincial governments.

Why not legislate a national victims bill of rights and let it be administered? Why is it that a government like this one institutes conditional sentences and then turns around and says to provincial judges that they can issue them all they like? What happened? In my riding there were two rapes in a row. People who raped women received conditional sentences.

Ms. Eleni Bakopanos: Thanks to you.

Mr. Randy White: Thanks to me, the hon. Liberal member says. I would like an apology for that insult.

• (1045)

Quite frankly the Liberal government was told time and time again in the House that we should exclude rapists and murderers from conditional sentences and it chooses to ignore it and allows it to happen. Thanks to me. I would like an apology for that insult. It is the Liberal government that is at fault. The government is deliberately denying victims in this country their rights.

As far as the comment and the question from the separatists, their agenda is a little below what it should be in this country. I do not have any time to answer that real dumb question.

Ms. Eleni Bakopanos (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, let me begin by saying what else is new on the part of the Reform.

Reform chooses an opposition day to do a smorgasbord of what is the most heinous violent criminals. It is highlighting those people in our society that the justice system is trying to work out. It is exaggerating the extent of the crime in this country. Crime has

gone down in Canada. It is exaggerating and fearmongering which is typical of the Reform opposition. It highlights the exceptions to the justice system rather than the rule.

Reform's simplistic attitude toward justice, an eye for an eye and a tooth for a tooth philosophy belongs in the jungle, not in this House and not in this country. That is exactly the Reform philosophy as far as justice goes.

I do not think victims in this country believe in an eye for an eye or a tooth for a tooth philosophy. They believe that the government has a balanced approach, both to youth crime and to victims rights. We are on the record—

Mr. Reed Elley: The punishment should fit the crime.

The Deputy Speaker: Order, please. The Chair is very tolerant of heckling in debate but I am having difficulty hearing the parliamentary secretary. To that extent I have to say I feel the heckling is excessive. Perhaps members might tone it down a little so the Chair is able to hear a member speak. I am sure there are other members who would also like to hear the parliamentary secretary.

Ms. Eleni Bakopanos: Mr. Speaker, I do not think they are really interested in hearing me but I will continue in any case.

As far as the young offenders proposals put forward two weeks ago, the government put forward a balanced approach focusing on front end initiatives in dealing with Canadian youth unlike the opposition who try to prevent crime by simply changing the Criminal Code or the back end of crime prevention.

I will give a brief overview of the most important changes to the legislation that the minister has announced. She proposes to replace the current procedure for transfer to adult court with the procedure of assessing adult sentences in certain serious circumstances so that justice can be provided quickly so that the decision to transfer is made at the most appropriate moment after finding of guilt. By speeding up the process we will ensure that the offender, the victim or the victim's family and the community see a clear connection between the offence and its consequences.

This change would allow that youth 14 years and older who are repeat violent offenders or who are convicted of murder, attempted murder, manslaughter, or aggravated sexual assault will receive an adult sentence unless a judge can be persuaded otherwise. The Minister of Justice would allow the publication of names upon conviction of youths who qualify for adult sentences.

At the same time the new legislation will strengthen the commitment to use community based sentences and effective alternatives to the justice system for non-violent young offenders. This new legislation will enhance the requirement that community based approaches be—

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An hon. member: Where is it?

Ms. Eleni Bakopanos: Shall I continue, Mr. Speaker, or shall we let the opposition—

The Deputy Speaker: I think the parliamentary secretary has the floor. I am able to hear her well so I have been reluctant to interrupt, but perhaps hon. members who are seeking to participate in the debate might restrain themselves until their time comes.

Mr. Dick Harris: Mr. Speaker, I rise on a point of order. We are quite willing to listen to the hon. member make her presentation, but she is misleading the House because there is no legislation.

The Deputy Speaker: I think the hon. member knows that it is improper to suggest that any hon. member is misleading the House. I caution him very much in respect of those words.

The hon. parliamentary secretary is entitled to continue her remarks and speak about her intentions and I invite her to continue.

• (1050)

Ms. Eleni Bakopanos: Mr. Speaker, the minister has indicated that she intended to work closely with the provinces to help promote and expand the kinds of sentences that help youth fully appreciate the impact of their actions, accept responsibility in a meaningful way and come to terms with a need for change in their lives. These approaches provide youth with support to overcome criminal behaviour when traditional sources of support are unavailable. Equally important, they engage victims and the community in the administration of justice and thus provide greater confidence by responding to legitimate concerns that justice be seen to be delivered at the local level.

There are many models already in use across Canada. Some involve restitution, that is, youth paying back to the victim and the community for damage done. Other models involve victim-offender reconciliation programs, family group conferencing, community service orders or personal services to a victim. All of these emphasize and reinforce basic fundamental Canadian values such as respect for others, their property and their community.

[*Translation*]

The government wants to increase its efforts to prevent youth crime. Canadians want to provide their young people with any assistance they may need and help them stay away from crime.

To do so requires looking beyond the legislation and the criminal justice system at ways available to our society to deal with problems such as child poverty and child abuse, which are often an underlying cause of youth crime, and to help young people not to make the kind of choices that may lead them to engage in criminal behaviour.

The Government of Canada has agreed with provincial and territorial governments to pursue a joint child development strategy as part of the national action program for children.

Canadians realize that legislative changes are only one piece of the puzzle. Legislation alone will not stop young people from committing criminal acts and innocent people from being victimized. An efficient approach to deterring youth crime must reach beyond the criminal justice system and include crime prevention and a series of other programs and services to help children and young people.

This is the basic message conveyed by the Standing Committee on Justice and Legal Affairs in its report on the Young Offenders Act. The provinces and territories have been key partners in seeking new direction for the justice system as it applies to youth. More important, Canadians have made a major contribution by expressing their fears and concerns, and by demonstrating their support for reasonable and balanced solutions.

These values—not those of the opposition—are the ones Canadians want our justice system to reflect. We must do a better job of ensuring that this is the case. There are effective community-based alternatives, but they are not used to their full potential. We rely too much on incarceration, as the opposition often advocates, but this solution, while simple, does not help young offenders, victims, or communities.

[*English*]

The Reform Party would want us to believe that the criminal justice system is in a deplorable state. This is not what the statistics show, but of course Reform members do not know how to read or write. The victimization rate has gone down between 1998 and 1992. The picture we get when we care to inform ourselves seriously is a far cry from those levels advanced by those who want us to think that we have to lock ourselves up for fear that we might be attacked if we dare walk out on our streets.

The Reform Party has been claiming that the system is broken ever since it came into this House in 1993 but it does not have any hard facts to prove it. Yes there are crimes. Yes there are victims and one is too many. That we agree on. But it is not a fair statement to say that the whole system has to be abandoned.

Why is it then that the opposition continues to claim that the system is broken when Canada's justice system is at least as effective as any of the other western societies? What is it that is broken in Canada? What is it that we are not doing in Canada that is much more efficient elsewhere?

I would suggest, if the members care to listen, it is because of the very failure of the opposition to demonstrate that crime is rampant in Canadian society that it has to resort to empty rhetoric and petty

politics to instil the fear of crime and to try to put this government on the defensive.

The best way to fight crime is to ensure that crime is not committed. As the Minister of Justice indicated on May 12 when she outlined her strategy for the renewal of youth justice, crime prevention is at the heart of a criminal justice system that works effectively.

• (1055)

A second phase of the crime prevention initiative will soon be launched. These initiatives and others, which include the strengthening of aboriginal communities, place a strong emphasis on dealing with the root causes of youth justice and helping communities to support and provide guidance to their children and youth which is a key ingredient in making our young people less vulnerable to a life of crime.

As for victims, I would caution the reliance the Reform Party has been placing on a victims bill of rights. Such a bill could only address matters within the federal government's jurisdiction. I believe that the federal role in that area is rather limited. As the hon. member of the Bloc reminded Reformers, I would like to remind them that there is provincial jurisdiction in this area, in the administration. They often forget that.

I want to remind the House that the justice and human rights committee is looking into the issue of what can be done to help the plight of victims. In fact there will be a national forum for victims rights here in Ottawa in early June. They also forget that. I have no doubt that the Minister of Justice will be interested. We encourage hon. members to hold more town hall meetings to get the real opinion of Canadians as they often do when they hold their town hall meetings if they are willing to listen.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I will make this a very short question because I see there are lots of people who would like to ask questions.

I am just curious about a comment the hon. member made and would ask her for a response to this question. She claims that the crime rate is down 13%. At the same time her colleague from the solicitor general's office was complaining in a press conference that I was at that incarceration was up 28%. Could the member possibly explain, if incarceration is up 28% that maybe crime is going down because the bad guys are off the street.

Ms. Eleni Bakopanos: Mr. Speaker, statistics across this country do show that crime rates are going down. There is a certain percentage, but I am not sure it is 28% as the member would like us to believe, of violent criminals that is going up.

Mr. Myron Thompson: That is what your member said.

Ms. Eleni Bakopanos: That is why we have to begin at age zero, as I said in my speech. We have to begin to take care of the problem

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that exists in terms of poverty and other problems which exist in this country in order to ensure that we prevent crime, not throw people in jail as the Reform Party would like us to believe.

Ms. Angela Vautour (Beauséjour—Petitcodiac, NDP): Mr. Speaker, I was wondering if my colleague from the government could confirm exactly what she said about prevention being the best way and not throwing everybody in jail without looking at why they are there.

Could the member please give me her thoughts on the kind of system we would have if the Reform Party was the government today? What would Reformers be putting toward prevention if they are talking about tax cuts? And yes we know there are some people in this country whose taxes are too high and some large companies that do not pay enough. Could the member please explain to the House what kind of system we would have?

We know that with the cuts to the social programs now, there is no more room to cut. We know that with the Reform Party there would be no real social programs. Could she please explain to us what kind of crime prevention program we would have in this country with the Reform Party governing this country?

Ms. Eleni Bakopanos: Mr. Speaker, I thank the hon. member for her question but I do not purport to talk for the Reform Party. I will talk about what this government wants to do. The Reform Party members can speak for themselves. They are on the record and have proven themselves true to form again.

As far as this government is concerned, the National Crime Prevention Council that was set up by the federal government made recommendations to this government concerning crime prevention.

Poverty is an important issue in terms of preventing crimes, starting at age zero. This would include taking care of nutrition, helping parents and single parent families to deal with the problems which start early and helping dysfunctional families from the very beginning. We are investing, as is on the record and as was our commitment in the election campaign, \$32 million in terms of community based crime prevention initiatives. As I said in my speech, we will be doing the launch of these initiatives in a few days.

I want to assure the member that the recommendations of the National Crime Prevention Council are the basis of a lot of crime prevention initiatives. We consider community based initiatives as being the most appropriate way to begin. That is the route we are taking.

Yes we have to take care of other social problems such as poverty and child malnutrition. We can talk about fetal alcohol syndrome and all the other syndromes. Those are the types of initiatives we are looking at in terms of funding and making sure we prevent crime at zero age.

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• (1100)

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I would appreciate it if the parliamentary secretary to the Minister of Justice would explain the numerous contradictions between the statements of the current Minister of Justice and those of her predecessor, who both represent the same Liberal Party and promote the same policies.

I will only quote a few short statements from the predecessor of the current Minister of Justice. During Oral Question Period, the then minister said “We must not amend the Young Offenders Act. Amending the act will not solve the problem of juvenile delinquency”. The former Minister of Justice also said “The idea is not to stigmatize these young people for life by publishing their names in the newspapers, which could prevent them from continuing their education and getting a job. Rather, we should follow Quebec’s example as closely as possible in dealing with young offenders”.

How does the parliamentary secretary to the current Minister of Justice explain that the minister did a complete turnaround and yielded to the pressures of western Canada, among others, on a very simple issue, by publishing the names of young offenders, which squarely contradicts what the Liberal Party used to suggest?

Ms. Eleni Bakopanos: Mr. Speaker, to respond to the question, I would like to reassure the hon. member by saying that our position has not changed. Our approach remains balanced, with crime prevention on one side—and I have already told the House of our initiative of \$32 million—and the treatment of those needing rehabilitation on the other.

As we said when we announced them, the proposals are aimed at less than 1% of young offenders, the most violent and repeat offenders.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I invite the members of the Reform Party to listen carefully, as I am sure they will have questions to ask me.

First, I think the Reform Party is right to question Canada’s criminal justice system. Unfortunately the arguments that lead us to criticize the government over criminal justice are at the other end of the spectrum from those of the Reform Party.

This difference once again illustrates the incompatibility of Quebec’s expectations and federalism as proposed by the government opposite and especially as proposed by the Reform Party and the people in the west. I could debate this all day long. I know the subject well and am passionate about it.

It is vital that legislation to do with the criminal system be well thought out. Legislation must not be established on the basis of

specific cases or stories from the *Journal de Montréal* or other gossipmongers in western Canada, but on the basis of a very thorough analysis of the situation. Only then can we draft the necessary legislation, and it must be for the long term and not just to resolve a particular problem or a public irritant.

The Reform Party proposes a motion and attacks three subjects from three different directions. I will deal briefly with each one.

The first, the Young Offenders Act, is another matter I could talk passionately about, because it is important. I have always held and do so still that, a young 14 or 15 year old in trouble with the law for having committed a murder or armed robbery in a convenience store or elsewhere has a problem, but society too has a problem, because this is a societal problem.

As for the Reformers, they criticize the Minister of Justice for not having gone far enough. They are calling for the electric chair, or almost; nothing will ever be enough for them, they want the problem solved once and for all. As far as we are concerned, when a series of amendments were made to the Young Offenders Act in recent years, we suggested that, before these amendments were implemented, the western provinces should first try to apply the legislation as it then stood to determine whether anything could be done with it.

In Quebec, we have been investing in a rehabilitation system for 20 or 25 years, and the Young Offenders Act as it stands works.

• (1105)

There is always room for improvement. As long as a 0.1% rate of repeat offenders remains, not enough is being done. There is obviously room for improvement. However, will it serve society to throw young persons in prison for life, in a different wing from adult prisoners perhaps but sharing cafeterias and dayrooms with real criminals? I think not.

Will the problem be solved by publishing the name of a 16-year old who has committed murder? Will branding him on the forehead ensure public safety? No. The law must be enforced.

The provinces have sufficient latitude under the existing legislation to help these young people return to society as anonymous citizens, earn a living, have a family, in a word re-enter society—that is the basic idea—and become anonymous citizens.

In this respect, Reformers should listen to what the experts are saying, in Quebec. While political scientists may be caught up in their own views, there are also criminologists, sociologists, those enforcing the Young Offenders Act, those involved, to whom problem cases are referred and who enforce the law.

I referred briefly to the ACFAS earlier. These experts, who have gained renown across Canada and even in the United States, have

made it clear that, in Quebec, enforcing the Young Offenders Act has paid off. As I was saying, Pierre Noreau, a political scientist at the Université du Québec en Abitibi-Témiscaminque, said “Twenty years ago, Quebec chose to equip itself with a system for handling troubled youth that is more sophisticated than in most other provinces”. This is the secret of our current success.

Having heard what the Reform Party members have had to say, there is absolutely no way we will ever be able to reach agreement with them on the Young Offenders Act. We have two different ways of looking at the problem. The Reform position is incompatible with ours. Increasingly, as the government takes a position on the Young Offenders Act, it is getting in line with the Reform Party view, the view of the western Right, and its position is becoming increasingly irreconcilable with the Quebec position.

It is unfortunate, because the separatists, as we are labelled here, used to be able to talk to those the other side, the federalists, on a matter of great importance, and to reach an agreement on it, for the good and the protection of society. The Reform Party is not the only one to be concerned about this issue, we too are concerned about it. But our solutions are different.

The second point deals with parole for violent offenders. The parole system is part of a theory of criminal justice based on offender rehabilitation. That is the initial premise, and the basis of the legislation. If they are against it, they need perhaps to address the initial premise, the objective of the legislation, which is to rehabilitate the offender and reintegrate him into society.

Some offenders are harder to reintegrate than others. Some, certainly, cannot be rehabilitated. I am told that pedophiles do not respond to treatment. Is this true? Is it false? I do not know. I am a lawyer, not a doctor. I am told that, regardless of the treatment or drugs used, a pedophile cannot be cured. This problem must be viewed in a different perspective from other offences. The whole parole system must be structured accordingly.

Since Bill C-45 was passed, the formula used to expedite the release of some offenders after they have served one-sixth of their sentence has been of concern to the public. Obviously, people cannot agree or be pleased with what is going on, particularly when they see individuals such as Lagana and others like him, major drug dealers and big time money launderers—according to the media, and this seems to be confirmed in the legal files—released after serving only one-sixth of their sentence.

• (1110)

Considering all the problems created by drugs and the money they generate, we cannot be pleased to see these individuals released after serving only one-sixth of their sentence.

The Bloc Québécois does not just criticize. It proposed an amendment to the act, to try to solve the problem. We think the

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problem has to do with how the parole board defines non-violent criminals. I could give a presentation on a supreme court decision in the 1980s or 1990s, the Smith case, in which the court associated drug money and any money from crime with violent crimes.

Money laundering does not seem like a violent crime, but where does the money come from? It comes from crime. After weighing the facts, the supreme court judges reached the conclusion—and I respect their very legal rulings—that it was violent. The legislation could perhaps be amended to bring it more into line with the Smith ruling and deny such people parole.

My final point is the victims bill of rights, which, as I mentioned earlier, is a provincial concern. Certain provinces are undoubtedly more advanced than others. I was delighted when the deputy attorney general of the province of British Columbia appeared before the committee and told us everything that was being done in British Columbia for victims.

It is perhaps not enough and more perhaps needs to be done, but under no circumstances must the federal government interfere. If the federal government has money, British Columbia said it should hand it over to the provinces, who are responsible for implementing the legislation. They will invest this money where it is needed.

I could go on for hours, but my time is up.

[English]

Mr. Jack Ramsay (Crowfoot, Ref.): Madam Speaker, I listened with interest to my colleague who sits on the justice committee, as I do. He talked about the administration of justice within his province.

It was a judge from Quebec who, using alternative sentences, allowed two men who raped a young girl to walk free on conditional sentencing.

I would like to know if the member believes that is the proper use of the law or whether, if he had the authority and the power, he would limit the use of conditional sentencing to non-violent offenders as the government indicated.

When the conditional sentencing bill came through, Bill C-41, and some of the judges began to use in a manner that the justice minister today felt was inappropriate, he introduced an amendment. It required the unanimous consent of this House to introduce it in the manner that he did.

That was to caution the judges that the safety of society must be taken into consideration when conditional sentencing is used. It was a warning to the judges about using it indiscriminately when violent offenders are involved.

I ask the hon. member to bear in mind that the administration of justice in the province of Quebec overall does have some concerns.

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There is a biker war there. We have seen murders, including the murder of a young child. We saw the gangland type of execution of two prison guards. We have not seen that for years, certainly not in my lifetime, in the other provinces.

Before we start to cast aspersions on the administration of justice in the other provinces, perhaps the hon. member should take a look at some of these extraordinary criminal occurrences in his own province.

• (1115)

I would like him to answer that question. Is he satisfied when that judge in Quebec, as do many judges across the country in all provinces, uses a law created in this House, called conditional sentencing, in a manner that allows a convicted rapist to walk free?

Does the member support that? Or, if he had the power, would he change that? If he would change it, to what extent would he change it? Or would he simply allow what the government is allowing, which is for the appeal courts to deal with it, plugging the appeal courts with case after case? The attorneys general of the provinces and the crown prosecutors are appealing ridiculous decisions made by the lower provincial courts which have allowed violent offenders to walk free through the use of conditional sentencing.

I would like the hon. member to express his concern one way or the other, if he has a concern over that particular piece of legislation.

[*Translation*]

Mr. Michel Bellehumeur: Madam Speaker, the hon. member's comment is somewhat surprising, since the Reform MPs are the only ones criticizing the administration of justice at the present time.

I have never criticized the justice system of any province, I was merely repeating the allegations by the Reform member who spoke before me, criticizing not only the administration of justice but the very decision of the judge who stepped down, more or less labelling him as incompetent because he waited so long before indicating that he ought to be disqualified.

I have not criticized the administration of justice. On the contrary, I believe that the provinces, all in all, do a very good job with what resources they have available. I am very pleased with what I see at first glance as far as the administration of justice is concerned, in Quebec at any rate.

As I have said, there is room for improvement. What the Reform Party wants, however, does not exist—a kind of machine you would load up with the facts, pull a handle, and out would come the result at the other end. That is not how things work in real life. There are cases where the facts have to be examined, legislation

that has to be applied, there are no miracle solutions, and at the present time the legislation is good, overall, although there is room for improvement.

I will not go into specific cases, as they want me to, because that is not the role of a member of parliament.

The Acting Speaker (Ms. Thibeault): I am sorry to interrupt.

[*English*]

Mr. Pat Martin (Winnipeg Centre, NDP): Madam Speaker, I am pleased to rise to speak to this particular motion on this opposition day. The topic is an important subject which Canadians want to talk about. There is a great deal of interest in the subject and it is very timely to be raising it at this particular juncture.

The YOA, victims' rights, the whole subject dealing with crime and urban safety is something that I am very well aware of and deal with every day. I live in an inner city riding, the city of Winnipeg, that is home to some of the worst street gang problems, breaking and entering, nuisance crimes and a lot of property crimes.

Next to health care, the number one issue that arises from the people in my riding is: Why are their streets not safer? Why can they not feel comfortable? They want to live the way we used to live in that community when I was growing up. My father would give me \$5 to go to the store to buy a quart of milk when I was eight or nine years old. I would ride my bicycle to the store, buy the milk and return home.

Now a parent simply cannot do that. They would not be acting in a responsible way if they sent their kid to the store with a five dollar bill. It would not be smart. They would not be doing their child a favour.

It is the number one concern. It is a quality of life issue. People want it to be dealt with. They want it to be addressed. They have a right to be angry. Even a lot of the choleric language that I hear from members of the Reform Party I can frankly understand. I can relate to it. We all have a right to be angry when our streets are not safe and we do not feel that our families are safe.

I recently held a round table on this subject in my riding and two nuns who run a safe house for street kids in the inner city of Winnipeg came to that meeting. They told me some stories that might be useful for members of the House to hear.

• (1120)

First, to give an idea of the nature of the problem, in the area surrounding around the safe house people no longer sleep in the outside rooms of their homes. They sleep in the inner part of their homes, in a den or in a living room that is away from any outside wall because there is gunfire every night. Every night around

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Rossbrooke House in the inner city of Winnipeg people hear shots going off as gang members threaten each other with firearms. It is serious. It is not once in a blue moon, it is every single night and families will not sleep in their bedrooms because they are afraid of stray bullets coming in through the windows on the exterior walls. Those are urgent circumstances.

They also went on to talk about some of the services they provide in this safe house. They provide a refuge for the 9, 10 and 11 year old children who are being harassed and threatened into joining these street gangs. The older gang members, when they approach these 10 and 11 year olds, whom they want to perform certain crimes for them because they are under a certain age, do not taking no for an answer. In fact, they do not threaten the little children with beating them up. They say "If you don't come and join the gang and do what we want you to we are going to beat up your mother or your sister or some family member".

We should try to put ourselves in the position of a 10 year old child who has an 18 year old thug telling him "If you don't do this tonight I'm going to your mother's house to beat her up". It takes a lot of courage for some of these children to say no to the gangs in my neighbourhood.

That is why the house that Sister Eileen and Sister Bernadette run is so critical. They offer a refuge where these courageous children can go to feel comfortable and safe for a little while.

The other thing they pointed out is that it is difficult for the criminal justice system to deal with some of the young street gang members. They are almost getting to the point where they are hyper acute. They are difficult to deal with because there is no place they feel safe or comfortable. They are always on edge like a caged animal. They are always restless. Their heads are always spinning around because they are not safe on the street and often they are not safe in their homes. At home they often face a violent situation. All the predictable consequences of a poor family upbringing are very prevalent. So it is very hard to reason with them. Using reason and logic does not work when somebody is frightened and not thinking rationally. It is very hard to negotiate with them, even in the safe environment of Rossbrooke House.

I wanted to preface my remarks with some of that background of what it is like in the inner city of Winnipeg where I live currently, which has the gang problem, and why this particular issue is so important to me and to the people I represent.

However, I do not believe this argument is going to be fruitful or beneficial because of the sentiment, the tone and the content of the remarks that I have heard from the opposition, at least so far today, and I am sure there will be much more to come as the day goes on.

A lot of us are victims in the inner city of Winnipeg. I have had my home broken into many times. I have actually caught kids breaking into my home. While I was holding them for the police

one of them kidnapped my four year old son to use as a trade-off. It was a blackmail situation. It turned into a horrible mess. Ultimately the kids did not get charged, but I got charged with assaulting the kids who broke into my house. It took me six months to clear up that mess. So I have been there. I have been a victim.

We have a right to be angry, but there are different ways of dealing with it. If we are serious about implementing change we have to go beyond revenge. We have to go beyond the hang 'em high mentality that I have been hearing here too much.

Members of the Reform Party have indicated that victims are victimized twice in the system, once when a criminal does something to them and once by the criminal justice system. I would argue that there is a third time the victims are victimized in this country. They are victimized a third time by the exploitation that takes place in this House of Commons when their personal issues, when the crime that they just went through, is dragged before the House of Commons for cheap theatrical purposes to try to fan the flames of some kind of discontent around our criminal justice system. That I have seen time and time again. I think it is really shameful.

• (1125)

In the recent tragic case of the death of Reena Virk, the very next day members of the Reform Party were jumping up out of their seats saying "These kids are going to have to be punished. We are going to sentence them like they are adults". Those kids were not even charged yet, never mind convicted. What about the presumption of innocence? Yes, perhaps there was a group of kids involved, but all the information we had was from a radio story that indicated that a young girl had been beaten up by other young people. Yet members of the Reform Party were on their feet virtually calling for the gallows for these kids.

Fortunately the justice critic for the NDP challenged them and said "If you are so anxious to hang these kids, build the gallows right here in the House of Commons. Build it the right number of feet high and bring these 14 and 15 year old kids in here and hang them. You guys do it yourselves because we are not going to be a party to it".

It was a pathetic thing to witness and listen to people drag out the worst possible aspect and dig deep for that most base sort of thing that all people have in them, hatred and intolerance. Reformers are capitalizing on that. In fact they are marketing the malice which some people have inside them. Reformers seem to be experts at digging down and finding the worst in the Canadian public, pulling it out and slapping it on the table.

I have heard graphic details about sexual assaults and pedophiles coming from those members. Every time they stand up they seem to have some new horrific case, and the bloodier and gorier the better. They recite them in great detail in the House of Commons, not because they are trying to do anything constructive in protect-

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ing Canadian people, but because they want the cheap populism that comes with being associated with that kind of enforcement.

It is sick. There is a morbid fascination that Reform members seem to have with dragging these issues before the House of Commons.

The extreme right wing in every country has always been heavy handed in terms of criminal justice. Let us face it. The extreme right wingers, and we can go all the way through history, will avoid the obvious comparison which we are getting tired of using. Not only in Europe but in any right wing, fascist dictatorship we see a very heavy hand in terms of criminal justice issues, often extending beyond human and civil rights.

These things seem to get mixed up and confused in the rather simplistic world view of the Reform Party. Reformers get the issues of individual rights, collective rights and human rights jammed into some unworkable, unmanageable ball. I do not think they have thought it all through.

We are critical of certain aspects of the criminal justice system. However, I do not share the opening remarks of the member who put this motion forward as they were full of a lot of sensational terms—

The Acting Speaker (Ms. Thibeault): I am afraid that I must interrupt the hon. member as his time is up.

Mr. Dick Harris (Prince George—Bulkley Valley, Ref.): Madam Speaker, listening to the NDP member makes it very clear to me why we have such an unacceptable level of crime in this country.

It also makes it very clear to me that the Liberal philosophy on justice—and the Liberals have held power in this country for the majority of the last 30 years—is the reason we have crime in this country to the extent we have.

The NDP member talked about the rampant gang related crime in Winnipeg. He talked about personal instances where he was affected directly, yet he offers no solutions. Why does the member not suggest that perhaps the authorities should go after the people who are committing the crimes and put a stop to them?

All we hear from the NDP and from the Liberal government are phrases like “We have to look into it. We have to do this. We should do this. We must do this”. When is the government going to start saying “We will do this”? Better yet, just do it. Start addressing crime in this country like it should be addressed, instead of talking about it with weak kneed analysts and advisors who tell the government that the protection of society and the people of this

country is not the main priority of the criminal justice system, but rather it is the protection and rehabilitation of criminals and their reintegration into society.

• (1130)

Where do the law-abiding citizens come into this fuzzy, feel good attitude of the Liberals toward crime?

The Liberal government talks about the new legislation that is coming in. There is no legislation. There is only more talk. The NDP is already supporting this more talk philosophy. There is nothing happening from the Liberal government. Yet the NDP is already supporting it.

It is this type of philosophy that we have had in the House for the last 30 years. It has brought the country to the crime ridden state that exists. Until we change things it will go on. It will simply not stop.

How on earth can the member stand there and talk about the gang related crime in the inner cities without offering any solutions about what to do with the people committing the crimes?

Mr. Pat Martin: Madam Speaker, actually I ran out of time. I was just getting to that point in my remarks.

There are plenty of creative ideas in this recommendation to make a meaningful impact on the unacceptable incidence of petty crimes and nuisance crimes. The most nuisance crimes in my community are things like property crime, break and enter, vandalism, et cetera. We have had some terrible incidents with more serious crimes.

We must recognize that currently the penal and criminal justice system is being starved for funding. We give judges an 8% raise. Yet people who work in the system, whose job it is to get dirty every day and deal with some of the people on the street, have not had any kind of budgetary increase or raise in pay for eight years. They are demoralized.

I heard from a delegation from Stony Mountain penitentiary recently where people are being asked to go on open range walks alone. That is a real problem. They go on open range walks in a ward where the doors are open and people can circulate. The only reason this is happening is that the whole system is stressed or maxed to the point where it is almost dysfunctional.

I do not say that spending more money on the criminal justice system is the answer. However I know it is more costly to rehabilitate than it is to punish. When dealing with 10 and 11 year old kids surely to God the objective is rehabilitation, turning them back into productive citizens and not strictly punishing them. That costs money. Meaningful social work to turn kids' lives around

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costs money. I would argue it would cost us less in the long run. Every soul we save will be a net saving in the end.

They are predictable consequences of the tight money policy we have been going through. The economy was ground to a halt. Unemployment went higher. Many people are saying that U.S. cities are showing a real drop in the incidence of violent crime. In actual fact it is not more prisons. It is the fact that the unemployment rate is the lowest it has been since the second world war—

The Acting Speaker (Ms. Thibeault): I am afraid I must interrupt the member.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Madam Speaker, I am very pleased to participate in the debate. A very important motion has been brought forward on this supply day. I commend the mover of the motion. It is also a subject area that is very close to my heart. As a former crown attorney the criminal justice system was at the centre of my work every day. As justice critic for the Conservative Party I hope to further my devotion to the issue.

I intend to focus my remarks today specifically on the issues that have been brought forward in the motion and hopefully on some of the points those in our party would suggest to improve the criminal justice system.

There is no more important issue in my mind than that which touches the criminal system. It deals with issues of health, education and employment and is the centrepiece for the quality of life of Canadians.

The application of criminal law is playing a predominant role in society. Sadly few have not been involved directly or indirectly with our justice system, whether as a victim, a family, a friend of a victim or a witness to a criminal act.

• (1135)

Many Canadians feel our present criminal justice system is not working and therefore we need to change the system in a significant way.

The Young Offenders Act is perceived rightly or wrongly as being extremely flawed, inadequate and not sufficiently addressing those of a certain designated age who find themselves involved or in breach of the criminal justice system.

There are also those who consider after the fact, after people have been brought to justice, gone through the court system, convicted and find themselves serving their debt to society either through incarceration or conditions placed on them through probation, that the National Parole Board again is falling down in its duty to protect Canadians. We can never forget that protection of the

public always has to be the priority when it comes to criminal justice.

Canadians are shocked almost daily at the way our judges are applying conditional sentences. The clause itself was never intended by the drafters of the act to apply to those committing violent offences. That is completely outside the purview of what was intended when it came to conditional sentences.

It further reiterates the point I wanted to make earlier that lost faith in the justice system is prevalent. Canadians are so taken aback when they hear about sensational cases that they are losing all faith. This is an extremely crucial issue. It is one I am glad we are having an opportunity to debate today.

I share the concerns and the frustrations of many Canadians with the application of the justice system. At times at least criminal law is set up in a way to benefit criminals, not victims.

There has been mention previously by members of the House of an open house that is to occur. It will be a national forum to address some of the issues, a round table that will perhaps give us greater insight into the inequities that exist within the system. I will personally be hosting one in my riding of Pictou—Antigonish—Guysborough on June 1. I look forward to the worthwhile and productive discussion that will take place.

Youth crime, crime prevention and ways to ensure the safety of Canadians from criminals have always been priorities of the Conservative Party. The emphasis on prevention or front end proactive initiatives has been promoted by this party throughout its history with the emphasis being on the protection of the public. I assure the House that my colleagues in the Conservative Party and I will continue to vigorously press the government to reach the goals we need to attain.

One of those goals is to ensure victims of crime become a centrepiece in the justice system. Among the measures my party has brought forward were a victims bill of rights and the abolition of section 745 of the Criminal Code, otherwise known as the faint hope clause, or perhaps it should be known as the dope clause.

The lowering of the age of the application of the Young Offenders Act from 12 to 10 years is another initiative we have put forward. The passage of legislation which would target specifically criminal gang activity and the revision of the Criminal Code as it relates to impaired driving sections are others.

Time is limited in the debate. I will try to address specifically some of the points raised in the motion. First let me speak to the very hot and topical issue of the Young Offenders Act which has been central in our news media of late. Since the Minister of Justice has tabled her policy on youth justice I believe it is appropriate to speak to this issue first.

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The Young Offenders Act came into force in 1984 and has been amended several times in 1986, 1992 and 1995. These amendments addressed specifically the issues of penalties for violent offences and facilitating the transfers of violent offenders to adult courts. Those are certainly worthwhile changes, but the most recent attempts to tinker with the edges of the Young Offenders Act or throw it out altogether are inadequate responses.

In 1996 the federal-provincial territorial task force on youth justice made a number of important recommendations to the justice department. It included dropping the age of accountability, addressing serious offenders in a more efficient way and looking at alternatives to courts, transfers and sentencing.

• (1140)

Over past months the Standing Committee on Justice and Human Rights examined the recommendations of the task force. We have seen the minister's response which was released to the media. This seems to be the justice minister's preferred method of making public policy statements. On May 12 the Minister of Justice released the strategy for youth justice renewal.

What can we say about this initiative? Can we say that it has addressed the concerns not only of the committee but of Canadians at large? Sadly I have to say no. Unfortunately the minister has missed a golden opportunity. I interpret it to be a wish list or perhaps a philosophy of what Canada's worst law firm would like to see done with the young offenders system.

