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Monday, September 21, 1998

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Monday, September 21, 1998

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

● (1100)

[*English*]

SPECIAL INTEREST GROUPS FUNDING ACCOUNTABILITY ACT

Mr. Roy Bailey (Souris—Moose Mountain, Ref.) moved that Bill C-310, an act to require special interest groups that receive grants or loans from public funds to submit for tabling in Parliament a report on the purposes to which the funds were put, be read the second time and referred to a committee.

He said: Madam Speaker, I am very pleased on opening day to discuss a topic which Canadians want to discuss, at least those who I met this summer.

I believe I have all party agreement to share my opening 15 minutes. I would take 10 minutes and share the other five with the hon. member for Dauphin—Swan River.

With your permission the hon. member will take five minutes at the beginning.

The Acting Speaker (Ms. Thibeault): Is there unanimous consent to proceed in such a manner?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Ms. Thibeault): There is not consent.

● (1105)

Mr. Roy Bailey: Madam Speaker, as members read in the introduction, this bill was to be debated the Monday after the House recessed.

I want to pay tribute to the hon. member from Hamilton—Wentworth who did a tremendous amount of work on this in the last session. I can tell the hon. member that I used his material.

I took his material along with my bill to every local government in my constituency. I made a visit to see what they thought about what the hon. member had presented and, in a minor form, what I was presenting. There is a fundamental difference in our presentations, in that I want this government to be held accountable to the people of Canada for some $49 billion which is handed out to special interest groups with absolutely no requirement for accounting.

This summer, after giving local government people an explanation, I heard responses such as: ''I cannot believe it''. ''That is incredible''. ''How dare they''. Madam Speaker, I might tell you that they said some words which I cannot repeat in this House more frequently than the examples I have given.

The basic tenet of this bill is that every Canadian should have the right to know who is receiving funding from this government and what is the purpose of the funding. Let us bring this to debate so that Canadians will have accountability.

The Prime Minister mentioned the other day that if he is going to increase grants in health aid or other help to the provinces he wants accountability. We would not argue with that.

I hear government members saying that what people do not know will not hurt them. I would turn that around and say that what people do not know about this funding is hurting them. It is hurting them by $49 billion a year. It is hurting hep C people who are deserving of payment. It is hurting them because this money is not accounted for and not audited. It is hurting them because it is forcing them to pay higher taxes.

I want to make it abundantly clear to everyone that my intent in bringing this bill forward had one goal and one goal only; that is, to offer Canadians, no matter where they live in Canada, the opportunity to see totally, with accountability, where their tax dollars are going.

This is not a witch hunt. This is not a bill to embarrass some private interest groups. This is strictly trying to give Canadian people accountability as to where their money is going.

Canadians across Canada will tell us that it is a growing industry, hidden under the secrecy of government. Government is not making figures, facts and the individuals who are receiving these funds available to Canadians.

Let me talk a moment about our heritage and what happened in the village next to where I live. Because of rail line abandonment and property taxes its total revenue is down to some $200,000. It has to hire an administrator who is bondable. It has to prepare a budget as to how that money will be spent. At the end of the year it has to have an auditor come in to show the public where every cent of that money has gone.

That is part of our history. Part of the Canadian way is to have responsible people, including elected politicians at the local level and the federal level, who will say ''Here is where our money is being spent''.

• (1110)

Why is it that a group that will get as high as $15 million or $16 million does not even have to submit a statement as to the intent of how that money is going to be used? That is incredible. What is worse is that the money is not accounted for. There is no audited statement and we do not know the source, who is running the operation, or the the purpose of that group.

Even the grassroots aboriginals have had something to say about this bill. They said things this summer and I want to quote two of them. The first quote is ''Without democracy, equality and accountability there can be no self-government''. Grassroots people all over are saying that this is a terrible plague which this government has. It is willing to take $49 billion of taxpayers' money and tell us it does not have to account for it.

This government can take $100,000, as the hon. member from Hamilton—Wentworth pointed out, and does not have to say it gave any amount and then can repeat it five times. It can make that half a million dollars. There is not even a record on the books.

How can the people of this House sit by when we have groups like the hepatitis C group outside and we are not telling them how we are spending $49 billion on special interest groups? How can this government do that?

The second quote told to me by a grassroots aboriginal this summer was ''A significant roadblock to accountability is indeed the Indian Act itself''.

Let me point out a few things. Let me point out what happens. We have a special interest group which knows it does not have to put forth a statement as to its intent and does not have to describe or give an accounting for one red cent. They can actually take that money and use it for any political purpose they like. That money may be used to counteract or go against worthy volunteer organizations within a community.

I noted a few things this summer. I met with several museum groups in my constituency. What are these people doing? They are working, volunteering, scraping up money to get a building to try to preserve part of our heritage which is the heritage of the homesteader who came to Saskatchewan. They cannot get $50 worth of grants from either government. I showed them how much money was flowing out of this government into unknown coffers. They, to put it quite bluntly, are extremely disgusted that this type of thing is taking place.

The hon. member from Hamilton—Wentworth made this statement loud and clear. Any group of people receiving government funding should not be allowed to make political contributions. It is happening all the time. I suggest if a study is made of this we will find that there are some very strange gifts going out when an election is near which are not accounted for and the parties which receive them make huge contributions to a political party. That is wrong. Canadians all across Canada say it is wrong.

What we need are regulations in place governing the funding of any organization. I would challenge anyone in the House, from any party, to stand and say that it is wrong for an organization receiving government funding, first, to state a purpose for which that funding will be used, and second, to have an annual audited statement as to how the money was spent.

• (1115)

I sat as a CEO to a school division. We had no choice but to print a final statement as to the money that was spent.

If senior government thinks that is a great thing for our villages, rural communities, towns, cities and province, why is it not a good thing for the government to exercise the same practice? Why is the government prepared to hoodwink Canadians into the billions of dollars but to deny help to hepatitis C victims and local museums? I could list a hundred of them, but the government will not move on this issue, to its demise, I hope. The lack of accountability of the taxpayers' dollar should show up come next election time.

I want to say how the people feel about this issue when it is explained to them. The trust in government goes down. What they think of politicians goes down. What they think of the whole nation because of this scam goes down.

If this uncontrolled industry continues, what will we find? If they can do it, why can we not do it? If the government can hide millions of dollars, why should I not cheat on my income tax? Why should I not cheat on the GST? Why should I not cheat on this and that as it pertains to government? The very act of government doing this is a signal to the rest of Canadians to go ahead: if they can do it we can do it. It is time for the government and the House to say no, we are finished, that our books will be open and there will be total accountability.

Although this is not a votable bill, I would encourage members who sit on the finance committee to give Canadians a right they deserve. Let us give Canadians a right to be able to look at the

thousands of different organizations that get money and for the first time make government completely accountable.

Failure to bring a halt to this practice does nothing but foster mistrust in government. It makes parliament weaker and, above all, it deprives our citizens of their God-given right to know where their taxpayers' dollars are going. I challenge anyone to come up with some logical reason why this should not happen. There may be many defenders, but there is no defence against this accountability act. No one could muster up or find a defence.

Mr. Tony Ianno (Parliamentary Secretary to President of the Treasury Board, Lib.): Madam Speaker, over the years considerable study and discussion have taken place on the subject of accountability for parliament. It remains a timeless subject of interest not only for us as members of parliament but for the bureaucrats and academics who study parliament.

Much of the past debate has been focused on accountability to parliament when program delivery is through an intermediary or third party rather than directly by public servants or under contract.

The practice of third party delivery is most evident in the area of grants and contributions and other types of transfer payments. I am aware that concerns are sometimes raised that current trends in management reform and alternative program delivery run the risk of significantly weakening the accountability chain, leaving parliament with no one to hold responsible.

● (1120)

Bill C-310 is not necessary. There is already an accountability regime in place and information in this area has already been tabled in parliament.

Each year parliament approves through the estimates funds for the payments of grants, contributions and other transfer payments. Significant information on grants and contributions is disclosed annually in both the estimates and public accounts. Grants normally require the authority of parliament before they can be paid. Parliament is normally informed about planned contributions within a program through the identification of such contributions in the tables of transfer payments included in part II of the main estimates or in supplementary estimates.

Departments should further ensure that parliament is fully informed about the nature of the program, its objectives, target groups and expected results. This is normally done through supplementary descriptive material in individual departments and agency reports on plans and priorities. After the year is finished information is made available in departmental performance reports as well as in the public accounts. If this is not enough, detailed actual spending information on specific transfer payments of over $100,000 is also publicly available upon request from Public Works and Government Services Canada.

Contributions are conditional transfer payments. They are for a specified purpose subject to accountability and are audited pursuant to a contribution agreement. Listing of contributions in the transfer payments table found in the estimates while not a legislative requirement is considered necessary for proper disclosure to parliament. The payment of a contribution is conditional on the performance and achievement of a program, and contribution agreements are subject to audit to satisfy the donor department that all conditions both financial and non-financial have been met.

Grants are different. They are unconditional transfer payments. The main criterion that distinguishes a grant from a contribution in practical terms is that once again contributions are subject to accountability and are audited pursuant to a contribution agreement. Unfortunately the unconditional nature of grants gives the impression that the government does not require them to be spent in furtherance of specific program objectives.

The opposite is in fact true. While grants are not subject to being accounted for or audited, eligibility and entitlement may be verified. Eligibility or entitlement criteria must be specifically approved by Treasury Board for all class grant programs. Furthermore, departments have established verification procedures. Most class grant programs are subject to management review and/or in some cases formal program evaluations on a periodic basis.

Grants are usually paid out in instalments as required by Treasury Board policy. In many cases procedures are such that departments generally verify continued entitlement prior to making further payments. Many organizations maintain close relationships with the recipients. When problems arise it is possible for them to act quickly in order to stop the payment of the next instalment.

The government conducted a review of funding for special interest groups in 1994. We know the hon. member from Hamilton had a lot of influence in the process. The Minister of Finance announced in the February 1994 budget that the government would review its policy with respect to funding for special interest groups with a view to reducing the overall level of funding and encouraging further reliance on funding from other sources.

● (1125)

The government's review looked specifically at funding for interest groups, that is non-governmental, non-commercial groups pursuing an interest using federal government funding primarily through grants and contributions.

This definition included what is often referred to as the voluntary sector as well as groups such as sports administration bodies, research institutes, industry associations and professional associations.

The government recognizes the important role of the voluntary sector and other interest groups in Canadian society. These groups can play an important and cost effective role in program and service delivery.

Interest groups often perform other important functions such as bringing Canadians together, providing a voice for people who would not otherwise be heard and conducting research. Despite this the government's relationship with interest groups has evolved and has had to change over the years to accommodate new needs in a program review environment of fiscal restraint.

The government's review demonstrated that it had become increasingly more difficult to justify some special interest group funding when many government programs were being downsized or discontinued.

The government could not afford to continue funding all the interest group activities that it was funding at that time since the review principles were developed and provided to government departments to assist in priorizing funding for interest groups as part of the program review exercise. These principles remain valid today.

First and foremost, departments were and are now to consider the extent to which the interest groups members or the larger public benefit from its activities. The larger the benefit to the public from the group's activities, the more likely that group should receive funding from the federal government.

Second, the group's ability to obtain alternative sources of funding has to be considered. The higher the ability of the group to access alternate sources of funding, the lower the priority of that group for government funding.

The third consideration was the focus of the group's activities. Interest groups that confine their activities to support their own members should in most instances receive lower priority for government funding than groups that deliver important services to the public on behalf of the government.

Departments are to consider the consistency of the activities of groups with government priorities. The guidelines were designed to be flexible so that they could be applied by each minister to the interest groups funded by his or her department. Departments co-ordinate their funding activities with those of other ministers to ensure that a particular interest group does not obtain similar funding from more than one department of the federal government.

Loans and loan guarantees are handled differently. They are made for a variety of purposes and in accordance with a variety of different terms and conditions. The Treasury Board has policy statements for loans and loan guarantees.

Loans must be authorized through specific legislation or appropriation acts while loan guarantees require parliamentary authority and loan guarantee programs such as the Canada student loans program must be supported by separate program legislation.

I should also highlight that information on loans is available in the public accounts, volumes l and 2, part I, as well as policy statements for loans and loan guarantees.

I have a note on the administration of the reporting regime proposed by Bill C-310. It would be an onerous task when one considers the number of grants, contributions, loans and loan guarantees made by the government each year.

The task of such administration would also duplicate work since considerable information of this type is already tabled in parliament each year both in estimates and public accounts.

In conclusion, I am satisfied that departments and agencies—

The Acting Speaker (Ms. Thibeault): I am afraid that the time has expired.

[*Translation*]

Mrs. Suzanne Tremblay (Rimouski—Mitis, BQ): Madam Speaker, as Parliament reconvenes, I am delighted to rise in this House to speak to Bill C-310 introduced by my hon. colleague, the Reform member for Souris—Moose Mountain, the short title of which is the Special Interest Groups Funding Accountability Act.

• (1130)

With this bill, organizations in receipt of federal grants would be required to report to the minister on the use made of the grant funds and the minister would table this report in the House.

The bill reminds us that our primary role as legislators is first and foremost to represent the people and not our party, and to ensure the sound management of public affairs. That is why the Bloc Quebecois supports this bill.

I remember that, soon after I was elected in 1993, the auditor general's report examined the responsibility of the various departments to be accountable for their activities. The auditor general suggested there was an urgent need to define more precisely the specific objectives and expected results of departmental programs. The auditor general wrote, and I quote: ''Parliament may wish to

consider more radical solutions to obtain more timely, relevant and reliable effectiveness information''.

The bill before us today, while far from being a radical solution, could be useful to both departmental managers and members of Parliament in determining whether grant funds were indeed spent on achieving the stated objectives. This requirement to table a report on the use made of these funds would fill the inexplicable vacuum whereby, at present, organizations receiving contributions are required to report on how their activities are funded, while those receiving grants are not.

A specific issue—and an infamous one—allowed us to show the major flaws that prevent the auditing of the actual use of public funds by the organizations benefiting from grants. This example helps us understand why, unlike the Liberal member, I feel this bill is essential to sound democracy in Canada. I am referring to Option Canada.

This organization received $4.8 million from the Department of Canadian Heritage to promote Canadian unity. That money was granted in the fall of 1995, over a 33 day period, during the referendum campaign, in contempt of the legislation on the financing of public consultations passed by the Quebec National Assembly.

Three years later, no one, including the Minister of Canadian Heritage, can tell us where that money went, money that was taken from the budget for the official languages support program. This is unbelievable. It is not known what use was actually made of that money, nor whether that investment produced the anticipated results.

In the letters accompanying the payment of millions of dollars to Option Canada, Michel Dupuy, the then Minister of Canadian Heritage, used rather protracted and trivial formulas to express his expectations, such as ''I do hope this additional grant will allow you to complete all your activities and to reach your objectives under the official languages support program''. This ''I do hope'' shows remarkable rigour on the part of a manager of public funds.

Option Canada did not submit any report and no one in the Department of Canadian Heritage expressed any concerns about the situation until the matter was reported in the newspapers and the Bloc Quebecois began questioning the minister in the House. The cat was out of the bag and the Minister of Canadian Heritage ordered an internal investigation in March 1997, one and a half years after the fact.

Even after seeing internal reports pointing out numerous irregularities in how grants were issued to Option Canada, the Minister of Canadian Heritage refused to take action. Worse still, when she appeared before the Standing Committee on Canadian Heritage in November 1997, the minister tried to conceal the truth by saying, and I quote: ''I checked to see if these funds were spent in accordance with Treasury Board regulations. It would appear that they were.''

Yet, when the minister made this statement to committee members, she had in her possession a briefing note prepared by her officials that said quite the opposite. Following a request under the Access to Information Act, the minister finally resigned herself to releasing the results of her internal investigations into the grants paid to Option Canada.

Consultant Bill Coleman was tasked with conducting the investigation and his report was explicit and devastating with respect to the lax approach and the degree to which Treasury Board regulations were followed. He established the following facts clearly: Option Canada did not fill out any form to obtain its grants; Option Canada met only two of the 22 conditions for obtaining a grant; Option Canada did not supply a piece of information as essential as the name of a person with signing authority; Option Canada did not undertake to provide a report on activities and a financial report; Option Canada did not undertake to return unused funds.

● (1135)

The Minister of Canadian Heritage did not act in accordance with the program's funding conditions and failed to follow her own procedures requiring that specific forms be completed in order to obtain a grant. It was only a matter of days before Option Canada received approval and obtained its grants, without being required to provide any justification as to how the amounts previously received had been spent.

It would appear, then, that 33 days were all that was required to receive, study, recommend and approve three grant applications totalling $4.8 million.

Finally, after several months of insistence by the Bloc and the auditor general, Option Canada was forced to produce two reports that proved to be very imprecise and fragmentary on how funding had been spent, or rather misspent.

The auditor general's conclusion on the first report, tabled in January 1998, was that it was minimal and that it could not be determined from it whether what was involved was a deficiency or a misappropriation of funds.

As for the second Option Canada report, tabled in March 1998, the Principal in the Auditor General's office reached the conclusion that, without better information, it was not possible to have any assurance that this funding had indeed been used as authorized.

In a CBC radio interview, the Auditor General of Canada went so far as to state that fraud could not be ruled out without access to all information concerning Option Canada spending.