We are missing in this initiative concrete legislative initiatives. We do not see a commitment to funding for such initiatives. The federal government has a responsibility to enact legislation, not just to talk about it.

I reiterate this response is not what Canadians are looking for. The goal of the youth justice system must be to reduce youth crime through prevention, meaningful alternatives and meaningful consequences at times. It must beef up or attach more emphasis on rehabilitation and reintegration for youth who find themselves involved in non-violent offences. There must be alternative measures or means of diverting young persons out of the justice system which can sometimes grind to a halt because of sheer volume. We need to know where the money is and money has to be put into the system in a very effective way.

Alternatives to formal court proceedings for non-violent offenders are very complicated and will need a great deal of attention, but greater emphasis must be put on that area.

The Progressive Conservative Party has always supported concepts of alternative sentencing for first time non-violent offenders.

The Conservative Party has always believed that rehabilitation programs for young persons with an emphasis on education, social skills, personal responsibility and community service can be and should be developed as a priority in the young offenders system.

I applaud the announcement of the minister. It is important to see a recognition on the part of the government of the issue, but sadly we have not seen any concrete initiatives. The \$32 million crime prevention fund announced through the media will be useful. There is no question about that. However it represents only 1% of the total law and order budget that exists to address problems in the youth justice system. It certainly represents a fraction of the amount of money that will be put into the ineffective gun registry.

The Conservative Party advocates providing judges with more power to impose mandatory treatment for individuals, in particular young offenders. We also advocate parents being more accountable and more responsible in the system.

The Young Offenders Act is an area fraught with difficulties. I wish I had more time to address it in a significant way and to make further suggestions. The motion includes references to conditional sentences which I have addressed somewhat in my remarks. The motion before the House talks specifically of the need to address crime in a more significant way.

The Conservative Party will continue to push the government in that direction. We recognize that efforts have been made but that they do not go far enough and we are pleased to take part in the debate.

Hon. David Kilgour (Secretary of State (Latin America and Africa), Lib.): Madam Speaker, the hon. member and I were both crown attorneys. I listened with much interest to what he said.

Drug abuse seems to be the matrix of much of the crime that occurs. A statistic from Philadelphia showed that something like 200 heroin addicts committed about a half million crimes in that city during a 10 year period. Could he comment on that?

• (1145)

Mr. Peter MacKay: Madam Speaker, I appreciate very much the question. In the Canadian context the involvement of drugs is certainly very relevant to the commission of crime, not only persons under the influence of drugs committing crime because their sense of reality is warped but also they would be out committing crimes to feed their drug habits.

Emphasis on rehabilitative programs that help get people off the drugs I think is a focal point. Sadly in places like the maritimes where we have such a large coastline the devolution of the ports

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police has caused problems in terms of the availability of drugs now in coastal provinces.

Unfortunately I think that has been a failing of the member's government in the decision to take away the ports police. But I do agree that this is certainly an area that we have to focus on in our criminal justice system and hopefully further funding and rehabilitative focus will address this.

Mr. Myron Thompson (Wild Rose, Ref.): Madam Speaker, on the drug situation, I agree with the hon. member and I find it strange that our prisons are the places where drugs are more readily available than anywhere else. That is the kind of system Liberal governments have allowed to carry on.

I want to ask the member a question because of his experience as a crown prosecutor. As an example, a drunk driver killed four people in a head on collision. There was no question about it, he admitted guilt immediately. He was very remorseful at the time. When they went to court and began the proceedings the first day, it was exactly two years to the day before sentencing was finally imposed. There were 18 court appearances.

Could the member please explain what kind of system would allow that kind of case to go on for 18 court appearances requiring victims to drive all the way from Saskatoon to Calgary in order to participate? It happens an awful lot.

Mr. Peter MacKay: Madam Speaker, the hon. member for Wild Rose raises a very significant problem in our justice system, the backlog the courts are facing.

I have to say with all honesty, having been a participant in our court system, that delay is a tactic used quite often by the defence. I have participated in that and it is not something criminal lawyers are particularly proud of, but the old maxim justice delayed is justice denied I think is very true in the case he refers to.

It is simply unacceptable to have 18 court appearances and when there are victims involved this is very telling. It is very psychologically damaging for victims to have to wait to have some form of closure on a criminal matter. When loved ones are involved and they are faced with this continual legal wrangling, it is simply unacceptable.

However, because of the caseload and the number of criminal offences we are prosecuting throughout the country we find that time and time again this does occur. This instance is perhaps not indicative of what happens in all cases but there are those exceptions where it drags on endlessly.

I cannot say specifically what happened in that case. It does happen and I am sure that through addressing this with more crown prosecutors and perhaps more judges would lessen the workload. That would be one way to address it. Alternative measures for some of the less serious offences involving property would give

more time to focus on violent offences and crimes where there is loss of life.

Mr. Jack Ramsay (Crowfoot, Ref.): Madam Speaker, I thank my colleague who has just spoken. He has a seat on the justice committee, as I have, and I appreciate his input into justice matters, as I appreciate his comments today on this supply day motion.

• (1150)

I listened to most of the debate on this issue today and I was dismayed when I heard the parliamentary secretary to the justice minister use such strident vocabulary, couching her terms when she dealt with the Reform Party's approach to youth crime.

It is also more disturbing when I realize that she has access to the minority report I submitted and made public in response to the 10 year review of the Young Offenders Act.

We worked with the committee. We travelled across the country and listened to 300 witnesses from not only the various sectors of the youth justice system but also to parents whose children had gone off track in spite of all they could do.

The parliamentary secretary and the chairman of our justice committee knows full well our approach to youth crime. It is within our report and it is contained within the private member's bill I submitted to the House on September 26.

Our approach is early detection and prevention. We had experts appear before our committee who told us very clearly that aberrant and overaggressive behaviour can be spotted as early as grades 1, 2 and 3.

We compliment the Government of Quebec which has spent money on programs where a teacher, for instance, who sees a child who needs help and care can refer that child to a program of government where the child as well as the parents may receive assistance to keep that child on track. We support that very much and that is part of our approach to youth crime.

We very much favour the diversion of young people who come into contact with the law for the first or second time in a minor way out of the court system, away from the court system.

We saw some excellent programs not only as we travelled about the country but since then. Programs such as the Sparwood program and the Maple Ridge program have a very encouraging success rate in terms of directing these young children away from the court system.

A few weeks ago my colleagues and I met with Lola Chapman, a co-ordinator of the Maple Ridge program. They began three years ago as a court watch group. They saw the young offenders system was not working. It was not helping young people. They simply began by sitting in court, watching what was going on and reporting it to the newspapers by way of letters to the editor.

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It caused some concern among the court officials because they did not like to see what was happening in that system as far as their dealing with young people and the lack of success being published in the media.

It eventually resulted in Lola Chapman and her 17 volunteers having young people referred to them by the police and now by the crown prosecutor, and their success rate is phenomenal.

Three years ago we were advised that there were 45 to 60 young people passing through the weekly young offenders court. When we spoke with her a few weeks ago, it was down to eight. That is a phenomenal success rate. We support that very much.

In addition to that statistic there are very encouraging statistics not only in her program but in the Sparwood program and other community programs emerging from the grassroots in spite of the young offenders system.

It is almost as an act of rejection to the young offenders system and these people are saying they want to do something to help.

The Maple Ridge program has a 94% success rate. What does that mean? We asked Ms. Chapman what she considered a success. She said any youth they accept into their program who does not reoffend within one year they consider to be a success. I agree.

• (1155)

In addition, in 100% of the cases where restitution was required full restitution was paid. We support that. As the parliamentary secretary knows, in our executive summary we have pointed to the need for the federal government to work closely with the provinces to initiate these kinds of programs to encourage them.

The attorney general from B.C. has now asked Lola Chapman to co-ordinate with other communities to see if she can help to move forward these kinds of programs so that we can keep our young people who fall off the track for the first or second time and who need the second chance to get that second chance from people who are volunteers and who are committed to them.

It was interesting to learn that when a young offender is assigned to one of those volunteers they stick with them. They are available 24 hours a day, 7 days a week. They have the love and care for those young people that perhaps some of them need. That is one of the key elements to their success.

Those are the two first levels we very strongly advocate. Quebec has programs which I think are far ahead of some of the other provinces. We encourage some of the other provinces and the federal government to do what they can to provide the funding necessary.

Another interesting point is that the witness from these organizations such as the Sparwood program who appeared before the

standing committee said they did not want funding. They said they would use the community resources because when federal and provincial funding is involved strings are attached and they wanted the flexibility to develop those programs to suit the community requirements, and every community is different.

We very much encourage that. It is also encouraging to hear that those programs are spreading. We talked to the RCMP in Trail, B.C. which has introduced a program with the community. It is having the same very high success rate. Over 90% of young people are being rehabilitated. We find that by and large rehabilitation in closed custody facilities simply has not worked.

The issue is very clear. To quickly get the young offender before he or she develops a hardened attitude toward the abeyance of laws and rules in the home, in the school and on the street is very important. We can deal with them in a way that they confess what they have done, they have to face the victim and the emotional expression, the groundwork is laid for the healing to begin. Those young people are often never a challenge or a problem to any member of society again in a criminal way.

In the area of federal responsibility we must not shrink from the use of incarceration in order to protect the lives and safety of members of society who are threatened by that very small percentage of very violent young offenders who do threaten the lives and safety of members of our society.

What would we do in that area? I want to briefly touch on the package the justice minister presented a week and a half ago. What she is recommending is of course only a recommendation. She has used unspecified terms without definition. We really do not know what the bill will look like. She promised one in the fall. It has taken her so long to bring even this proposal forward that we wonder why. We were able, without the battery of lawyers and bureaucrats the justice minister has access to, to bring in a private member's bill that does reflect the recommendations and the testimony of many of the witnesses who appeared before the standing committee.

• (1200)

When we look at her proposal there are two things I have a great deal of concern over. First she has completely ignored the recommendation of her own standing committee to lower the age from 12 to 10. She has rejected the research done by Professor Nicholas Bala who was commissioned by the justice department to do an in-depth academic examination of that very question. He did the most thorough research we understand that has ever been done in the country on the question as to whether or not the age should be lowered.

He recommended it be lowered and he had a very sound rationale for doing so. He pointed out that if a 10 or 11-year old commits a

serious violent crime such as murder, rape or manslaughter, a child welfare response is an inadequate societal response to that type of very serious offence.

It also became evident as we gathered testimony from across the country that the older kids are using younger children to commit crimes, knowing full well they are immune to the criminal justice system. In addition, my own view is that the justice system forms part of our educational system. When our children learn that they are immune to the police and to the justice system for any criminal act they might commit until age 12, we are sending the wrong message to them. That is wrong.

It is an error for the Parliament of Canada to decriminalize by way of age what would otherwise be criminal acts. We are not inventing anything new. Under the old juvenile delinquents act the police and the justice system were charged with the duty and the responsibility of investigating and dealing with any criminal act committed by anyone over seven or eight years of age.

The recommendation that was rejected by the justice minister was simply to reduce it from 12 to 10 years of age, not back down to age seven, eight or nine. It was to move it down where the police have the authority to deal with a young offender, whom we cannot call a young offender because there is no offence for stealing a car by a 10 or an 11-year old.

There was a young person in that situation in Edmonton. He stole over 30 cars and the police could do nothing except bring the individual home and turn him over to the parents. The social welfare workers could not touch him because there was no evidence of neglect. They cannot act on a criminal matter because they do not have the authority. It is only the federal government that can issue laws dealing with criminal matters and then it is the responsibility of the provinces to administer them.

I would like to quickly touch on the whole area of the cost of the administration of the young offender system. The federal government passes the laws and the provincial governments have to administer the laws which costs money. They enter into federal-provincial financial agreements to do so.

The province of Manitoba is now entering into litigation to get out from under the administration of the Young Offenders Act. Why? Because the federal government is renegeing on its financial responsibility in terms of the administration of the Young Offenders Act in that province.

When we asked the justice minister and the officials when they appeared before the standing committee during the estimates whether or not they had anything to offer Manitoba at that time to bring it back on side so it would not simply abandon the administration of the Young Offenders Act, there was nothing on the table. The government is not offering Manitoba anything. The minister is

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talking about \$32 million in crime prevention yet one of the provinces is taking the whole issue to court to determine whether or not it can shed itself of a financial obligation of which the federal government has renegeed on its part.

When we talk about funding for crime prevention the government is not even living up to the financial agreements that ought to be in place now. We find through our research that the federal government can renege and back away from any federal-provincial financial agreement it makes with complete immunity and has been supported by the Supreme Court of Canada. The Government of Manitoba knows that because it took it to the Supreme Court of Canada when Brian Mulroney was the prime minister of this country.

• (1205)

I want to touch on one other serious flaw I see in the package presented by the justice minister which she has promised to bring legislation in to support later this fall. She wants to have young offenders from ages 14 to 17 convicted in youth court for a series of violent offences. She has four areas of violent offences. Then the crown prosecutor will have to argue with the judge that an adult sentence should apply. This leaves the discretion to the judge as to whether or not an adult sentence or a sentence under the Young Offenders Act will be imposed.

We say that is wrong. We say that because the courts are unaccountable to the people, that discretion should be left with the agent of the attorney general who will be indirectly accountable to the people in a democratic fashion. The crown prosecutor should have the full discretion based upon the circumstances whether or not a violent young offender is moved into adult court and then if convicted, our courts have no alternative but to impose an adult sentence.

Why would we not want the judges to have this discretion? There are a lot of good judges in our judicial system at the provincial and federal levels. However we have seen what some of them have been doing with conditional sentencing. They have thwarted the intent of conditional sentencing, the intent of this parliament in conditional sentencing.

We are saying in this party and in this caucus that we would sooner give the discretion to the crown prosecutor who is indirectly accountable to the people through the attorney general of every province, rather than give that discretion to the judges. I say this not without a lot of dismay and concern and perhaps sadness. We have judges sitting on the bench who through their power and discretion of interpretation of the law and their use of the law, are using it in a manner not meant by the Parliament of Canada.

The former justice minister admitted in this House that he does not believe a conditional sentence is an adequate sentence for a conviction of rape. Yet we are seeing this happen all the way from

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B.C. right across the country to Quebec. Cases have been raised in this House.

Contrary to what our colleagues from the NDP say, I think the people of this country want those issues of crime and violation of the law and the destruction of people's lives raised in this House. What are we here for if we are not to do that, if we are not to show there are weaknesses in our criminal justice system? To suggest otherwise is utter nonsense.

Mr. Speaker, a degree of irresponsibility has created disdain for this House in the minds of too many people across the country and a disrespect for members such as yourself and myself. I should correct that. Not yourself, Mr. Speaker, but to myself and my colleagues. We are looked upon as do nothing people who just follow the whims of the leader, in this case the Prime Minister who does not really care about the victims of crime, who does not really care about the fact that since 1984 when the Young Offenders Act came in, the overall crime rate has risen 300% and the violent crime rate has risen 100%.

In closing, I thank the mover of this motion for giving me the opportunity to place the Reform Party's approach to youth crime squarely before the people. We want early detection and prevention. We want the diversion programs that are springing up across this country. We want them to expand. We want them to have the support of this government and the provincial governments.

We want the resources brought from the back end of an \$11 billion justice industry to the front end. Not only will we spend a lot less money, but we will be investing money in the lives of these young people which will keep them out of the prisons and out of serious crimes.

• (1210)

Mr. Nick Discepola (Parliamentary Secretary to Solicitor General of Canada, Lib.): Mr. Speaker, I would first like to read the motion that we are debating today. It states "That this House condemn the government for the deplorable state of Canada's criminal justice system, and the government's lack of concern for public safety" and it cites three examples essentially in the areas of the Young Offenders Act, sentencing, and victims of crime.

In reading that motion I ask myself and more particularly I ask the opposition if it is arguing that everything in the justice system is in such a deplorable state as the motion says. Should everything this government has done in the criminal justice system be condemned? Is the opposition also condemning certain aspects or particular aspects of the correctional system? Is it condemning the system of policing, all our judges and the entire Criminal Code?

I believe the federal government is doing much more than the Reform Party gives it credit for and I would like to give some concrete examples. Rather than generalities and the sweeping denunciations by the Reform Party, let us give some facts and

figures. Let us look at what is actually going on in criminal justice reform.

Let us start with the first fact that Canada along with the provinces spends in excess of \$10 billion a year in the criminal justice system, not as the member who just spoke said, in the criminal justice industry, if I heard him correctly. It shows the difference between the opposition members and this government. As I said, it includes federal and provincial expenditures and it covers policing, prisons, penitentiaries and the courts.

The governments in Canada are not exactly starving the justice system. As an example, the federal government itself spends approximately \$1 billion a year to support the efforts of the Royal Canadian Mounted Police and it spends a similar amount on penitentiaries.

Perhaps the opposition is saying that the federal government is not spending this money strategically, that is, not targeting the big challenges to public safety. Let us take spending on penitentiaries as just one example because I know the official opposition is concerned about the state of our prisons.

Several weeks ago the solicitor general and the commissioner of the Correctional Service of Canada announced that 1,000 new correctional officers will be hired in order to strengthen the safety and security of our penitentiary system. Does the opposition disagree with the hiring of 1,000 new staff to make our correctional system better? It is not cheap but it is one example of setting priorities and then funding them.

The motion by the opposition seems to imply that the government is ignoring the allegedly deplorable state of the justice system. In this regard I believe it would be worthwhile to examine the criminal justice agenda of the government both now and in the recent past.

In the previous session of parliament the government introduced over a dozen major bills amending the Criminal Code and related statutes. For example the agenda encompassed new measures targeting high risk offenders, bills dealing with prostitution and child sex tourism, safeguards to protect the privacy of complainants and witnesses in sexual offence proceedings, and anti-gang legislation. There were reforms to the Young Offenders Act and more changes to that act are going to be launched very shortly by the Minister of Justice. In total over 250 changes were made to the Criminal Code in just the last session.

[*Translation*]

I would like to address the main proposals in the strategy for renewing the justice system for minors in order to address juvenile delinquency.

First of all, replacing the Young Offenders Act by the Youth Criminal Justice Act, which gives priority to the protection of

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society, fosters such values as the sense of responsibility, and calls for heavy sanctions for wrongful acts.

Second, the aim of the initiative is to expand the category of offences for which a young offender may be brought before a regular court, which will include, in addition to murder, attempted murder, manslaughter and violent sexual assault, the reiteration of the facts of the crime and will lower from 16 to 14 the age at which young offenders may be transferred to an ordinary court.

• (1215)

Furthermore, the legislation authorizes the publication of the names of all minors found guilty in regular court and eventually the publication of the names of minors between the ages of 14 and 17 found guilty by a juvenile court of murder, attempted murder, manslaughter, violent sexual assault and other stated crimes.

One of the proposals is for the potential establishment of criminal sanctions for the most dangerous and violent young offenders and the application of intensive resocialization and treatment programs and of a longer testing period.

Finally, we want to encourage the establishment of a broad range of sanctions and effective control mechanisms, other than legal ones, for small time delinquents, which encourage respect, promote responsibility toward victims and the community, help minors measure the consequences of their action and enable them to grasp the cause and effect relationship between their crime and its consequences.

As the government, we are aware that prevention is society's best protection against juvenile delinquents. This is why our strategy promotes prevention by linking reform of juvenile justice to other government initiatives involving childhood and adolescence.

I would like to give you a few examples. In the 1998 budget, the government allocated \$32 million annually to fight delinquency. A new initiative to this end will soon be implemented. It is aimed at developing short term solutions and concerns mainly minors.

We are developing, in partnership with the provinces and territories, a national action plan for children to address a fair number of the underlying causes of delinquency, namely child poverty, childhood development problems, lack of structure provided by parents, unemployment and scarce family resources.

In 1997 we spent \$850 million to create a more generous child tax benefit that will have a direct impact on the health and well-being of children. The 1998 budget provided for this benefit to be increased by another \$850 million by the year 2000.

In 1997 we increased funding for the community action program for children. This program supports the implementation of

hundreds of local projects promoting the development of children at risk.

The 1997 budget increased funding for the Canada prenatal nutrition program designed to help pregnant women in precarious situations, such as teens and women who abuse alcohol or other substances, so that they can give birth to healthy babies.

In 1994 the government launched a strategy against family violence, which provided for major changes to the criminal justice system in order to prevent family violence and for an extensive long term effort to co-ordinate policies and programs at all levels of government.

Also, the government announced its Youth Employment Strategy, endowed with \$2 billion, offering school to work transition services and programs for young Canadians.

In the 1998 budget the government more than doubled its assistance to help young people at risk make the transition from school to work and this money will be used to fund company training, career counselling, coaching and literacy programs.

In response to the report of the Royal Commission on Aboriginal Peoples, the government is also developing initiatives that will strengthen the government strategy of promoting native justice with respect to minors, in close co-operation with native peoples.

In 1995 the Liberal government introduced the head start program. This is an early intervention program designed to provide a good start in life for aboriginal, Metis and Inuit children living in cities and major centres in the North by providing social assistance to their families and involving parents in initiatives to promote culture, health, education and nutrition. The budget also set aside additional funds to expand this programme to include children living on reserves.

• (1220)

[*English*]

I mention these facts and these examples, in essence this track record, not to encourage our government to rest on its laurels but rather to show that the government began with a major criminal law improvement agenda and it accomplished very much of it step by step.

This administration has not abandoned its criminal justice agenda. On the contrary, it has continued a sensible, well targeted agenda of selective law reform and program development.

I have already alluded to the major reform process of the Young Offenders Act. The Minister of Justice has also stated her commitments in this area. She has also indicated that crime prevention is a priority and over the past few years the National Crime Prevention

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Council laid the groundwork for a broad based crime prevention strategy and the government has indicated that it will spend \$160 million over the next five years on crime prevention initiatives. Moreover, this crime prevention strategy will give priority to the needs of children and youth and they will be community targeted programs.

We all know the early years of a child's life hold the key to forming attitudes and to producing law-abiding citizens. Crime prevention strategies as promised by the government will link up to youth justice reform and will draw individual communities into the process of making our neighbourhoods much safer.

I said there were two reasons for referring to the legislative and program reforms from the last session. The second point is that the changes made to the Criminal Code over the last four years are starting to pay off. I use an example that I think shows the criminal justice system is not failing or falling, as the Reform Party would lead us to believe, into a deplorable state, but rather much improving.

I refer to Bill C-55, the high risk offender bill that came into force on August 1, 1997 as chapter 17 of the Statutes of Canada, 1997. The bill targeted three areas. It built on the success of the dangerous offender provisions in the Criminal Code, it created a new sentencing category for sex offenders called long term offender, and it created a new form of restraining order or peace bond designed as a means of deterring certain individuals from committing violent personal injury offences.

The dangerous offender law was changed to make an indeterminate sentence of detention mandatory in every case in which a dangerous offender finding was made. The initial parole review of dangerous offenders was also changed so that the review would occur four years later than previously in the law.

Than life sentences for murder and certain other offences, the dangerous offender measure is the only sentencing provision in the code that calls for indeterminate incarceration. Bill C-55 made this mandatory. It was already evident that the dangerous offender procedure worked. A study at the time indicated not only that prosecutors were using it to go after violent sex offenders but that use of the procedure overall was on the increase. Since Bill C-55 there has been an even greater increase in the use of dangerous offender applications.

Moreover, the early identification of potential dangerous offenders has been made easier by the creation of a national flagging system and by complementary efforts on the part of the provinces.

The flagging system which was launched two years ago involved a special Royal Canadian Mounted Police database that allows police and prosecutors to put a special flag on the file of a

convicted offender so that any prosecutor in Canada can check the RCMP CPIC database to identify the most serious cases.

Some provinces, notably British Columbia and Ontario, have their own mechanisms in place to identify and investigate violent offenders with a view to a possible dangerous offender application. There is evidence that Bill C-55 and the national flagging system have made this task easier and, more important, a lot more effective.

Bill C-55 also created a new long term offender category. It resembles a dangerous offender category procedure in its operation but targets a slightly less serious category of sex offender. In fact, if the dangerous offender criteria are not met it is quite possible that he will be covered by the long term offender category in which case, having been declared a long term offender, he is still subject to up to 10 years of intensive supervision being added to his initial sentence.

There have only been two long term offender designations so far but the tool remains available to prosecutors and the courts and we can expect to see more of these designations as more experience is gained with the new procedure.

• (1225)

The other main component of Bill C-55 was a new peace bond as section 810.2 of the Criminal Code. Essentially it allows someone to seek a restraining order where there is evidence that an individual poses a significant risk of committing a serious personal injury offence. The court can impose a restraining order for up to 12 months with conditions attached to it such as a requirement that the individual report any change of address to the police or correctional authorities.

Canadian police forces were already reporting success with a similar peace bond in the Criminal Code which targets potential pedophiles. Section 810.2 is not only an additional crime prevention tool but is now being used extensively across the country, particularly in Ontario. Parliament has given police, prosecutors and the courts one more useful tool to prevent crime.

I think the section 810.2 peace bond is worth mentioning because provinces are starting to use these restraining orders in conjunction with community notification orders. There is a growing trend in Canadian provinces to identify offenders who after released from prison still constitute a potential risk to the community but who can also be controlled by appropriate notice to the community and supportive programs for the ex-offender. We are finding that provinces are using section 810.2 orders as a complementary measure to ensure that ex-offenders stay on the straight and narrow.

I raise Bill C-55 as only one example of a measure that is having impact and responds to the trends in the administration of justice in the provinces and the public concerns regarding crime. It is a

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measure that demonstrates this government's concern for public safety.

I will list many of our initiatives to show that the Reform motion is totally out of bounds when it states our system is in a deplorable state.

The government has introduced legislation recently for the creation of a DNA databank which will certainly go a long way toward helping the police in their efforts to solve crime. We have introduced \$32 million a year in funding for community crime prevention programs. Over 5 years that amounts to \$160 million. We have also, through the solicitor general's office, undertaken nationwide consultations on the Corrections and Conditional Release Act in order to improve the overall effectiveness of Canada's correction system.

The government has introduced legislation for a comprehensive new extradition act in order to fight international crime more effectively. Let us not forget the strengthened gun control legislation we introduced as well as the amendments to the Criminal Code to prevent use of the drunkenness defence for general intent crimes of violence, including sexual assault.

We also introduced measures to deal more effectively with high risk offenders through Bill C-55. We passed legislation to improve public safety through changes in the parole and corrections system, including measures for easier detention of sex offenders in penitentiaries until the end of their sentences and measures to strengthen rehabilitation and treatment programs for sex offenders.

We amended the Criminal Code and the Young Offenders Act to make it easier for peace officers to obtain DNA samples from suspects. We passed equally tough anti-gang measures, including the creation of the new criminal offence of participation in a criminal organization. These tougher sentencing provisions and additional police powers to seize the proceeds of crime and organized crime and to conduct surveillance of gangs have been used very frequently lately, especially in my home province.

We amended the Criminal Code to toughen the laws on child prostitution and child sex tourism. We amended the Criminal Code to tighten the faint hope clause, making it more difficult for offenders to obtain the right to apply for early parole and to prohibit persons who commit multiple murders from using section 745. We amended the Criminal Code to ensure that those who commit crimes of hate receive harsher sentences. I could go on and on with the list but I know time is running out.

I want to reassure Canadians that this government will certainly not sit on its laurels. We have a very heavy agenda for the next session of parliament and we will continue to ensure that the priority we have set, not only in our ministry of the solicitor general but also the ministry of justice, the safety of Canadians, is met with concrete action.

• (1230)

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, I listened with great interest to the hon. Parliamentary Secretary to the Solicitor General of Canada. I appreciated the outline of what his government had done which he placed before the House. That was refreshing, compared to what we heard from the Parliamentary Secretary to the Minister of Justice who gave a strident and almost nervous response to her participation in the debate. She simply attacked our critique of the laws and the manner in which some of them were being administered.

My hon. colleague referred to 250 changes and covered them quite well. There is not a hope of the child sex tourism law being enforced, in other words stopping Canadians from travelling to another country and engaging in sex with children. This is window dressing to create the impression that they are doing something when we do not have enough money to send to Manitoba to keep it inside in the administration of the Young Offenders Act. We are to expand funding to do what for child sex tourism? It is window dressing.

We saw what the government did with the faint hope clause when thousands upon thousands of Canadians signed petitions, phoned and e-mailed members of parliament, to get rid of it completely. They did nothing. Clifford Olson was allowed a full court press with a judge and jury. We saw that happen. It is tinkering again and it is window dressing.

Where is effectiveness? Where is safety for society? Where is fair and just punishment for crimes committed?

We supported the new gang law which was moved through the House and passed a year or so ago. The chiefs of police asked us to support it because it would at least open the door to an area of legislation not before entered into by parliament, organized crime. How many individuals have been charged for belonging to a criminal organization or for such a crime? We looked at that and we saw how ineffective and how unenforceable it was.

The member touched a couple of times on our concern about and our labelling of the justice system as being in a deplorable state. When a province initiates litigation to get out from under the administration of the Young Offenders Act as Manitoba is doing because there is insufficient funding coming from the federal department to maintain its financial agreement, surely it is the greatest sign that at least in this area the administration of justice is deteriorating badly. I have never in my lifetime seen such a precedent as this one.

Could the hon. Parliamentary Secretary to the Solicitor General of Canada tell the House today whether or not his government has taken any action to keep the Manitoba government outside? He must bear in mind that when the justice minister and the justice

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officials appeared before the standing committee weeks ago they had nothing to offer the Manitoba government.

From that time until now has there been any agreement or offer made to keep Manitoba onside? Suddenly the province of Manitoba will not be there to administer the Young Offenders Act and the federal government will have to do something about it.

Could the hon. member tell the House anything about dealing with the crisis in Manitoba with regard to the administration of the Young Offenders Act? Could he offer anything? I would be pleased to hear what the hon. member has to offer in that area.

Mr. Nick Discepola: Mr. Speaker, I have been here for five years. I guess it is inherent in our democratic system or a tradition for the opposition to criticize the government and for the government to try to advance legislation and ideas. It would be refreshing from time to time to hear concrete ideas from all opposition members.

• (1235)

Far too often we hear criticism, criticism, criticism and never any concrete suggestions whatsoever to improve the system. We are constantly striving to improve the system. I recall several attempts by the government to improve the system. We are always confronted by Reform Party members in particular who vote against us. They have had a fixation on trying to solve a particular problem. They always invoke the memory of the Bernardos or Olsons of the world when we try to enact legislation. Section 745 legislation was a clear example of that.

Had we had the co-operation of the parties—and I know the Reform Party agreed but the Bloc reneged on its commitment—Clifford Olson would never have been able to have a section 745 hearing. The member knows full well that the amendments and changes we have put in place will prevent serial killers such as Clifford Olson from even applying under section 745.

There are other initiatives like DNA, for example. I wish we could evolve to a point where opposition and government members would work more closely together but I do not think that will happen. It is the duty of opposition to criticize and I guess it is our duty as government members to advance and to take the criticism.

In direct answer to the member's question, just because the administration of justice is the responsibility of the provinces does not mean that legislation is bad. The member has identified a problem in the area of funding. I reassure him that the Minister of Justice and our government are currently negotiating with not just the two provinces mentioned but with my home province of Quebec to make sure the provinces have the right tools to ensure the administration of the YOA act and other acts is adequate. I believe also, though, that the provinces have a very important role in this regard. It is not just the federal government.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, to continue in the same vein as the Reform Party member who just spoke, the question is, did the minister come up with the money and did he suggest to the province of Manitoba that it take over responsibility for enforcing the Young Offenders Act.

Given that the parliamentary secretary represents a riding in Quebec, I hope that he is making his point of view known to cabinet or at least to his minister when he meets with him. I remind him—and there is even agreement on the other side about the figures—that an amount of between \$77 million and \$82 million is owed to Quebec by the federal government for the implementation of the Young Offenders Act.

Before finding money to help Manitoba enforce a law, and since Quebec has been enforcing the legislation for quite some time, I would ask the government to pay its debt of between \$77 million and \$82 million.

This being said, my question has more to do with the speech made by the parliamentary secretary. If the hon. member was present when the Secretary of State for Latin America and Africa spoke, he may have noticed that the secretary of state mentioned that narcotics are at the root of several problems, that they are largely responsible for crime in Canada. We know about narcodollars, money laundering, etc.

I have a very simple question for the parliamentary secretary. Since Canada is known internationally as the number one country for money laundering—possibly hundreds of billions of dollars annually—what is the federal government waiting for to introduce legislation that would prohibit this and make it impossible to launder money in Canada as in other countries including the United States where it is a lot more difficult to launder money than it is here?

Mr. Nick Discepola: Mr. Speaker, this is a good question. Our government is concerned by this issue. We have been consulting the various stakeholders for two years now.

I can assure the House and the hon. member that, by this fall, the solicitor general will introduce a bill providing for various controls over money laundering, as well as other appropriate measures.

• (1240)

Colleagues in other departments—and I am referring to the likes of the Minister of Citizenship and Immigration—will try to review the legislation to stop or prevent organized crime from committing crimes in our country.

It should also be pointed out that Canada and the United States share the longest undefended border in the world, which makes it easy to enter our country. We are nonetheless addressing the issue,

and I can assure the hon. member that the minister does understand the issue and will soon be introducing legislation.

[*English*]

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, I will be sharing my time with the member for Surrey North.

I just want to make a few corrections for the Liberal member opposite who just spoke. He said that Reform has not given many concrete suggestions. How totally inaccurate that is. Look at what happened to the victims bill of rights that was passed in the House. The Liberals consequently swept it under the rug. Listen to what we said about DNA samples and how they should be treated just like fingerprinting to give the police an adequate tool. The Liberals dismissed that out of hand. Time after time we give positive suggestions and they are completely disregarded. For him to say that we are not giving positive suggestions is totally inaccurate.

This afternoon we are dealing with a topic of great concern to all Canadians right across the country. As I go through my speech I know the Liberals will say that I am using examples that are not representative of our justice system. That is again totally inaccurate. The examples that I will relate are good examples that illustrate what is broken and what needs to be fixed. The Liberals should be listening very carefully.

The first example is Billy Jo who was not hungry to see the man who raped her rot behind bars. However she did not expect him, a few weeks after his conviction for rape, to be at her local grocery store. She said "I expected him to be in prison". She is 24 years old and lives near Windsor, Ontario. She said "I was amazed and very angry to see him there. My first reaction was to protect my children. I was scared for my kids. He had never seen them before and I didn't want him to. I shoved them under my coat and I rushed out".

This man received 18 months of house arrest. Why? It was because of the government's policy, the thing it is so proud of, of conditional sentencing which allowed this person to spend not even one day behind bars for a brutal sexual assault. That is a symptom of what is wrong with our justice system.

Let us put this in context. What is the primary purpose of government? In a civilized society the primary role of a government is to provide for the peace and safety of its citizens. When Reform chose this topic today and wanted to have the government discuss it, it was striking at the very heart of why we organize ourselves in a civilized society.

We need the rule of law. We need proper enforcement of the law. We need to live by rules that we have all agreed upon, and they must be properly enforced so that the citizens of a nation are free to pursue their lives.