Given the flagrant lack of political will on the part of the Liberal government to at last bring the funding and spending of Option Canada fully out into the open, doubts must still remain. According to the documents obtained under the Access to Information Act, at the time of the 1995 referendum, Option Canada was supposed to

organize VIP visits, have organizers in place, organize federalist rallies, and even purchase media space.

Allow me to review all the coincidences in this matter: $4.8 million in public funds spent in the fall of 1995 by Option Canada, made up of friends of the regime, in the thick of the referendum campaign on the future of Quebec, in order to attain the objectives of the program supporting linguistic duality. So, who was being led down the garden path? I will let you be the judge.

What are we to conclude from this adventure? That Option Canada had people like Guy Bertrand and Howard Galganov on its payroll? That Option Canada financed some of the employees or some of the activities on the no side? Did Option Canada resolve the financial difficulties of a number of friends of the regime with ties to the Council for Canadian Unity?

No one can answer these and many other questions. The Liberal government refused and still refuses to act responsibly and explain the use of the $4.8 million in public funds.

In his 1995 report, the auditor general wondered whether financial management and control were all they ought to be. He wrote, and I quote ''I believe there are good reasons for concern. My staff continue to find significant problems in financial management and control across a broad range of government operations. [—]There is increasing delegation of authority and empowerment of employees, but without corresponding accountability for financial results within organizations''.

It is high time the Liberal government moved to improve political practices and improve government efficiency. Scrutiny must not be left to officials or organizations receiving grants. It must be mandatory.

Passage of this bill will enable us to ensure that the millions of dollars of funding given out each year by the government to various organizations is really spent for the purposes intended.

[*English*]

Ms. Bev Desjarlais (Churchill, NDP): Madam Speaker, I am pleased to have the opportunity to address the bill put before the House today by the hon. member for Souris—Moose Mountain.

Private Members' Business is one of the most genuinely democratic functions in this House because it allows us to represent our constituents without partisan constraints.

I appreciate what the hon. member is trying to accomplish with Bill C-310. He is a colleague of mine on the Standing Committee on Transport. He did good work on that committee so I was surprised when I read this bill to find that it has rather obvious oversights and mistakes.

It appears that when the hon. member was drafting the bill he had a rare lapse in judgment. I wonder if he took some advice for the bill from some of his Reform Party colleagues. That would explain how the flaws came about. In any case, having carefully considered the bill before us I cannot support it.

● (1140)

As members of the House, one of our most important responsibilities is to ensure that the government serves the people of Canada effectively. To that end we must make sure that government is not bogged down in administrative and bureaucratic red tape. Reform has pushed this issue on numerous occasions.

Make no mistake, Madam Speaker. I greatly value the work that our public servants do for the country, but we must always make sure that the work we give them advances the public interest. Creating unnecessary red tape is an unproductive waste of society's resources. That is what this bill would do. It would create unnecessary red tape.

The bill would require every charity receiving federal funds to file an annual report to Parliament to show how these funds were used. In principle that sounds fine and dandy but think of the cost of implementing such a scheme.

First, the charities themselves would have to devote more of their resources to accounting for where every penny of their federal funding goes. This might be possible for larger charities like the United Way, but what of the smaller ones? Many charities, including many food banks, are run by just a few dedicated volunteers. And in these days in Canada under this government we have needed more and more food banks.

These people give so much of themselves already. Many have to fill out reams of forms just to apply for a little federal funding to keep them afloat. It is hardly fair to expect them to fill out even more forms.

Regardless the size of the charity, whether it is the United Way or the local priest who hands out winter boots to underprivileged children, all this time and energy spent doing even more paperwork for the government would be better spent carrying out their charitable work.

Not only would this bill be an unnecessary drain on charities, it would be an unnecessary drain on the government itself. Think of the bureaucracy it would take to process the reports. Knowing the current Liberal government, the funding for this bureaucracy would come from existing budgets. Public servants, many of whom are still waiting for the pay equity they are entitled to by law, have been denied by 14 years of government stalling tactics. They would have to add this new paperwork to their workload. This would mean fewer resources devoted to health care, fewer resources

devoted to getting EI cheques out on time, just to process these redundant charity funding reports.

I say these reports are redundant because the various government departments and agencies that dole out the grants and loans already serve the function of holding them accountable. If they do not see results, they can simply discontinue funding. Since this mechanism is already in place to make sure public funds are not wasted, the extra expenditures called for in this bill are unnecessary.

As if this bill did not waste enough resources, it would then require each report to be tabled in the House of Commons. I cannot even fathom a guess as to why the hon. member for Souris—Moose Mountain included this in the bill. Why would he not just have the Treasury Board publish and release the reports? Why bog down the House by tabling financial reports when it should be debating issues that matter to Canadians? It makes no sense.

Another thing that I question about this bill is its name. I know the naming of a bill is not important in how the bill functions. For instance, 20 years ago the government passed a bill called the Canadian Human Rights Act. One would think that an act with such a name would guarantee Canadians their fundamental human rights. But this has not prevented the current Liberal government from trampling on the human rights of Canadians by brutally cracking down on a peaceful democratic protest at the APEC summit, or by denying female public servants equal pay for work of equal value. So clearly the name of a bill has little relevance.

Nevertheless the name of a bill can offer insight into what its writer is thinking. I wonder what was going through the mind of the hon. member when he called this bill before us the Special Interest Groups Funding Accountability Act.

Clause 2 of this bill specifies that it only applies to groups or individuals who receive public funds for charitable purposes. From this I can only conclude that the hon. member considers charities to be special interest groups. He does not seem to understand what a special interest group is: a group that works to further its own interests.

Charities on the other hand do not fit that definition. Instead of serving themselves, they exist to serve others. They provide countless valuable services to society from meals on wheels for shut-ins to emotional support for cancer victims and their families.

I for one have experienced some of the things the member talks about. After the last federal campaign there was a rumour that the Reform candidate had received some funding from a group that was receiving government funding. But I am not willing to sell out the work that the charities do for the sake of one person or one organization that may not be doing things accordingly.

I would like to conclude by thanking the hon. member for bringing this bill before us today. Although the bill is flawed and redundant I appreciate and agree with his sentiments that there should be greater accountability for the spending of public funds. However, it is not the charities that need to be watched more closely, it is real special interest groups like corporations.

• (1145)

Today corporations receive billions in tax breaks and subsidies from the Government of Canada, yet there is no mechanism for holding them accountable for how these funds are used. Many corporations take this money but lay off hundreds of thousands of Canadians.

I urge members of the House to closely examine the tax breaks and subsidies government gives to corporations. Let us not be fooled into believing that all corporate tax breaks and subsidies are good or that they are detrimental. Some are undoubtedly used in ways to stimulate the economy while others waste monies that could go toward health care or tax relief for Canadian families.

We need to identify corporate tax breaks and subsidies that advance the public interests and do away with the ones that do not.

[*Translation*]

Mr. Denis Coderre (Bourassa, Lib.): Madam Speaker, the real purpose of this private member's bill is most likely to ensure that the best possible use is made of limited government resources. I doubt that the demanding procedure for accounting to Parliament proposed in the bill would ensure such an objective is achieved.

As members know, the program review process is in its final year. The purpose of this exercise would be to rethink the role of the State. As the President of the Treasury Board announced in 1995, the new expenditure management system will ensure that the scrutiny of government spending conducted as part of program review will now be a fixed public sector management component. The program review routine will be maintained.

We all recall that, in 1994, we did not have the capacity or the resources required to maintain the status quo, let alone deal with new issues. We had to reach a point where the role of government would be more reasonably and logically in line with its financial resources and jurisdiction.

This was achieved with program review. Every program of every federal government department and agency was reviewed. The government looked at the financing of special interest groups in particular, as announced by the Minister of Finance in his 1994 budget. This review of the financing of special interest groups was conducted as part of the program review process.

The main challenge for government in reviewing programs was determining which areas of activity to focus on and what was the most efficient and effective way of providing these services or carrying out these activities, in light of its current financial situation. In some cases, the most efficient and cost-effective was of delivering a program or service was through special interests groups.

The ministers and their officials looked after reviewing the programs of their respective departments as well as evaluating their owns programs and activities. They consulted their clients and stakeholders as required and oversaw implementation.

In developing their strategic plans, the ministers and their representatives took into account six criteria concerning their organizations. These criteria are still being used and continue to be consistent with the expenditure management system.

The program or activity should meet a certain number of criteria before there can even be any question of the government, alone or in partnership with others, such as special interest groups, becoming involved.

There is the public interest: does the sector or program activity still serve the public interest?

There is the question of the need for government participation: is the government's role in this sector or program activity essential and legitimate?

There is the question of appropriateness: is the federal government's current role appropriate, or should the program or activity be harmonized with provincial programs or activities?

There is the partnership aspect: what activities or program elements should or could be dropped completely or partially by the private or volunteer sector?

There is the criterion of increasing efficiency: if the program or activity is maintained, how could it be made more efficient?

And there is funding ability: can the government afford to maintain all the resulting programs and activities with its reduced financial resources? If not, which programs or activities will be dropped?

As part of program review, the government looked at the funding of special interest groups with a view to reducing the overall level of funding and encouraging greater reliance on funding from other sources.

The government realized that it was becoming increasingly difficult to justify funding certain special interest groups, particularly at a time when many federal programs were being dropped or curtailed.

We could not afford to keep on funding all the special interest group activities we were then funding. Under program review, special principles were developed to help departments establish an order of priority for the funding of interest groups. Departments were asked to make a distinction between interest groups offering important services to the Canadian public and those who primary purpose was defending their members' interests.

• (1150)

The feeling was that sizeable reductions in the funding for interest groups providing services to a broad range of Canadians would not be desirable, since these interest groups represent the most efficient way of delivering public services. Departmental representatives were asked to scrutinize the funding of interest groups that did not provide any essential service to a broad segment of the population.

When the funding of interest groups was being examined, departmental representatives and ministers were asked to keep in mind the following four principles: first, how much the interest group membership itself or the general public benefit from the group's activities; second, how capable the group is of finding other sources of funding; third, the intended purpose of the group's activities, and fourth, how much the groups' activities fit in with government priorities.

The government has attached great importance to program review and to a review of the funding of interest groups. The six criteria for program review still apply today, and are taken into consideration when designing new programs.

The four principles drawn up in 1994 for examining the funding of special interest groups have now become the general criteria used for determining the funding of interest groups.

The government acknowledges the significant role played by the volunteer sector and other interest groups in Canadian society. These groups may play an important and cost-effective role in the implementation of programs and services. Often interest groups perform other important functions: they bring Canadians together, they speak for those who would not otherwise have a voice, and they carry out research.

I am convinced that our process of re-examining the role of the State comprised a proper examination of the funding of special interest groups. Treasury Board has issued policies on grants and contributions, as well as statements of principle on loans and loan guarantees. These are part of an appropriate regime of accountability.

There are already proper mechanisms in place for reporting to Parliament through the estimates, departmental planning and priorities reports, performance reports and public accounts.

Implementation of the reporting structure proposed by Bill C-310 would cut across the lines of already established mecha-

nisms by which ministers report to Parliament on their programs. In conclusion, I do not support this bill.

[*English*]

Mr. Inky Mark (Dauphin—Swan River, Ref.): Madam Speaker, I stand in support of the private member's motion submitted by the member for Souris—Moose Mountain.

In the debate this morning I believe people are really missing the boat. They are getting the basic simple premise of this bill confused. I will reread the intent of this bill. The intent is that those receiving money from the government table a report on how the funds were used. In principle I do not think there is anyone in the House who would disagree with that. This is an issue of accountability.

As members of parliament we are accountable. We are accountable on how we spend our budgets and how we offer public service to the people of this country. Obviously our books are open to people all the time. I cannot understand why members in the House would disagree that any groups in this country receiving grants should be accountable for how these funds are spent.

I will give members an example of my own experience this summer. I called the National Action Committee on the Status of Women for an audit. I asked for a copy of its expenditures. Lo and behold, was I surprised how difficult it was to get a copy of expenditures for this past year. I was told I would have to go through the access to information. I did that and I am still waiting for the report. I contacted the Library of Parliament. I received a 1995-96 copy of its expenditures, but that is several years old. I can imagine what citizens of this country have to go through when a member of parliament does not have access to records of expenditures of taxpayer dollars when one needs to.

One thing I found ironic this summer was that having spoken to the media about expenditures of the national action committee, they seem to have all the figures at hand.

• (1155)

It appeared they had no problems getting the fine details but this member of parliament certainly has problems doing that.

I ask that all members of this House support this bill, certainly in principle, because it is about accountability and how money is spent by the special interest groups in this country.

Mr. John Bryden (Wentworth—Burlington, Lib.): Madam Speaker, I thank the member for Souris—Moose Mountain for putting forward Bill C-310 because he has given credit to some work I did in the past. The parliamentary secretary also gave credit to the work I did in the past on bringing transparency and accountability to special interest groups. I appreciate the support the member is giving to that issue by Bill C-310.

In my view the government did respond excellently to the report I presented in 1994. It did do the things that the parliamentary secretary said. It did bring greater transparency, greater accountability to those groups involved in contributions. It also cut back drastically on many groups that were abusing the public trust by taking money from government and spending it in ways that were not necessarily beneficial to the public interest but more beneficial to themselves and beneficial to the lobbying that many of these groups undertook.

However, Bill C-310 addresses one gap that still exists in the matter of public accountability of funds to special interest groups. That is the question of grants. I cannot speak for the government, and I rarely do, but I think one of the reasons why the government is a little reluctant to bring the same level of transparency and accountability as suggested by Bill C-310 to grant receiving organizations may have something to do with what the member for Rimouski—Mitis brought up. That is the whole question of options Canada and the suggestion that perhaps an organization like options Canada or any other organization may have been using some of the money it receives from the federal government in order to promote national unity. In the climate of the referendum the province of Quebec was looking for just that kind of opportunity to attack the federal government to suggest the federal government was interfering with the unity debate.

Bill C-310 should be supported. There is never an instance when a group should not be prepared to account for itself on how it spends money to parliament or to the ministry. If the federal government wishes to support national unity then it has my endorsement to use as much money as it wants. I am sure that everyone who is interested in national unity would want to see the government use the money. There is no reason to hide behind any special interest group.

I support and endorse this bill one hundred per cent. I also wish to acknowledge that the government did act with alacrity and efficiency on the report I presented in 1994.

Mr. Roy Bailey (Souris—Moose Mountain, Ref.): Madam Speaker, I appreciate the hon. member for Wentworth—Burlington's giving support.

The member who spoke for the NDP had things a little mixed up. Perhaps I should say mixed up a lot. Perhaps the reason why she does not want to get into this is the contributions made by interest groups that get large amounts of money from the federal government, namely the CLC. In the last two elections that party received $1.5 million out of my pocket and everyone else's pocket, taxpayer money. That is what this bill is all about. That is why this is wrong.

I am not talking about charities. The hon. member said that giving to one special interest group and not to another is unbalanced and unfair. This would change that. This government has no

right to be giving money to groups that want to influence their own thought against the will of the majority of Canadians. That is wrong. If they want to raise money let them go out and raise it themselves. There are many organizations and some of the largest organizations in Canada do just that.

● (1200)

I want to turn to what the hon. member did in his report. What people deplore is government supporting groups which exist primarily for one side or the other of the issue. That is wrong. The hon. member said it is a system that has gone sour. It is more than sour, it is rotten and it is rotten to the core.

I am glad some progress has been made in this. I am glad I had an opportunity to state my case on the private members' bill. In closing I would like to move a motion to have unanimous consent to make this motion votable.

The Acting Speaker (Ms. Thibeault): Is there unanimous consent to make this a votable item?

Some hon. members: No.

The Acting Speaker (Ms. Thibeault): The time provided for the consideration of Private Members' Business has now expired, and the order is dropped from the order paper.

GOVERNMENT ORDERS

[*Translation*]

COMPETITION ACT

The House proceeded to the consideration of Bill C-20, an act to amend the Competition Act and to make consequential and related amendments to other acts, as reported (with amendment) from the committee.

SPEAKER'S RULING

The Acting Speaker (Ms. Thibeault): There are eleven motions in amendment on the Notice Paper for the report stage of Bill C-20.

[*English*]

The motions will be grouped for debate as follows:

[*Translation*]

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

[*English*]

Group No. 2, Motions Nos. 4, 5, 7 and 8.

[*Translation*]

Group No. 3: Motion No. 6.

[*English*]

Group No. 4, Motions Nos. 9 to 11.

[*Translation*]

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

[*English*]

I shall now propose Motions Nos. 1 to 3 to the House.

[*Translation*]

MOTIONS IN AMENDMENT

Mr. Antoine Dubé (for Ms. Francine Lalonde) moved:

Motion No. 1

That Bill C-20, in Clause 12, be amended by replacing lines 20 to 29 on page 8 with the following:

''12. (1) Section 52 of the Act is amended by adding the following after subsection (1):''

Motion No. 2

That Bill C-20, in Clause 12, be amended by replacing lines 26 and 27 on page 8 with the following:

''interest, by any means whatever, make a representation to the public''

Motion No. 3

That Bill C-20, in Clause 12, be amended by adding after line 37 on page 8 the following:

''(2) Subsection 52 (2) of the Act is replaced by the following:''

Mr. Antoine Dubé (Lévis-et-Chutes-de-la-Chaudière, BQ): Madam Speaker, you were right to point out that it is the riding of Lévis-et-Chutes-de-la-Chaudière. There could be some minor confusion since my colleague is the member for Beauport—Montmorency—Côte-de-Beaupré et l'Île-d'Orléans, Montmorency referring to the falls.