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I will relate three principles today that I believe must be used to test to see whether our justice system is the proper justice system. First, the laws must simple, clear and easy to understand for everyone in society. If the laws are too complex and not easy to grasp they will not be respected. Those laws must be fair.

• (1245)

Second, the laws must be enforced equally. If they are not enforced equally and if every citizen is not treated equally before the law, that law will not be respected. There must be no exemptions. There must be no special status for certain people under the law.

The third principle is that if the laws are broken, there must be clear consequences or punishment. If we do not have that in our justice system, we will not have the respect for the law that we should have.

Because this government is not taking those three foundational principles into consideration when it passes laws and enforces those laws, we are having the problems we are having. They are three basic principles of justice. That is why we are debating this topic today. This government has failed in implementing these principles in the legislation and in the enforcement of that legislation through the country's law enforcement agencies.

The laws are too complex. I have had a lot of dealings with the gun registration system. It is not fair and it will not be respected. It is much too complex for one thing. There are 128 pages of legislation with almost as many pages of regulations which were brought in. The Liberals a couple of weeks ago defended it by saying it is no more complex than the Income Tax Act. Just think about that type of defence, saying that it is no more complex than the Income Tax Act.

Another thing I know about that system is that someone can get up to 10 years for not registering a firearm. It may be a firearm that is lying in the basement of their house. It may be an antique. It may not have been looked at or used for a long time. To be made a criminal and to be imprisoned for 10 years because of that is totally unacceptable. It causes people to disrespect the law.

There is the example I already gave of 18 months not even in closed custody for a brutal rape. Compare those two. That is why people ask questions about what is going on.

Again the firearms act will not be applied equally to all citizens. Citizens of a certain race living in certain areas will not have that law apply. The justice minister said that we have one law for all but it will be flexible in its application. There is a problem right there.

There are certain provinces wanting to opt out of the Young Offenders Act. Over half of the population of Canada, the prov-

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inces that represent over half the people of Canada want to opt out of the registration system. There is a problem when a government is trying to impose something on people that they are resisting. They have not agreed that this is a law which they want.

Let me talk about another very recent example in my riding. A horrific murder took place approximately a month ago. A young mother was killed by her husband. The house was burned. Her body was found later. The trial is not over, however when the man was put under arrest, he was released on bail. What would be an appropriate bail to set for someone like this? Do you know what it was set at, Mr. Speaker? Three thousand dollars and he was let out. That man is walking the streets today. Not only that, but the judge gave him custody of the children. The people in that community are very angry. They are very agitated that we have a justice system that would allow for this kind of thing.

Mr. Speaker, you do not know the agony it has caused me as these people contact me and relate their concern. They question a system that is going to allow for this kind of thing.

The law needs to be seen as fair to all and applied properly. Members can look at the case that I have just sketched very briefly. I will not go into detail. Look at it through the eyes of the victims. The parents of this woman who was killed see what is going on. They are absolutely shocked.

• (1250)

What about the terrible murder which took place in the southern part of my riding where these people lured an elderly gentleman out and brutally killed him as he tried to help them with their vehicle. What happened to them? This was murder. They were punished and are out two and a half years later. We have huge problems.

I have visited the inmates in the prisons across Canada. I have asked them what advice they would give me as an MP in the House of Commons. These are inmates in the prisons. Several of them have told me voluntarily "I wish they would have gotten tougher with me sooner. When I started acting up as a young person, I wish they would have done something". People who have fallen afoul of the law, who have received sentences from 10 to 25 years are saying why do we not get tougher sooner with young offenders.

I am not even half done my speech. There are so many things which I think are important. I will try to squeeze them in later in the day. All of these things have to be put into perspective.

I wanted to talk about the family and the need for strengthening the family in Canada. We need to have this balance. We are not just talking about becoming tougher. We have to apply the law fairly. There are other aspects. I will emphasize them later on in the day. I hope I will have time to do that.

This whole topic and the three principles I have related need to be emphasized over and over. I wish the Liberals would test their laws by them.

Mr. Charlie Penson: Mr. Speaker, I rise on a point of order. In view of the fact that my colleague from Yorkton—Melville is making some excellent points which need to be brought out in terms of this debate, it seems to me it would be in order to ask for unanimous consent that his time be extended.

The Deputy Speaker: Is there unanimous consent to extend the time for the hon. member?

An hon. member: No.

The Deputy Speaker: There is no consent.

Mr. Darrel Stinson (Okanagan—Shuswap, Ref.): Mr. Speaker, I do not understand why the government would not give unanimous consent but so be it.

I listened to the member's speech. He made some excellent points. I would like to ask the member a question. I was always taught to believe that when a government is elected its foremost responsibility is to the law-abiding citizens of the country. At least that was always my belief. Since I have been in parliament I no longer doubt that it is the case, but I know that it is no longer the case with the government.

I would like to get the opinion of the member. It seems that the criminal element of our country has far more rights than the victims do today. We had a case in my constituency a little while ago where a husband stabbed his wife to death. He stabbed her 37 times. He was only given three years. What kind of a message does that send to our youth and to the rest of the Canadian citizens who are looking for some kind of leadership from this government which they have yet to receive? Does the member see the same problem? Does the criminal element of this country seem to have far more rights than the victims?

Mr. Garry Breitkreuz: Mr. Speaker, my hon. colleague makes a very good point. The criminal element does have more rights than the victims. That is why we brought in the victims bill of rights several years ago. The Liberals swept it under the rug and refused to bring it back to parliament. It was a bill that was passed with huge support in this House. I do not know why it has been stalled.

Criminals today have access to all kinds of money for their defence but the victims have access to virtually nothing. The criminal is read all of his rights. He is told all about the wonderful programs that are available and all the things that he has access to, such as legal aid and so on. The victims have access to none of them. The victims have to constantly contact the courts and the police to find out what is happening in a particular case and how

the people who have committed the horrific crime against them are treated. Those are just two examples of how the criminal in our society is almost elevated and given all these wonderful rights and the victim is given nothing.

• (1255)

When those criminals get into prison I cannot believe some of the things that are given to them that the rest of the people even in my little community never enjoy. Golf courses, wonderful pool tables, terrific training facilities, cable TV, health and dental services, all of these things that they assume are their right. I could not believe that some of them live at a standard that is higher than the seniors in my community. Fourteen wonderful cottages. The only responsibility they have other than making sure they clean the microwave and that the TV is turned off at night is to keep it clean. Seniors in my hometown shake their heads when they see the type of facilities that are provided for these people.

We have to seriously question the justice system that allows this injustice to take place.

Mr. Chuck Cadman (Surrey North, Ref.): Mr. Speaker, it is my pleasure to speak to such a worthwhile motion today.

While I have not been here as a member of parliament for very long, I have been here long enough to understand that today's debate will likely not encourage the government to pursue meaningful changes or improvements. The government does not appear to be too interested in changing the status quo. In fact I would go so far as to say it is primarily responsible for most of the ills and complaints that our citizens have today.

This motion makes three specific recommendations: one, to strengthen the Young Offenders Act; two, to abolish conditional sentencing for violent offenders; and three, to introduce a victims bill of rights. These three issues are prominent reasons why I became a member of parliament.

Previously I had been actively involved in pursuing improvements to the Young Offenders Act. I was able to review the proposals made by the member for Crowfoot in his minority report subsequent to the 10-year review of the Young Offenders Act. His proposals helped me to choose the Reform Party as being the most likely opportunity to achieve improvements to our laws.

Just days ago the Minister of Justice finally announced her youth justice strategy. After almost a year on the job we expected some comprehensive legislation in response to last year's justice committee recommendations to significantly change laws regarding young offenders. Instead of legislation the minister produced a strategy. The minister has become so fond of the term "in a timely fashion" to describe her intentions regarding change that I believe

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she may have difficulty in understanding what that term actually means.

The Young Offenders Act was first made law in 1985. The 10-year review was not completed until 12 years later. It then took a year for the minister to ignore some of the key recommendations and merely announce what she hopes to do in the coming fall session. Meanwhile she intends to spend many more months studying, reviewing and analysing. I have heard that law professors are known for studying and analysing. I guess those among them who come to this place have difficulty in understanding that a minister has a responsibility to do something about a problem, not merely study it to death.

I appreciate that these comments may sound somewhat harsh but young offender legislation is of particular interest to myself and my family. Each day the minister reacts "in a timely fashion" means that additional victims in communities have to live with what even she has admitted to be seriously flawed legislation. And it is seriously flawed in spite of the attempts by her predecessor to address the failings of the Young Offenders Act, but I will save further comment in that regard for a future date.

On the issue of victims rights, I introduced Private Members' Bill C-294 last December. It is intended to balance the rights of victims and the rights of criminals. For years Canadians have complained that this government falls over backward to ensure that criminals receive all their rights and all their freedoms while not being nearly so vigilant as to ensure that victims and society at large also receive due consideration for their rights and freedoms.

My bill would provide a formal recognition of victims as a party to the criminal justice system. The system would be mandated to keep victims informed of developments in their case. There would be provision for the broader use of victims impact statements and restitution could be ordered for psychological harm done to victims.

Over two years ago the former justice minister promised to address his government's failure to properly amend our laws and to fully recognize the interest of victims. At that time he stated "Although steps have been made toward progress in recent years, they have been imperfect. There remains a great deal to be done".

• (1300)

Almost a year ago the present Minister of Justice stated: "We have not done enough to accommodate the interests of victims within the criminal justice system". Canadians are still waiting. Our laws are still inadequate and the government still has done nothing to address the interests of victims within the criminal justice system.

The justice committee has finally begun to consider the issue, but will the government have the fortitude to act? Only time will

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tell. Hopefully for the sake of victims of crime and society at large it will approach victims rights in a responsible manner, but I know better than to hold my breath.

I will now move on to the issue of abolishing conditional sentences for violent offenders. It is distressing that we even have to resort to a motion in an attempt to convince the government to do what it should have done over three years ago. The former government brought conditional sentences into the Criminal Code in 1995 through Bill C-41. Reform has no difficulty with the concept of alternative measures and conditional sentences, but we did argue to limit them to non-violent offenders.

The former minister in his infinite wisdom decided that he would not and could not give credit to the Reform Party for exposing his failure to appreciate the ramifications of unlimited conditional sentences. He initially held the position that of course the courts would not apply conditional sentencing for violent offenders. We all know the courts did use these lenient provisions for violent criminal acts.

The court said that if parliament intended to limit the provision it should have said so in the statute. What did the minister do? He pretended that it was a problem of interpretation by the courts and to assist them he again tinkered with the legislation. In Bill C-17 which passed in 1997 he made minor changes to section 742.1 of the Criminal Code to try to direct judges as to when to permit conditional sentences.

He should have said something more to the effect that thou shalt not use conditional sentences for violent offenders and drug traffickers. I guess that was too direct and uncomplicated.

What kind of mess are we in? For one thing the former minister has definitely helped his colleagues in the legal profession. A little legislative issue has generated millions of dollars for those at the legal bar. It has cost taxpayers in many different ways. Cases have to be appealed, justice is delayed until cases are finally adjudicated to closure, appeal courts are clogged with matters that never should have been an issue, and our crowns are tied up with arguments and cases which should have been straightforward. After three years of outstanding government ineptitude the minister of timely fashion has announced that maybe we should study the issue of conditional sentencing to determine why it is being used for unacceptable violent offences. Perhaps she should review some of the decisions of the various courts of appeal. She will soon realize how our justice system is being thrown into disrepute over this provision.

Derek Anderson Austin, convicted of cultivating marijuana and possession for the purpose of trafficking, received a conditional sentence. He had a long record, including possession, trafficking, four failures to appear, driving while disqualified, unlawfully at large and obstruction of police. On appeal the court of appeal stated: "We are very surprised that such a person would be given a conditional sentence". What happened? Nothing, because the sentence had already been served.

There are those who receive conditional sentences together with community service. The lawyers ensure that some or all of the community service is completed before an appeal can be heard. At that point the hands of the appeal court are tied as the offender has already been punished and it would be illegal to incarcerate them. The former minister of justice solved the problem of our growing prison population by providing even those who deserve to be imprisoned with this lenient and abused conditional sentencing provision.

Court cases are brimming over with examples of individuals who obtained conditional sentences in appropriate circumstances but the courts of appeal were barred from rectifying matters because some or all of the sentence had in effect already been served.

Ronald John Schmidt received a nine month custodial sentence for sexual assault. He told his seven-year old victim not to tell anyone or he would do it again. He appealed for a conditional sentence even though none existed at the time he was sentenced. He was granted a nine month conditional sentence. There are a number of cases of sexual assault by persons in positions of trust over children where conditional sentences have been imposed. Conditional sentencing does not carry with it society's denunciation for these offences. Deterrence will not be effected by such leniency. Parliament's support for these inappropriate sentencing provisions will only reduce the standards of our country.

There are hundreds of other cases of improper and questionable use of conditional sentencing for violent offences but my time will not permit me to go into them in detail. We have a flawed Young Offenders Act and a minister who is taking forever to do what she could have done years ago. We have promises upon promises to address victims rights issues but the government wants more studies. We have a sentencing regime which permits violent offenders to serve their sentences at home.

• (1305)

Yes, the House should condemn the government for its inaction and for its failures with respect to our criminal justice system.

Mr. Darrel Stinson (Okanagan—Shuswap, Ref.): Mr. Speaker, I listened to the member's speech with interest. I have a couple of questions for him.

As I travelled around my constituency back home in Okanagan—Shuswap, I had occasion to drop into the schools every now and then. I am finding more and more often as I visit the schools and talk to the young people that they themselves are afraid. They are afraid of a few people of their generation who have some of them living in fear, fear of wearing certain clothes to school and fear sometimes of taking money to school in case it is taken from them.

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I would like to know if the member has run into that type of situation as he has travelled around his constituency. Is this also going on in his area?

Mr. Chuck Cadman: Mr. Speaker, I thank the member for his question. It is an important question.

Before I became a member of this place I spent a lot of time in the schools over the past five years talking to young people about violence, trying to work with them and trying to make them understand the ramifications. It certainly has been my experience over those years from the number of young people I have talked to in the schools that there is fear among our youth. They are the majority of victims of youth crime.

I dare say that when a class full of high school students is asked what it would do with the Young Offenders Act I find that most students would be far more harsh than anything members have ever heard from the Reform Party.

That explains the kind of fear students experience in their schools. It is not only something I have seen in my riding or the hon. members has seen in his. I have seen this throughout B.C. at every school and youth group that I have had the pleasure of addressing on these issues.

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, I thank my colleague for his intervention. I know he has spent considerable time working with victims groups across Canada, particularly in British Columbia.

I wonder if he would share with the House and with people who are watching at home the sense of frustration and bitterness and anger people feel once they realize the justice system is weighted much more toward the criminals and those accused of violent crimes than the victims of those crimes. Maybe he could share with us some thoughts and some flavour of the sentiments of people who have been deeply touched by violent crime.

Mr. Chuck Cadman: Mr. Speaker, I thank the member for his question.

My experience over the past number of years with victims groups and with individual victims certainly highlights the stresses imposed on victims, particularly the families of victims of homicide. These are cases that obviously inflict incredible trauma and stress among the families. The last thing they need is to not be told what is going on, and this happens time and time again. It does not happen all the time, I must admit. Through my own experience I am not afraid to basically go to the horse's mouth for the answers. But most people cannot do that sort of thing. It delays the grieving process. It is part of dealing with the issue to be kept informed and to be able to talk about these things.

I have heard of cases where a person takes an afternoon off to go to court because somebody who is accused is supposed to appear and when they get there they find out the accused appeared in the morning and nobody bothered to tell them about it.

I know of cases where an accused has been released on parole and their victim has come across them on the main street in town. It retraumatizes victims.

Victims rights legislation and dealing with those kinds of issues regarding specifically notification and the victim's role in the criminal justice process is long overdue. I am happy to say the justice committee is finally starting to hear testimony on this. We will keep our fingers crossed and see what the government plans to do. Like I said in my speech, I am not going to hold my breath for a long time.

• (1310)

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I will be sharing my time.

Once again we see the spectacle of the opposition attempting to lead Canadians to believe that our criminal justice system is in a deplorable state. With hyperbole and theatrics it plays directly into the hands of criminals by promoting fear and exploiting victims for its own political purposes.

Its motion for debate states, without demonstrating it of course, that our justice system is broken and that this government has done nothing to fix it.

[*Translation*]

I would like to make one thing very clear. Our criminal justice system is one of the best in the world.

[*English*]

The Canadian criminal justice system is not broken. According to a Gallup poll released in March of this year only one quarter of Canadians say they are fearful to walk at night in their neighbourhoods. This is the lowest level of fear in 12 similar surveys in the last 29 years, since 1970. It is also a significant drop from the 37% level in 1991.

This government has done more in the last parliament than any other government in the past to modernize our criminal law and to make it more efficient. We have continued to bring forward progressive measures for the purpose of improving what is already an efficient system that protects Canadians better than any in other democratic societies.

It is irresponsible to repeat without having our facts straight that crime is on the rise or that the situation is out of control. We do not have the right as responsible parliamentarians to create unnecessary and unfounded fear in Canadians when the facts do not support the bare assertions being made.

Canadians want and deserve a safe society and we as a government are committed to ensuring just that. My predecessor made more than 250 amendments to the Criminal Code, a record that is surely unsurpassed. He did this in the areas of child prostitution, high risk offenders, gun control and organized crime, to name a

Supply

few. He also began the process of reforming our youth justice system.

In this parliament the government has taken strong measures to provide law enforcement with the tools it needs to enforce the law. In less than a year we have proposed Canadian legislative measures that reflect our commitment to more effective law enforcement without abridging the values all Canadians share and which are enshrined in our Constitution.

With Bill C-16 we have given back to law enforcement the ability to do its job without jeopardizing the constitutionality of those powers. This government tabled Bill C-20 which will give federal law enforcement officials the power to go after those who target the more vulnerable in our society for the purpose of defrauding them through telemarketing fraud.

This government tabled Bill C-18 which gives customs officers the powers of peace officers at border posts for the purpose of stopping illegal activity. This government tabled Bill C-3 which will provide for the creation of a DNA databank.

A few weeks ago I tabled Bill C-40 which will give Canada a modern extradition regime to ensure that those who are wanted abroad for crimes committed will be brought to justice in an expeditious manner.

Exactly two weeks ago I announced this government's strategy for renewing Canada's youth justice system. It is a strategy that addresses youth crime and is much broader than simply amending existing legislation.

It is clear that Canadians want a youth justice system that protects society. They want a system that fosters values such as respect for others and their property. They want a system that insists on accountability and that provides both violent and non-violent youth offenders with meaningful consequences for their actions, and they want a youth justice system that responds to the needs of victims and communities.

I announced last week that the system will be improved to reflect these concerns. We can do much more to prevent youth crime in the first place.

• (1315)

We must respond more firmly and more effectively to the small number of the most serious violent young offenders whose actions and how they are dealt with can impact most profoundly on the credibility of our youth justice system.

We can develop and employ more effective and meaningful community based responses for the majority of non-violent youth,

more effective and meaningful for the young person, the victim and the community. We can also do a better job of reforming and rehabilitating young offenders to increase the chances that they do not re-offend and that they become productive and responsible members of Canadian society.

We will replace the Young Offenders Act with a new youth criminal justice act. We will build on the strengths of the Young Offenders Act but address its weaknesses. We will send a signal to Canadians of all ages that there is a new youth justice regime in place.

The new legislation will propose changes to several areas. We will develop more meaningful consequences for the most serious and violent young offenders. It will propose to replace the current procedure for transfer to adult court with a process of transfer to adult sentences.

I will also be proposing an important change in relation to the publication of names. The debate on this issue essentially involves two legitimate and competing values: the need to encourage rehabilitation by avoiding the negative effect of publicity on youth versus the need for greater openness and transparency in the justice system. Both values are important, but I do not feel that the current legislation reflects the appropriate balance.

The new act will permit the publication of the names upon conviction of all young offenders who qualify for an adult sentence. Publication of the names of 14 to 17 year olds given a youth sentence for murder, attempted murder, manslaughter, aggravated sexual assault or repeat serious offences could also be permitted.

Unlike the Reform Party which apparently believes in throwing 10 year olds into the formal criminal justice system, I do not propose to lower the minimum age. The standing committee recommended that in exceptional cases 10 and 11 year olds suspected of committing extremely violent offences be subject to the criminal regime for youth. They made a thoughtful argument for doing so, namely, to provide a safety valve to capture the very small number of youth who may not get picked up by child welfare or mental health systems.

This recommendation has been seriously considered by this government. However, rather than criminalizing the behaviour of children at such a young age, the government has decided to work with the provinces to find a more appropriate way of dealing with these few tragic individuals who are obviously desperately in need of professional help.

I will reduce the legal complexities in determining whether voluntary statements by youth can be admitted into evidence. I will make changes that respond to victims' concerns about adequate notification of proceedings and access to information.

Supply

In addition, I will change the rules to allow the provinces to recover the costs of court appointed counsel after the proceedings from parents and young people who are fully capable of paying.

Meaningful consequences for violent offenders, however, require more than firmer sentences, tighter rules and control. We want to develop in consultation with the provinces a special sentence for the small group of the most violent, high risk young offenders. This sentence would allow for long periods of custody and treatment for young offenders who commit murder, attempted murder, manslaughter or aggravated sexual assault.

We also have an obligation to ensure that all young offenders, including the most serious, receive effective treatment and rehabilitation. It is in their interest and ours that they be, upon release, productive, well adjusted Canadian citizens.

Our strategy will increase the emphasis placed on treatment of all offenders, including provisions for mandatory treatment, as part of the special sentencing for the most violent young offenders.

The government has proposed a balanced, integrated youth justice strategy that goes beyond a simple reform of existing youth justice legislation. There is a consensus in Canada that the time for change is now. I look forward to continuing to work with concerned Canadians and concerned parliamentarians to create a fair and effective youth justice system in which we can all have confidence.

• (1320)

Let me now turn briefly to conditional sentencing. The creation of a new sentencing option was the centrepiece of the comprehensive sentencing reform package introduced in the last parliament by my predecessor. While primarily intended for non-violent offences, the appropriate use of conditional sentence orders in cases involving personal injury is permitted in the code.

Let me simply say in relation to conditional sentencing that I have asked the Standing Committee on Justice and Human Rights to review the first two years of conditional sentences and I look forward to its recommendations and guidance on this important subject.

Mr. Chuck Cadman (Surrey North, Ref.): Mr. Speaker, I find it interesting that the minister mentioned that 25% of Canadians are afraid to walk the streets. That means that one member of a family of four is afraid to walk the streets at night. I would like to inform the minister that one quarter of my family of four walked down the street one night, unafraid, and I now have a family of three.

My friend Chris Simmonds had his family reduced from four to three by a man who was out on bail after shooting a man in the face.

Does the minister really feel that 25% of Canadians being afraid to walk the streets is acceptable?

Hon. Anne McLellan: Mr. Speaker, I do not know why he is saying that. As usual the official opposition misrepresents situations for its own short term political purposes.

In fact, 25% of Canadians did express a fear in terms of walking on the streets in their communities. Obviously nobody is suggesting that is acceptable. However, because of the actions of this government what we have seen is a decrease from 37% of Canadians who expressed that view to 25%.

Clearly my goal and the goal of this government is to ensure that all Canadians live in safe and secure communities. Perhaps, as opposed to the hysterical fearmongering of the official opposition, if they worked constructively with us we would see safer and more secure communities.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I want to say that I am very glad to see the minister here in the House. She has obviously displayed a great depth of knowledge on these criminal justice issues.

The initiatives that she has taken in this policy platform are certainly welcome initiatives, but legislation is what is vital. This session of parliament is coming to a close and we are yet to see some substantive legislative initiatives.

Ten year olds, she said, might be thrown in jail if a change was made to the Criminal Code that would hold them accountable. I suggest that is not the truth. The fact is, having a system in place that would bring youth into the system at the age of 10 would allow her government to bring about the necessary change that would encompass and hold young offenders responsible.

I also want to question the minister on what policy direction we are going to see this government take with respect to the area of parental responsibility, which is a huge problem in the area of youth justice.

Finally, I would like to ask, when is the money going to be put out? When are we going to see some of the figures to indicate what these initiatives are going to cost Canadian taxpayers?

Hon. Anne McLellan: Mr. Speaker, let me make it absolutely plain, as I and other members of this government have done over the past number of weeks. Nobody is suggesting that 10 and 11 year olds should not be responsible for the harm they create or be held accountable in ways that are commensurate with their age.

I know that the hon. member knows this because of his experience in the justice system in Nova Scotia. We have three systems in which young people can be picked up: we have the child welfare system, we have the mental health system and we have the criminal justice system.

Supply

What we are saying as a government is that we believe, when we are dealing with children, when we are dealing with 10 and 11 year olds, that the best way to deal with the harm and make those young people accountable and responsible and help them to recover from what has happened in their lives is to make sure that they are dealt with through the child welfare or mental health systems. My pledge is to work with the provinces to ensure that they have, in part, the resources to be able to make sure those kids are picked up and do not fall through the cracks.

• (1325)

Mr. Jim Karygiannis (Scarborough—Agincourt, Lib.): Mr. Speaker, I am delighted to see the minister moving in that direction. There was a serious offence in 1984 in my riding of Scarborough—Agincourt. In 1989, when we were both novices here, I presented a private member's bill. After 10 years a lot of the recommendations I presented are coming to light. I want to thank the minister for moving in that direction. It is an honour to be part of a government that has seen the light at the end of the tunnel.

Could we not look at the legislation for automatic transfers? Could we not look for mandatory treatment? For a serious crime like a killing where the young offender is over 14 we could automatically transfer that case to adult court. We have mandatory treatment. If the young offender refuses mandatory treatment we could withhold these special considerations.

Hon. Anne McLellan: Mr. Speaker, the reality is that we can force no one, adult or child, to submit to mandatory treatment. However, it is obviously possible to help a young person or an adult to understand that it would be in their long term best interests to participate in some sort of treatment program.

The animating spirit behind the member's question is important. Even with the most serious and violent young offenders it is important for us as a society to ensure they are provided with the necessary treatment programs to ensure their long term and eventual successful rehabilitation and reintegration into society.

Mr. Dick Harris (Prince George—Bulkley Valley, Ref.): Mr. Speaker, I rise on a point of order. I seek the unanimous consent of the House to extend this portion of the debate. We have the minister with us. I am sure the minister would love to be here for an extended time to answer the many questions—

Some hon. members: Hear, hear.

The Deputy Speaker: Is the House prepared to give its consent to extend the time for questions and comments?

Some hon. members: Agreed.

An hon. member: No.

The Deputy Speaker: I do not hear consent.

Mr. Dick Harris: Mr. Speaker, I rise on the same point of order. Is it appropriate for the minister herself to say no, that she would not extend the—

The Deputy Speaker: The question is not who does or does not say no. The Speaker puts the question to the House. There was not consent. Consent was refused. The Speaker is not saying who said it. I do not know who said it. I heard no, and that is enough.

Mr. Steve Mahoney (Mississauga West, Lib.): Mr. Speaker, I actually said it because I wanted to have an opportunity, if the members do not object, to put some thoughts on the record on this very important issue.

An hon. member: Good.

Mr. Steve Mahoney: You may not enjoy them. You say good, but you may not enjoy them. I can assure you that some of them will reflect on your philosophy and policies. I do not think they will—

The Deputy Speaker: I know the hon. member for Mississauga West will want to address his remarks through the Chair rather than to some "you". I realize he has not named another member, in his view, but I would invite him to address his remarks through the Chair please. It might help in the circumstances.

Mr. Steve Mahoney: Mr. Speaker, I will suggest through you that they may not think my remarks are particularly good.

I was interested in one of the comments made by the minister in response to a question from a member opposite. She said that their issue is for their short term political purposes. Just about everything they do in here is for their short term political purposes. The operative phrase should be short term. That is exactly what they do. They do not think in the bigger picture or in the long term about the consequences of some of their policies.

I like to think of them not so much as the Reform Party, but as the "ing" party because the Reform Party's three cornerstones are based on caning, whipping and hanging. Those are the solutions of the "ing" party.

Some hon. members: Oh, oh.

• (1330)

Mr. Steve Mahoney: Mr. Speaker, the members opposite do not seem to agree with that. Let me share with everyone something spoken by one of the Reform Party members. I believe the member for Wild Rose said in the May 10, 1994 *Edmonton Journal* "I do not think that kind of punishment hurts one doggone bit". He was referring to caning. "In fact I think it probably has more effect than what we do today".

The justice critic for the "ing" party decided that he wanted to travel to Singapore to study the merits of introducing caning to

Canada's justice system. What a spectacle. Imagine in our public places, in our courtyards, in our school yards, in our homes that we would actually resort to caning as a solution to violence. That is the Reform mentality. If we cane them it will hurt so they will stop being violent.

I do not profess to be an expert, unlike many members opposite, but I have read many articles written by experts and any expert will tell us that violence begets violence. That is exactly the kind of thing we want to stop.

The same member went on to say "I do not think caning is too extreme". That is from the Calgary *Herald* of May 10, 1994.

The Reform Party, or the "ing" party as I like to call it, has not excluded young offenders from what it refers to as its two strike and you are out policy. This would mean, as the justice critic who is sitting here right now listening to this, said in the Toronto *Sun* of August 15, 1996 "the repeat offender"—and because they have not excluded young offenders, young offenders would be included in this policy—"will never see the light of day after committing his second act".

That is just terrific. That is going to solve our problems. We will throw them in a dungeon, lock them up and forget about them. Young offenders need to be treated properly by professionals not locked up in some medieval archaic way as that party would profess.

I see the member from Wild Rose has come in, the member who was illustriously quoted in the Edmonton *Sun* in March 1995 in referring to his time as a school principal. He saw remarkable change in behaviour among those who had "tasted a piece of wood". That is just brilliant.

It is a remarkable quantum leap to go from the motion that was put very responsibly by the member for Esquimalt—Juan de Fuca, whom I saw on *Canada AM* this morning speaking about his policy on the headstart program dealing with young people. It is a quantum leap in logic to go from dealing with a pregnant woman and helping her give birth and raise a healthy, happy child to caning, to hitting them with a piece of wood.

Where in the world did you guys come from? When they loaded up the wagon train to come east I guess they checked their brains at the Manitoba border.

The Deputy Speaker: I know the hon. member is perhaps enjoying the rhetoric but I think he knows he must address the Chair rather than any of the "you guys" he may be referring to. I invite him to continue to do that.

Mr. Steve Mahoney: Mr. Speaker, my apologies. It becomes a little frustrating when we read some of the things those hon. members have talked about.

Supply

There is another problem. The hon. members from the "ing" party across are confused. Some of the members want to scrap the Young Offenders Act and some of them simply want to amend it. The member for Nanaimo—Cowichan stated in *Hansard* in March 1998 "As the justice minister dreams about changes to the Young Offenders Act, violent acts among youth are escalating and revealing why the Young Offenders Act should be scrapped". Then we have others like the member from Wild Rose saying "When are you going to amend the Young Offenders Act?"

• (1335)

We have some of the extreme right saying to scrap it and then we have others who generally are seen as being on the even more extreme right saying to amend it. Their own policies in this place do not coincide with the policies of their own party.

I would like to hear one of those members stand up and tell me why they would not support replacing the Young Offenders Act with new stronger youth justice legislation. That has been announced by our minister. Why would they not support that? Do they just want to be negative? Do they not want to have input into it? This is a policy. They have a chance to have input into it. All Canadians will have that chance.

Why would they not support expanding the offences for which a young offender can receive an adult sentence to include a pattern of serious violent offences? I have heard members opposite call for that. The minister has said she agrees with that.

What seems to be the problem here? Why do we not just get on with it? Let us take that policy statement and build it into legislation. That is what the Canadian people expect us to do.

The minister would not agree to lower the age to 10 but why would it be 10 by the members opposite? Why not nine? Why not eight? In fact, as a parent of three young men I am a firm believer that if you have not put your values into your children by the time they are seven years old, then you may have lost them. The first seven years of a young person's life are probably the most critical years in their entire life. Why not seven?

Let us do what they have suggested. Seven years old, they commit a crime, we throw them away. They do it again, we throw them in a dungeon and lock them up. What kind of a society would we be purporting to represent if we were to adopt those kinds of policies?

The minister has said that the bill will lower the age limit for which young offenders are presumed liable to adult sentences from 16 to 14. Why would they not support that? It is a positive step in the right direction, things that many members opposite have called for, some who are not quite so extreme.

Supply

It would expand the provisions allowing the publication of the names of young offenders who have been convicted and who qualify for adult sentences. But no, what the Reform Party wants does not matter if they qualify for an adult sentence or not. If they commit a crime, their names should be published. They should be tarred for the rest of their life, instead of working with those young people to help educate them, to help teach them that violence is not a solution. They are not taught that by smacking them on the back with a cane or hitting them on the rump with a piece of wood. That party is spouting archaic nonsense. Those members should be ashamed of themselves.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, obviously this fellow missed his spankings when he was a young person. That is pretty obvious.

Over the last 10 years, since the Young Offenders Act, 1984, 2,400 cases of violence were recorded. Now it is up to 24,000 and climbing which is over a 100% increase.

I do not understand where the member is coming from. Articles come out like the one today, May 26 "Teachers in Montreal's largest school board, the Montreal Catholic School Commission are rightly denouncing the climate for fear and violence in which far too many of them are forced to work. In the past two years, MCSC teachers have reported 90 incidents in which they have been physically assaulted by students, 30% in cases considered so serious that police were called in. Teachers were punched, kicked, choked, bitten and scratched. They have had chairs, bags and books thrown at them. They have had desks pushed into them. This March a teacher abruptly left her job after finding out that one of her students, a member of a gang, had put a price on her head".

• (1340)

That is what we have come to. There are guys like that member who probably majored in bleeding heart 101 when he went to university, if he got that far, teardrop 102 and all the other socialist subjects they teach in these garbage places, so he can come here, stand and brag about how wonderful a job they are doing. And we have over a 100% increase in that kind of a crime. He is close to my age. Surely he was brought up a little better than that in the schools. I do not think that we had that kind of a problem when I went to school. I know we did not when I was a principal.

How does the member explain this terrible increase in crime? Does a little bit of discipline not ring some bells in his brainless head?

Mr. Steve Mahoney: Mr. Speaker, the best four years of my life were not in grade nine, unlike the member opposite.

To answer, the problem is very real in terms of discipline within the schools, but discipline is not violence. I went to a catholic

boarding school. Does the member want to talk about discipline? Does he want to talk about violence? I would be delighted to tell him some stories that would curl what little hair sits on top of his head. I can say that I know a little bit about this from some personal firsthand experience in a school like that.

Generally what happens is a parent will say "I believe in corporal punishment as long as you are going to strap the kid who sits beside my Johnny. That will scare the dickens out of my Johnny, but do not strap my Johnny". You would hear that as a principal, Mr. Speaker. He would hear that as a principal. That is the problem. We have to give our teachers the authority to discipline young people, but that is not the strap, that is not the cane and it sure as hell is not a piece of wood.