But let us get back to the real issue. At first glance, Bill C-20 may seem important and interesting, but it includes some provisions that the Bloc Quebecois does not like. This is why we are proposing some amendments today.

Before explaining these, I remind members that Bill C-20 is, for the most part, patterned on Bill C-67, which had been introduced in the House before the election. That bill died on the Order Paper because the Prime Minister decided to call a general election earlier than expected. Indeed, instead of waiting four years, he called the election after three and a half years. Thus, Bill C-67 died on the order paper.

● (1205)

The bill was reintroduced last fall, and we had to start the whole legislative process over again, including committee work. We

again heard witnesses, such as representatives of the competition bureau and those of business people and consumers. A lot of people have noted that the legislative process can be lengthy, for all governments, but especially for the Liberal government, which preferred to call an election rather than continue its legislative work.

That said, I think it is high time we legislate deceptive telemarketing. We must be very careful. We do not want to prohibit telemarketing here. In this technological and communications era, it is a modern, practical and efficient tool. But over time, some people have come to use it to make fraudulent sales over the phone or by some other means.

For example, in its bill, the government neglected to include the word ''Internet'', but we will talk about this later. In our opinion, it really must be included in this bill.

The United States recognized the problem much earlier than did Canada. Some organizations are talking of losses of $40 billion for individuals. So this a significant phenomenon.

In Canada, the same groups are citing a figure of $60 million, probably because they have not managed to grasp all the ramifications of the problem. Deceptive telemarketing occurs not only nationally, but internationally. It is therefore not limited by borders. One reason this is the case is the reduction in long distance costs. Telephones are now available reasonably everywhere.

At first glance, going after deceptive telemarketing appears to be a good thing to do. Everyone agrees, including the members of the Bloc Quebecois. However, the government's approach seems paradoxical, to say the least. It wants to criminalize deceptive telemarketing, that is make it a new crime, and yet the bill talks of decriminalizing the penalties. That strikes us as paradoxical.

There are other paradoxes as well. Apparently to speed up the process, there is a series of fines. So then the matter becomes civil. Quebec's civil code differs from that of the rest of Canada. Quebec has many provisions regarding the whole consumer protection question. It even has an agency that deals with the issue on a specific, ongoing basis. But, in its wish to improve controls that should already have been improved, the federal government is using this bill as an excuse to interfere in provincial jurisdiction. As we have agreed, however, we will not focus on this exclusively.

What we are less happy about, though, is the manner in which the government is attempting to regulate this area. On the one hand, it wants to give the Competition Bureau's director, whom we shall henceforth call the commissioner, quite a few more powers than he previously had. He will now have sole authority for making decisions that used to be made by a bureau, following hearings, in consultation with commissioners who examined the issue with him.

• (1210)

Now the director, or the future commissioner administering the Competition Act, can act alone, but must give those who will be charged 48 hours' notice. Another paradox is that the bill allows companies who are breaking the law to negotiate an out-of-court solution before any hearing takes place or any ruling is made.

In our view, section 52 of the old Competition Act was preferable. The measures being introduced in Bill C-20 are measures that weaken the legislation. It is odd that there is a desire, on the one hand, to introduce tighter regulations over deceptive telemarketing, which was not regulated at all before, while, on the other, the controls are being weakened.

I took part in the hearings of the Standing Committee on Industry and people from the Competition Bureau said that they were already looking at certain situations.

It is not surprising that we are way behind the United States as far as the financial consequences for individuals are concerned. Witnesses said: ''We could not list all the problems, but we have seen enough and it is sufficiently harmful to the disadvantaged, particularly the elderly with their savings, who are the most frequent victims.'' It is the elderly who are most often the victims of deceptive telemarketing.

People might think that the bill would offer better protection. On the contrary, we think that the bill is weakened by this provision. The means available to the competition bureau are weakened and no one in the Department of Industry has indicated that the means or resources allocated to the competition bureau will be stepped up, yet we know this phenomenon is likely to increase.

That is the reason behind our motions Nos. 1, 2 and 3. Motion No. 1 covers everything we want. If Motion No. 1 were defeated, we would certainly move on to motions 2 and 3.

We are calling upon everyone in this House to pay close attention, because this bill has huge consequences for the entire population, but particularly for the elderly, the disadvantaged, the house-bound, who are seen as a preferred target by companies or individuals involved in fraudulent telemarketing.

Not wishing to end on a sour note, I would emphasize that there are many companies involved in very honest telemarketing. Those are not the ones targeted by either the government or ourselves. There is good telemarketing, but the target here is fraudulent telemarketing.

[*English*]

Mr. Walt Lastewka (Parliamentary Secretary to Minister of Industry, Lib.): Madam Speaker, it is my pleasure to speak on

these motions today. I normally do not speak on the preamble to the motions, but it is with regret that I must.

When this bill was brought forward, the intention was to have it completed before the summer recess. However, it was the member's party that delayed it and would not allow the bill to be passed in the spring session. The first minute we were back in the House which was at 12 o'clock today, Bill C-20 was back in the House so that we could proceed with the passing of this act to amend the Competition Act. I want to make it perfectly clear that it is this government's intention to get this bill through as soon as possible, hopefully with the assistance of the other parties.

I cannot support these motions. They would effectively remove the proposed new required element of a knowing or reckless intention. They would leave the existing subsection 52(1) of the Competition Act dealing with misleading advertising and deceptive marketing practices unchanged.

• (1215)

This discussion during committee took many hours to make sure that we would have items in place in the act to protect from misleading advertising and deceptive marketing. The question of deleting the knowingly and reckless requirement was raised many times in committee. It appears to be linked to a concern that we are softening the law with respect to the deceptive marketing practice provision in the act. That is not the case.

As witnesses for the competition bureau explained during the committee hearing, this is simply not the case. The committee dealt with and accepted the mens rea requirement along with the whole balanced criminal and civil regime provided for in Bill C-20, the amendments relating to deceptive marketing practices.

To understand the reason for the change in the criminal provision and the creation of a new civil regime to deal with misleading advertising and deceptive marketing practice, it is useful to put the current regime in context. While the prohibitions against misleading or deceptive advertising have generally been effective in dealing with many aspects of this problem, the current provisions are solely criminal offences.

There are a number of reasons a wider range of enforcement mechanisms would allow more appropriate and effective responses to the variety of such conduct in the marketplace. For example, the stigma of the criminal process may encourage an adversarial response and preclude the informal and speedy resolution of many cases.

Since the 1970s several studies have suggested that criminal sanctions with a focus on punishment are an incomplete response to misleading advertising.

The consultative panel that provided advice to the director in the development of Bill C-20 also supported a dual track educational approach to deal with the problem of misleading advertising and deceptive marketing practices. In particular it supported the approach contained in this bill.

The purpose of the misleading advertising and deceptive marketing provision is to ensure that consumers in the marketplace are getting the correct information they need to make their purchasing decisions.

We believe that in most cases the civil regime will provide the most effective and efficient means to achieve that end. The availability of more efficient, flexible and effective tools such as the administrative monetary penalty cease and desist orders and publication orders should provide a more rapid and cost effective response than the criminal law. It is better protection to the consumers and will encourage greater compliance by business.

The residual criminal provision in clause 12 is being retained to deal with the most serious instances of intentional misconduct. Given the gravity of the offence it is appropriate and necessary to change it from a strict liability offence to a full mens rea criminal offence.

In conclusion, we believe that the provisions contained in Bill C-20 create a balanced and effective way to ensure that there is fair competition in the marketplace and that Canadian consumers are getting accurate information to make their purchasing decisions.

Mr. Rahim Jaffer (Edmonton—Strathcona, Ref.): Madam Speaker, I feel particularly honoured today to be making my first official statement in the House as the industry critic for Her Majesty's Loyal Opposition. I hope I can serve the Canadian people with the same integrity and common sense as my colleague from Okanagan Centre.

I am also pleased to be addressing Bill C-20, a bill that I believe will work to modernize the Competition Act. Having studied the amendments to the bill put forward by the hon. member for Mercier, it is apparent that they are certainly not without merit.

However, at this stage of debate we must decide whether these amendments warrant the delay of legislation that will among other things offer much needed protection against telemarketing fraud that is most often directed at Canada's senior citizens.

• (1220)

With respect, it is my conclusion that these amendments do not warrant the support of the House. To begin with it is my opinion that all the Group No. 1 motions should be opposed. If supported these motions would remove the words knowingly and recklessly

from clause 12 of the bill and would change the intent of the legislation.

I remind the House that part of the purpose and design of Bill C-20 is to provide a new civil law framework to deal with deliberate and flagrant telemarketing frauds. It will provide for a civil law regime that will complement existing Criminal Code protection against fraud.

The intention of the legislation is not to soften the legal approach to deceptive telemarketing, as is feared by the member for Mercier, but to allow the courts to draw the distinction between those transgressions of the Competition Act that are deliberate and those that are not. This will allow these transgressions to be dealt with more expeditiously, which will benefit immensely the Canadian consumer. For this reason I recommend to the members of the House that Motion No. 2 and the entire Group No. 1 motions be opposed.

Bill C-20 provides a much needed legal framework for the telemarketing industry. Motions Nos. 4, 5, 7 and 8 of Group No. 2 would expand the framework to include Internet communications.

It may seem tempting to share the Bloc member's belief that the legislation would better serve Canadians if its scope were broadened. In fact it appears to make perfect sense that deceptive marketing over the Internet is as fraudulent and abhorrent as deceptive marketing over the telephone.

However the sections of Bill C-20 that deal with telemarketing were designed with the understanding that telephone communication involves a potential for psychological coercion that is largely absent in Internet communication. The manipulation, deceit, pressure and intimidation that unfairly mark the telemarketing industry are not as acute in Internet trade where the customer can with the simple click of a mouse make the offensive party disappear. It is much more difficult to hang up on a live voice over the phone. It is much easier to be persuaded by a deceitful salesperson over the phone than on the Internet.

Furthermore, the question of how to regulate electronic commerce is one that demands a thorough investigation. I remind the House that in October of this year at a ministerial conference this issue will be addressed in its entirety, at which point the industry committee can examine the legal and regulatory questions with greater understanding. For these reasons I recommend to my colleagues that all Group No. 2 amendments be opposed.

Motion No. 6 presented to us again by the hon. member for Mercier stands alone in Group No. 3 and, if supported, would expand the guidelines provided for telemarketers to include fraudulent claims regarding warranties and the overall performance and efficacy of a product.

My immediate concern is that the amendment would wrongly place the onus on the telemarketer to ensure that the manufacturer's product claims are accurate. While I strongly believe telemarketers must act with due diligence in their relationship with manufacturers, the quality and efficacy of the product as supported by the manufacturer's claim should be the responsibility of the manufacturer.

Section 52 of the act as amended by Bill C-20 is sufficiently broad so as to include false claims concerning warranties and the overall quality of products. For these two reasons I recommend that Motion No. 6 in Group No. 3 be opposed.

When looking at Group No. 4 amendments I would first like to address Motions Nos. 9 and 10 and then move to Motion No. 11 to conclude my speech. As many members of the House are aware, all complaints that fall under the Competition Act are investigated by the commissioner and where deemed appropriate are then placed before the tribunal.

Motions Nos. 9 and 10 would allow a private individual over the age of 18 to bring a case to the commissioner for investigation. The current procedure, however, is to insist that at least six individuals submit a complaint. This is a mechanism intended to help to ensure against frivolous and vexatious submissions to the commissioner.

If a consumer has a complaint that he or she believes involves a violation of the Competition Act, he or she must find five other individuals who share the opinion that a violation of the Competition Act has occurred. This is not an unreasonable demand to place on the Canadian consumer. By insisting that six individuals be a part of the application process to the commissioner we can work to ensure that Canadian businesses are not subject to a barrage of frivolous complaints. For this reason I recommend that Motions Nos. 9 and 10 in Group No. 4 be opposed.

• (1225)

Motion No. 11 is one that I strongly considered supporting. I think the intent of the motion was to give Canadians direct access to the tribunal, thereby removing a barrier to communicating the needs of consumers.

The motion would allow a single individual to bring a matter directly before the tribunal removing the direct involvement of the commissioner. While I would normally support an initiative that would allow citizens direct access to this court, this motion unfortunately maintains the insistence that a single individual can bring a case to the tribunal instead of the six individuals currently required. For the same reasons I opposed Motions Nos. 9 and 10 I must also oppose Motion No. 11.

I recommend to all members of the House that the 11 motions put forward by the hon. member for Mercier be opposed. Canadians have for too long gone without adequate protection against

telemarketing fraud and this legislation should do much to provide that protection.

Mr. Jim Jones (Markham, PC): Madam Speaker, I will restrict my comments to the amendments proposed by the Bloc in Motions Nos. 1, 2 and 3. I believe we will have additional time to talk to the other amendments later.

I appreciate the opportunity to speak to these motions which deal with a fundamental component of Bill C-20. The component is an effort to move many issues of corporate non-compliance out of the realm of criminal courts and into a civil resolution mechanism.

This is a practical solution that achieves several goals. First and foremost it reduces the cost of moving a corporation into a position of compliance. Second, it creates a more positive environment for dispute resolution. Third, it is a time efficient approach to an issue that has all too often seen disputes dragged out for excessive periods of time.

It is not necessary for me to emphasize the exorbitant costs of criminal proceedings. For that purpose, except for the most egregious situations the goal of Bill C-20 should be to make corporations conform. The bill in its form does this. The bill should also assist in lessening combative relationships between the competition bureau and corporate Canada.

Critics may claim that this is a watering down of present legislation. The Progressive Conservative Party does not see it that way. In fact quite the opposite is true. What we will achieve is successful compliance in a cost effective and time efficient manner.

This is an enlightened and reasonable approach to legislation. For that reason we cannot support the proposed amendments by the Bloc.

Mr. Chris Axworthy (Saskatoon—Rosetown—Biggar, NDP): Madam Speaker, unlike the last speaker I do not think we should be watering down the competition legislation that we have in Canada. We do not have very tough competition legislation as it is and I think it is important that we maintain close scrutiny over the competitiveness of our marketplace.

It seems to me to be at the cornerstone of the way in which we are to protect consumers and the way we are to create a dynamic economy in the country.

With regard to the specific measures proposed by the Bloc Quebecois, it is important to ensure that there are not easy ways out of misleading representations on the part of corporations. Not only does that harm consumers when they are tricked into buying goods or services that are not as they were represented to be, but legitimate, honest and decent businessmen and women competing with those deceptive businesses suffer losses as well.

We want to ensure that a whole range of options is available to the Government of Canada, to the competition bureau, to ensure that we have vigorous competition in the various marketplaces across the country. Consequently I think it is important to be quite specific about what we expect businesses to do and we need to require them a rather greater standard of care than the government is suggesting here.

• (1230)

It is not surprising that the Liberal government and the Progressive Conservative Party would want to respond to the difficulties businesses face in trying to keep themselves honest and straight with consumers. After all, they receive considerable support from all businesses, those who might be misrepresenting statements as those who are being perfectly above board.

I think we have to call businesses to account to make sure that they actually pay some attention to what they say. I might call attention to the whole raft of letters people may be getting from Reader's Digest and Publishers Clearing House. In the letters, on the envelopes and all across these things they say one has won hundreds of thousands of dollars when quite plainly one has not.

We might say that's a load of nonsense and throw that into the garbage but plainly Publishers Clearing House and Reader's Digest would not be distributing that kind of promotional literature were it not persuasive to some consumers in the marketplace.

In this context it seems to me with these changes Reader's Digest, Publishers Clearing House and others like that would be even freer to distort the marketplace, even freer to gyp honest, hardworking Canadian citizens.

Rather than weaken these provisions I think we should be toughening them. We should be moving toward tougher competition legislation, not because it is hard on business but because it is good for business and it is good for Canadians.

Mr. Gurmant Grewal (Surrey Central, Ref.): Madam Speaker, it is nice to see you and all other members in the House after the summer vacation. I have been looking forward to the opening of the session to hold the Liberal government accountable. But today in the next 10 minutes I will be kind to it.

I rise on behalf of the people of Surrey Central to speak against the proposed Bloc amendments to Bill C-20, an act to amend the Competition Act and to make consequential and related amendments to other acts.

The official opposition supports this bill. We agree with the objective of this bill. My colleague from Edmonton—Strathcona, our new industry critic, has very eloquently expressed our support for this bill.

When the bill was introduced in the House earlier the Reform Party put forward certain amendments to the bill before we could support it. The government has accepted all those amendments. Therefore we approve of the efforts by this government to modernize the Competition Act.

The Reform Party supports vigorously measures to ensure the successful operation of the marketplace. This includes promoting competition, competitive pricing and strengthening and vigorously enforcing competition and anti-combines legislation. We support severe penalties for collusion and price fixing. In a competitive marketplace which serves the consumer well, it is reasonable to expect freedom from deception or collusion or any other anti-competitive practice that would inhibit the successful operation of the marketplace.