Mr. Rick Borotsik (Brandon—Souris, PC): Mr. Speaker, I wonder if we could bring this debate to another level, another plain.

I agree that with the Young Offenders Act there must be some rehabilitative process. Right now with the federal government and the provincial governments there are young offender services and programs in place.

I wish the minister would have answered this question herself, but the hon. member for Mississauga West is going to have to do his best. The minister talked about working with the provinces. The minister talked about a consultative process with the provinces. The minister talked about cost sharing with the provinces. Right now federal funding of the young offenders services and programs has been reduced to the point where in Manitoba it is funding only 34% of the programs. In B.C. it is only funding 22% of the same programs that the member for Mississauga West embraces. It is now funding only 31% of the programs in the province of Saskatchewan.

Why is it that the member embraces these programs on one hand, but now all of the funding from the government is removed on the other hand?

Mr. Steve Mahoney: Mr. Speaker, it is important that we take it to a different level than talking about the size of our individual brains or lack thereof. I appreciate the question.

The member will know that the province of Manitoba to which he refers incarcerates more young people than any other province in the country. It should be examined as to why that is happening.

We heard a speech earlier by a member from the New Democrats who talked about having his home broken into and the violence he has experienced at home in his riding. That is absolutely shameful. No one here is saying that there are not problems with our young people. We believe that the way to treat those problems is to work co-operatively with the provinces to try to put in place programs that will rehabilitate and help these young people lead normal productive lives.

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Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, it is difficult to follow a speech from a person who obviously does not know a lot about young people. I wish he had worked at a schoolhouse for a number of years. He would have seen the number of changes I have seen over the 30 years I have spent in the schools. It used to be that chewing gum was the major problem in the schools but today violence is a major problem.

• (1345)

It is a shame because this system and this government have put certain things in our Criminal Code that have made it very difficult for people in the school houses to maintain any kind of discipline any longer. If they lift a finger or shake too hard or even touch them they can be arrested for assault because of the bleeding hearts over there who will not allow these kinds of things to happen.

Unfortunately for them there have been parents who have lost their kids today. Why? Because they were caught spanking their children. Is that not a shame? I would like to know where a person like the individual over there grew up. What era was he in? Did he come from another planet where discipline was never used?

At any rate I reiterate the things that have happened in the government under the rule of the Liberals more than anyone else. They have been in charge for a greater percentage of the time, unfortunately for this great country. The Liberals have brought us to the time that we get headlines like "Violence grows in schools". This is today's headline about a major school in Montreal.

I got a large kick out of the speech I heard from a separatist a while ago that everything was wonderful in Quebec and all the right things were being done. Yet these kinds of headlines come out from Quebec indicating a huge increase in violence in schools.

Something must be wrong. Some changes have to be made. When we talk about changes and the suggestions we want, we receive in glossy print from the Minister of Justice all the things she has been yapping about for a year or longer. She puts it all down in print, but nothing comes before the House in the form of legislation that would say to victims across the land that it is time we did something because the number of victims is rising too fast and people are being harmed.

They are sitting on their butts here doing nothing except putting out a press release with something in glossy print which those guys opposite will say are wonderful proposals. They should stop the proposals, get something on the table and let us debate it to fix the issue.

Let us talk about conditional release. Here is the positive attitude of the Liberals in a headline "Conditional release working 92% of the time". Most people would say 92% is pretty good. However, my headline would give a little more of the facts. I would say that

our conditional release program is not successful because of an 8% failure.

That group over there would not understand what we are talking about. Let us take a look at what happened during a 10 year study that they provided to me. The 8% that were not successful under the conditional release program went on to reoffend. As a result we have another 2,237 new victims in Canada, of which 217 were murdered and 900 and some were violently raped. There have been many other violent crimes because of the policies the government has put in place.

They sit back and say they have a 92% success rate. However the 8% out there hurting people, killing people and raping people is too big a sacrifice to ask Canadian people as a whole to make. It is not a successful program when those figures come across my desk from their own offices and their own people. Something has to be done about that.

I listened to the NDP member who talked about how we exploited all things that happen in the land. For his information and for the information of the NDP, I have talked about many individual cases. I talked about the case regarding the Manning family from Quebec when we tried to get DNA testing in place. In fact when I talked about it the Manning family was sitting in the gallery encouraging me to do just that.

The Ambose family from Scarborough, when the Young brothers campaign was on, encouraged me to rise in the House to talk about their political situation because nothing was happening. I talked about the Boyd family when we tried our darndest to kill a Liberal law, section 745 of the Criminal Code. We tried desperately to get rid of it. It was suggested by one of their previous members who is now an independent.

• (1350)

The Boyd family and other families encouraged the Reform Party to do its best to get rid of those kinds of laws. They sat in the galleries begging us and asking us to do these things. We had their support and what we got from the other side was political nonsense.

They said that we are exploiting these crimes for political gain. Hog manure. There are many ways to get political gain. All we have to do is talk about all the stupid things they have done financially and we will get political gain. We do not need to talk about crime. It is bad enough as it is.

To suggest for a moment that we are exploiting these cases for political gain is really getting sick. It is the victims who have come to our offices to encourage us to do these things. They do that because they know the group opposite does not have the intestinal fortitude or the guts to even consider doing such a thing.

The bleeding hearts in the left end of this room, from the separatists on clear to the wall, would not even dare talk about those things. They would rather talk about the mushy stuff that

Supply

goes on around here: the warm fuzzy feeling that we should be giving to the criminals of our land and how we need to do more to help in rehabilitating them instead of looking at the victims. Is giving them more golf courses a great way to do it?

Drugs are rampant in the prisons. They are absolutely out of control. There is not a guard in the whole country who will not say that is the truth. What are the wimps over there doing? Nothing. They do not have the guts to do anything. The only thing they can do is sit over there and heckle like my bald-headed friend. I can say that because I have more hair than he has.

This kind of sickness exists in the government. Its members sit back while the statistics go up and up because not one of them has the courage to say it is time to do something. It is a shame. They had one member on that side of the House who had the courage to demand certain changes such as section 745. He sits over here now because he was way out of line with this group of people.

We have another one over there who constantly insists that things are wonderful, that we must not let things get out of control by daring to discipline children in our schools or in our homes with a strap or a paddle, et cetera.

By the way, I will be sharing my time with the member for Cariboo—Chilcotin.

I do not have to say that after five years in the House I get worked up when it comes to justice issues. I really get worked up when government members do nothing but dabble here and there. Then they profess they have made wonderful changes to the criminal code that will make my family and my grand kids safe. People will not have to put bars on their windows any longer.

They have not done a thing. If they think I am exaggerating, I invite them to come to small towns in my rural riding where there are no police stations. They have bars or deadbolts on their doors, on the windows in their business and in their homes. They do everything they can to protect their property and in some cases to protect their lives.

It is a shame that people in rural Alberta have to live behind bars while the criminals are running around. It is a shame that people are thrown in jail when they try to illustrate a principle like being able to market their produce by selling their grain without a wheat board permit and at the same time violent offenders are put on community service. This whole outfit is absolutely ill.

• (1355)

Ms. Shaughnessy Cohen (Windsor—St. Clair, Lib.): Mr. Speaker, as chair of the justice committee I have frequently

enjoyed having the hon. member for Wild Rose on our committee. I have to say that his appearance in the House is a little misleading because he certainly does not present himself in quite the same way in committee. I say this as a compliment because he is an active contributing member of the committee and I appreciate his participation very much.

He is also very well known for his candour as we can see today. I would like to ask him to candidly express his view on a couple of things.

As a school principal I am wondering if he employed corporal punishment in his school. Once and for all let us finalize it. Are they true, these quotes that have been attributed to him supporting caning?

Mr. Myron Thompson: Mr. Speaker, in the school board act in my particular district we were allowed to administer corporal punishment under section 43 of the Criminal Code, which I understand many on this side of the House would like to get rid of. We used it, not sparingly, but as a tool that was used when deemed absolutely necessary. It was kind of a last straw type of thing.

The member who spoke before me and got me riled up to begin with would have a hard time understanding that the strap or the paddle can be very effective. He ought to try it some time. Maybe he should have received it. I received it and I guarantee it works.

I admire people like the hon. member who would like to abolish all this stuff with all his warm fuzzy bull that will never get anywhere.

The Speaker: I wonder if the member would consider not using the word bull again.

Mr. Myron Thompson: Mr. Speaker, I usually say Durham after it and I forgot.

As far as corporal punishment in prisons is concerned, I believe there might be a place for it. I would like to see it here for discussion. I cannot for the life of me understand why anybody would object to that kind of punishment for an individual who would rape, hurt and slaughter little children, sex offenders of little kids of five and six years old.

The hon. member should tell me what is the best thing to do in terms of punishment. I think 90% of Canadians would say maybe that is what we ought to do.

The Speaker: Whether it is Lord Durham or whomever, I think we should go to Statements by Members.

STATEMENTS BY MEMBERS

[English]

FETAL ALCOHOL SYNDROME

Mr. John Maloney (Erie—Lincoln, Lib.): Mr. Speaker, fetal alcohol syndrome and fetal alcohol effects are preventable tragedies. The cold hard fact is that when a pregnant woman drinks her unborn child also drinks.

Sadly FAS children can reflect severe neurological disorders, social dysfunction, permanent behavioural problems, learning disorders, hyperactivity, mental retardation, pre- and post-natal growth retardation, speech and vision impairment, and physical deformity. The list goes on.

The personal human devastation is horrific. FAS is estimated to cost \$1.5 million during the lifetime of a child in terms of increased health needs, special education and social service costs. Far too many of these victims run afoul of our criminal justice system. In reality we are all affected.

I call upon the government to develop public education campaigns to promote public awareness and to encourage prevention initiatives. Let us stop the waste of productive lives. Let us eradicate fetal alcohol syndrome.

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YEAR 2000

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, as the next millennium approaches time is running out for the Treasury Board and for the federal government.

The year 2000 computer bug is poised to create major problems for Canadians on January 1, 2000, yet the government is sleepwalking toward disaster.

We know that just 584 days from now Canadians will face a challenge. The potential for disaster is startling. Planes may not be able to fly. Heart monitors and health care systems may fail. Hydro grids might shut down. Yet Treasury Board refuses to take action to ensure that all computers are Y2K compliant.

• (1400)

Not only is public safety at risk but Canadians may also lose vital services such as CPP cheques and passport records. The assistant deputy minister for the year 2000 has even said the government will have to write cheques by hand if it is not ready.

The failure of the Treasury Board to answer the call threatens the safety and security of Canadians as we enter the next millennium. It is time for the government to stop sleepwalking and wake up.

S. O. 31

CANADIAN YOUTH

Mr. Paul Bonwick (Simcoe—Grey, Lib.): Mr. Speaker, today I rise to pay tribute to the young people of Canada. I start by using the words of our Prime Minister in describing them as Canada's greatest resource.

As I travel across my riding of Simcoe—Grey I feel an overwhelming sense of optimism regarding the future of our great country. However, this road will not be an easy one for our upcoming generation. It will require the tools to compete in this ever changing world.

One of the most important tools we as parents and as a government can provide is access to education. It is for this reason I am especially proud to be part of a government, a team, that has the fortitude to put in place a program like the Canadian millennium scholarship program. This will afford young Canadians access to post-secondary education regardless of location or financial status.

With access to education I know young people like those visiting from Duntroon public school will not just compete in the next millennium, they will lead in the next millennium.

I say bravo for the Canadian millennium scholarship program and what a great future Canada has.

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[Translation]

EASTERN TOWNSHIPS

Mr. Denis Paradis (Brome—Missisquoi, Lib.): Mr. Speaker, all of Brome—Missisquoi, from Bromont, Knowlton, Sutton, Dunham and Frelighsburg to Eastman, Mansonville, Orford and Magog, applauds the announcement made by the secretary of state responsible for economic development.

Indeed, Tourisme Cantons de l'Est will receive \$1.5 million over three years to develop, in partnership with local organizations, promotional ideas to sell our region to attract international tourists in larger numbers.

[English]

I invite all colleagues of this House as well as every Canadian to visit us this summer in our beautiful eastern townships.

With 80% of our people speaking French and 20% speaking English, Brome—Missisquoi and the eastern townships reflect really the true values of Canada. Come and find out.

[Translation]

Our beautiful landscapes await you.

S. O. 31

[English]

BPS IMAGING

Mr. Rob Anders (Calgary West, Ref.): Mr. Speaker, yesterday the Minister of Human Resources Development was asked about the job buying fiasco at BPS Imaging in Newfoundland and he said he had not heard about it.

Frankly, I am not surprised. Only years of shortsighted job buying scams from Ottawa can explain the dullness on the government bench. But the bungling incompetence at BPS Imaging is less disturbing, less troubling than the bungling incompetence in the government that approved it.

After spending a million taxpayer dollars to subsidize jobs at BPS, did the minister ensure the jobs he was buying would be permanent? No.

BPS shut its doors last week after only seven months in operation. Did he secure the taxpayer money with BPS assets before making the loan? No. There were a million valuable job training dollars wasted. Did the minister tell us how his department plans to recover the funds? No.

Canadians are on the hook and in the dark. Once again the federal government attempts to broker hope in Newfoundland and fails to deliver.

* * *

JOAN CHALMERS

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, I rise today to salute and acknowledge one of Canada's greatest arts patrons, Joan Chalmers.

Instead of receiving gifts last night at her birthday celebration, Ms. Chalmers took the opportunity to announce a \$1 million donation to 21 of her favourite arts organizations. Ms. Chalmers described the donation as one family's attempt to keep the arts and artists of this country alive and vibrant.

Donations of this nature demonstrate the outstanding commitment to the arts by patrons like the Chalmers family who understand that for Canada's arts industry to thrive there must be a commitment from both the public and private sectors to work together in support of the arts.

Last night's announcement came at the Chalmers awards ceremony in Toronto which is funded through an endowment established in the 1970s.

Congratulations to all last night's winners and a heartfelt thank you to Ms. Chalmers for her leadership and longstanding commitment to the arts in Canada.

PRINCE EDWARD ISLAND

Mr. Joe McGuire (Egmont, Lib.): Mr. Speaker, today marks the 125th anniversary of Prince Edward Island's joining Confederation. It was on May 26, 1873 in the wee hours of the morning that Premier J.C. Pope moved that the address to the Queen embodying the terms of union between P.E.I. and the Dominion of Canada be accepted by the assembly of P.E.I.

● (1405)

The government of the day envisioned the development of a great nation and wanted P.E.I. to be part of that future. Admittedly, to that point islanders were reluctant brides.

Nine years earlier, in 1864, P.E.I. had hosted the initial talks on the union of the British North American colonies. However, when the new dominion was created in 1867, P.E.I. opted to pass on it. It was six years later before P.E.I. finally joined Canada.

The Liberal government of Robert Haythorne negotiated an agreement that included the dominion's assuming the railway debt, advancing funds to buy out the island's absentee landlords—

The Speaker: The hon. member for Mississauga West.

* * *

JUSTICE

Mr. Steve Mahoney (Mississauga West, Lib.): Mr. Speaker, the Reform Party has called for extreme right wing changes to Canada's criminal justice system. It favours a two strikes and your out law that would jail young Canadians for life if they commit two relatively minor offences.

Some of Reform's extreme ideas include public scorn, caning and other forms of corporal punishment. Reform members even wanted to send a parliamentary delegation to Singapore to witness the caning of young offenders in that country.

Is this what Canadians want? No. Canadians want public policy that makes sense. That is why this government launched a balanced strategy to renew our youth justice system, a strategy that emphasizes prevention and rehabilitation, not public beatings. That is why we have established a DNA bank to store samples and why we increased crime prevention funding by \$32 million a year. That is why we passed tough anti-gang legislation and why, to the consternation of the Reform Party, we introduced gun control.

This government has always made crime prevention a priority and to the Reform agenda I say no.

S. O. 31

CANADA PENSION PLAN

Mr. Jim Hart (Okanagan—Coquihalla, Ref.): Mr. Speaker, I rise on behalf of the constituents of Okanagan—Coquihalla who have serious concerns about the Canada pension plan disability program, in particular an appeals board that is backlogged with cases from March 1997.

Delays of more than one year have left many disabled Canadians in dire financial straits. Many are forced to apply for social assistance which they cannot get without first signing a repayment guarantee for benefits they may never receive.

The Liberals have failed disabled Canadians. They have left many disabled Canadians with no source of income. The Canada pension plan has been so badly mismanaged that it fails to provide Canadians with secure retirement. Now it fails to provide disability security.

The official opposition believes in the principle of a social safety net that provides security for those members of our society who are most in need.

On the day that Rick Hansen is on Parliament Hill will the government show compassion to disabled Canadians and expedite their appeals?

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[Translation]

AIR TRAFFIC CONTROL

Mr. Paul Mercier (Terrebonne—Blainville, BQ): Mr. Speaker, the safety of air travelers is currently being threatened.

This fact was reported by Nav Canada, the organization responsible for air traffic control, in a document released yesterday by the CBC. In a memo to the Canada Labour Relations Board, Nav Canada states that the ongoing labour dispute presents a threat to passenger safety and operational efficiency in terms of air navigation.

Let us not forget that Nav Canada is the product of privatizing air traffic control, a government decision which has cost the taxpayers \$1 billion. And now Nav Canada is not even able to ensure passenger safety.

Beyond the labour dispute, the federal government has a responsibility to ensure that passenger safety is maintained under all circumstances, and we call on the government to do so.

* * *

[English]

EMPLOYMENT INSURANCE

Ms. Bonnie Brown (Oakville, Lib.): Mr. Speaker, Canadians in my riding support the new EI system because they know it is fairer and more in step with today's job market. Its hours based system

better reflects the way people work and now protects many workers not covered under the old system. It helps those most in need through active measures which help them get back to work and improve their skills, through income supplements for families with children and low income earners and through two special funds, an \$800 million investment in re-employment benefits and a \$300 million transitional jobs fund for areas of high unemployment.

Because of these facts, I call on my colleagues to think twice before they criticize this revised program which is helping unemployed Canadians cope with the world of work in the information society of today.

* * *

• (1410)

CANADIAN ARMED FORCES

Mr. Chris Axworthy (Saskatoon—Rosetown—Biggar, NDP): Mr. Speaker, Canadians are shocked at the brutal rape and sexual assault of women in the Canadian Armed Forces and are more shocked by the callousness of the Minister of National Defence and the defence critic of the Reform Party.

The Minister of National Defence has publicly characterized these incidents as poor behaviour. As usual, the Reform Party is not happy just to deny or ignore the problem. It actually wants to turn the clock back. The Reform Party's defence critic has said the full integration of women in the military has been a disastrous social experiment, women should not be hired to do some jobs.

How can we expect the military to change when the minister considers rape poor behaviour and the Reform Party thinks women have no role outside the kitchen?

We must be tough on sexual assault and tough on the causes of sexual assault in the military and in society at large. The Reform Party's defence critic and the minister need to be part of the solution, not part of the problem.

* * *

[Translation]

THE LATE JEAN HAMELIN

Mr. Jacques Saada (Brossard—La Prairie, Lib.): Mr. Speaker, on May 15, Quebec lost one of its great historians, with the passing of Jean Hamelin at the age of 66.

Jean Hamelin, Professor Emeritus at Laval University, contributed during a career spanning over 30 years to the training of an impressive number of historians now dispersed throughout the major universities of Canada.

He graduated from Laval University, and in 1957 from the École des Hautes Études de Paris. Among his awards were the Tyrell medal, in 1972, and the Governor General's Literary Award in 1972 and 1985. Among his many books were works on the

Oral Questions

economic, social, political and religious history of Canada, and of Quebec in particular.

We salute Jean Hamelin's extraordinary accomplishments over his lifetime, and offer our most sincere condolences to his family and friends.

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[English]

CHRISTINE LAFORGE

Mr. Gilles Bernier (Tobique—Mactaquac, PC): Mr. Speaker, it is important to remind ourselves that from time to time as lawmakers what we do here in this House matters, not just for this generation but for generations to come.

In that spirit, I am pleased to welcome from my riding of Tobique—Mactaquac one of the many young Canadians who will be assuming leadership roles in this country in the next few years when old guys like me decide it is time to move on.

Christine Laforge is here visiting our nation's capital with her mother Monique, her aunt Micheline, and her cousin Dominique. Although still young, Christine has already distinguished herself in her community of Grand Falls.

She is an accomplished vocalist, pianist and guitar player who won the regional star at the New Brunswick music festival last month. Christine volunteers at the Grand Falls hospital and the regional manor and last year she beat out eight finalists to become Miss Grand Falls.

Christine will be studying music at the Université de Moncton this fall and would like to pursue a career in politics some day.

To her and all Canada's young leaders, I say good luck and keep up the good work.

* * *

[Translation]

FÉDÉRATION ACADIENNE DU QUÉBEC

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, I am pleased to extend my congratulations to those who received awards at the Fédération acadienne du Québec's Soirée Méritas, which took place this past weekend in Montreal.

The Méritas 1998 award went to naïve painter Nérée Degrâce, aged 78, a graduate of the École des Beaux-Arts de Québec. His works are hung throughout Canada, as well as at the Musée de l'Île-de-France in Paris. They depict scenes of daily Acadian life such as a wedding in Shippagan, his native city, and people coming back from midnight mass.

Another award, the Hommage 1998, went to Pierre Maurice Hébert, the author of *Les Acadiens du Québec*. This work describes how Quebec offered protection to those fleeing the Acadian deportation, tells about the Acadian members of les Patriotes, and shows how Acadians are now represented in all spheres of activity in Quebec. Mr. Hébert's work has contributed to raising Acadian pride in Quebec.

Congratulations to these two award winners.

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[English]

JUSTICE

Mr. Reed Elley (Nanaimo—Cowichan, Ref.): Mr. Speaker, in my riding of Nanaimo—Cowichan there have been many incidents which highlight the fact that the Young Offenders Act is not working and needs to be changed. The most recent involves Tasha Pederson. She is the owner of a small hairstyling shop in Cassidy which has become the target of a group of youth intent on vandalizing her establishment.

To date, this businesswoman has had to pay over \$500 in repairs to property that these youths have damaged on several occasions. That might not seem like a lot of money to the Liberal MPs who recently spent that amount of taxpayer money for each night they stayed in a posh Italian hotel, but to this woman it means the difference between paying her suppliers and putting food on the table for her family.

However, the truly sad part in all this is that the local RCMP is powerless to do anything about it because the Young Offenders Act does not apply to youth under the age of 12 and these young vandals know it.

Rather than address situations like these, this do nothing justice minister has stayed the course again and ignored the justice committee recommendation to lower the age at which a youth can be charged.

ORAL QUESTION PERIOD

• (1415)

[English]

HEPATITIS C

Mr. Grant Hill (Macleod, Ref.): Mr. Speaker, the Prime Minister has another excuse for not looking after those victims of hepatitis C. He says that if we pay those victims, he will have to pay for those who got hepatitis C from drug addiction.

Does the Prime Minister not recognize the difference between hepatitis C caused by self-destructive behaviour and hepatitis C caused by a blood system monitored by this federal government?

Oral Questions

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I said that a lot of questions need to be looked into. When you talk about compassion you talk about only one type of people. It is the people who are sick who deserve compassion.

I see that Reform is coming back to a notion of responsibility. Its members should make up their mind.

I wrote a letter to the premier of Ontario who suddenly wanted to compensate everybody and I wanted to have a list of the people who he thinks should be compensated.

Mr. Grant Hill (MacLeod, Ref.): Mr. Speaker, I have the letter here with me that Premier Harris wrote to the Prime Minister. Compensate everyone? He says very plainly "Compensate those who got the hepatitis C virus through the blood system". No one else.

Why is the Prime Minister looking for excuses for not doing what is simply and frankly correct?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, again the Reform Party does not want to compensate everybody. It is passing judgment. It is changing its position again.

It would be no wonder at the end of the month if Reformers amended their constitution to confirm that they should be disbanded by November 2000. They do not know what they are talking about.

We have, at this moment, a conference with all the ministers of health who are looking at the problem seriously, not just trying to score some political points.

Mr. Grant Hill (MacLeod, Ref.): Mr. Speaker, the victims are questioning what it is about the Prime Minister's character that he cannot admit that he has made a mistake.

Some hon. members: Oh, oh.

An hon. member: Next question.

The Speaker: We are getting a little close with our language. I encourage members on both sides to stay away from too many personal comments.

Mr. Grant Hill: Mr. Speaker, the Prime Minister cannot admit that he has insulted the hepatitis C victims by comparing them with those who have a drug addiction. He cannot admit that he has made a mistake in not compensating those individuals.

Why does he not change his mind?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, in Canada we have a system where the provincial governments are responsible for health.

We made a deal with them to offer some compensation to those who have hep C because of a problem that existed between 1986 and 1990. There was an agreement signed by all the governments of Canada.

Two governments decided to quit and offer compensation to others. Since that time eight other provinces have decided to stay with the federal government to find a reasonable solution.

As Prime Minister of Canada—

The Speaker: The hon. member for Edmonton North.

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, two governments added to the original deal because they operate on principle and did not mind saying that they were wrong.

My question today is for the Prime Minister. I want to catch him quickly before he leaves the country again. I want to ask him about this hep C deal.

Before he flew to Italy a couple of weeks ago he told the health minister to make sure that he scuttled the deal. That worked. That deal was scuttled.

• (1420)

Some hon. members: Oh, oh.

The Speaker: The hon. member for Edmonton North.

Miss Deborah Grey: Mr. Speaker, I want to know this from the Prime Minister.

Is he proud of the fact that his health minister obeyed him and scuttled the meeting?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the Minister of Health has worked very diligently. He worked very hard with the provincial governments to find a solution long before these people tried to score some political points.

These people are claiming compassion. They are the same people who promised to cut welfare by \$3.5 billion. They are the same bleeding heart Reformers who said they would slash seniors' pensions by \$3 billion. They are the same people who would have a two tier system for the people who are sick in Canada.

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, this government knows full well about two tier health care. It just instituted it with these victims.

What is happening is that this so-called working group that the health minister put together is the same group that was put together last July and is offering the same options. What is happening is that the Prime Minister and his government are stalling until they can get to the summer break because the heat is too much. More meetings, more memos, more technical talk is not going to solve the problem for victims.

What does the Prime Minister think about this restructured, same old working group that is going to come up with the same solutions which were not good for all hepatitis C victims? Is he proud of that?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the questions today are about two types of hepatitis C victims:

Oral Questions

those who contracted it through the blood system, according to this gentleman, and the rest according to this lady.

They should make up their minds and help the provincial governments and the federal government find a solution.

* * *

[Translation]

EMPLOYMENT INSURANCE

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, since yesterday's oral question period, \$17 million has accrued in the employment insurance fund.

During this time, all the Minister of Human Resources Development has said in response is that he ordered an investigation by Statistics Canada, because he cannot figure out what is happening with his reform.

With all his investigations and studies, is the minister not simply stalling for time while his colleague, the Minister of Finance, keeps taking \$700,000 an hour from the pockets of workers and the unemployed?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, what I said yesterday was not that we did not understand the effects of the reform, quite the contrary, but we were not in favour of any hasty decisions, as the Bloc Quebecois apparently is.

What astounds me about the Bloc is that none of the bills it has tabled in this House aims to help any of the unemployed to return to the labour force. The measures are passive, old hat. There is no constructive reform relating to the modern market. They are proposing a return to the past, and we are saying no.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the minister should stop being the pompous technocrat and holder of all truth and get on with answering questions.

What those excluded from his reform want—and it is not studies and investigations—is for him to come out of his bubble and deal with a real problem. Will he, once and for all, deal with their problem, not in six months, but now, today?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, the opposition still does not understand the courage and boldness displayed by our government to adequately serve Canadians from coast to coast.

Our reform sought to change an unemployment insurance system that was neither fair nor equitable. We wanted to help Canadians break the cycle of dependency that existed in certain regions. We want to help create jobs in the regions that need them most. This is what our reform is all about.

• (1425)

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, whenever the issue of employment insurance is raised, we get the impression that the minister lives on another planet.

He may keep saying that everyone loves his reform, the fact remains that three out of every four young people who are jobless do not qualify for employment insurance benefits.

Will the minister finally admit that, because of his reform, 75% of young Canadians who lose their jobs are left to fend for themselves?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, eligibility criteria for employment insurance may be tougher for young people.

However, we on this side of the House are not trying to make it easier for young people to collect employment insurance, but to ensure that they stay in school as long as possible, benefit from the youth employment strategy and have access to higher education and knowledge. We have greater ambitions for young Canadians.

The Bloc Quebecois basically wants us to encourage young people to leave school as early as possible by making it too easy to collect employment insurance. This would not be good for the future of young Canadians.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, such comments make no sense.

Will the minister admit that his system is ridiculous and is much too hard on young Canadians, given that only one in four is eligible for employment insurance? Can he not admit and understand that?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, what young people need is not easy access to employment insurance. What they need are placements in businesses, community work, useful experience they can put on a CV to help them get a job. This is a sensible job strategy. It is a strategy of providing opportunities for access to knowledge and education so that people can improve their future and raise a family. This is what young people need, this is what they have told us, and it is what we are giving them.

* * *

[English]

THE ENVIRONMENT

Mr. Rick Laliberte (Churchill River, NDP): Mr. Speaker, time and time again the environment minister was asked about the state of Canada's environment: budget cuts, staff cuts, bad policies and devolution.

The committee report on CEPA enforcement and today's environment commissioner's report confirm that basic standards are not being met.

Oral Questions

Will the minister continue to dismiss the facts and ignore the truth or will she admit today that there are insufficient resources for the environmental protection of this country?

Hon. Christine Stewart (Minister of the Environment, Lib.): Mr. Speaker, the government considers the two reports that have been tabled in the last 24 hours to be very important and ones that I will take very seriously.

It is very interesting that the Prime Minister's appointment of a commissioner for sustainable development has not resulted in the whitewash of this government's environmental program as was suggested by the opposition. The commissioner presents very important detail about my department. Some of it is already outdated because we have acted upon it.

But we will continue to review what he has to say and make necessary and important improvements to the environment for all Canadians and their environment.

Mr. Rick Laliberte (Churchill River, NDP): Mr. Speaker, my question is for the Prime Minister.

Overall this government's environmental leadership got a failing grade from Canada's environmental watchdog. Canada is threatened by pollution. We will not meet our international obligations in climate change and our environmental assessment process is not working.

Does this failing grade reflect on the competence of the minister or is it a failure shared by the whole cabinet?

Hon. Christine Stewart (Minister of the Environment, Lib.): Mr. Speaker, I am very proud of the important work that is accomplished by the people in my department. They work very competently and efficiently. We are fulfilling our obligations. We are absolutely committed to meeting our Kyoto protocol commitments.

We will continue to review everything that is said and look to improving our practices, but we are now doing a very good job on behalf of all Canadians.

• (1430)

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, going into Kyoto the government was more interested in one-upping the Americans and greenhouse gas targets than on showing leadership, but the environment minister could not even accomplish that.

Now the commissioner for the environment has stated that there is no federal leadership on climate change and no targets to measure whether Canada is meeting commitments to reduce greenhouse gas emissions.

Does the minister have any idea about how Canada will meet its Kyoto commitments?

Hon. Christine Stewart (Minister of the Environment, Lib.): Mr. Speaker, I have said many times that the government is absolutely committed to achieving its Kyoto protocol commitments.

The Prime Minister has put in place a secretariat to assist the Minister of Natural Resources and me to lead on this initiative on behalf of all of Canada. We have a secretariat in place which is implementing a national or a federal strategy. We are working with all our partners, provinces, territories, business and industry, communities and individuals, and we will achieve our target.

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, my understanding is that the government will be waiting 18 months before it implements anything.

Canada's watchdog on the environment has said that the government does not have a workable plan to reduce greenhouse gases. He has also stated that the federal government has a responsibility to lead the nation in developing a realistic, broad based and cost effective response to climate change that minimizes any negative impact and maximizes any positive impact on Canada's economy.

Will the House ever see such a plan from the government?

Hon. Christine Stewart (Minister of the Environment, Lib.): Mr. Speaker, I would be happy to share with my colleague the government's comprehensive plan on how we are working today with all partners to find the most cost effective way to reduce emissions and to achieve our commitments at Kyoto.

The government set aside \$150 million to be used over three years to develop our plan, but that does not stop us from implementing measures right now, which is what we are doing.

Mr. Bill Gilmour (Nanaimo—Alberni, Ref.): Mr. Speaker, the government received its environmental report card today and it got an *f*. Regarding the Kyoto protocol on climate change the environment commissioner gave the government an *f* for lack of an implementation plan, an *f* for assigning targets, an *f* for designating responsibility and an *f* for accountability.

My question is very straightforward. Who in the government is willing to take the blame for this dismal failure?

Hon. Christine Stewart (Minister of the Environment, Lib.): Mr. Speaker, after our engagement at Rio in 1992 we have realized that we did not meet voluntary obligations we set for ourselves at that time.

We are in the company of many other developed nations in the world. That is why we went back to Kyoto and determined that we had to enter into legally binding obligations.

Oral Questions

The commissioner's observations were made prior to our negotiation at Kyoto and prior to the action we have taken since then which has been very significant and will be successful.

Mr. Bill Gilmour (Nanaimo—Alberni, Ref.): Mr. Speaker, the environment minister has antagonized the provinces, has antagonized industry and has confused the public. The auditor general clearly states in his report that the Kyoto agreement is bound to fail because of government bungling.

Why did the minister go to Kyoto without a plan and then sign a protocol when she knew full well that the government had no intention of following through?

Hon. Christine Stewart (Minister of the Environment, Lib.): Mr. Speaker, the government is totally committed to reaching our objectives, our Kyoto commitments, but what is confusing is the stand of that party, the party that denies the science, the party that says we ought not to take any action, the party that today is not involved in working with all Canadians to help us meet our objectives.

* * *

[Translation]

EMPLOYMENT INSURANCE

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, this morning, we heard terrible stories about the disastrous results of the EI reform.

Take the case of Bertrand Duval, a seasonal government employee working 24 weeks a year. For years, employment insurance meant he had an income all year. Now, with the minister's reform, his family must live with no income for nine weeks a year.

• (1435)

Since he no longer has an employment insurance cheque for nine weeks of the year, what active measure does the minister suggest to Mr. Duval to help him with his problem?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, we could mention the transitional job fund, which has created thousands of jobs in disadvantaged regions. We could mention targeted salary measures to help him find work.

We could tell this seasonal worker that, under our new hours-based system, whenever he works 42 or 45 hours, he can build up many more insurable hours and get EI more easily because he has not perhaps worked as long, but the number of hours means he has faster access.

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, it is the new system that has placed Mr. Duval in this situation. And his case is not unique.

For the 1994 reform, the Department of Human Resources Development estimated that there were about 800,000 individuals whose average benefit period would be shortened by seven weeks.

What would the minister do if he were in the same situation as Mr. Duval and the 800,000 other claimants?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, clearly, they are ignoring what I just said. I clearly demonstrated that seasonal workers with 45 and 50 hours in intensive weeks now have a better system to serve their needs.