I can deal with the four groups of amendments as a whole because the official opposition opposes all four groups of amendments. In Group No. 1 the first motion and the third motion are unnecessary. They only seek to change the structure of the bill and do no affect the contents of the bill. Motion No. 2 would change the intent of the bill by removing the words ''knowingly'' and ''recklessly''. The motion would counter the creation of the new civil law framework meant to deal with deliberate and flagrant telemarketing frauds.

The second group of amendments would expand Bill C-20 to include Internet communications.

• (1235)

Bill C-20 is aimed at addressing the telemarketing industry. This bill will also address the potential psychological coercion during person to person telecommunication or telephone conversations. The Bloc amendments do not account for the fact that the same level of coercion recognized in telephone communications is not present in Internet communications.

Internet communications allow one to simply point and click in order to delete and put an end to this solicitation, whereas person to person live communication is not as easy to terminate. It is more interactive. No doubt there is a need for some rules to be applied to Internet communications. We can appreciate what the third party in the House intends to accomplish with Motions Nos. 4 through 8.

Bill C-20 is not the appropriate vehicle and cannot accommodate the inclusion of Internet communications. In the third group of amendments, Motion No. 6 would include a prohibition against offering a statement, warranty, guarantee of performance, efficacy or length of life about the product without adequate and proper test thereof. This amendment wrongly places the onus on the telemarketer to ensure that the service provider or manufacturer claims are accurate. While telemarketers must act with due diligence in their relationship with the manufacturer or the service provider about the quality and efficacy of the product or the service as supported by the manufacturer's claim, it should be the responsibility of the manufacturer and not the telemarketer.

The legal framework provided in the bill offers enforceable guidelines for professional conduct among telemarketers. Furthermore, section 52 as amended by Bill C-20 is reasonably broad so as to include false claims concerning warranties, et cetera.

In Group No. 4, Motions Nos. 9 and 10 ask that a single private individual over the age of 18 be allowed to bring a case to the commissioner for investigation. The current procedure requires that at least six individuals submit a complaint. This is a mechanism to help to ensure against frivolous and vexatious submissions to the commissioner. All complaints that fall under the Competition Act are investigated by the commissioner and, where deemed appropriate, are placed before the tribunal.

Motion No. 11 requests that a single individual be allowed to bring a matter directly before the tribunal, removing any direct involvement of the commissioner. Again, it is more desirable to have all complaints that fall under the Competition Act investigated first by the commissioner and then, where deemed appropriate, placed before the tribunal.

The purpose of this bill is twofold.

Mr. Jim Jones: Mr. Speaker, I rise on a point of order. I believe we are to be talking on this go around only on the first three amendments. I notice the last two speakers have been covering all 11 amendments put forward by the Bloc. We should be addressing only the first three.

The Deputy Speaker: The hon. member for Markham is quite correct. The debate before the House is on Motions Nos. 1, 2 and 3 which have been grouped for debate. I believe there are other groupings that will be debated later.

Perhaps hon. members can confine their remarks to the motions before the House.

Mr. Randy White: Mr. Speaker, I rise on the same point of order. It must be remembered that individuals speaking to these particular issues can do so as they feel it affects the particular grouping. I do not think the hon. member should be so stringent as to suggest that they are not dealing specifically with those groups.

The Deputy Speaker: Occasionally there is reason to believe that discussion of other groups is relevant to the discussion of the group currently under debate in the House. It is also fair to say that general comments about other aspects of the debate are generally not permitted in the debate on a specific group of motions. I have indicated that. In any event, I am sure the House will want to hear what the hon. member has to say. He will now want to resume.

● (1240)

Mr. Gurmant Grewal: Mr. Speaker, the nature of the amendments is such that we could group them and discuss them in that manner but I appreciate your comments.

The purpose of this bill is twofold, to modernize the Competition Act and to respond to a changing business and enforcement environment by increasing efficiency in the administration of the act. In principle this bill deals with deceptive marketing and deceptive telemarketing. It makes criminal prohibition broader and more flexible. It streamlines the approach to merger reviews. One good thing about how this bill addresses deceptive marketing is that it will create efficiency by allowing civil offences to be addressed without lengthy court delays.

New provisions under Bill C-20 will address deceptive telemarketing practices. For example, in selling lotteries, gambling or vacations to our senior citizens, some telemarketers sell emotions and they defraud them. But high pressure selling tactics are addressed through this bill by requiring telemarketers to give fair and reasonable disclosure of information at the beginning of each telephone call. This includes the identity of the company, the purpose of the communication, the nature of the product or the business interest, the price, any material restrictions and so on. This is particularly important because more businesses like banks, credit unions, airlines, et cetera, are expanding their call centres.

This bill addresses streamlining the merger process. Under the current legislation the requirement for information is very broad and not necessarily efficient or effective. The amount of information required will depend on the complexity of the merger. The government will have time to examine the critical merger proposal thoroughly. For example, there is the controversial merger of the Royal Bank and the Bank of Montreal.

Many of us are experienced in receiving junk mail certificates that grant us millions of dollars. Some fraudulent businesses grant winning prizes while they ask for money in advance for shipment, et cetera, and keep the money. We have to stop all these practices. We must address these unfair practices and ensure fair competition. That is what all members of the House should be doing. We should work toward fair competition in the marketplace.

The official opposition believes in a competitive market arena that serves consumers well. It must be free of deception, collusion or any anti-competitive practice that inhibits its successful operation. On behalf of the people of Surrey Central and other Canadians, in particular senior citizens who need immediate adequate protection against telemarketing fraud, I will be voting in support of Bill C-20. I will have to vote against the amendments we are considering today.

Mr. Dennis J. Mills (Broadview—Greenwood, Lib.): Mr. Speaker, I begin by complimenting the Parliamentary Secretary to Minister of Industry and the minister for these amendments to the Competition Act. Especially in the area of telemarketing scams, one cannot believe the amount of damage and harm being caused in this nation to many of our seniors. This is the type of bill I am sure all parties would want to put through the House as fast as we can. I am sure there is not a member in the House of Commons who has not had a phone call from a son or a daughter of a senior citizen to try to get us as parliamentarians to amend the Competition Act to provide not just the Competition Bureau but the various police forces in Canada with the necessary tools that will enable them to do their jobs in shutting down these deceptive telemarketing scams.

● (1245)

My understanding is that the amendments the minister and the parliamentary secretary have brought forward provide for a new criminal offence for deceptive telemarketing, much stricter disclosure requirements, a more effective and quicker resolution for misleading advertising and deceptive practices, and an investigative tool that will allow the police forces to close in on the organizations that are using these price-fixing, bid-rigging and deceptive telemarketing systems.

We sit here and draft legislation on a continual basis, but sometimes we forget the human factor that generates the legislation we are drafting. In the case of these telemarketing scams that deal mostly with senior citizens, I am sure we all realize that very rarely will a senior citizen call his or her MP and say ''I have been had'' because most of the senior citizens who are victims of these telemarketing scams feel embarrassed that they have been had.

In fact there are incidents, and I have heard this from some of my own constituents, where sons and daughters go into their parents' homes and suddenly see different items, such as paintings, rubber boats and different sorts of trinkets. They will ask their mother or father where they got these things and the parents will slough it off. The parents do not want to tell because they feel embarrassed. It is almost an inadvertent experience that it will be discovered that the senior citizen is being had by these vicious, deceptive telemarketing scams. God only knows the thousands and thousands of senior citizens who are victims who may not have living children. We never hear about those cases.

I do not want to take up a lot of the House's time on this issue today, but I do want be on the record as being forcefully supportive of Bill C-20 which will amend the Competition Act. I urge all members of the House to push this through in a speedy way so that the various enforcement agencies can shut down these operations which are active in every province of our country.

Mr. Jim Pankiw (Saskatoon—Humboldt, Ref.): Mr. Speaker, I would like to preface my remarks today by commending the hon. member for Kelowna for the job he did as the chief industry critic in our last session. I would also like to congratulate the hon. member for Edmonton—Strathcona who took over where the hon. member left off as the chief industry critic. I am sure he will do just

as good a job. I look forward to working with him over the course of the next year.

In keeping with the request of the hon. member for Markham, I will restrict my comments to the group 1 amendments. All I really have to say is that I oppose the amendments.

● (1250)

This bill will maintain the criminal prosecution of deceptive marketing practices, but in less serious cases, for example where an individual or a corporation is unaware of the law, there will be an opportunity to deal with those cases through fines, through cease and desist orders or by means of information notices. That is preferable because it just provides much more flexibility in dealing with those types of cases.

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

[*Translation*]

The Deputy Speaker: The question is on Motion No. 1. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The recorded division on Motion No. 1 stands deferred.

[*English*]

The recorded division on this motion will also apply to Motion No. 3.