* * *

[English]

JUSTICE

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, Statistics Canada reports that more than 24,000 serious offences were committed by youth last year.

Does the justice minister think this is a minor offence she can justify sloughing off until next fall?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am not quite sure what the hon. member means by his question. I do not think anybody is sloughing anything off.

I think the government has taken a very responsible approach to the renewal of the youth justice system. We tabled our response and I look forward to the constructive comments of the hon. member and others in the official opposition.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, these are the statistics that the justice minister has been sitting on for almost a year: 32 murders; 23 manslaughters; over 1,400 sexual assaults; 482 assaults on police officers; and more than 13,000 cases of break and enter, many into private dwellings, all in a single year.

Does the justice minister believe it is justifiable to slough off all these statistics and this situation until next fall?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, let me assure the hon. member that neither I nor the government has been sitting on the statistics to which the hon. member refers.

I also reassure the hon. member that in our government response we are proposing a renewal of the youth justice system that makes the exact distinction between violent and serious violent offenders and non-violent young offenders that Canadians want us to make.

Oral Questions

[Translation]

EMPLOYMENT INSURANCE

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

The minister goes on and on about his reform saying that workers in vulnerable situations benefit most from it.

How then does the minister explain the case of Monique Rainville, a UQAM teaching assistant, who in the past was eligible for unemployment insurance with a teaching load of only one course, and now, after the reform, is no longer eligible, even with two courses? This is a fine example of someone with a diploma, minister.

The Speaker: Dear colleagues, you must always address the Chair.

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, our employment insurance reform has liberated thousands and thousands of women from the trap of the 15 hour week. Hundreds of thousands of women in Canada working 12, 13 or 14 hours a week, part time, were not covered. We released them from the 15 hour trap of the old system.

• (1440)

What about the woman in Sydney, Nova Scotia, who worked 14 hours a week in a store without any form of protection?

And if she had a second job of 12 or 13 hours to help her family out, she had two times no protection. Now she is covered for all—

The Speaker: The hon. member for Québec.

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, time for the minister to face reality. There are thousands of cases like that of Ms. Rainville in Quebec.

Will the minister, who is bragging of the benefits of his reform for vulnerable workers, finally admit that his reform is not adapted to the labour market?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, on the contrary, I think the reform was undertaken in response to a fluctuating labour market, a market that is changing completely, where more and more people are working part time.

Some hon. members: Oh, oh.

Hon. Pierre S. Pettigrew: What strikes me is that four members of the Bloc have risen to ask me questions today and none has spoken about the active measures to help workers return to the labour market. That is what the unemployed want.

None was interested in getting the unemployed out of the unemployment insurance trap and back to the labour market. No question from that side of the House, no positive contribution.

* * *

[English]

JUSTICE

Mr. Chuck Cadman (Surrey North, Ref.): Mr. Speaker, I would like Canadians to understand just how insignificant the proposed youth justice changes are. I would emphasize they are just proposals. The minister still has not actually changed the law.

The 14 and 15 year olds involved in the initial beating of Reena Virk in Victoria would not be covered by these proposals. If this kind of violence is not covered just how serious are these proposals?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, these proposals are very serious. I would ask the official opposition to seriously engage in a meaningful debate. The government and Canadians are interested in working together to create a culture of safety.

Do you know, Mr. Speaker what members of the official opposition are doing today and are continuing to do? They are only interested in creating a culture of fear.

Mr. Chuck Cadman (Surrey North, Ref.): Mr. Speaker, it appears as though the government minister is becoming an expert in creating loopholes and finding technicalities.

Let us take her so-called firm measure to move 14 to 15 year olds to adult court. It is crafted so that there are so many exceptions, exemptions and loopholes that only 21 cases in all of Canada last year would be affected.

Does the minister honestly think that changing the law for 21 cases is a firm measure?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, on that specific point, the hon. member chooses to ignore the fact that we are creating a fifth presumptive category that deals with violent serious repeat young offenders. That will expand the number of young people who are presumptively subject to an adult sentence in our youth justice system.

I also remind the hon. member that any 14, 15, 16 or 17 year old charged with an indictable offence can be subject to an adult sentence.

Oral Questions

[Translation]

BC MINE IN BLACK LAKE

Mr. Jean-Guy Chrétien (Frontenac—Mégantic, BQ): Mr. Speaker, the former workers at the BC Mine in Black Lake need help.

If the minister had made the effort to meet with them this morning, they would have told him that his active measures are not working.

Is the minister prepared to restore a pre-retirement program to support the efforts by Quebec and the company to enhance the BC mining employees' incomes until they retire, which is the only way they can be helped?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, I see that the fifth Bloc MP is continuing in the time-honoured tradition of the Bloc: passive measures only. This is totally in keeping with the logic of this party, which dwells completely on the past.

I would point out that our government was the first to act in connection with the BC mine. We gave \$3 million to help the miners to get training, and wage subsidies in other fields.

We were the first. They were the ones who opted not to take the POWA, which was already available to them.

* * *

• (1445)

[English]

CUSTOMS

Mrs. Judi Longfield (Whitby—Ajax, Lib.): Mr. Speaker, my question is for the Minister of National Revenue.

Last weekend a group of tired Canadian forces members traveling on a military service flight returned to CFB Trenton after four months in Kuwait. Can the minister tell this House why these very special Canadians were forced to endure the often lengthy customs re-entry procedures after a patriotic tour of duty?

Hon. Harbance Singh Dhaliwal (Minister of National Revenue, Lib.): Mr. Speaker, I want to assure the hon. member that customs officers are very much committed to providing the best service for Canadians. In fact as Minister of National Revenue, I have taken the opportunity to visit many of our border crossings as well as airports to ensure that we have efficient customs officers.

I want to remind the hon. member that under sections 11 and 12 of the Customs Act, every person must be cleared through customs. I want to assure the hon. member that I will look into the matter to ensure that we do provide an efficient and quick service to all the travelling public.

* * *

YOUNG OFFENDERS

Mr. Allan Kerpan (Blackstrap, Ref.): Mr. Speaker, I just noticed that if the two members across the way want to have a conversation they should probably take it to a room somewhere.

The professor over there may know nothing about justice but she knows a lot about politics. She knows about blocking and stalling and propaganda. For example she says "few offenders under the age of 12 are involved in serious violent crimes" but according to Stats Canada, more than 5,000 children under 12 were involved in crime in 1996 and 833 of those were violent crimes.

Does the professor really think that 100 crimes a week—

The Speaker: The hon. Minister of Justice.

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, if the member wants to talk about serious violent crimes committed by those under the age of 12, as I have in the past let me inform the hon. member that in 1996 for example there were exactly zero youth aged 10 and 11 convicted of the most serious violent crimes.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, the lights are really on over on that side of the House. The last I heard, a person under 12 could not be convicted.

Up in the faculty lounge the only crime those people ever witnessed is that their wine was not able to age long enough.

Getting back to reality, there are 833 violent crimes by kids under 12. Real Canadians want to know, what are they supposed to do about these violent crimes? Are they to lie back, shut up and take it?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, we have been very, very clear in terms of young people under the age of 12. No one on this side of the House is suggesting that a young person, at the age of 10 for example, who hurts another individual should not be held accountable or take responsibility. What we believe on this side of the House is that the most effective way to deal with those children is not through the formal criminal justice system but through either the child welfare system or the mental health system.

HEALTH

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, the Minister of Health told the House yesterday that albumin blood product meets safety standards not only in the United States but in Canada.

Given that the company supplying this blood product is under investigation in the United States for infractions so serious it is one step away from being shut down, will the minister explain why the Canadian government is not doing the same? Why is the Canadian Minister of Health bringing in truckloads of albumin and not initiating an investigation to assure Canadians that this blood product is not unsafe?

• (1450)

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, albumin is an important product which is essential to the health of many Canadians.

There is a shortage of albumin available from likely suppliers in Canada. As a result, physicians asked Health Canada for permission to go to an American company named Alpha to supply that product.

The issue is not where the product comes from. The issue is, is it safe. As I told the House yesterday, this product has been approved in both the United States and Canada as meeting safety requirements.

At no time have the American authorities prohibited the sale of the products of this company. It continues to certify the company. The product is safe and that is the bottom line.

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, the real issue here is whether or not the product is safe. The minister has an obligation under the Criminal Code to ensure the safety of those products.

The minister's own department has ordered 45,000 vials of albumin at the same time as his American counterpart has put out the red alert and slapped a consent decree on Alpha Therapeutics not because of a technicality, but because it was not keeping proper records to distinguish between bad blood and good blood.

Can the minister give the House his personal assurances that in fact this product meets all—

The Speaker: The hon. Minister of Health.

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, these questions should not be determined by theatrics or by politics or by any other factor aside from safety. The member might just as well accept it because the reality is not going to change.

The products in question have met safety standards in America and in Canada. They have met those standards and appropriately

Oral Questions

they are being made available at the request of the physicians of the people who need them.

* * *

ENVIRONMENT

Mr. John Herron (Fundy—Royal, PC): Mr. Speaker, my question is for the Minister of the Environment.

In today's report on environment the auditor general's commissioner concluded that the government's lack of leadership results in inadequate environmental assessments that will have significant consequences on the environment.

Given that the majority of the environmental screenings examined by the auditor general did not meet the criteria of the Canadian Environmental Assessment Agency, what will the minister do today to ensure that all federal assessments meet the criteria of the Canadian Environmental Assessment Act?

Hon. Christine Stewart (Minister of the Environment, Lib.): Mr. Speaker, environmental assessment is a very important aspect of the work of Environment Canada.

The Canadian Environmental Assessment Act is in its third year of operation. The agency is working very diligently to make sure that all departments working with me do proper assessments. We are having to look to see how we can improve the processes. We are working hard on that and have provided different guidelines to departments and other groups that do environmental assessments.

Mr. John Herron (Fundy—Royal, PC): Mr. Speaker, on March 19 I asked the minister whether she agreed with her own deputy minister that there were not enough resources to enforce all environmental regulations. Her response to the House was that "there is within my department resources available to deal with all enforcement issues necessary".

Given today's auditor general's report and the environment committee's condemning report on environmental enforcement, can the minister square her comments with those of the auditor general and her own committee, or does she wish to retract her comments of March 19?

Hon. Christine Stewart (Minister of the Environment, Lib.): Mr. Speaker, I am not going to retract my comments made in March.

I understand that there are some difficulties with enforcement measures being taken in my department. For that reason I requested my department to undergo a review some months ago. I also requested that the standing committee do a review of enforcement.

I believe that the resources within my department can be reviewed and that we can put resources to better effect to ensure proper enforcement.

*Oral Questions***TOURISM**

Mr. Charles Hubbard (Miramichi, Lib.): Mr. Speaker, the hon. member for Egmont has asked us to join with all islanders in celebrating the 125th anniversary of that province's joining Confederation.

Tourism is important to New Brunswick, to P.E.I., to Nova Scotia and to Newfoundland. Will the secretary of state responsible for ACOA explain to the House what ACOA is doing to assist tourism in Atlantic Canada?

• (1455)

Some hon. members: Oh, oh.

The Speaker: Like you, my colleagues, I really want to hear this answer.

Hon. Fred Mifflin (Minister of Veterans Affairs and Secretary of State (Atlantic Canada Opportunities Agency), Lib.): Thank you, Mr. Speaker, and so does the rest of the House.

1997 was a banner year for tourism in Atlantic Canada. All four Atlantic provinces enjoyed double digit growth. Prince Edward Island led the way with 60% over the previous year in the number of visitors.

In addition, the House will be interested to know that tourism generated \$2.5 billion worth of revenues in Atlantic Canada, of which \$440 million was returned to the province and to the federal government in the way of taxes.

There are 96,000 people involved in tourism. This is why—

The Speaker: The hon. member for West Vancouver—Sunshine Coast.

* * *

IMMIGRATION

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Mr. Speaker, I have a question for the Minister of Citizenship and Immigration.

In view of a recent intelligence report tabled by the solicitor general that concluded Canada has become a haven for every known terrorist group in the world and the solicitor general's promise to clean it up, can the Minister of Citizenship and Immigration guarantee that the eight suspected terrorists in an Israeli jail will not be admitted to Canada?

[Translation]

Hon. Lucienne Robillard (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, Canada is a country that has always been proud of its humanitarian tradition of taking in refugees.

We will always respond to appeals from the UN High Commission on Refugees, but in keeping with the immigration rules, carrying out security checks.

[English]

I think that the member should stop creating myths against refugee people. Refugees are not criminals.

* * *

[Translation]

SOCIÉTÉ DES ACADIENS ET ACADIENNES DU NOUVEAU-BRUNSWICK

Mr. Louis Plamondon (Richelieu, BQ): Mr. Speaker, my question is for the Minister of Canadian Heritage.

In a press conference this morning, the president of the Société des Acadiens et Acadiennes du Nouveau-Brunswick revealed that Heritage Canada has cut his organization's budget by 41% since 1990. That is why he is forced to shut the operation down for the summer.

What does the Minister of Canadian Heritage have to say this afternoon to the president of the Société des Acadiennes et Acadiens du Nouveau-Brunswick, who is asking that the federal government stop withdrawing from the area of official languages?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, with respect to his government's decision to cut funding to the Société des Acadiens et Acadiennes, I assume the hon. member opposite, who was part of the government that made the cuts in question in 1990, can answer.

As for our government, I can assure him that we have all experienced financial difficulties. Cutbacks of 33% were imposed on all organizations. I hope that the renewal, next March, of the Canada-communities agreements will mark another step in the right direction, as it did for the CBC and all crown corporations—

The Speaker: The hon. member for Acadie—Bathurst.

* * *

EMPLOYMENT INSURANCE

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, yesterday the Minister of Human Resources Development said that he traveled across the country.

I do not think the United States is part of Canada, unless the minister went to Liberal golf clubs. If he had met people affected by the changes to the employment insurance program, he would not be indifferent to their plight.

Is the minister prepared to come with me to visit the regions affected by the employment insurance policy? Is he prepared to listen to the unemployed who are in difficulty?

Points of Order

• (1500)

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, it is precisely because we listen to the unemployed that we know their strongest wish is to get back to work as quickly as possible.

This is why our government has put our fiscal house in order. This is why it has set up a transitional job fund and taken active measures to help the unemployed get back to work. This is what these people expect from us, and this is what we try to do for them.

* * *

[English]

PRESENCE IN GALLERY

The Speaker: I draw the attention of members to the presence in our gallery of a brother Speaker of mine, Mr. Ludwig Bieringer, President of the Austrian Federal Council.

Some hon. members: Hear, hear.

* * *

[Translation]

POINTS OF ORDER

COMMENTS DURING QUESTION PERIOD

The Speaker: Yesterday, the member for Notre-Dame-de-Grâce—Lachine rose on a point of order about a word supposedly uttered during yesterday's oral question period.

As I said yesterday, I heard the word, but I did not know who said it. The member for Notre-Dame-de-Grâce—Lachine mentioned that it was the member for Saint-Hyacinthe—Bagot who used the word "liar".

As you know, members get a bit more excited than usual during oral question period. If the member for Saint-Hyacinthe—Bagot is here now, and if he used this word yesterday, I would ask him to please withdraw it now.

Mr. Michel Gauthier (Roberval, BQ): Point of order, Mr. Speaker.

The Speaker: I will hear the member for Roberval, but only for a moment, because I am addressing the member for Saint-Hyacinthe—Bagot.

• (1505)

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, I do not wish to be disrespectful, quite the contrary.

I will simply say that I have reviewed the *House of Commons Debates*, and nowhere are these words attributed to the member for Saint-Hyacinthe—Bagot. I do not see why he should have to give an explanation for words that are not attributed to him.

The Speaker: I heard the word myself. I do not know where it came from, but if the hon. member for Saint-Hyacinthe—Bagot did not use this word, he has only to say so. If he used the word, he has only to withdraw it.

I am now addressing my colleague, the member for Saint-Hyacinthe—Bagot, directly.

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, I have great respect for you and your office.

I do not recall having used those words yesterday. Many words are uttered in the House of Commons in any given day. I am also looking at *Hansard* and I am not identified as being—

Some hon. members: Oh, oh.

The Speaker: Here is the situation. We have one member who says that another member said something in the House. We have the other member who rises and gives his word that he does not recall having used the word. I therefore accept the member's explanation.

Mr. Yvan Loubier: Mr. Speaker, I do not recall having used the word. But if I did so inadvertently, I am prepared to withdraw it. In order to satisfy my colleague, I will not make a fuss over the matter.

The Speaker: As I understand it, if the hon. member used the word, he withdraws it. Is that correct?

Some hon. members: Oh, oh.

An hon. member: Point of order, Mr. Speaker.

The Speaker: Just a moment. The hon. member is here, we have had a discussion and, as I requested, the hon. member withdrew the word. It has been done and I accept the withdrawal. At this point, the matter is concluded.

[English]

I will hear other points of order, but I will not hear anything more on this point of order.

[Translation]

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, I just heard the member for Saint-Hyacinthe—Bagot say that he does not remember having said—

Some hon. members: Oh, oh.

The Speaker: That is all for this point of order.

Supply

GOVERNMENT ORDERS

[*English*]

SUPPLY

ALLOTTED DAY—CRIMINAL JUSTICE SYSTEM

The House resumed consideration of the motion.

The Acting Speaker (Mr. McClelland): We have two minutes left for questions and comments on the intervention by the hon. member for Wild Rose.

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, it is a very interesting debate today on justice issues. During question period we also had a very interesting question and response time from the government.

I wonder if the member for Wild Rose could comment on the response by the justice minister. She was very pleased because she is willing to swear and she can prove, and apparently Statistics Canada will show, that not a single person under the age of 12 was convicted of a serious criminal offence in Canada in 1996, the latest year for which she has statistics available.

• (1510)

I wonder if the member for Wild Rose could describe why she thinks that statistic is so profound.

Mr. Myron Thompson: Mr. Speaker, that is exactly the answer I heard. What I heard was that no one under 12 was convicted of a serious crime. That is a pretty good statement considering that no one under 12 can be charged. So how can we convict them? But then that is the brilliance of the Liberal government. What do we expect?

What is more important is that there are serious violent crimes committed by people under 12. This government is not willing to deal with that problem whatsoever. It talks about passing it off to social welfare, passing it off to other provincial institutions. It does not have what it takes to do the right thing. It ought to be ashamed of itself.

Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.): Mr. Speaker, I am taking the remainder of the time of my hon. colleague for Wild Rose.

I am honoured to rise once again to speak on behalf of the people of Cariboo—Chilcotin and to speak on the official opposition supply day motion:

That this House condemn the government for the deplorable state of Canada's criminal justice system, and the government's lack of concern for public safety, as

demonstrated by their refusal to: (a) strengthen the Young Offenders Act; (b) abolish conditional sentencing for violent offenders; and (c) introduce a victims bill of rights.

A couple of weeks ago, in my hometown of Williams Lake I hosted a town hall meeting dealing with exactly these issues. Ironically, this was the very same day the Minister of Justice finally introduced her response to the standing committee on justice report explaining her strategy for the renewal of the youth justice system.

Over a year after she promised a swift introduction of massive changes to the Young Offenders Act she outlined a strategy which appears on the surface to make only cosmetic changes to this act, one of which is getting rid of the name. There are many serious things that need to be done. I am sure that getting rid of the name is very important too. This is a name across the country which prompts negative comments and stories of horrific crimes committed by young people who merely get a slap on the wrist for the crimes they have committed.

Over the past five years I have heard my constituents' concerns about the current state of the criminal justice system. These concerns cover all aspects of the system, how violent and repeat offenders are treated in the system, how all too often victim rights are completely ignored, how the current federal government time and again ignores the safety of the average Canadian citizen, how it ploughs ahead with legislation not at all consistent with the needs of those law-abiding citizens who are directly affected by this legislation.

The clearest example that comes to mind is the government's handling of the gun control issue, Bill C-68. This is a bureaucratic mess where the budget was blown long ago. The government's experts are saying the registration system will be filled with inaccurate and useless information. All the while law-abiding citizens will be held accountable for this failure.

The Reform Party has proposed an excellent approach to deal with the complex issues surrounding youth crime. Before I comment on this approach I take this opportunity to thank the chief Reform justice critic, the member for Crowfoot, and his colleagues on that committee for their long and dedicated service to this issue.

• (1515)

Reform's approach to dealing with youth crime has three components. The first component concerns early detection and intervention as an effective means of crime prevention. The second component deals with community based resolutions and sentences for non-violent offenders, and the last component deals with substantive changes to the Young Offenders Act.

Included in the amendments are changes to the age range for those who fall under the act from 12 years to 10 years for the youngest and from 17 years to 15 years for the oldest, as well as the publishing of names for all violent offenders charged as adults.

Our party also proposed that a distinction be made between non-violent and violent offenders. We feel that less serious offenders can be diverted from formal court proceedings and incarcerated

Supply

tion while at the same time we want to ensure that violent offenders are held in custody.

After she was sworn in as the justice minister last June, the minister stated that one of her top priorities was to reform the Young Offenders Act and that we could expect changes shortly. It is almost a year later and we are told that legislation will be introduced this fall after further consultations this summer with the provinces, the territories and various stakeholders. Although I welcome the federal government consulting the grassroots of our country when changing legislation, there comes a time when consultations have to result in some action, and that time has come.

The justice minister is armed with an extensive report from the standing committee which was tabled before the election call last April. It was accompanied by a comprehensive list of recommendations. She also has the minority report submitted by the Reform Party. It is a thorough report which also provides the justice minister with well thought out and comprehensive proposals to significantly reform the youth justice system. The justice minister also has at her disposal the recommendations of several provinces for reforming the system.

With all this comprehensive information what does the justice minister do? She admits that the current system is flawed and needs to be changed. Did we not know that already? After a year of inaction she introduces a framework with no real specifics, no real details on how the system is going to be reformed and restructured. There are no concrete proposals for change.

The government has proposed to spend approximately \$32 million on crime prevention programs, but as we have seen before with this Liberal government it does not have any concrete plans as to who will be in charge of these programs and it cannot provide details on what programs will be available. Included in this mess of disorientation, disorganization and lack of leadership, the minister has also failed to assure the provinces that there will be the necessary funding for any new programming initiatives.

Gauging from the various provincial responses in their own reports on reforming the youth criminal justice system, it looks like the provinces do not share the justice minister's vision. For example, the people of Cariboo—Chilcotin have told me that they want change to the youth justice system that is fair, that works at preventing youth crime and that looks at alternative measures for dealing with and rehabilitating youth who break the law.

On the issue of conditional sentencing, the changes made to section 742 of the Criminal Code in June 1995 under Bill C-41 have made it possible for a variety of offenders to serve their time in the community. This provision has been applied quite liberally. It applies to anyone from those who have committed fraud to those who have committed sex offences. Although the previous justice minister acknowledged the problems with the legislation in allowing certain sex and violent offenders to have conditional sentences, he took no action to amend the legislation. The current justice minister has not taken action on this issue either, despite repeated calls from the opposition and from the Alberta court of appeal. Violent offenders are still being put back into the communities.

• (1520)

Finally I would like to take a moment to comment on the issue of victims' rights.

It has now been over two years since this House passed a motion introduced by my colleague, the official opposition House leader. The motion read as follows:

That the House urge the government to direct the Standing Committee on Justice and Legal Affairs to proceed with the drafting of a Victims' Bill of Rights, and that, in such areas where the committee determines a right to be more properly a provincial concern, the Minister of Justice initiate consultations with the provinces aimed at arriving at a national standard for a Victims' Bill of Rights.

This motion received widespread support from all parties in this House: 154 yeas; 24 nays. Since that time it has languished in the justice committee.

Earlier this month the committee finally started formal hearings and will hopefully submit a report to the House sometime this fall.

I am happy that these formal hearings are finally taking place, but I wonder why it took the government so long. I am sure it has heard from many Canadians, as have I, who want the government to move forward on this issue of establishing a victims' bill of rights.

The justice minister of the day was in support of a victims' bill of rights, but what does today's justice minister think?

During her appearance before the justice committee last month she announced a national office for victims of crime to help them navigate through the justice system, but was lukewarm to the idea of a victims' bill of rights.

She said that often these bills are rhetorical and that she was not interested in rhetorical flourishes, but in actually improving the services and programs for victims.

Given the recent proposals by the Minister of Justice, I think she is far more interested in those rhetorical flourishes than she is in delivering on her promises for actual change.

I would like to close by conveying the comments I received from my constituents at the town hall meeting at Williams Lake earlier this month.

Canadians want fair and comprehensive change to the criminal justice system, change not only to provide alternative programs to rehabilitate those young offenders who commit less serious crimes, but also adequate and effective punishment for the more serious offenders.

These constituents call for safe streets and for victims to have as many rights as those criminals who commit crimes against them. Canadians are demanding change and it is past time for the government to listen. It must act with concrete proposals and substantive changes.

Supply

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I want to commend the previous speaker on the content of his speech. I think he makes some very compelling points. He is obviously representing his constituents very well when he makes those points here in the House.

I want to touch on one issue that he spoke of which concerns a rather perverse anomaly that exists in our current justice system. We currently have under the Corrections and Conditional Release Act and the parole board someone called the correctional investigator; that is, an investigator who acts in the interests of those who are incarcerated. That person is there to represent the interests of the inmate. There is no question that there is a need for that.

However, this is the anomaly. There is no such person presently in our Canadian justice system to play a similar role for victims; that is, victims who, to use the words of the hon. member, must navigate through this elaborate system which sometimes results in revictimization.

I would ask the hon. member his opinion on what the present government should do and what his party's position is on having an ombudsman, a person akin to the correctional investigator, to act for victims and assist them in any way possible in navigating our very complicated and sometimes slow justice system.

Mr. Philip Mayfield: Mr. Speaker, my party has begun by trying to establish some guidelines to support victims in a victims' bill of rights.

We all agree that the rights of people need to be respected and that the rights of those who have been charged and convicted need to be looked at carefully. However, the rights of those who have been caught up in circumstances of other people's criminal intent or action, through no fault of their own, have received no support from the government.

• (1525)

The victims are there for the charge, the trial, the appeal and the re-appeal if that is the case. The scabs are opened and re-opened. They are continually reminded of their pain.

The Reform Party of Canada is absolutely determined that wherever there is a choice to be made between the rights of the victim and the rights of the criminal that the rights of the victim will always come first.

With regard to the subject of the ombudsman, that is something that I believe should be duly considered after we have come to a decision on the rights of the victim. At this point, how can an ombudsman act when we have no idea how the government will respond to legislating the rights of victims? I think that is the first

step. Following that we should then look at the means for providing those rights and ensuring that they are secured for victims.

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, I listened with interest to my colleague from the adjacent constituency. I know he is very knowledgeable about the First Nations in his area. I suspect also that he is well briefed on the native justice system that has developed on the Navajo reserve in the United States. Over the years they have developed a very sophisticated system in terms of dealing with young offenders on their lands.

Is the member aware of that system and, if he is, does he see some use in adapting and adopting some of their practices to what we are considering doing here in Canada?

Mr. Philip Mayfield: Mr. Speaker, as we look at the difficulties that we as Canadian citizens are having in dealing with those who choose to commit crimes we are compelled to begin to try to understand how we can protect ourselves and look after the interests of those who are hurting, which perhaps results in them committing crimes, and those who have been affected by the commission of those crimes.

What we need in Canada is a fair and consistent system that applies to all citizens, where everyone knows the rules.

Mr. Lynn Myers (Waterloo—Wellington, Lib.): Mr. Speaker, it is with pleasure that I rise today in the House to provide hon. members with some information about the status of victims' rights in Canada and the progress that has been made in addressing the concerns of victims of crimes. The topic is obviously very timely. It certainly is of interest to the residents of my riding of Waterloo—Wellington and indeed to all Canadians.

I think it is also important to ensure that we present facts instead of distortions, myths and other incorrect information which we have heard today from members of the Reform Party and others.

Hon. members must surely be aware that the Standing Committee on Justice and Human Rights is currently examining the role of the victim in the criminal justice system. This review is under way due in part to a motion made by the hon. member for Langley—Abbotsford in April 1996 which called on the government to ask the standing committee to explore a federal bill of rights for victims.

The standing committee heard from several witnesses in April 1997 and concluded that a more detailed examination of this and other related issues was necessary.

Therefore, the standing committee will address a range of issues, including the need for additional services for victims, the information needs of victims, how such services can be funded and whether additional Criminal Code amendments are necessary.

The Minister of Justice has already discussed several options with provincial attorneys general, but has noted that further

information will be gathered by the standing committee. Their consultation process will assist the minister in refining many of the options under consideration.

This government cannot be faulted for any lack of concern for victims. Quite the contrary. The Minister of Justice has identified this as one of her highest priorities, and rightfully so.

• (1530)

I would suggest that members opposite are exhibiting impatience rather than focusing on fully participating in the standing committee's review which they in fact encouraged and are now criticizing this government for a lack of concern. Would they bypass the committee process? I would certainly hope not. It is very important that that process take place.

The letter sent by the Minister of Justice to the chair of the Standing Committee on Justice and Human Rights emphasizes the minister's eagerness to move forward with concrete proposals but defers to the advice of the committee in order to permit the full participation of all parties represented in this House.

I would also refer members to the Canadian statement of basic principles of justice for victims of crime which was adopted by provincial and territorial governments in 1988. That statement was intended to guide policy and legislative development and it has.

All provinces and territories have enacted victim legislation which generally includes a statement of purpose or principles echoing that Canadian statement. Some jurisdictions, including Alberta, Manitoba, Ontario, New Brunswick, Saskatchewan, Yukon, Northwest Territories, Nova Scotia and Prince Edward Island, also provide for a victim fine surcharge on provincial offences.

Provincial legislation already deals with the notion of victims rights in several different ways. For example there are provisions referred to as a declaration of principles or simply principles in the victims legislation in Alberta, Manitoba, New Brunswick, Newfoundland, Ontario and Prince Edward Island. Ontario's Victim's Bill of Rights also includes a preamble.

The Northwest Territories Victims of Crime Act provides that the purpose of the victims assistance committee established by that act is to promote inter alia the courteous and compassionate treatment of victims.

The Yukon Victims Services Act sets out in section 2 the purpose of the victims services fund, for example to promote and provide services and to publish information about the needs of victims and available services.

Similarly Saskatchewan's Victims of Crime Act includes a statement of purpose in section 3, to establish a fund to be used to promote several principles including that victims should be treated

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with courtesy, compassion and respect for their dignity and privacy, that their views should be taken into account and appropriate information and assistance should be provided to them throughout the criminal process where appropriate and consistent with criminal law and procedure. In addition wherever reasonably possible, victims should receive through formal and informal proceedings prompt and fair redress for harm suffered.

It is important to note that some provinces have used the term "rights". For example British Columbia's Victims of Crime Act sets out several rights for victims of crime in sections 2 to 8. Nova Scotia's Victims Rights and Services Act also employs the term "right". Section 3 sets out the victim's absolute rights and section 4 sets out the victim's limited rights. Quebec's act respecting assistance and compensation for victims of crime provides for victim's rights and obligations under title 1, sections 2 to 6. Manitoba recently introduced new victims rights legislation which addresses a victim's entitlement to services and information.

It should also be noted that despite the varying terminology used, all provincial victims statutes include provisions which clearly state that no cause of action lies based on the statute for anything done or omitted. In other words there is no remedy for the inability to provide for a right or fulfil a principle set out in the legislation.

It is important that the minister has noted also that when it comes to responding to the concerns of victims of crime the provinces, territories and the federal government have a role to play. It is an important role.

The provinces are responsible for investigating the majority of criminal offences, enforcing the law, prosecuting criminal offences and administering justice within the province. Given that responsibility, provincial legislation can appropriately address victims rights which relate to the provision of information about the investigation, the prosecution, for example the charges laid, bail decisions, trial scheduling, et cetera and available services. Provinces have done exactly that in their legislation.

Federal victims rights legislation to address matters of provincial jurisdiction would not be either possible or practical. That too is important to note.

• (1535)

When discussing the issue of victims rights, I fear we may be influenced by events south of the border and I would hope that is not so. Practically every state in the United States has a victims bill of rights and some even have amended their state constitutions. Canadians may think we must follow suit. However recent studies suggest that these rights are only paper promises. Although we should keep an open mind about the need for more rights, I am sure

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all members would agree that it is pointless to have symbolic victims rights which are not enforceable.

I look forward to the report of the standing committee that will greatly assist the government in addressing the victim's role in the criminal justice system, whether that be through legislation or through other initiatives.

It is important to review some of the background information on provincial victims legislation. I will highlight the legislation in four provinces to provide examples of the various approaches taken which are worthy to note.

The first relates to British Columbia. British Columbia's comprehensive legislation, the Victims of Crime Act, sets out a range of entitlements for victims and assigns a responsibility to justice system personnel or for example to the crown, commissioner of corrections, or attorney general. For example, section 2 provides that all justice system personnel must treat a victim with courtesy and respect and must not discriminate against a victim on the basis of race, colour, ancestry, place of origin, religion and other similar grounds.

Section 4 directs that crown counsel must ensure that a victim is given a reasonable opportunity to have admissible evidence concerning the impact of the offence as perceived by the victim presented to the court before sentence is imposed for the offence.

Section 5 directs that justice system personnel must offer a victim certain information regarding the justice system, victim services, the victim legislation and privacy legislation.

Section 6 provides that certain information must be provided for victims such as the status of the investigation, the name of the accused, court dates and probation or parole conditions.

Section 7 addresses information that will be provided on request of the victim.

Finally, section 8 sets out several goals that the government must promote, including the development of victims services, prompt return of stolen property and protection from intimidation.

I want to highlight Nova Scotia. Nova Scotia's Victims Bill of Rights and Services Act sets out a victim's absolute right in section 3, including the right to be treated with courtesy, compassion and dignity and the right to the prompt return of property.

The victim's limited rights are set out in section 4. They are subject to the availability of resources and any other limits reasonable in the circumstances. These limited rights include the right to information about the charge laid, progress of the prosecution and services or remedies available.

I would like now to highlight Ontario. Ontario's Victim's Bill of Rights, proclaimed in June 1996, sets out a range of principles in section 2 regarding the treatment of victims of crime, including

that victims should be treated with courtesy, compassion and respect for their personal dignity and privacy; that victims should have access to information about services, protection against intimidation, the progress of investigation and prosecution, court dates, the sentence imposed and release conditions. On request, victims should be notified of release from prison and in the case of persons found unfit or not criminally responsible on account of mental disorder of any dispositions made by the Criminal Code review board.

This legislation clarifies that these principles are subject to the availability of resources and information, what is reasonable in the circumstances of the case, what is consistent with the law and public interest, and what is necessary to ensure that the resolution of the criminal proceedings is not delayed.

The Ontario legislation has created a civil cause of action for victims of prescribed crime. The offender is liable in damages to the victim for emotional distress and bodily harm. The legislation creates a presumption that a victim of sexual assault or attempted sexual assault or spousal assault suffers emotional distress.

The legislation also creates a provincial victims justice fund account which will include federal and provincial surcharge revenue, donations and appropriations from provincial general revenue. The fund is used for provincial victims services provided by the solicitor general and attorney general and for grants to community agencies.

● (1540)

I would like to highlight Alberta as well. The Alberta Victims of Crime Act, proclaimed August 1, 1997, consolidates the former victims programs assistance act and the criminal injuries compensation act and makes significant reforms to the compensation scheme.

Section 2 sets out the principles which apply to the treatment of victims, including that victims should be treated with courtesy, compassion and respect, receive information about relevant services and their participation in criminal proceedings, scheduling and ultimate disposition and that their views and concerns should be considered where appropriate.

The act also empowers the minister to appoint a director to implement the act, to provide information to victims, to resolve the concerns of victims who believe they have not been treated in accordance with the principles of the act and to evaluate applications for benefits, financial and others, formerly referred to as criminal injuries compensation.

The act also imposes a surcharge on provincial offences and establishes the victims of crime fund into which both federal and provincial surcharge revenue is deposited. The fund may also

receive other revenue, including appropriations from general revenue. The fund is used to provide grants with respect to programs benefiting victims of crime and for financial benefits to eligible victims of crime, for example specific victims.

The director is mandated to determine the eligibility and the amount of the financial benefit for the victim applicant. An appeal board is also established to adjudicate appeals of the director's decision. Eligibility criteria and the amount of the applicable financial benefits will be prescribed and are prescribed by regulations.

In addition, it is important in light of the motion presented today to review some of the recent Criminal Code initiatives which in fact do respond to the needs and concerns of victims of crime. These are Criminal Code responses which Canadians think are very important and clearly support. I would like to highlight some of those now.

In 1995 in response to victims concerns, the maximum penalty for leaving the scene of an accident was increased from two to five years to achieve consistency with the maximum penalty for impaired driving.

On September 3, 1996 amendments to the sentencing part of the Criminal Code included amendments to the restitution and victim impact statement provisions. The scope of restitution is expanded and courts are now required rather than permitted to consider a victim impact statement when one has been prepared. Bill C-41, an act to amend the Criminal Code, sentencing, related to that.

In 1995 section 33 was added to the Criminal Code to clarify that intoxication is not a defence to any general intent crimes of violence, such as sexual assault and assault. Bill C-72, an act to amend the Criminal Code, self-induced intoxication, referred to that.

Other legislation provided for special warrants to be issued to collect bodily samples for DNA analysis in specified circumstances. These were outlined in Bill C-104, an act to amend the Criminal Code, DNA warrants.

In 1997 Bill C-17, the criminal law improvement bill, included amendments to benefit victims. The peace bond provisions were strengthened. Provisions regarding the use of blood sample evidence in impaired driving prosecutions were clarified and the mandatory prohibition from driving provisions were strengthened.

More specific amendments came into force in May 1997. These amendments include provisions to facilitate the testimony of young victims and witnesses by expanding the use of screens and closed circuit TV to include both complainants and witnesses under 18 years of age, an important move. It also included provisions designed to facilitate the giving of testimony. It will now include

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offences of prostitution, child pornography and assault, in addition to the sexual offences already listed. It also included amendments clarifying that the existing provisions which prohibit publication of the identity of sexual offence victims apply to current and historic sexual offences as well.

Section 715.1 which permits a young victim of a sexual offence to adopt video testimony at trial will now be available in the prosecution of other offences, including assault, prostitution and child pornography. This was outlined in Bill C-27, an act to amend the Criminal Code, child prostitution, child sex tourism, criminal harassment and female genital mutilation.

● (1545)

Bill C-46, an act to amend the Criminal Code, production of records in sexual offence proceedings, was passed and proclaimed into force on May 12, 1997 to protect sexual offence victims by restricting the production to the accused of irrelevant personal and private records.

These measures underscore the commitment of the government to make protection of the public a top priority. That is understood and that is clearly apparent.

It is important to note that while others talk we as a government have acted. It is important to maintain those kinds of actions and to ensure that these actions are consistent with what Canadians want and what Canadians expect the government to do.

[Translation]

In its vision of the future, the federal government attaches vital importance to the security of all Canadians. The federal government will continue to look after the interests of all Canadians.

[English]

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I listened carefully to the message the hon. member was giving, but I am afraid he missed the whole idea with regard to victims.

Let me quote Phyllis de Villiers, president of CAVEAT:

The credibility of the justice system depends on the way in which victims are treated and the system's sensitivity to their experience. Currently, victims are often revictimized by the justice system itself. While inordinate attention is paid to the rights of the offender, the victims are marginalized.

With the murder of my daughter, I suddenly became a victim with no voice, no face, no standing, no representation. I received no legal assistance nor advice to help me understand the process at a time when I was barely functioning. There is little recognition of the financial toll of violent crime, both on the victim and the community.

This was on May 30, 1997. We have heard some mighty fine words from the hon. member. He talked about paper promises. He mentioned that we have to show courtesy, compassion and respect. That is only normal. One would have to show those, but victims are

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not looking for compassion, respect and courtesy. They are looking for some action where justice is being served, where they could stay home and feel satisfied that they have been truly addressed.

The parole system is in a shambles. People are not happy with that. The victims cannot understand how their sons and daughters could be murdered, raped and vandalized by a person who has just got out of prison for the same crimes.

On section 45 tons of people across the country cannot understand how a first degree cold blooded killer could apply to get out of jail in 15 years.

These people keep talking about how they are compelled to address these issues and they are not. Liberal members came up with conditional release. They dreamt that up and it applies to violent offenders. Then there was statutory release even when the guards and the people on the frontline in prisons said that they should not be released because they would kill again. They do it, sit back and do nothing about it. We could ask the Melanie Carpenter family how it feels about statutory release.

CAVEAT exists as do FACTS, CRY, Kid Brother Campaign and MADD. All these victims groups exist because governments like the Liberal government have done nothing on their behalf.

What does the member propose to do for victims? I say to him "Don't give me any more of this courtesy, compassion and respect".

Mr. Lynn Myers: Mr. Speaker, in response to the question of the hon. member opposite it is my understanding that it is Priscilla de Villiers and not Phyllis de Villiers.

As a former chairman of the Waterloo Regional Police I dealt extensively in that part of Ontario, in that part of Canada, with victims and the rights of victims. I see the government making enormous strides in terms of making sure that we have in place facilities and programs that assist victims in their time of need.

• (1550)

Every time the government presented options and opportunities for the opposition, in this case the Reform Party, it chose not to vote on bills dealing with victims rights, for example Bill C-41 which dealt with restitution and victims rights accordingly; Bill C-37, victims impact statements; and Bill C-45, stringent measures to be put in place for sex offenders.

It is unbelievable that rather than vote for concrete measures and get on with the job at hand, it seems intent to continue to fearmonger, continue to stir up negativity and continue to point out all kinds of extreme measures which are clearly and absolutely inappropriate for Canadians and society.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, to address the hon. member's statements continually put forth in the House, they are as true as saying that the earth is flat.

The member is wrong. This party put forth the private member's bill on victims rights. This party is the one that passed it through. This party has been pushing the government for victims rights ever since we got here. This party wanted to put equability and fairness into the justice system. This party passed yesterday a private member's motion on crime prevention using existing programs that have been proven to work. This party is trying to work with members across party lines and put our partisanship aside to build a stronger justice system. The facts speak for themselves.

Many members in our party have reached out their hands repeatedly to members from the other side. Some members have taken that hand and would like to work with us. I find it personally offensive, and I am sure members from this party find it personally offensive, that the member continually chooses to put partisanship ahead of the truth. I hope the member would choose to put constructiveness ahead of partisanship.

Would the hon. member take to the Minister of Justice the private member's bill my colleague put forth on victims rights since he spoke for it and push it forward with the minister to make sure it is enacted in legislation before the end of the year?

Mr. Lynn Myers: Mr. Speaker, I thank the hon. member opposite for his question.

We as a government have always moved forward in a non-partisan way hoping to do what is best for the interest of all Canadians and for the country. It is important we continue to do so.

I am amazed at the allegation made by the hon. member in terms of what we as a government are doing. It is clear through not only this debate but through question period and other times that the Reform Party repeatedly wants to take the position of negativity, of extremism, and all kinds of outrageous and outlandish positions when it comes to offenders, victims and everyone else in the criminal justice system. It is quite outrageous. Canadians see through that kind of nonsense and I am glad they do.

Every time we as a government have tried to take concrete steps to address the causes of crime, child poverty, educational opportunities and other issues related to these kinds of things, it would appear we were stymied by members opposite. It is outrageous and too bad. That party would slash over \$1 billion from social services programs in Canada.

Mr. Dick Harris (Prince George—Bulkley Valley, Ref.): Mr. Speaker, we could accept the changes the Liberal government put forward in criminal justice programs if they were concrete steps, if they were steps that moved the prevention of crime ahead. There

has been little more than tinkering done with the justice system since 1993 and prior thereto.

The member talked about how the Reform Party would not support some of the justice bills that were brought in by the Liberal government. The reason for that, and he knows it very well, is that within all the pages of changes there might be one minute piece of legislation, one clause that we could consider to be something that was a positive step. The rest was simply window dressing. In many cases it was a backward step in dealing with criminals and the crime situation. That is why we could not support the Liberal bills.

• (1555)

He talked about Bill C-41. There was one small good part in it which, if they had separated it out, we would have supported. They would not do that and we had to vote against the bill.

Mr. Lynn Myers: Mr. Speaker, as I was saying, all this from the party that wants to slash \$1 billion from social services and literally gut the whole system. It would be absolutely outrageous in terms of what that party would propose and try to do.

In a non-partisan way we have tried to ensure that the criminal justice system is in place in a manner consistent with what Canadians want, deserve and need. It is something to hear members opposite speak in terms of what they want to do and the extent to which they want to drag the country down. I find that ludicrous. Canadians see through that and they will not stand for it. That is the long and short of it.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, I will be splitting my time with the member for Prince George—Bulkley Valley.

Let us look at the problem. The problem today is that crime is increasing. Some like to trot out statistics that it is not. They say it is going down. The reason crime is increasing is that 50% to 60% of non-violent crime and 40% of violent crime is not reported to the police. The fact is that crime is increasing. Youth violent crime in particular is increasing. It has doubled since 1986. What can we do?

There has been a failure of the system to deal with it. Our traditional response of detection, detention and deterrence simply has not worked. If one looks at them carefully the statistics bear that out. We have not been able to put forward a system that protects victims rights. We do not have a system that prevents crime, but there are solutions out there. What can we do?

I will put forth some constructive solutions that members of my party and other parties have been putting forth for some time. The first thing—

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Mr. Jack Ramsay: Mr. Speaker, I rise on a point of order. When I look around I do not see that we have a quorum.

The Acting Speaker (Mr. McClelland): Call in the members.

• (1605)

And the bells having rung:

The Acting Speaker (Mr. McClelland): We have quorum.

Mr. Keith Martin: Mr. Speaker, I thank my hon. colleague for bringing in the members to listen to this speech. I hope it will live up to its advance billing.

In this hopefully riveting speech I was talking about justice and the Reform Party's motion today on what we can do to improve and revamp our justice system.

The first thing we have to realize is prevention. How do we prevent criminal activity? If we are to do this we have to peer at the roots of criminal activity. If we look at the people who are incarcerated in our jails many of them have had family histories that can only be described as a house of horrors. While their history does not exonerate them from their actions, perhaps it makes us understand how they came to have fractured psyches.

It starts often at time zero. It is estimated that half of all people incarcerated in our jails have fetal alcohol syndrome or fetal alcohol effects. Fetal alcohol syndrome is the leading cause of irreversible neurologic damage in our society today. It is increasing in geometric proportions. Some communities have incidence rates as high as over 60 per 1000 live births. These people have IQs of an average of 68. They have a great deal of difficulty in interpersonal relationships, a great deal of cognitive disabilities. It makes it very difficult for them to interact and engage in society. Some of these people go on to lives of crime or at best have difficulty interacting in society. We need to prevent this. In order to prevent it, we have to work in utero.

• (1610)

We also have to make sure that children are not subjected to abuse, sexual abuse, violence, improper nutrition or more subtle factors such as improper parenting and inconsistent parenting. All those factors in a cumulative effect have a dramatic effect on the building blocks of a normal psyche during that critical first eight years of life and in particular in the first three to four years of life.

Study after study demonstrates that the input we make in the first four years of life has a dramatic and profound effect on those individuals and is also highly cost effective. Programs from Moncton to Hawaii to Michigan have demonstrated a 50% to 60% reduction in youth crime, a 50% reduction in teen pregnancies, higher rates of employment, less dependence on welfare and a \$6 saving for every \$1 invested.

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Head start programs are a win-win situation if they are done properly. I was very pleased that Motion No. 261 calling for a national head start program was passed yesterday by this House and I want to thank all the members who supported it from all parties, except the Bloc Quebecois that voted against it, and I applaud them for putting partisanship aside for the betterment of the children of this country. My hope is we will be working together to make this a reality.

Already five provinces and territories are on side and they want to work with the federal government, with parliament, to make this a reality. We can save a lot of people's lives and save a lot of money.

My colleague from Fraser Valley East put forth a very comprehensive victims bill of rights that we have been pushing forward. The government should adopt it. Far too many times we see victims are left in the shadows and salt is actually poured on to their open wounds as the result of a system that puts a preferential onus on the convicted and not on the victim.

We need to look too at alternative measures of sentencing. Restorative justice has been used in British Columbia and is starting to be used in a very cost effective manner. In British Columbia under this program it costs as little as \$290 per individual, a dramatic saving from the \$95,000 it takes to incarcerate a youth in a jail for a year.

Restorative justice works for a select group of individuals who are first time offenders for non-violent offences and where they have the approval of the community and, most of all, the approval of the victim. In a restorative justice program the incidence of recidivism has dropped dramatically. It is over 95% successful for individuals selected for that program.

We should also look at tougher penalties for individuals who are committing violent offences, repeat offenders, pimps, individuals who have shown an utter disregard for society. This population needs to be separated from the other individuals who are non-violent offenders, non-repeat offenders, first time offenders where there is a hope of trying to break them out of a cycle of crime, punishment and recidivism. My colleagues have put forth many constructive suggestions along those lines.

We have to look at naming young offenders, not only those who are committing violent offences, who are 16 and 17 years of age, but all violent offenders. The rationale is if we accept that restorative justice works at least in part on the principle of shaming, then why do we not name all individuals who are young offenders and committing offences, be they violent or non-violent offenders? Society has a right to know. The neighbour has a right to know whether the person beside them is a B and E artist or a sexual

predator. The public has a right to know and public safety must be first and foremost in our justice system.

While these individuals are in jail let us make it obligatory that they engage in counselling sessions for violent behaviour or for their substance abuse problems. Let us make it obligatory that they take training programs so that once they get out of jail they can take up a role as an integrated part of society. There is no obligation. Right now people can be let out of jail and paroled with spending as little as one third of their sentence. When a person gets sentenced for nine years, they can be out after three. What kind of justice system is that?

• (1615)

Perhaps it is a better thing to say they are going to be sentenced to nine years but that they can earn having that sentence whittled down if they take the measures necessary to treat whatever problems they have, be they psychological, to get the skills necessary to become a functional member of society.

Also we have to look at post-discharge issues. When criminals get out of jail, we should have the systems in place to help them integrate into society. Many of them get lost in the shuffle, fall through the cracks and go back into a life of crime.

Let us talk about streamlining the justice system. We have a justice system that too often engages in a system where somebody is arrested and it takes a long time for that person to get to trial and be convicted. Justice delayed is justice denied. We can put forth a streamlined system and this is not difficult.

We should have immediately put forth a small group of individuals who can take constructive suggestions from around the world that have worked to implement right away into our system, to streamline it so that we manage to get the arrested person through to the court system to be judged by their peers and to either be exonerated or convicted and sentenced in an expeditious fashion.

This would be fair to society and to the victims. We also need to look at the system of how we put accountability into our system. Why do we not examine electing judges? Look at the experience in California where they have managed to elect judges while still managing to retain that separation of judicial independence from other parties such as this House.

It is possible to do that. It is possible to have elected judges and to still maintain judicial independence. It is just the way in which the individuals are elected. It would add accountability to a system that desperately needs an element of accountability.

We need to consider looking at changing our system of legal aid. Look at the public defender system. Again in certain parts of the United States they have managed to institute a public defender system that saved taxpayers millions of dollars while still, with

retrospective analysis, showed that those individuals got as good or better treatment under the law as they would have in the existing system.

Look at a public defender system to replace the legal aid system we have now that is actually crushing under the demands placed on it.

If we fail to act that will be our biggest crime in this House. We have an opportunity not to study these issues for the nth time as we are apt to do in this House of Commons, not continue to examine an examination or study a study, but use the studies that have been done in this country, use the constructive solutions that have been put forth not only here but around the world, take the best of these solutions, discard what does not work and implement it.

For heaven's sake, for Canadians, for the victims, for the people we can prevent from getting into a life of crime, let us act now.

Mrs. Sue Barnes (Parliamentary Secretary to Minister of National Revenue, Lib.): Mr. Speaker, the member has a good vantage point and has listened well to some of the strategies out there.

A lot of the comments he made fall very clearly into the agenda on a motion that passed in this House yesterday. Much of that motion of this hon. member was also relying on the ideas that the crime prevention council, especially with respect to young offenders, brought to the foreground in the last parliament and that is why this government supported that initiative and funded it.

I know this member very sincerely believes in restorative justice.

• (1620)

I listened to the member for Wild Rose talk about advisability, that he wished to have corporal punishment in our prison system. Could the hon. member advise me how this could be restorative justice?

Mr. Keith Martin: Mr. Speaker, I thank the hon. parliamentary secretary for her intervention and for her support in passing Motion No. 261. I know she believes in crime prevention. I also thank her for bringing up the fine work that the National Crime Prevention Council has done for so long and I hope we can use the constructive solutions the council has been putting forth and enact them into this legislation rather than for us to merely talk about them.

I was not privy to the previous discussion the member refers to. The member for Saanich—Gulf Islands and the member for Surrey had come to my riding and spoken very eloquently about restorative justice, about preventive measures and I hope members on the other side would consult with them along those lines.

Ms. Shaughnessy Cohen (Windsor—St. Clair, Lib.): Mr. Speaker, I thank the hon. member for his intervention but also for his motion which I was proud to support yesterday. I think it fits

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very well with some of the goals the government has and clearly it fits with the goals that some in his party have.

There was an amendment voted on which the hon. member supported and I noticed the members for Nanaimo—Alberni, Prince George—Peace River, Blackstrap, Cypress Hills—Grasslands, Okanagan—Shuswap, Athabasca, West Vancouver—Sunshine Coast, Calgary Southeast, and Skeena, all of whom are Reform members of parliament and colleagues of this hon. member, did not support that motion, the intent of which was extend the benefits of the hon. member's initial motion to native Canadians.

I am wondering if he discussed this with them and what could possibly be their reason for not wanting to extend these benefits to our native children.

Mr. Keith Martin: Mr. Speaker, I thank the hon. member for her question and also for the support she has given on Motion No. 261 and her actions on prevention.

I have not discussed the issue with my colleagues but members from this party have always supported a head start program for aboriginal people. The head start program that exists today exists within the aboriginal community and has been highly effective for that.

The member for Toronto Centre—Rosedale has been working with members of the public who have been leaders in pushing forth the aboriginal head start program which has been highly effective. I am hoping we can take elements from the aboriginal head start program and use those in employing a national head start strategy from which all Canadians will benefit regardless of whether they are aboriginal or non-aboriginal.

Perhaps all members from this side do not differentiate or like to categorize people as to whether they are aboriginal or non-aboriginal but would prefer to look at everybody as Canadians, respecting everybody's differences, everybody's individualities and respecting all what those people through their differences bring to our multicultural society.

[*Translation*]

The Acting Speaker (Mr. McClelland): Order, please. 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 Charlotte: Hepatitis C; the hon. member for Calgary—Nose Hill, The Budget; the hon. member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, Employment Insurance; the hon. member for Halifax West, Aboriginal Affairs; the hon. member for Regina—Lumsden—Lake Centre, Banks.

[*English*]

Mr. Dick Harris (Prince George—Bulkley Valley, Ref.): I am pleased to speak to the Reform Party's supply day motion, the Reform Party that has been the only party that has been crusading against crime since we came to this place, the only party that has been listening to the voices of average Canadians who have some

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genuine fears about our society and the safety in our streets and communities.

The motion today says that this House condemns, and condemn it should, the government for the deplorable state of Canada's criminal justice system and the government's lack of concern for public safety as demonstrated by its refusal to strengthen the Young Offenders Act, abolish conditional sentencing for violent offenders and introduce a victims bill of rights.

• (1625)

The government has failed miserably on all three counts. Since 1993 when it had an opportunity to bring in some real changes that would reflect some positive steps in our criminal justice system, it failed to do it. It has at best settled for some sort of tinkering around the edges of a badly flawed criminal justice system.

I cannot go on with this speech without bringing up something that happened earlier today. Under a barrage of questions from the Conservative Party and the Reform Party, we stood here in utter amazement and watched the Minister of Justice of the Government of Canada and her parliamentary secretary flee from this House in an attempt to evade questions. They were questions that came from real Canadians. They were questions about their safety and about the safety of their children. They were questions about the terrible crime rates.

No matter what the Liberals say about crime rates going down in some areas, the level of crime in this country is at an unacceptable level. Whether it has gone down or up, whichever way, the level of crime is simply unacceptable. The Canadian people have been saying do something to address crime. The government has failed miserably.

They fled from the House. Cowardice was shown by the minister and her parliamentary secretary as they fled from the House and from the questions that we brought forward from Canadians from all across this country.

Mrs. Sue Barnes: Mr. Speaker, I rise on a point of order. I want to make sure there is no misunderstanding by the hon. member. He keeps using phrases like fled from the House. I believe the situation was one that unanimous consent was required to continue with the question beyond the allotted time for the minister—

The Acting Speaker (Mr. McClelland): That may well have been a point of clarification but it was not a point of order.

Mr. Dick Harris: Mr. Speaker, the minister did have the opportunity to stay and answer the questions. She chose not to. She chose to not give unanimous consent.

The Liberal government has continuously accused the Reform Party of fearmongering. Let me tell members that it is the Liberal government that is spreading fear among society by its inaction of

dealing with the criminal justice system and by its inaction of dealing with crime and the people who commit crimes. That is what is scaring people, not the Reform Party.

We talk about real life crime situations and things that are actually happening. We talk about people who are getting assaulted, killed, raped and molested. When we talk about those things, this is reality. The government accuses us of fearmongering. The people are afraid of this government. That is what they are afraid of. They are afraid of the inaction that is happening with this government.

Now we have a justice minister who has come up with this set of proposals to change the Young Offenders Act. It took well over a year to take some action. Now after all this time and after the continued questioning by our justice critic from Crowfoot on when she would be bringing it forward, she said in a timely fashion. Day after day we asked her when she would bring it forward. Finally, her version of making some changes and bringing forward legislation is bringing forward a strategy, nothing concrete, just a bunch of ideas that could change six ways from Sunday by the time they actually hit the House if they ever do.

There is no legislation. There are no changes to the Young Offenders Act. There is nothing. That is exactly what the Liberals have done with the criminal justice system since they came to power in 1993. Nothing.

• (1630)

I want to deal with conditioning sentencing, the scourge of the justice system. People are committing violent crimes every day and are walking out of the courtrooms without doing one minute of jail time because the disgraced health minister, the former minister of justice, brought in legislation to allow conditional sentencing. If ever there was a screwball idea in the justice system that was it. People are committing violent offences, assaults, attempted murders, rapes, molesting children and are walking out of prison without doing a day's time because they fall under the conditional sentencing.

The conditional sentencing provision is as heinous as some of the crimes that are happening which allow criminals to get out of jail and never serve any time.

I believe you would find consent for the following motion, Mr. Speaker:

That for the remainder of this session motions pursuant to Standing Orders 57 and 78(3) shall not be receivable by the Chair.

The Acting Speaker (Mr. McClelland): The member for Prince George—Bulkley Valley has asked that for the remainder of this session motions pursuant to Standing Orders 57 and 78(3) shall not be received by the Chair. Is there consent for that motion?

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Some hon. members: No.

Mr. Dick Harris: Mr. Speaker, I would like to continue talking about conditional sentences. For people who are watching the debate, conditional sentencing is simply a loophole created by the former minister of justice which gives a judge the option of making a decision on whether people will be a threat to society and, if not, the judge can give the convicted people a conditional sentence of two years less a day that allows them to walk out of the court house.

I have no problem with someone getting a conditional sentence for shoplifting, for writing a couple of bad cheques or for committing some other misdemeanour crime because they are non-violent crimes. Certainly they will not be a threat to the safety of the community.

I will give some examples of people who are walking out of court under conditional sentencing. A fellow by the name of Fabian Torres received a conditional sentence in May 1997 after he pleaded guilty to manslaughter, which incidentally is killing somebody, in the shooting death of a 13 year old lad in 1995. He killed him and he walked out without serving one single day in jail.

On December 10, 1998 the Ottawa *Sun* reported "No jail term shocks victims". A man who hypnotized his wife and forced his two step sons to have sex with her will not serve any time in jail. Justice Robert Desmarais handed Robert Demers a conditional sentence of two years less a day and two years probation.

I question once again the sanity of conditional sentencing. I also question the sanity of Justice Robert Desmarais who felt this was not a serious crime. The fellow did no jail time. The Edmonton *Sun* of March 18, 1998 reported that the sex exploiter was spared jail and talked of healing reserve. The man was convicted by Justice Cecilia Johnson of sexual exploitation. The judge noticed his lack of remorse when he denied the charges right up to sentencing but agreed to the defence lawyer's suggestion that he should receive a conditional sentence. Something is wrong with this picture.

• (1635)

People who are committing serious crimes are not spending any time in jail. That is what the Reform Party and the people of Canada are talking about, and the member just happens not to have been listening.

Mr. John Harvard (Charleswood—Assiniboine, Lib.): Mr. Speaker, as I listened to the hon. member for Prince George—Bulkley Valley I could tell that he and his Reform Party colleagues thoroughly enjoy this kind of debate. It is not the first time that members of the Reform Party have raised the issue of crime. They do it over and over again. The reason is that it scares people. People get very afraid when they hear the kind of talk that comes from the Reform Party. What is that called? It is called fearmongering.

The Reform Party has been in the House for about five years. Hardly a day goes by that it does not raise the issue of crime. What is that called? That is fearmongering. We could spell it with capital letters.

The member for Prince George—Bulkley Valley talks about conditional sentencing. He suggests that this is a terrible innovation in the criminal justice system. Let us make it absolutely clear that what he dislikes is giving discretion to judges. It is another attempt on his part and on the part of the Reform Party to smear judges.

It was not long ago when there was an issue in the House about the salaries of judges and Reform members smeared judges. They are doing it again today. It is absolutely unacceptable.

The Acting Speaker (Mr. McClelland): Just before the hon. member for Prince George—Bulkley Valley responds, I remind the House that it is our custom not to refer to members of the judiciary by name in the House.

Mr. Dick Harris: Mr. Speaker, it is very clear to me that while the member for Charleswood—Assiniboine and his colleagues would prefer to dream in Technicolor about the criminal justice system, that everything is all right, the Reform Party prefers to talk in real terms. We prefer to relay what the voices of the Canadian people are telling us when we come to the House.

We do not prefer to talk about some fuzzy philosophy that everything is okay and it is no one's fault. The fact is that crime is happening, serious crime. While the Liberals would prefer to cover it over and pretend it is not there, the Reform Party talks about it and will not stop talking about it. If the member for Charleswood—Assiniboine is getting tired of hearing us talk about it, I would suggest he not show up any more because we will not stop.

He talks about our talking about the judicial system. When I look at some of the decisions and sentences handed down by some judges, quite frankly if I were king of picking judges I would be throwing a lot of them off the bench for some of the idiotic and insane sentences and decisions they have been making.

Ms. Shaughnessy Cohen (Windsor—St. Clair, Lib.): Mr. Speaker, I point out to the member for Prince George—Bulkley Valley that in the period September 3, 1996 to December 31, 1997 there were 18,284 conditional sentences imposed. He has given an example of three that have gone awry, all three of which have been appealed. Others have been appealed and the courts of appeal are now stating that it is inappropriate to use conditional sentences in certain circumstances. Those circumstances are the very circumstances these members are complaining about.

It looks to me like conditional sentences are working and our judiciary is working.

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• (1640)

Let me also remind the hon. member and his erstwhile colleagues of something that is very important. They are every bit as much a part of the criminal justice system as any judge. They have a responsibility that they abrogate every day not to fearmonger, not to malign people who are—

The Acting Speaker (Mr. McClelland): The hon. member for Prince George—Bulkley Valley.

Mr. Dick Harris: Mr. Speaker, this is absolutely amazing. The member just said that the courts of appeal are now saying that some of these conditional sentences are not appropriate. What a revelation.

The last time I looked I thought it was the Liberal government that was supposed to be directing what happens in the criminal justice system. The former justice minister was the one who brought in conditional sentencing and it was his Liberal colleagues who supported it.

That is where the mistake was made. Now, surprise, surprise, after the Reform Party has been talking about it ever since the Liberal government brought in that insane legislation, the courts of appeal are now saying that it is not appropriate to let violent criminals walk out of jail with no jail time after being convicted.

We will never stop talking about the deplorable state of our justice system. We will never stop talking about the reality of the crime that is happening.

Mrs. Sue Barnes (London West, Lib.): Mr. Speaker, I am very pleased to participate in the debate because I think it is a serious matter.

I first want to address myself to all young people in Canada and applaud the majority of them who managed to get through the teen years, very difficult years, without having to engage in the youth justice system. I do not think young people do this in a vacuum. Most of them have parents and teachers. Perhaps they have support through sporting activities and their daily lives. I applaud those young people, the majority of youth between ages 12 and 17 in Canada. They look like every other child on the street. They look the same as they walk down the street. They walk in groups and not in gangs. Most of them are wonderful children. They are at a time in history when it is very difficult to grow up and face the challenges in society.

Some hon. members: Oh, oh.

Mrs. Sue Barnes: Mr. Speaker, I am having trouble even hearing myself with the rhetoric from the other side. The Reform Party never seems to want to stay and listen.

My point is that a lot of good children are growing up healthy and responsible. I wanted to start with that premise.

The second premise is that during the very short period of the difficult teen years many young children go through a temporary period where they get into trouble in the sense that they may come into conflict with our laws.

The vast majority of them get into trouble because they commit property offences. I will not say that property offences are insignificant because they are not. I am sure all members of the House feel they have worked hard for their properties, homes and family security. Canadians value and want a safe community to live in. They do not want to be fearful.

Property offences are far different in nature and need a different response than offences that a slim minority of children engage in involving violence. Most violent offences of a criminal nature—and I want to stress this and maybe have Canadians understand it—are not committed by children, by young offenders, but actually by adults. That is important to understand.

I also stress that when we hear about rates of offences they are actually charge rates. They are not conviction rates. They are backed up by Juristat, a tracking mechanism in society doing victimization studies after the fact and tracking the charge rate. They correlate quite well. There is accuracy in these figures which show that crime is going down across the board in Canada.

That does not mean that a society ignores what crime there is. It just means that we must be doing something right. Something must be happening inside the system, inside society. The values of the majority of the Canadian public who seek a safe Canadian society are being responded to in a way that does work.

• (1645)

A safe society, how do we accomplish that? If I create a new act or I change this or change that or put some more words into a statute and put it through a parliament, is that going to make my society better? Some people think so. But in reality what has to happen is that whatever legislation and whatever we call it which is accepted by the majority of the people living under those rules, people have to accept the rules of society.

In other words our legislation has to be based on the values that society holds dear. That means responsibility. That means some compassion. That means accountability. And it means giving an individual in this country a chance to rehabilitate. That is the major difference between the Canadian society, our system of justice, and some systems of justice in different countries around the world where the rights and the protections are not there.

Does that mean we ignore victims? Absolutely not. In fact in the last couple of parliaments a lot of legislation and the actions of organizations across the country have very much taken to heart the need for all members to have a say for those people who are aggrieved by people who are not in control of their actions for period of time.

I think back to situations where we did change those rules. In fact in the last parliament we strengthened and changed some of the rules with respect to young offenders. We strengthened the rules with respect to DNA situations. We strengthened the rules with respect to gun control.

Who in our society in Canada is not thinking today that down in the States they have a bigger problem than we do. They have not had the will of their population to change the social more that thinks of a gun as a tool to which anyone of any age should have access.

We have a different set of values. If we want the values at the end of the system to be ingrained in a productive manner especially for the young children in our society who come into contravention of the law, then we have to put some values into the system which will surround the individual and try to change the behaviour while they are captured for a limited amount of time inside our justice system. It starts right at the beginning of the charge and ends for an adult at the parole system and for a juvenile at the end of the system in which we deal with that child.

There are differences in the individuals before our justice system just as there are differences in the individual needs of people inside a family, inside a community, inside a school, inside an organization. People are not clones of one another. They come with their positives and their deficits.

A lot of the children who go through our young offenders system have some social deficits. They have social deficits that may stem, not always but may stem from poverty conditions or that may stem from illiteracy. Maybe they have a dysfunctional family. In fact many do.

We all wish that there would be healthy, nurturing families surrounding every child in Canadian society, that there would not be child poverty. For some children with attention deficit disorders or learning disabilities, we might wish that we could put a white picket fence around them, give them a mother and father who are employed and functional and supportive. Where we cannot though we have to have systems.

Some of those have to come in the form of the social welfare system that is administered by the provinces. There are situations where we have good integration. I applaud the province of Quebec because it has a better system than many of the provinces for dealing with its young offenders. The solution is not to criminalize so as to access the social welfare system.

There are provinces where there are gaps. We know from evidence. We have to be careful to stay with evidence, things we can prove as opposed to thinking about or perhaps have a percep-

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tion which is usually a misperception. We have to divorce the perceptions from the realities.

• (1650)

A lot of very good work done has been done on what are the causes and what can be the benefits of a well integrated, well defined program for young offenders to have a better outcome.

I do not think there is a party in the House that would not want a better outcome and that includes the Reform Party. Sometimes the rhetoric and partisanship that surround this issue rob Canadian taxpayers of the viewpoint that is best for Canada, the viewpoint that kids come first.

We cannot penalize kids more than when we have a choice between money spent on penalties and money spent on rehabilitation. We could probably tell 3 year olds or 10 year olds that they will be in trouble when they hit the young offender system. We could ask any teacher in any riding and they would be able to point out who is having problems.

We need systems outside the justice system supporting children. That is where there needs to be some financing. If we spend money preventing children from turning into young offenders we will have accomplished something of which we can be proud.

People often talk about costs and wastes in government. In my mind a waste is to build a building that incarcerates people and warehouses them without giving them good programming so that there is some benefit for those individuals and hence for society. If young or old people are put in a building and their behaviour is not changed during the time they are there, we have wasted that dollar. Eighty per cent of adult offenders will be on the street again. What do they learn while they are incarcerated? They learn about brutalization and anger.

I have been in our penitentiaries. I am five foot one. If I stretch out my hands I can touch both walls of a cell where often two prisoners are housed. It is not a cell built for two but a cell that is accommodating usually two adult males. There are sleeping accommodations and a toilet facility in the cell. People ask "Why do I care if they are crowded or it is uncomfortable for them? There many other better human beings to spend money on".

That tells me in the double bunking system of our justice system that there is not enough money to provide programs. There is not enough money for programs for these people.

It is much easier for an opposition member to talk about a nine hole golf course, the extreme exception. What is more the rule is the double bunking situation where there is insufficient programming, a situation which breeds unrest, violence and many things people do not want to think about.

As a mother of two teenage boys and another younger child coming up through the system I could not think of a worse place to

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send a child, especially if they are in trouble. It would be horrific. It is not in line with the values of people.

We can go through the process of looking at some of the recommendations the justice committee has worked on. All members of all parties on the justice committee and members of the communities have worked hard. We just returned from a week in my riding where I talked with the partners in my community involved in these issues. They regularly talk with me and voice their ideas. Their ideas work. The community is where the best ideas will come from.

I cannot sit in parliament and dictate to people what will solve the issues in their communities. We have to facilitate a mechanism that may involve for young offenders and adult offenders some alternate measures. Then the community will have to find a much cheaper way. Alternate measures are much cheaper than incarceration, especially for juveniles. Up to \$100,000 a year can be spent on a custody situation for a juvenile.

• (1655)

For example, in my riding in London, Ontario we have something called the youth justice system. It is a diversion for young offenders out of the court system, not on serious crimes, but again I stress most young offenders are not involved in serious violent crimes. It takes those young offenders and the community chooses people, adults and youth, to sit in a discussion group and the young offender has accountability for the offence. There is counselling. They are trying to figure out what created the problem. They are not pointing a finger saying "you are the problem", but they are figuring out what created the problem and how will it be fixed.

That youth then often is involved in a restitution situation to whomever he has harmed. There is often a community working restitution order. It is whatever is wanted as a creative solution at a very low cost and which is very fast. Most sentencing youth justice circles take less than three hours. Often the parents, or whoever is living with the child and is responsible for the child is in attendance. In fact if they are not, it tends not to work.

There is no long time schedule. We who deal with teenagers know that tomorrow is forever. A court system is slow. In my opinion I would rather see the majority going to alternate measures outside the very formalized courtroom setting and into something which I think will bring real value and real solutions at far less cost.

We should be looking at the community to help us design these measures. As members of parliament we should be there as facilitators. It is so much cheaper, so much better and so much safer for society to prevent the offence than it ever is to come after the fact and punish for the offence. In that way we can build the values.

Some of those systems are there now. It could be the sports and recreation system or the tutoring system. It could be as basic as nutrition programs. There is a need for breakfast programs in some of our communities, let us face it.

What I am saying is that Canadian youth are far from perfect. Our justice system is far from perfect. There is a need and I believe a desire in this country to get beyond the rhetoric of crime and the fear of crime, and into the real working situations day in and day out. This will model a justice system that actually does benefit our society, as opposed to always focusing on unfortunately what the media can sell a paper with, which is the latest crime. There is nothing I would wish more than to never have those horrific crimes occur, but when they do there will be a stricter discipline system. However those crimes are the minority.

Our legislation has to cover everything from the extremes through to the broad middle section. It is important that we also remember all of those youth and those adults in this country who never come into contact with our criminal justice system.

The final thing I will say is that it is so very important for Canadians to understand that there is judicial independence from the politics of a nation in our justice system in Canada. I applaud that concept. I believe in that concept. Judicial independence is as fundamental to our system of working in a Canadian democracy that values rights and freedoms as is privacy of information in our taxation system.

• (1700)

These are fundamental building blocks and I believe they should not be called into question. I call upon members from all parties in this House because all of our communities will benefit when we work together with different levels of government toward these solutions.

Mr. Reed Elley (Nanaimo—Cowichan, Ref.): Madam Speaker, I want to thank the hon. member for her intervention today on what I think we all agree is a very important topic.

It is unfortunate at times that in the heat of debate the atmosphere in the Chamber does not allow for reasoned debate. I think we all participate in that. I know I do. I confess that from time to time we do not allow it to be a chamber of reasoned debate.

It saddens me, as a member of parliament and as a member of the opposition, when we bring in a motion like this, which will hopefully serve to open the debate even further, that sometimes members opposite and even those on my left would heap only scorn and anger upon us because they do not agree with our position. They do not acknowledge that we are speaking for a number of people in the country who are very concerned about this problem perhaps from a little different perspective than theirs.

I met last week with a group of people in my riding who were concerned about the Young Offenders Act. Some of them were young people. I want to pay tribute to a young person in my riding by the name of Sarah Taylor who, in response to concern among young people over youth crime in her school and the surrounding area, started a youth against crime club in her school. I commend this young woman. She has taken an initiative to tackle the problem.

Some of the feedback I get from her and from others is that there is the perception that somehow either there is no fear of consequence of action in our country because of our laws or kids just do not get it.

Should our laws act somehow as a deterrent to crime?

Mrs. Sue Barnes: Madam Speaker, I think it is correct to say that most teenagers will say that the Young Offenders Act has no teeth. They actually believe that. Yet when the police do a criminal investigation, the whole system surrounding an offence has exactly the same investigative powers, the same charge powers. So that is just wrong.

There is a misperception about the system. They would get a very quick surprise at how fast that system would take them in. It is not sport.

One of the analogies I use when I am talking to groups is that if I was sick and people were concerned about my illness they would tell me about the remedies that cured their disease. But in the long run, if I was really sick, I would still go to my doctor. If I was really, really sick, I would want the best specialist I could get.

Sometimes I think it is our obligation as members of parliament responsible for these issues to actually go and seek the best evidence we can get and then act on what will actually fix the problem; what will help to solve the problem, as opposed to what will satisfy the fears and the anecdotes. I think that is important to remember in this debate.

Ms. Louise Hardy (Yukon, NDP): Madam Speaker, when I have been in the Yukon in the last while there has been a lot of dissatisfaction with the justice system and there is some fear. However, when there is satisfaction, it is very clear where it is coming from.

• (1705)

The First Nations people have the option of circle sentencing. They still go through a trial procedure, but they have the option of going to their community for circle sentencing where they will have to face their victims, their parents, their aunts, their uncles and the community. That also makes the community responsible for that person. There seems to be a bit of envy that the option is

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there for some people to serve their sentences in their communities with the support of the people who matter most to them.

Can the member see that sort of situation becoming available to all of us? It does put a lot of responsibility on individuals to follow it through. We cannot just stick the criminal in a jail and pay someone to look after them. It means that they come into our homes, our schools, onto our streets and we are all responsible for them. Can the member see that?

Mrs. Sue Barnes: Madam Speaker, I thank the hon. member for that excellent question.

If it was my desire, all kids in this country who have been convicted of less than violent offences would be in a justice circle modelled after the native sentencing system.

That is happening in my riding right now. It was an interesting partnership that started it. Neighbourhood Watch teamed up with the St. Leonard's Society in my riding of London West, Ontario, and put it together. Even the provincial Government of Ontario, which often talks about boot camps, is helping to fund some of these circles, or justice circles as they wish to be called in my riding.

As recently as last week there was a movement to put the partners together with the Fanshawe College social worker, students together with the local board of education, to alleviate some of these partnership concerns and to get the synergy of people working in an interdisciplinary fashion on the same problems, surrounding the offender with a system that would be supportive long after the sentencing circle had gone for the evening.

It is a very inexpensive thing to do. It is done mainly with volunteers and expert supervision.

I hope that this is something we could see a lot more of in different communities around the country. It makes communities take ownership of and embrace their own children. They do not have to rely on prisons for a period of incarceration, pretending that they can forget about them and they will come back better.

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Ref.): Madam Speaker, certainly our role in the opposition is to hold the government to account. Our job is also to present constructive alternatives. When we bring the issue of justice to this Chamber, certainly the government should not mischaracterize our points in defence when perhaps in the public view it is found lacking in the operation of the justice system.

When the Liberals say we are extreme, they are just plain wrong. It is the failing system that is extreme. When they say we are simplistic, I think that is somewhat of an admission from the government that these complex issues of justice administration are rather confounding the government and it just does not know what to do.

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Today the justice minister talked about the criminal justice system, the mental health system and the social welfare system, especially for young offenders. However, she forgets that it is the criminal justice system which provides the railway track for the train to be able to get to the social welfare system and the mental health system, for it is the police that form the 24 hour social agency in most of Canada, especially in the outlying communities. It is often in that context that the mental health worker or someone from the hospital and the local social welfare agency get together with the local justice system person to deal with problem families and issues. Unless we have the criminal justice system to provide the authority to act, we cannot bring to bear the other social services in the community.

I wanted to talk about what the justice minister said the other day. The justice minister said "justice delayed is justice denied", but she continues to delay the introduction of the needed amendments to the Young Offenders Act and fails to bring in a victims' bill of rights. When are we going to have some legislation rather than continued reports and press releases?

• (1710)

Mrs. Sue Barnes: Madam Speaker, I believe the justice minister has indicated that legislation will be introduced in the fall after the Canadian population has had time to discuss and reflect on the proposals just put forward by the justice minister.

[Translation]

Mr. Richard Marceau (Charlesbourg, BQ): Madam Speaker, I am pleased to rise to speak in the House on the motion put forward by one of my colleagues in the Reform Party on this opposition day.

We have to admit that the current criminal justice system has some major failings, in terms of both its application and its principles. However, I should point out that the Bloc Québécois vigorously distances itself—and I underscore the word vigorously—from the positions advocated by the Reform Party, which represent in our opinion a vision of things worthy of the best westerns.

The Reform Party places itself at the far right of the political checkerboard, whereas the Bloc is right in the centre, just because of the people it represents. This dichotomy in a matter so complex illustrates the state of Canadian federalism and the impossibility of its being properly reformed. Quebec's expectations are incompatible with the perceptions of the rest of Canada. This matter is simply one more example that two completely distinct societies are living within a single state and this arrangement does not work.

On the subject of the Young Offenders Act, we were right to criticize the initiative of the Minister of Justice, because she was giving in unduly to western pressure on the application of criminal

justice to young people, something that is totally unacceptable and simply a way to make political points.

The minister's parliamentary secretary herself said on *Le Point* on CBC French television that the aim of the reform was to solicit public support rather than to expose the real problems and propose solutions. Need we add anything? I do not think so.

Toughening sentences for young offenders is not the best way to discourage criminals in waiting. There are other much more flexible methods that would ensure a better performance and therefore greater justice within our society. Branding a young person for the rest of his life will help neither him nor society.

According to those in the criminal justice system in Quebec, this message must be brought home. The Young Offenders Act raises problems in its application and not in its present form. If the Young Offenders Act were applied as it ought to be, according to the way it is written, everything would be fine. The proof of this is that the province which applies it best is Quebec, and Quebec is where there are the best results.

We are perpetually confronted by the incompatibility between Quebec and the rest of Canada, the west in particular. We are caught in a vicious circle and, with her fake reform, the minister is endangering the very foundations of the justice system and the efforts expended against youth crime, particularly in Quebec where, as I have said, it is working fine, though not perfectly. Before changing the act, however, I believe that, as the former Minister of Justice said himself, it must be applied as it was intended to be applied, and the other provinces would be well advised to follow the example of Quebec.

Concerning the conditional sentencing of young offenders, the parole system is based on the principle of rehabilitating offenders. This is a principle that is dear to the hearts of the large majority of Quebecers, and of Canadians I believe.

Commission has followed on commission, report after report, and consultations of all kinds were held on the early parole procedure.

• (1715)

What we can conclude, without fear of being wrong, is that there is a problem with the system itself, not the principle underlying it. There are numerous examples of offenders being released for good conduct after serving one-sixth of their sentence. Several examples could be given, but it would waste the time of colleagues in the House.

Authorities are applying the principle of good institutional conduct, which, by definition, should guarantee the same conduct outside the establishment. This is the crux of the problem. The same conclusions are based on two completely different realities.

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We in the Bloc Québécois have drafted a bill along these lines that will be introduced shortly, so that offenders are not released after serving one-sixth of their sentence. I urge all colleagues in the House to support us in this undertaking.

As for victims' rights, beyond all the considerations we accord the criminal justice system, it must be remembered that those most affected by this issue are still the victims. Before all else, we must think of these people, the innocent victims.

There is a necessary balance to be achieved between the treatment reserved for offenders on the one hand and victims' rights on the other, and finally the general public. If the balance between these three categories is destroyed, nobody wins, not the victims, not the offenders, who also have rights, not society.

Without saying that we support the Reform Party on the issue of victims' rights, we cannot deny that the government's initiative of passing legislation on this thorny issue must be examined more closely.

Mr. Louis Plamondon: Yes, indeed.

Mr. Richard Marceau: The Bloc Québécois is demonstrating its open-mindedness in all the debates and this issue will be debated in the same way. I appreciate the verbal support of my colleague, the member for Richelieu.

Some hon. members: And others as well.

Mr. Richard Marceau: And others as well who are with me in this august Chamber.

However, in all this debate over victims rights, sight must not be lost of the provinces' role in the administration of justice, because the provinces are in the best position to meet the needs and expectations of the societies they represent.

It must not become another example of useless, costly and unproductive duplication. The federal government must respect the jurisdictions of the provinces, especially, and I bust my britches with pleasure here—since we are often accused of working ourselves into a state over things—because Quebec's treatment of victims is exemplary.

The government should not be currying public favour, and especially that of the west, as it did with the reform of the Young Offenders Act. The stakes are high and should not be the focus of petty politicking by the other parties.

I invite all the other parties to follow the example of the behaviour and positions taken by the Bloc Québécois, because its apolitical and impartial behaviour sets the example for all parties in this House.

[English]

Mr. Jack Ramsay (Crowfoot, Ref.): Madam Speaker, I thank my hon. colleague from the Bloc for his comments. He is a member of our justice committee and I appreciate his participation on that committee.

When we did the 10 year review of the Young Offenders Act of course we went to Quebec and we listened to a number of witnesses. I was impressed with the advance that the Government of Quebec extends beyond what most other provinces have in terms of the treatment of young people.

Yet according to an editorial in the *Montreal Gazette*, there is a way to go even in the province of Quebec. Teachers in Montreal's largest school board are indicating that they live in a state of fear. In the last two years 90 incidents occurred where teachers were physically assaulted by students and 30% of the cases were considered so serious that police were called in.

• (1720)

Teachers have been punched, kicked, choked, bitten and scratched, had chairs, bags and books thrown at them. There is a youth crime problem in Montreal, certainly in this school.

As we travelled about in the last two months, we were in a number of urban schools. When talking to the high school students, grades 11 and 12, I was amazed at the number of students who raised their hands and said they lived in apprehension and fear. That is very sad for me to hear that.

We were in western Canada. We will be holding public meetings in June in Ontario and will be asking the same questions.

There is a degree of apprehension on the part of our students and I imagine there is a degree of apprehension with the students in the Montreal school this article refers to.

I wonder if I might address a question to the hon. member dealing with this whole concept of the recommendation made to parliament by the justice committee with regard to the lowering of the age.

We questioned some of the officials from the department when we were in Quebec and they seem to have a very good system of dealing with youngsters under 12 who get into difficulty.

I wonder if the hon. member would care to share the response of the authorities. When the police are investigating an offence and they realize it has been committed by someone under the age of 12, what is the process that occurs in Quebec?

[Translation]

Mr. Richard Marceau: Madam Speaker, I thank the hon. member for Crowfoot for his question. Although we do not always share the same position, I believe our debates within the Standing

Supply

Committee on Justice and Human Rights are productive for all of its members and for everyone in this House.

I would like to point out that my hon. colleague referred to what I would call the exemplary treatment the Government of Quebec gives to young offenders. This merits attention, and should even be copied outside Quebec.

The hon. member referred to an editorial in *The Gazette*. With all due respect to my colleague and to the newspaper, I must say that it does not constitute a reference for myself or a number of my colleagues. That is, to put it mildly, an understatement.

I taught in a number of secondary schools in my riding before being elected to this august Chamber. I believe, once again, that it is important to distinguish between reality and perceived reality. Are teachers and the general public afraid of crime? I believe the answer is yes. Do the facts justify that fear? Not as much, I think, as some would have us believe.

I do not want to minimize the hazards to which teachers are exposed, but the emphasis should not be on punishing young people who beat up a teacher, but rather on raising awareness, prevention, information programs and promoting non-violence. This should replace the threat of the strap if the child misbehaves. We used to think that a smack on the fingers with a ruler worked, but that is no longer done, and our schools are none the worse for it.

In closing, I would like to repeat for the benefit of my colleague that the members of the Bloc Québécois are against lowering the age in the Young Offenders Act, because we unanimously believe that, as my colleague to the left has said, we will arrive at a fairer and less violent society not by stigmatizing young people but by raising their awareness.

• (1725)

[English]

Ms. Louise Hardy (Yukon, NDP): Madam Speaker, I would like my colleague's opinion on the defence of provocation.

I believe our justice system should be evolving and this law came into effect in the 1700s. It was so that two men of equal class could shoot each other in a duel and use an insult as defence for this murder and have the charge reduced to manslaughter.

Now this defence is used most often in spousal murders where a man will murder his wife and use the defence of provocation that he had been provoked by her to murder her.

I would like the member's opinion on whether we should be keeping something like in our justice system.

[Translation]

Mr. Richard Marceau: Madam Speaker, I appreciate the question put to me by my colleague from the New Democratic Party.

As my colleague herself points out, this is a problem that is most often raised in cases of domestic violence, one of the most serious problems in our society, I believe.

When we speak about violence, something we do a lot in the House, these cases arise more often when the aggressor knew the victim than between perfect strangers. That is why, in a case such as this, it is a very complex problem, one that cannot be simplified, and there is no yes or no answer.

It deserves much more extensive study, so that women who are the victims of violence at the hands of their spouse, among others, can feel adequately protected by the system and not feel that they have to take matters into their own hands.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Madam Speaker, I knew that if I persisted you would recognize me.

I have two short questions. I urge the parliamentary secretary to listen to the first one. I would like my colleague to provide us with some information. Is it true that there is an argument between Canada and Quebec as to whether this government, the government of which the parliamentary secretary is a member, owes Quebec the considerable sum of \$77 million, which is not peanuts, considering that we are administering this part of the Young Offenders Act ourselves and that it is modeled on Quebec's approach? I am sure he will have much to say on this topic.

The second question is of more general interest. Could he bring us up to date on hostels—

Mr. Richard Marceau: Madam Speaker, we in the Bloc Québécois were elected and re-elected in 1997 to promote sovereignty in Quebec and to defend the interests of Quebecers.

Without the presence of the Bloc in the current debate, the interests of Quebecers would not be defended. This government, which claims to be just, is treating Quebec unjustly.

Quebec is the only province to really apply the Young Offenders Act as it should be applied. The federal government owes the Government of Quebec \$77 million for applying the legislation of this government—

An hon. member: Shameful.

Mr. Richard Marceau: —and this government is refusing—

Ms. Eleni Bakopanos: We did not refuse.

Mr. Richard Marceau: I hope the parliamentary secretary is listening carefully. We will continue to fight to ensure Quebec receives its due.

An hon. member: We want a certified cheque. We don't trust you.

Mr. Richard Marceau: I invite my colleague—I am even ready to give her my pen so she can sign the cheque for the Government of Quebec.

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• (1730)

[*English*]

CONDITIONAL SENTENCING

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

That, in the opinion of this House, the Standing Committee on Justice and Human Rights be instructed, in accordance with Standing Order 68(4)(b), to prepare and bring in a bill to prevent the use of conditional sentencing in cases where someone is convicted of any sexual offence, drug trafficking, or any other violent crime.

He said: Mr. Speaker, I am pleased to rise this evening to elaborate on my Motion No. 383. It is very appropriate, almost ironically so, that the one day allotted for my private member's motion concerning conditional sentencing happened to fall on this Reform supply day. In its role as official opposition the Reform moved a supply motion that was debated by all parties in the House. We debated conditional sentencing, the Young Offenders Act and other aspects of the failed legal system which is presently masquerading as a justice system in Canada.

It is unfortunate that Motion No. 383 is limited to simple elaboration. The committee responsible for determining which private members' motions are votable and worthy of three hours of debate in this House did not feel inclined to allow all members of this House to explore the issue further. Naturally I am extremely disappointed in that decision as this motion is non-partisan in nature. It is simply a mechanism I proposed to remedy a legislative error.

The granting of conditional sentences to violent and sexual offenders is indeed an error. It was never the intent of this House in the last parliament to have Bill C-41, which instituted the concept of conditional sentencing, apply to those types of crimes. That is one of the issues that was being debated virtually all day in the House. Even the justice minister at the time publicly stated that was never the intent.

Through this motion I wanted to right that wrong by using the resources and co-operation of the Standing Committee on Justice

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and Human Rights. This motion does not propose something concretely unpalatable to any members of this House. It is a first step in drafting a reasonable remedy to the ambiguity of conditional sentencing.

I believe certain members of the private members' business committee did not understand that intent. During my presentation the chair of the committee asked "And just how many more prisons would have to be built if your motion were passed?" In case any members of the House are asking themselves that same question, I caution that they do not understand the motion. I emphasize that the prison population will not suddenly expand to phenomenal proportions if conditional sentencing were disallowed for violent and sexual offenders and drug traffickers.

Conditional sentencing is a recent development. It has not been responsible for significantly reducing the prison population throughout the years. It did not take effect until September 3, 1996, so the answer is no. There will be no sudden overwhelming need to build more prisons. I fear the chair of the committee missed the entire point of my motion when she asked that question.

Conditional sentences have created confusion and ambiguity in the legal system across the country. It is ironic that when Bill C-41 was before the House the justice minister at the time said the bill would improve the process of sentencing and criminal law. I ask government members to listen carefully to his words which so specifically describe the intent of Bill C-41: "In this bill, parliament is given the opportunity to declare the key purposes of sentencing, to put before judges a list of factors to be taken into account, to provide direction, to encourage uniformity so that the purpose of the process can be properly understood and so that it might be rendered more predictable than it is at present.

"What are those purposes and principles? They are spelled out clearly and in plain language in the statute. The sentence would reflect the seriousness of the offence. There would be similar sentences for comparable crimes. Those who contravene the criminal law must face punishment".

• (1735)

Those were the words of the justice minister in June 1995. He said that Bill C-41 was to assist the courts in making the sentencing process more reliable and more consistent with the intentions of parliament.

Now fast forward to January 1998, more than a year after Bill C-41 provisions took effect. The current justice minister publicly stated: "There have been some circumstances in which I believe conditional sentences were used when it was not the intention of parliament to have them used and those should be appealed". She added that conditional sentencing was never intended to apply to violent or sexual offenders. While Bill C-41 was supposed to clear

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up ambiguity in sentencing she said she prefers to allow the appeal courts to address the inappropriate use of conditional sentencing.

Needless to say, this is entirely opposite to the promises of consistency and reliability for the courts in using Bill C-41 as a guide which were given by the former justice minister in 1995. Since its implementation conditional sentencing has been used in cases of rape, assault, drug trafficking and other violent offences. Canadians are alarmed at this application of the Criminal Code and communities feel threatened. The punishment certainly does not fit the crime. This is not a tough on crime perspective. This is just the simple facts of the wrongful use of conditional sentencing.

Rapists, violent offenders and those who attempt to exploit children and the weak through a profitable drug trade should face jail time. In Grande Prairie, Alberta a judge released a man on a conditional sentence after he fired a .22 calibre sawed-off rifle at his wife but he missed. He received an 18 month conditional sentence to be served in the community.

In a B.C. case a man who confessed to sexually assaulting his babysitter once a week for three years from the time she was 11 was excused from serving any time in jail.

In Nova Scotia a convicted wife beater received a conditional sentence. In Ontario another man pleaded guilty to carrying a pellet rifle while assaulting and forcibly confining his estranged wife in her Mississauga home while his children watched. His punishment was an 18 month conditional sentence through which he was to live with his parents and stay at least a kilometre away from his wife and children, despite the fact that his wife believes he will return to kill her some day and the children remain fearful of even seeing their father.

A B.C. man was convicted of two counts of indecent assault and three counts of gross indecency. The victim was a child he helped raise from the age of three months and the sexual assaults began when she was three and ended when she was thirteen. This man was spared jail time on a conditional sentence.

In another B.C. case a man who threatened, raped and sodomized a 38-year old woman with the handle of racquetball racquet received a conditional sentence exempting him from serving two years in jail. The sentence was appealed and the offender eventually received a sentence of two years in jail less time served; in other words, just a few months in jail for that horrendous crime. The appeal itself was a drain of resources.

We are not talking about fearmongering here. We are talking about legal precedents. These are just a few of the examples of phenomena occurring with increased frequency. In any of these cases I find it impossible to believe that any reasonable and feeling human could consider that these offenders should not go to jail for

their crimes. The victims of these criminals deserve better. It sends the message that despite the pain and suffering resulting from the violent trauma they have endured society does not feel it is worthy of punishment for the offender.

Imagine how this must feel to the victims of these crimes. Many victims have compared an inadequate sentence to enduring the attack all over again. Unfortunately in some cases an inadequate sentence may actually mean the attack will occur again. This is certainly a very real possibility for victims of domestic violence and sexual crimes.

A woman whose husband, ex-husband or boyfriend has beaten or raped her and is released on a conditional sentence lives every day in fear of that happening.

• (1740)

Since he is not in jail he is able to strike again. As we have seen, once these offenders are obsessed with the intent to harm their victim the restrictions imposed under conditional sentencing are not much deterrence, little deterrence if any at all.

The two fundamental reasons for sentencing are punishment and deterrence. Fair and just sentences are required to denounce unlawful conduct, deter offenders and others from committing criminal offences, separate offenders from society when necessary, provide reparations for damages and promote a sense of responsibility in offenders and an acknowledgement of the harm done to victims and the community.

What deterrence is there for a convicted drug trafficker granted a conditional sentence? The trafficker has already shown a preference for profit over the welfare of children and other users. What part of a conditional sentence could possibly convince that person to give up their trade? They are immediately back out on the streets on a conditional sentence. The best source of income they know is to continue pushing drugs. There is certainly no deterrence. As for fair punishment, is a ticket to freedom justifiable for an individual motivated by greed through the physically harmful exploitation of others? I ask that question to the government.

The sentences handed down in these cases and many others across Canada have created even more of a backlog in our justice system, as the legal wrangling ensues and appeal after appeal is initiated.

Keeping in mind what the former justice minister said about Bill C-41, making the sentencing process easier for the courts, and keeping in mind what the current justice minister said about leaving the subject of conditional sentencing up to appeal courts, listen to what the appeal courts have to say about conditional sentencing and parliament's role in it. An Ontario appeal court judge stated: "The new sentencing direction set by parliament requires that the courts give these provisions a large and liberal

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construction and wherever possible the court should resort to the community sentence option”.

“Parliament clearly envisioned that a conditional sentence would be available even in cases of crimes of violence that are not punishable by a minimum term of imprisonment. Parliament also contemplated that the conditional sentence would be available even where, absent appropriate controls, there may be some risk of reoffending”.

So much for the certainty in sentencing the justice minister claimed to have come with Bill C-41. So much for the current justice minister's belief that parliament did not intend for conditional sentences to be granted for violent and sexual offenders.

What we really have is a wide ranging legal interpretation of parliament's intent and tremendous ambiguity. My motion is a method to remedy this situation by instating more specifications in the Criminal Code on conditional sentencing. The B.C. court of appeal agrees. In a August 1997 decision the B.C. court of appeal ruled that violent offenders are entitled to serve time in the community under conditional sentences: “If parliament had intended to exclude certain offences from consideration under section 742.1, it could have done so in clear language”.

That is plainly and clearly an invitation for this House to enact clear language and to provide more certainty for conditional sentencing under section 742.1 of the Criminal Code. I believe we and this government have an obligation to do so.

Let us not get into blame and partisan finger pointing. Let us just fix it. We owe that to Canadians and we owe that to the victims of crime. Canadian courts are already bogged down in legalities and appeals. If it truly was the intention of Bill C-41 to relieve the confusion, we must ensure the conditional sentencing is not a further source of backlog in the courts.

Since parliament is responsible for initiating this ambiguity, parliament must also rectify the situation. This motion was to send a clear message that we have a flexible and responsive democracy. It is my hope that even though my motion has not been deemed votable other similar initiatives such as the motion debated by my hon. colleagues today, or even a legislative initiative by the government, will ultimately right this injustice.

• (1745)

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, Motion M-283 arrives on a day when this subject is being discussed a fair bit, since the Reform Party had tabled a motion addressing conditional sentencing among other things, and therefore the same area of criminal law.

You will understand that I am not going to go back over everything I said this morning on this. This will, however, give me the opportunity to go more specifically into one part of this motion which relates to conditional releases in their entirety.

I can understand the hon. member's questioning this aspect, because there have been media reports in recent days of certain releases which were, all in all, very questionable, and very much so in certain cases.

Overall though, once again, I believe that the Bloc Quebecois and the Reform Party will not be able to agree, because it is not true that the system is rotten and needs to be demolished completely, and the law amended, nor that this act does not reflect reality.

As I said this morning, there is certainly room for improvement. There is always room for new ideas, in order to attain the very precise objective the Bloc Quebecois wants to see, as does the government. Any responsible party shares that point of view, that objective of protecting the public. I think that, if there is one point on which all the members of this House agree, it is the protection of the public.

At the present time, I believe the legislation on parole protects the public. Does it protect enough? Can it be changed? No doubt. Can it be changed to close up the loopholes in the system, and in the act applicable in such cases? Yes, certainly.

This must be looked at as dispassionately as possible, not by dragging out specific cases that make the headlines, dreadful cases that make one nauseated and affect our attitude toward the bill. That is not what is needed. I feel it must be looked at as coolly and objectively as possible, trying to find what we need to make this the best piece of legislation possible.

I would like to devote the rest of my time to parole and to violent crime. There is one incontrovertible fact on the matter of parole. Offenders serving long sentences are more likely to obtain parole than those serving shorter sentences.

At first glance, that may appear horrifying, but I understood looking at the problem more carefully that 65% of judges apparently, after very careful study, take the probability of parole into account in sentencing.

Thus, a judge who knows very well that an offender will be paroled may, in the case of a violent crime, impose a harsher sentence. Judges are therefore influenced by the possibility of parole and release.

This means that a judge about to sentence someone for five, six or ten years will calculate that the individual will be released after serving a third or two thirds of his sentence, whichever case applies. He will lengthen the sentence to ensure that the accused will serve a sentence that is respectable within our system.

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It is wrong to say that the longer the time a person serves, the more quickly they are released. The effect of certain amendments was somewhat contrary to the objective set for them, that is, in terms of rehabilitation and return to society.

My proof is the series of amendments made to the law as a result of the passing of Bill C-45, on the famous quick review procedure. I think it was a good example of poor performance or rather the poor application of the intent of the legislator with this review.

• (1750)

We are therefore going to take a closer look at the accelerated review procedure. In a legislative reform in the fall of 1996, the government passed the Corrections and Conditional Release Act. Certain amendments were introduced in Bill C-45, particularly with respect to the accelerated review procedure found in section 125 of the act.

After a few months in practice, the new provisions resulted in numerous irregularities, not to say some rather strange sentences. The result of Bill C-45's passage was that major organized crime drug traffickers were released on parole after serving only one-sixth of their sentence.

As soon as the 36th Parliament opened, the Bloc Québécois began calling on the government to amend the new accelerated review procedure criteria in the Corrections and Conditional Release Act. The Bloc Québécois member for Charlesbourg introduced a bill along these lines to try to plug the loopholes in the act in order to resolve the problem and particularly to improve the public's perception of the Corrections and Conditional Release Act, an extremely important piece of legislation.

Section 125 provides that an offender may be released after serving one-sixth of his sentence if there are reasonable grounds to believe that he will not go on to commit a violent offence. There are a series of exceptions in section 125, but one was omitted, or perhaps there was a misunderstanding, because it seems to me that I asked the question in committee. Whatever the case, the exception applying to drug traffickers is still not included.

I think it would be easy to take care of the problem at this level and to improve the public's perception of the judicial system if the act were amended so as not to release someone found guilty of trafficking, money laundering, or importing or exporting drugs, after serving one-sixth of his sentence. But this is a long time in coming. The government does not seem to be in any rush.

However, we have reason to hope that the bill introduced by the member for Charlesbourg, a Bloc member and our party's critic for the solicitor general will progress and that eventually we will manage to convince the government to make the necessary

amendments to have the bill implemented and, especially, to improve people's perceptions of parole.

Earlier, I was saying that I put questions to the committee and I thought I understood that money laundering and drug trafficking were excluded. We must certainly not forget that, in the Smith decision by the supreme court, Justice Lamer rendered a very important decision, establishing some link between drug trafficking and money launderers and violent crime, since we know that there is always violence at the end of the line with these activities, because those who want drugs steal, murder or whatever to come up with the money illegally to buy drugs. Yes, in the end these are violent crimes.

However, the national parole board does not make the same interpretation. I invite those who may be listening to reread the Smith decision. It is very interesting and will perhaps influence their decision in the application of section 125 of the law.

That said, members will understand that I do not support the member's motion. There is perhaps room for examination and the need for certain amendments in the law to make it more applicable and surer of meetings its objectives, but, in short, I think we have a good system. There is room for improvement, but we must be reasonable and look very objectively at the problem in trying to find solutions.

• (1755)

[English]

Ms. Eleni Bakopanos (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the comprehensive sentencing reform legislation introduced in the first session of the last parliament as Bill C-41 has been in force since September 3, 1996.

While this legislation included many reforms, including the first ever parliamentary statement of the purposes and principles of sentencing, several provisions addressing the needs of victims, the possibility of diversion for adult offenders and the new provisions for fines and fine enforcement, one of the centrepieces of the legislation was the conditional sentence of imprisonment.

The conditional sentence concept was first suggested in a white paper on sentencing in February 1984 by then minister of justice, the late Mark MacGuigan. It is a sentence of imprisonment of less than two years which may be served in the community if the court is satisfied that serving the sentence in the community would not endanger the safety of the community and would be consistent with the fundamental purpose and principles of sentencing now set out in the Criminal Code of Canada.

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The offender must abide by whatever conditions are ordered by the court. If the offender is found to have breached a condition, the balance of the sentence can be ordered to be served in custody.

[*Translation*]

When it comes to determining sentencing, there will always be decisions that will generate controversy and will seem questionable at first glance. This is precisely why our appeal courts are so useful. Without in any way minimizing the concerns we all have about certain conditional sentences, I believe that the hon. members must look at things in a balanced way.

More than 18,000 orders for conditional sentencing have been brought down since September 1996, and the great majority of these were the result of well-informed and wise decisions. Certain questionable decisions have been brought to the attention of this House by various members. As usual, the opposition is passing off the exception as the rule.

Consequently, we shall be continuing to work in close collaboration with the provinces, as the minister has already said in this House, in order to monitor the application of the clauses relating to sentencing closely and to assess whether further changes are required.

We are working with the provincial and territorial authorities responsible for prosecutions and correctional services in monitoring the use of conditional sentencing. From September 3, 1996 to December 31, 1997, there were 18,247 conditional sentences in this country, most of these for non-violent offences relating to property, operating a vehicle and the administration of justice.

[*English*]

In Ontario, for example, fraud is the offence which attracts the highest proportion of conditional sentences in terms of all sanctions. We must also bear in mind that prior to the availability of conditional sentences a significant percentage of offences involving violence resulted in probation as the most serious sanction.

[*Translation*]

I would like to say a word about the case law that is developing. Over 200 conditional sentences have been appealed since September 1996. The courts are now working on an analytical and reasoned approach that could be used by judges in determining when to hand down a conditional sentence.

They could invoke the purpose and principles of sentencing set out in paragraphs 718(1) and 718(2). The specific purposes of sentencing, such as setting an example, deterrence, and rehabilitation, are being analysed and the courts are trying to determine how the sentences handed down can achieve these objectives.

[*English*]

Courts are placing emphasis on denunciations, deterrents and proportionality in sentencing offenders convicted of serious sexual offences. Let me refer with approval to some of the statements which appellate courts have made in the context of considering whether a conditional sentence should be granted for an offender convicted of a sexual offence.

• (1800)

Madam Justice Ryan for the majority of the British Columbia court of appeal in *Ursel* said "Violent, degrading sexual attacks against women demand denunciation and deterrence. In a case such as this those sentencing objectives could not be adequately addressed through a conditional sentence".

The Quebec court of appeal in *P.C.* said "nor would the imposition of a less restrictive sanction" than imprisonment "satisfy the objectives of a general deterrence and denunciation of assaults against children by those who are supposed to be protecting them".

The Ontario court of appeal in *MacNaughton* said "In our view it should only be in rare cases that a conditional sentence be imposed in cases of breach of trust involving the sexual touching of children by adults".

[*Translation*]

I think that these citations should reassure the House. I subscribe to the thinking that these courts of appeal have adopted in the cases cited and in many others.

In my opinion, the courts have done well to focus on the fact that these offences do not generally lend themselves to conditional sentences, excepting in extenuating circumstances having to do with such things as the advanced age of the offender, and the severity of his mental or physical condition.

I would like to remind hon. opposition members that a conditional sentence is no less a sentence of imprisonment. The court orders the offender to spend a certain period of time in prison. The offender who meets the terms of section 742.1 may, under certain conditions, serve his sentence in the community. He may, however, be sentenced to serve the remainder of his sentence in prison if he violates any one of these conditions.

[*English*]

In closing, may I say that while I understand and share the concern citizens sometimes feel when reading accounts of certain sentencing decisions, and those exaggerated by the opposition members, I think the conditional sentence has added an important sentencing option to the Criminal Code of Canada.

Without complete information about a case, the particulars of a case and all the possible mitigating circumstances and other

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factors, it is very difficult for us to sit in judgment of the appropriateness of a conditional sentence.

Trial courts have, for the most part, exercised their discretion with prudence. Appellate courts continue to provide guidance and perspective and no doubt the Supreme Court of Canada will have the opportunity to give its views on conditional sentences at some point in the future.

When the Minister of Justice appeared before the Standing Committee on Justice and Human Rights last month she tabled a letter to the chair suggesting it would be useful for the standing committee to undertake a review of the operation of conditional sentences at some point after the two year anniversary of the proclamation of Bill C-41.

This would be an opportunity for victims, criminal justice professionals, the public and even the opposition, because we do value their opinions when they are valuable, to express their views on the conditional sentencing option.

One issue on which the minister indicated she would particularly appreciate the committee's advice related to whether or not there should be further limits on the availability of conditional sentences than those presently set out in the Criminal Code.

I know the minister looks forward to working with the members of the justice committee, the member for Prince George—Peace River and all members in a shared desire to improve the criminal justice system for all Canadians.

In light of this referral and the minister's desire to benefit from the committee's thinking on this important issue, it would be premature for this House to pre-empt the committee's work by voting in favour of the hon. member's motion.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I am pleased this afternoon to be able to speak to this motion. I believe it is an excellent motion and I commend the hon. member for Prince George—Peace River for bringing this matter forward. It is consistent with his party's motion that was debated in the House today.

The motion calls for the House to instruct the Standing Committee on Justice and Human Rights, of which I am a member, to prepare and bring for a bill to prevent the use—and I might suggest the word misuse—of conditional sentencing in cases where someone is convicted of a sexual offence, drug trafficking or a violent crime.

• (1805)

Specifically, the use of the words "sexual offence" and "violent crime" I could not agree with more.

As I have said, members of the Conservative Party support the motion. However, I find it somewhat disturbing and almost embarrassing that the government has taken the position that it would be opposed to this.

I know that this particular section of the Criminal Code originated from this government. It is unfortunate that it does not recognize that it has been misused. I do not criticize the intent so much as I do the fact that common sense should have allowed the government to see that it was going to be misused.

The application of conditional sentencing has deeply affected Canadians' confidence in the criminal justice system. It is another instance where, unfortunately, Canadians seem to have their confidence undermined when the government passes legislation that fails to protect them.

The mandatory use of this type of disposition is not something we are dealing with here, but the discretion is there. The discretion exists and, sadly, discretion allows lawyers—and I am a member of that group—to potentially push the limits.

Let us be honest. That is what lawyers do. That is what lawyers are going to do when given the opportunity. They are going to argue their case in front of a judge and try to push the limits as far as they can.

Conditional sentencing was put in the Criminal Code to address in a better way the issue of non-violent offenders. It would help to reduce the number of individuals who, if convicted, would find themselves serving time in a federal or provincial institution.

I do not argue with that philosophy. We certainly want to divert individuals away from incarceration if and when the circumstances allow it. However, the emphasis should be on the denunciation of violence, general and specific deterrents, which is something many cases, including the case of the Queen v Grady, espoused. We want to generally and specifically deter individuals and denunciate violence when a specific criminal act occurs, but it always has to be balanced with the protection of the public, coupled with the reaffirmation and rehabilitation of a person when they run afoul of the law.

Surely violent offences, sexual offences and offences involving children, in particular, were never the intent of conditional sentencing. The hon. member opposite spoke of the fact that probation exists, that probation was an option when it came to sentencing and that this is, in essence, a perpetuation of that.

I think what we want to see and what this bill addresses is truth in sentencing. Let us let the judges make that discretion. This is a halfway measure. That is what it amounts to. We want judges to have discretion, but this is on the horns of a dilemma where the person is basically allowed a second-second chance. We are putting them back on the street and saying "We are going to give you one more shot at it. If you offend again, then you are going to come

back and complete the sentence that you would have received had their been truth in sentencing the first time around”.

We are becoming far too tolerant when it comes to offences of violence. The minister herself has said time and time again that this is a priority.

I really fear there is a lot of lip service, a great deal of discussion and a great deal of intent on the part of the government to address these types of offences, when what we need is hard core legislation. We need the government to do what it was elected to do. If it is going to change the law this is the place to do it.

With all due deference and respect to the Supreme Court of Canada, it does not make the law. The Supreme Court of Canada is charged with interpreting the laws that are made in this place. What we have seen in recent years is the Supreme Court of Canada setting the standard or striking down significant pieces of legislation, as it did in the *Queen v Feeney*, sending them back here and telling us what we are to do. That is not the way our criminal justice system should operate in this country.

Judges are, contrary to the will of parliament, using conditional sentences in cases that involve violence and sexual abuse. That was not the intent. Surely there is not one member on the government side who would stand here and say that was the intent of the legislation. It has to be corrected and it has to be done quickly.

• (1810)

Sadly we have seen a lack of speed and a lack of response time on the part of the government when it comes to dealing with criminal justice issues. Are there any more fundamental issues that need to be dealt with quickly and need to be dealt with in a non-partisan way, I might add?

If this is something that the government is serious about, if it is something that it really intends to do, here is an opportunity. This is a golden opportunity for it to stand and say: “We support this initiative. This is something that Canadians would want”.

That, again I would emphasize, is the litmus test. Does it offend Canadians’ sensibilities? Do Canadians look at this piece of legislation, conditional sentencing, and say: “Yes, that is something that we embrace if it is to protect our communities, if it is to help people to deal with issues of violence?”

Surely that is not the case. We need only to pick up an editorial article in any newspaper and it will say that Canadians are losing confidence in our justice system day after day. I ask rhetorically if the government is ready to support this member’s motion. Is the government ready to act and make a difference by embracing and moving on this motion? Unfortunately I am afraid that will not happen.

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No one should be getting a free ride in our justice system. I think that goes almost without saying, but precisely that is what can happen when a conditional sentence is applied. As I said earlier, it is a halfway measure. It is almost a way out for some judges in instances where they cannot quite come to grips with a certain set of circumstances, where they want to give the person another chance.

That decision can be made by our correctional services. They are charged with that responsibility now. Let the judges do their job but do not give this halfway measure, this out that judges are permitted to use on conditional sentences when they pertain to violence.

We are not saying to do away with conditional sentences altogether. That is not the intent of the hon. member’s motion. It is to specify when it is appropriate to use them. That is the key issue here. It is not that the law itself is entirely bad, but it is the application with which I and other members on the opposition side take issue.

I will not recite horror cases to emphasize the need to bring the legislation about, but we are certainly aware, all too aware, of cases where conditional sentencing has been applied improperly and resulted in individuals not being sentenced properly, further undermining the confidence of the general public and certainly undermining the confidence and perhaps having a more direct and life shattering effect on victims who have been victimized by offenders and then go through the trauma of seeing the individuals who put them in that position walk out the courtroom doors. I have seen it happen myself and it is not a happy day when that occurs. Conditional sentencing is one small but very important example of what is currently wrong with our justice system.

In conclusion, the government has an opportunity. We have heard a lot of talk, a great deal of talk in the Chamber. What we really need and what Canadians want to restore their faith in the justice system is action, legislative action.

The government has failed to act on what it should be doing in condemning this type of use of conditional sentencing. It has talked a great deal about strengthening the Young Offenders Act, cumulative versus consecutive sentencing, the faint hope clause and victims rights.

All these issues have been given a great deal of air time, but we are yet to see the concrete legislation the government could and should be bringing in. That is what we are here to do in the Chamber. We are here to make laws. We are here to make changes when they need to occur. I believe the motion that has been brought forward is a step in the right direction, and that is why we support it.

Mr. Chuck Cadman (Surrey North, Ref.): Mr. Speaker, I have had the pleasure of speaking to preventing the use of conditional sentencing for violent criminals and drug traffickers earlier today

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on our supply day motion. My comments in that speech are just as applicable here.

As I stated earlier, the former minister of justice erred when he refused to limit the scope of conditional sentencing. Through Bill C-41 it is available to even violent offenders and drug traffickers. At first the former Minister of Justice said the courts would of course restrict the application to non-violent offenders and they did not. Then he attempted to tinker with the wording through Bill C-17 and that still has not worked. He and the government for political reasons refuse to admit their error and correct it. In the meantime those Canadians affected are holding our justice system in disrepute.

• (1815)

To support these criticisms I will first of all refer to the Alberta Court of Appeal case of Steven James Waldner. Mr. Justice Berger made it very clear that conditional sentencing was open to violent offenders and drug traffickers when he said at page 6 of the decision "Parliament has made the legislative choice to exclude only those offences punishable by a minimum term of imprisonment from the regime of conditional sentencing". At page 7 he said "Unless parliament has barred what would otherwise be an option, the starting point must be that all options are open".

I will provide a case of drug trafficking and conditional sentencing. The Court of Appeal for British Columbia decided that Trung Viet Bui's conditional sentence was appropriate. Mr. Bui and his brother-in-law were in the drug trafficking business and undercover agents caught Mr. Bui. He sold approximately \$3,000 worth of cocaine in the first transaction and about \$35,000 worth of cocaine in a second transaction, not exactly a nickel and dime operation. Obviously these individuals were well connected to be dealing at this level.

We all know of the damage done to our society by the sale of drugs. Younger members of our communities are particularly susceptible to addiction and to criminal actions to support their habits. The court of appeal decided that since Mr. Bui had served a year of his conditional sentence without difficulty, he should continue. Little discussion occurred regarding deterrence of denunciation over high level drug trafficking and what it does to our society.

I will now move on to some sexual assault cases. The Court of Appeal for British Columbia in the Ronald Neil Scott case dealt with the issue of conditional sentencing. Mr. Scott was convicted of sexual assault and invitation to sexual touching in relation to incidents with his step-granddaughter from when she was five or six years old until she was 10. His actions came to light when the victim told a school friend that Mr. Scott would offer money for touching his privates. He was sentenced to nine months imprisonment and placed on probation for two years. He was sentenced

prior to conditional sentencing coming into effect but his appeal occurred subsequently.

The court decided that conditional sentencing was a lesser punishment available to the accused and he should be considered for its application. It also stated that parliament had formed the intention to provide for and encourage the imposition of conditional sentences and wherever appropriate the courts must carry out that intention. The court decided that the offender was not a danger to the community because he had only done these acts with his step-granddaughter. He obtained conditional sentencing even though it was not available at the time of his offence or at the time of his sentencing.

The Supreme Court of British Columbia in the case of Regina v M.M. also took advantage of conditional sentencing. The accused was convicted of three counts of gross indecency with the three children of his girlfriend. He commenced his sexual activities with one victim when she was nine years old and with the other when she was 10. He was often left alone to babysit the three girls. The abuse continued over a period of nine years and involved countless acts of gross indecency. Evidence was presented that he often had sex with their mother in front of the three girls.

In deciding whether to accept conditional sentencing as a possibility, the court viewed the purpose of the reform to reduce the number of persons sentenced to prison. The court viewed a conditional sentence as still a jail sentence but one that is served in the community. The court decided that no sentence could right the wrong done to the three girls. The court agreed that sexual assault was a crime of inherent violence but recognized that parliament had decreed a scheme of conditional sentencing. A conditional sentence was applied.

I will now provide another case which goes to show how we permit and maybe even encourage criminals to move up the scale into more serious crime. The Court of Appeal in British Columbia in the case of John Paxton McEwen had to consider conditional sentencing. In 1997 at age 24 he attacked a 78-year old woman who was out walking near her home at 10 o'clock in the morning. When he stole her purse from around her arm she suffered a broken and dislocated arm. Surgery was likely required and she suffered serious psychological injuries. The experience had a very serious effect upon her life.

His previous record indicated that he had had a large number of second opportunities. In 1992 he was convicted of mischief and given a suspended sentence and probation for eight months. Also in 1992 he was convicted of impaired driving and fined. In 1994 he was convicted of driving while disqualified and fined. Also in 1994 he was convicted of assault, sentence was suspended and he was placed on probation for a year. In 1996 he was convicted of theft and he was fined. He was also convicted at that time of failing to appear and he was fined.

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• (1820)

The trial judge gave McEwen a conditional sentence for one year for his attack on this elderly woman. He was also ordered to take drug and alcohol counselling and to stay away from the victim. The court of appeal decided that the trial judge's decision did not go far enough. It ordered the remaining portion of his one year conditional sentence to be served in custody but subject to any parole as if he had been incarcerated for the entire period.

When we look at his continuing record and the growing seriousness of his offences we can see that he is not getting the message. The conditional sentence will certainly do little to convince him of the error of his ways. More individuals will likely be victimized in the future.

I have to question just what messages are being sent to victims in communities by these conditional sentences. These cases show that you can traffic in cocaine at highly profitable levels and if caught, serve your sentence at home. You can sexually assault children in your care and serve a little time at home. You can even attack senior citizens while they walk in the community and be sent home for your efforts, even if you happen to hurt them badly or possess an extensive record.

That is just not good enough. The justice committee must be encouraged to fill the void which the Minister of Justice has refused to address.

Reducing the number of prisoners serving time in our institutions is one thing. Failing to deter or denounce violent crimes is something else entirely. The former justice minister brought in conditional sentencing to reduce the pressures on our institutions. Obviously little thought or consideration was given as to how the best interests of offenders and the corrections system would impact negatively on the interests of victims and society at large.

The concept of conditional sentencing is not at issue here. What is at issue is who should qualify to benefit from it. Violent and multiple repeat offenders as well as major drug traffickers should be excluded. I urge the government to fix this problem immediately.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, with my eye on the clock I thought it would be useful and at least it would make me feel a little better if I spoke to some of the issues raised in this motion today.

The hon. member has properly focused on a relatively new section of the Criminal Code that deals with sentencing, specifically conditional sentencing. This sentencing mechanism was introduced into Canadian law quite recently. I recall being in the House when it was introduced. I recall sitting on the committee when it was reviewed. The member and others who have spoken are quite correct when they suggest that the parameters or

restrictions or the guidelines for its use were on the light side as opposed to the complex side.

I recall at the time, and I certainly was not alone as a member of parliament in looking at this, that we found it quite difficult to attempt to draw a line as to when conditional sentencing might be used and when it should not be used. Every time we bundled up and grouped certain types of offences generically there were always one or two situations or scenarios where one might suggest that conditional sentencing would be appropriate. There is always an exception to the rule in other words.

We felt that the judicial community, the judges of this country, would be well up to the task in deciding when to use these rules. It turns out that in 99% of the cases they were. There are certainly cases now where it appears that judges need guidance from the appeal courts. If the appeal courts find that the problem is more widespread, if the judicial community is not able to handle it and draw the line themselves as we had hoped they would, then it is an area for statutory amendment.

The member's motion certainly points down that road and may in fact lead in that direction. I sense the possibility for change. I commend the member for his motion. I look forward to seeing what the House will do in this area.

• (1825)

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, once again I must say it is a sad day in this House of Commons that this government has shown itself to be completely unresponsive to the general public about this issue, unresponsive to the victims of crime and unresponsive to the cries of those victims for real justice.

I see the parliamentary secretary sitting across the way shaking her head. I heard her say in response to some of the examples my hon. colleague from Surrey North cited that it is fearmongering.

An hon. member: It is.

Mr. Jay Hill: She says it is.

I would like her to come to my riding and other ridings in the country and say to the victims that it is fearmongering when criminals who have brutally raped them walk out of court and do not face any time in jail.

An hon. member: How many?

Mr. Jay Hill: How many? Why did she not tell us how many? She commented during her remarks that there have been more than 18,000 times since September 3, 1996 that conditional sentencing has been used by our courts. But she did not say how many times it was used in cases of rape, how many times in cases of drug trafficking. How many times? How many of the 18,000 were for rape? How many were for violent offences? How many were for drug trafficking? Because if it is one, then it is one damn well too many.

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For this government to say it will leave it up to the courts, leave it to the judges to decide or it will appeal, there can be no doubt that the Liberal Party of Canada and the government is made up mostly of lawyers. They want to perpetuate this type of nonsense. They want to keep the courts busy. They just want to keep appealing it instead of correcting the problem. Even if there is one person who does not serve time in jail, and I am not talking about four star hotels where they can flex their muscles and exercise, I am talking about putting them to work, I am talking about real justice and punishment that will deter these people from doing it again.

The parliamentary secretary in her comments said, and I wrote this down maybe not word for word but something close, that the government is willing to work with the provinces to monitor and see whether further changes are needed. To monitor. That is about all bloody well good this government is for, to monitor. It certainly is not intent on making any meaningful justice changes, any meaningful justice reform.

I see I am about out of time. That is unfortunate. The member for Scarborough—Rouge River says that they wanted to rely on the judges when they passed Bill C-41 to draw the line because there is always an exception to the rule. That is what he said. Yes there are always exceptions to the rule. I can say that less than two months after these conditional sentencing provisions came into effect in September 1996 I raised the issue of how it was being inappropriately used in cases of rape.

There was a young mother whose ex common law spouse broke into her home and raped her on the kitchen floor. He was found guilty and convicted but the judge did not give him any time in jail. One of the conditions he imposed upon this criminal was that he felt it would be better for the mother and the children if this individual continued to pay his child support. That was one of the conditions. That is what conditional sentencing does. It imposes these harsh conditions on rapists.

I want to thank the hon. House leader of the Progressive Conservative Party and my hon. colleague from Surrey North for their participation in the debate. I want to say to everyone watching this debate at home tonight that I and the victims of these crimes are absolutely appalled at the parliamentary secretary's callous disregard for meaningful justice reform.

• (1830)

Ms. Eleni Bakopanos: Mr. Speaker, I rise on a point of order. There was no callous disregard for the House or for the member's debate. I would like that withdrawn.

The Acting Speaker (Mr. McClelland): That is very clearly a point of debate, not a point of order.

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

ADJOURNMENT PROCEEDINGS

[English]

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

HEPATITIS C

Mr. Greg Thompson (Charlotte, PC): Mr. Speaker, I am here tonight to speak on the hepatitis C compensation package.

The position the government has taken on this package to compensate hepatitis C victims is untenable. It is untenable simply because it leaves too many innocent victims out.

The compensation package as supported by Ottawa, by the federal government, compensates only those victims between 1986 and 1990. That is wrong. I am glad and I am sure all members of the House are to see that these victims are being compensated. The tragedy in that package is that the victims prior to 1986 are not being compensated, nor are the innocent victims after 1990. What I am telling the House is that position is untenable and the Canadian people are making that known from coast to coast.

Canada is a pretty generous country. We are ranked number one in the world by the United Nations. There is no way the Canadian people are going to allow a package that screens out, that discriminates between innocent victims. They want all victims compensated.

The Prime Minister presented a new twist to the compensation package the other day. I am reading directly from the *Ottawa Citizen*, today's edition, the Prime Minister talking about the compensation package. He is linking drug abusers and AIDS victims into the package. The Prime Minister stated:

What about those who have used needles, who are those who have a problem with . . . transmitted by sex, and after that, the others?

The Prime Minister does not get the message. We are talking about innocent victims who received tainted blood through our health system. There is something wrong when that happens. I think all of us agree on that. When the Prime Minister clouds the issue there is something wrong with his thinking. What we are talking about is compensation for innocent victims.

We need some movement on this file by the health minister. I have been asking him since the Krever report was released back in November 1997 to act unilaterally, to act alone, as a federal government should, on this issue. At the end of the day we have only one federal health minister and he and no one else is responsible. He is solely responsible for the safety of Canada's blood supply system. It is as simple as that.

We are asking for compensation for all the victims of hepatitis C outside that package already announced. We want the victims prior to 1986 covered and we want all victims after 1990 covered.

Mr. Rey D. Pagtakhan (Parliamentary Secretary to Prime Minister, Lib.): Mr. Speaker, the Minister of Health enjoys the full support and confidence of the government. His unwavering commitment and hard work to obtain financial assistance for victims of hepatitis C as a result of blood therapy is known to all and bore fruit when provincial and territorial governments collectively announced with the federal government the financial assistance package for those victims during the period from 1986 to 1990, a period clearly identified by Mr. Justice Krever as a time when those responsible for Canada's blood system could have and should have acted to prevent this type of infection but did not.

• (1835)

Achieving a consensus is never easy in a federal system but it is essential in sustaining the strength of the Canadian federation. It is therefore a tribute to the health minister that he was able to weave that consensus premised on the principle of governmental responsibility. We all know the events of the past couple of weeks necessitated revisiting this initial consensus but that does not detract from its desirability.

Following that meeting a working group of officials was created to review a number of possible options to address remaining questions on the issue. That they have agreed to this process indicates that all parties understand the importance of finding a pan-Canadian response. Members of this House have a duty to facilitate directly and indirectly the attainment of that pan-Canadian consensus. It serves the interests of all when we achieve it. It serves the interests of none if we fail.

Leadership is best tested during difficult times. I assure the House that at all times during this difficult process the federal Minister of Health has always enjoyed the full support and confidence of the Prime Minister, his cabinet colleagues and fellow government caucus members.

THE BUDGET

Mrs. Diane Ablonczy (Calgary—Nose Hill, Ref.): Mr. Speaker, this government has created uncertainty, confusion and unnecessary anxiety for Canadians about their retirement security. It announced changes to seniors programs that would be costly and disruptive for millions of citizens and then neglected to bring in legislation which left Canadians twisting in the wind when trying to figure out how to sensibly plan their retirement.

Financial experts are uncertain as to what to advise their clients. Middle income Canadians fear that the clawbacks and the taxes on their retirement savings will be so high that they will penalize their

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thrift. Lower income Canadians do the numbers and have no doubt that RRSPs will merely be offset by a lower government pension.

In the budget of 1996, over two years ago, this government announced proposed changes to old age security, the guaranteed income supplement as well as the elimination of the retirement income tax credit and the seniors tax credit based on age. These proposed changes were called the seniors benefit. Some benefit. Those planning for their sunset years quickly saw this proposal as ad hoc, flawed and illogical.

Financial advisers and citizens have been seeking certainty so they can figure out how best to maximize their retirement dollars. The official opposition and other parties have asked many questions in this House. They have been urging the Liberal government to end the suspense, decide on a policy and let us all know where we stand as Canadians. Still from this government there are only trial balloons, empty rhetoric and more foot dragging.

Perhaps the government should say we screwed up, we are going to withdraw our proposal and come back later when we get our act together. At least it could assure Canadians that their hard work and sacrifice to save for their own retirements will not simply be eaten up by another Liberal tax grab.

Will the minister tell Canadians when the government will introduce legislation to let people know where they stand with respect to seniors programs, and what it intends to do to ensure fairness to Canadians who have scrimped and saved for years for their retirement and who now fear their thrift will be penalized by cuts to benefits promised to them by their government? I look forward to the answer.

Mr. Tony Valeri (Parliamentary Secretary to Minister of Finance, Lib.): Mr. Speaker, the government is committed to taking the time to fully examine what is best for the public pension system and the retirement income system as a whole. That is why we held meetings across the country last fall with seniors groups, social groups and pension industry experts on the proposed seniors benefit.

• (1840)

From Halifax to Vancouver we listened carefully to the concerns and views that Canadians expressed on this very important matter. We have taken the time to consult with seniors and other interested parties on the 1996 proposal.

We believe the government has a responsibility to ensure that it is fully aware of Canadian concerns and views about the public pension system and the retirement income system. That is what we have done. Now we are reviewing the proposal based on what we have heard. That is why an announcement has been delayed. We are

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making every effort to ensure that the concerns of Canadians are reflected in our proposed policy on the public pension system.

ABORIGINAL AFFAIRS

Mr. Gordon Earle (Halifax West, NDP): Mr. Speaker, on March 20 the story broke in the *Calgary Herald* about the government's responsibility for radiation death and sickness in the Dene community of Deline. Sixty-eight days later and the community still waits for written confirmation of a meeting with this government.

On March 30, I called on the ministers of health, Indian affairs and natural resources to meet with the community to immediately address this crisis. Fifty-six days later continuing silence. Speaking with the community representatives, as of noon today this meeting had not been arranged.

A gentleman diagnosed with bone and lung cancer last week has just died. The community has already laid out its plan. This government should immediately respond with actions, not words, to the plan for essential response and necessary redress outlined by Chief Raymond Tutcho of the Dene First Nation. This plan calls for immediate crisis assistance, comprehensive environment and social assistance, full public disclosure, clean-up and monitoring, acknowledgement of government responsibility, community healing and cultural regeneration. Immediate crisis assistance, yet 68 days of government silence on this request.

Since 1939 what has this community received from the government? Nothing. Yet a federal crown company profited from this obscenity while it served to fuel the atomic arms race.

The Dene had a community meeting arranged on this issue for tomorrow and Thursday. That meeting was cancelled and replaced by a funeral for the community member who died of bone and lung cancer. The minister knows bone cancer is linked to exposure to radioactive dust and particles. What is even more sickening is the government has known about this since the early 1930s, over 65 years.

The Sahtugot'ine, the Bear Lake people, made this clear in a statement showing a government official in 1932 claimed: "The ingestion of radioactive dust will cause a build-up of radioactive material in the body. Lung cancer, bone necrosis, and rapid anaemia are possible".

While the community buries its dead the government tries to bury the tragedy. How can this government state it must examine more history? Why are the ministers of health, Indian affairs and natural resources not there right now dealing with this catastrophe? There are literally millions of tonnes of this poison buried in the region. It is in the water and the food chain. Is this government through its inaction willing to consciously condemn yet another generation of children, women and men to radiation death? While whites were told to shower, the Dene children played with

radioactive dust. This community is now losing its elders to this tragedy.

The minister stated in her interview with CBC on May 17 that she is under the impression that the clean-up at Sawmill Bay employed current radiation standards and implementation measures. This suggests the minister is disregarding out of hand the testimony of the Dene record and the oral history of the clean-up crew.

Does the minister consider the provision of federal dollars for radioactive clean-ups, where even dust masks are not provided, as meeting radiation standards? The minister responded to my questions with comments like "it behooves us to understand the circumstances and we will act to include the Dene people in our review".

While the government may be content looking at the history, the death and illness toll from this obscenity continues to mount. Where is the Minister of Health while people are dying? Immediate crisis assistance? Will this government commit right now that all three ministers will meet this community and lay out an action plan before this House recesses for the summer, yes or no?

Mr. Tony Valeri (Parliamentary Secretary to Minister of Finance, Lib.): Mr. Speaker, I am pleased to respond to the hon. member for Halifax West regarding the Deline community concerns about past mining activities involving the Port Radium uranium mine.

The government is taking this matter extremely seriously and is seeking to gain a better understanding of the activities associated with the mining and the transport of the uranium ore.

• (1845)

The Department of Indian Affairs and Northern Development has been assigned the lead role in co-ordinating federal government activities. Key to these activities will be the active participation of Natural Resources Canada and Health Canada. A collaborative approach with the Government of the Northwest Territories health and social services department has been established.

The federal ministers are committed to meeting with the Deline community members in the near future to determine an appropriate course of action.

Over the past year the Department of Indian Affairs and Northern Development has been working in collaboration with the community to address a number of environmental issues of interest to them. Drawing upon this existing good working relationship, a strategy for meeting the information, research and communication needs related to the radiation concerns in the community is being developed with the Deline uranium committee.

In fact we are already working with the Deline uranium committee to answer questions about present day levels of radiation.

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Current conditions will be assessed through a research proposal developed earlier this year by the committee.

We hope to build on this spirit of co-operation as we work to address concerns about the historic operation of the Port Radium mine and the transportation of ore from the mine. The next steps will be determined as our collaborative work with the community progresses.

BANKS

Mr. John Solomon (Regina—Lumsden—Lake Centre, NDP): Mr. Speaker, more and more Canadians are asking why the Liberal government will not agree to all party meetings on the proposed bank mergers.

On May 7 I pointed to recent U.S. evidence on the behaviour of big American banks toward small business, evidence that was being presented to a bipartisan congressional committee in the U.S. House of Representatives studying their proposed bank mergers.

The evidence showed in the U.S. four things: big banks make fewer loans to small business, big banks lend more money to bigger business, the bigger the bank the smaller their small business loan portfolio, and big bank service charges are at least 15% higher.

Moreover a *Wall Street Journal* analysis found that small business lending declined in the U.S. banks which merged but went up in their non-merged competitors over the same period.

Canadians want to know why American legislators can study proposed bank mergers in their country while the Liberals reject all party hearings on the proposed bank mergers in Canada. Why can the U.S., the birthplace of modern capitalism, strike an all party inquiry into bank mergers and their impact on Americans but the Liberal government turns a blind eye? Is it because the Liberals are protecting their friends, or is it because they support the mergers?

Recently I proposed that the industry committee hold hearings on the impact of the bank mergers on small business, consumers and rural Canada. The Liberal majority on that committee voted it down.

Here is what the Liberals want to do instead. They have appointed a Liberal dominated task force, the so-called MacKay task force, but this task force is not mandated to look into bank merger proposals or lost jobs or service charges for consumers, business and farmers. Three of its members have already had to resign because of a conflict of interest. They were employees of the banks that want to merge.

The government has set up a committee of Liberal backbenchers to study the bank mergers as well. They get to stand up and say they care while they play both sides against the middle. There is only

one problem. The hepatitis C vote showed us all how much Liberal backbenchers and their points of view count for in the government.

At the end of the day they can produce their report but it will not matter a bit to the Prime Minister or the finance minister because they will make whatever decision they will make regardless of what the Liberal backbenchers recommend. The backbenchers will be told to fall into line and history shows they will to the last MP.

Why does the government not want all party hearings now? Would not the recommendations of an all party committee have much more credibility than what we would get from Liberals alone? Are the Liberals buying time for the bankers association's million dollar PR campaign to soften people up and allow the banks to persuade Canadians that bank mergers are inevitable anyway? The CBA is spending millions of dollars on TV ads and the individual banks are spending millions on lobbyists.

No, the Liberals want to wait until the fall, wait until they get their marching orders from the blue ribbon panel, throw a bone or two to their backbenchers, and only then will they allow the finance committee of the House of Commons to conduct a study which will be the equivalent of closing the barn door after the horses have left.

Who will benefit from the bank mergers and who will suffer? Bank CEO's stock options whose value goes up every time the market goes up on the excitement of all this merger mania will benefit to the tune of millions of dollars. The figure I would like to see is the comparison between the total increased value of these stock options and the payroll savings the banks will be making after they downsize their merged workforce.

How many jobs will be lost and where will these jobs be lost? Small business is very worried about the future of banking sector. Small business representatives have a lot of questions about the mergers themselves as do farmers and other consumers in other parts of Canada including rural Canada.

• (1850)

These are the kinds of questions we believe an all party committee could effectively study now. That is why we are calling upon the Liberal government to strike an all party committee to review the bank mergers immediately.

Mr. Tony Valeri (Parliamentary Secretary to Minister of Finance, Lib.): Mr. Speaker, despite the rhetoric from the NDP the government remains concerned about the growth and support of small businesses in Canada.

Small businesses are the backbone of economic growth and job creation. That is why the government has worked hard over the past few years to improve the environment for small businesses, including the issue of access to credit.

Adjournment Debate

We have worked with the banks to improve the reporting of small business lending activity. As a result statistics are now available publicly on bank lending to small and medium size enterprises.

Concerns have been expressed that the proposed mergers in the banking sector may result in reduced access by small businesses to bank credit. The government is indeed concerned about the potential effects on the Canadian consumer including small businesses of allowing bank mergers. The proposed mergers have the potential to fundamentally change our domestic banking sector.

The work of the task force and the future of the Canadian financial services sector will be valuable in the government's deliberations of the merger issue and I look forward to its report in September.

The government will not allow any merger in the banking sector to proceed without understanding its impact on the small business community in Canada and without the input of Canadians during the consultation process.

I invite the hon. member to join the Standing Committee on Finance when we hear from Canadians on this issue as we go across Canada. The last time I checked the Standing Committee on Finance was an all party committee. I believe a member of the NDP sits on that committee. I invite the hon. member to participate.

[Translation]

The Acting Speaker (Mr. McClelland): The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 6.50 p.m.)

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Publié en conformité de l'autorité du Président de la Chambre des communes

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