[*Translation*]

Mr. Antoine Dubé (for Mrs. Francine Lalonde) moved:

Motion No. 4

That Bill C-20, in Clause 13, be amended by replacing line 16 on page 10 with the following:

''means the practice of using the internet or interactive tele-''

Motion No. 5

That Bill C-20, in Clause 13, be amended by replacing line 26 on page 10 with the following:

''internet or telephone communication, of the identity of''

Motion No. 7

That Bill C-20, in Clause 13, be amended

(a) by replacing line 40 on page 11 with the following:

''must be made during the course of an internet or a telephone''

(b) by replacing, in the English version, line 3 on page 12 with the following:

''was not requested during the internet or telephone com-''

Motion No. 8

That Bill C-20, in Clause 13, be amended by replacing lines 41 and 42 on page 11 and lines 1 to 4 on page 12 with the following:

''communication.''

The Deputy Speaker: The hon. member for Lévis-et-Chutes-de-la-Chaudière.

Mr. Antoine Dubé: Mr. Speaker, in fact, it is still the riding of Lévis, except that, in one of the last bills we passed before adjourning for the summer, ''Chutes-de-la-Chaudière'' was added in recognition of the fact that it makes up half the federal riding of Lévis. In fact, Chutes-de-la-Chaudière is a separate provincial riding and there is even a regional county municipality by that name. That is why this change was made. We will get used to it. This is not so bad considering that some of my fellow MPs represent ridings with four names. Chaudière Falls are the most beautiful in the world after Niagara Falls.

The various proposals made in connection with the motions in Group 2 relate essentially to the word ''Internet''. We feel the government was mistaken in not including the word ''Internet'' in this bill. After all, the Internet and telemarketing may be considered closely related since more and more people are connected to the Internet at home, and companies readily use the Internet to promote and, if possible, sell their products.

What we are talking about here, of course, is fraudulent telemarketing. We cannot and should not prevent companies from conducting operations that are conducted properly, honestly and efficiently, but it seems to us that not mentioning the Internet in today's context is a serious mistake. That is why we stress the word ''Internet'' in each motion in this group.

● (1255)

There is also a notion which we did not have time to really examine earlier, but which is essentially the basis of the speech made by the parliamentary secretary. I am referring to the word ''knowingly''.

How can we prove that someone does something knowingly? The legal provisions that deal with this issue are often challenged in court.

I am not trying to be funny, but are we going to rely on a lie detector to determine whether someone did something knowingly? A company employs a number of people. The manager may do something knowingly, but is it also the case for the employees? This is very much a grey area. I think a better definition is in order.

In our opinion, section 52 of the Competition Act was more precise and included the word ''knowingly''. I think that the government and the other parties have good intentions. Everyone is in favour of combatting fraudulent telemarketing. No one can oppose virtue. However, if an act or a provision can be legally challenged because it is very difficult to prove someone's intentions, we could end up with a strange and paradoxical situation in that we may not be able to do what we sought to do because the legislation cannot be enforced.

In the five years that I have been here, a number of members have dealt with the question of what constitutes good legislation. We all know that an act must be fair and equitable, but we must also determine whether it is enforceable.

If the best legislation in the world cannot be enforced, it will be useless. All of us in the House of Commons and all those involved in the legislative process want to make a useful contribution. We want our work to produce results. We do not want to take futile measures.

This is what we are concerned about. This is why the Bloc Quebecois feels that the word ''knowingly'' should be removed, since that notion is impossible to prove. We are not trying to oppose this legislation, but to improve it and make it even more effective, more enforceable. We must try to make it easier to enforce.

As for the Internet, I think it goes without saying. As we approach the new millennium, I do not think there is any need to demonstrate that this means will be used increasingly. Many companies will do business through the Internet. This is already possible, but it will be done on a larger scale. The purpose of the amendments in the motions in group 2 is to add the word ''Internet''.

[*English*]

Mr. Walt Lastewka (Parliamentary Secretary to Minister of Industry, Lib.): Mr. Speaker, Motions Nos. 4, 5 and 7 would effectively add the Internet communications, even where they were not interactive, to the ambit of the provisions covering deceptive telemarketing. The Internet issue was raised and dealt with by the committee, which accepted Bill C-20 wording. The telemarketing provisions are designed to focus on the use of abusive, high-pressure tactics during interactive telephone communications where the victims are vulnerable and have little time to reflect on the proposal.

The member for Broadview—Greenwood has expressed many times in the House the concern about the high-pressure tactics that are used on senior citizens, and we heard that again this morning. These particular problems do not apply to the Internet and for that reason, it is not appropriate to include the Internet in section 52.1.

● (1300)

Representations made over the Internet and by means of electronic commerce are subject to the same laws as other representations and would be covered under the Criminal Code and section 52 and the proposed section 74.01 of the Competition Act.

In fact, the Competition Bureau has already had some success in relation to pursuing Internet situations under section 52. We believe that the Internet issues are most effectively dealt with by the co-operative enforcement initiatives at the international level. These are being actively pursued.

It is too soon to tell what competition problems may arise in relation to the Internet. This situation will be kept under review for further amendments as and when necessary. This discussion was held at the industry committee.

Motion No. 8 would remove the possibility for legitimate telemarketers to streamline their business by providing all the necessary information concerning their product to the customer by some other means, for example by direct mail or in a catalogue prior to the telephone call. Customers may also appreciate or even prefer the savings on their time if the required information is provided in some written form ahead of time.

I have difficulty supporting this motion. The existing disclosure requirements in Bill C-20 are tailored to elicit a reasonable level of disclosure while balancing the burden to be placed on legitimate telemarketers. I must emphasize that we do have legitimate telemarketers.

This proposal does not benefit consumers significantly if at all, but could significantly increase the burden on business. It is for that reason we speak against the motion.

Mr. Rahim Jaffer (Edmonton—Strathcona, Ref.): Mr. Speaker, I got a little ahead of myself this morning. I wanted to speak against all these motions saying that they were not good for this bill. Now I am able at least to address Motions Nos. 4, 5, 7 and 8 once again to say how I believe that this is not going to help the competence of this bill in any way. They should be opposed.

Bill C-20 provides a much needed legal framework as we know for the telemarketing industry. Motions Nos. 4, 5, 7 and 8 of Group No. 2 would expand this framework to include Internet communication.

It may seem tempting to share the Bloc member's belief that this legislation would better serve Canadians if its scope were broadened. In fact it appears to make perfect sense that deceptive marketing over the Internet is as fraudulent and as abhorrent as deceptive marketing over the telephone.

However the sections of Bill C-20 that deal with telemarketing were designed with the understanding that telephone communication involves the potential for psychological coercion. That is largely absent in Internet communication.

The manipulation, the deceit, the pressure, the intimidation that unfairly mar the telemarketing industry are not as acute in Internet trade where the customer can, with the simple click of the mouse, make the offensive party disappear. It is much more difficult to hang up on a live voice over the telephone and it is much easier to be persuaded by a deceitful salesperson over the phone than on the Internet.

Furthermore, the question of how to regulate electronic commerce is one that demands a thorough investigation. I would like to remind the House that in October of this year at a ministerial conference this issue will be addressed in its entirety, at which point the industry committee can examine the legal and regulatory questions with greater understanding.

For these reasons I would recommend to my colleagues that all of the Group No. 2 amendments be opposed.

As we know, telemarketing scams hurt the poor and the vulnerable. Senior citizens are less reliant on the Internet and this therefore is not a pressing issue. Rather than confusing this part of the bill to add the Internet regulation, I think it is important that we just deal specifically with the telemarketing industry.

I would like to commend Industry Canada on this initiative. It deserves our support. Trying to add motions to this part of Bill C-20 would just complicate the issue further.

• (1305)

Mr. Chris Axworthy (Saskatoon—Rosetown—Biggar, NDP): Mr. Speaker, I do not think adding the word Internet to this particular provision in a number of places complicates matters very much.

At the OECD the government, along with the secretary general who is a Canadian, is aggressively pursuing the very question of Internet commerce and how we deal with the abuse of it and how we deal with fraud on the Internet. We are still in the relatively early stages in dealing with the protection of the interests of Internet users in this regard. We are still not sure that secrecy and confidentiality can be fully observed but we are moving in that direction.

To suppose that there is less pressure upon the users of the Internet, the kind of pressure that we have seen forced particularly on older people to send large amounts of money to telemarketers is open to debate. It is not clear to me that the pressure is any less pressing, that we should not respond by adding the Internet in the context of telemarketing. We are talking about a fairly new type of commerce, a new type of interaction, a new type of communication and a new type of media. To walk away from the problems that are already on the Internet and the problems that we can easily foresee seems not to be wise.

I congratulate the member for Lévis-et-Chutes-de-la-Chaudière for adding the provision relating to the Internet and for drawing attention to the implications of the potential for fraud or coercive activity, for misleading representations which persuade people to engage in commerce on the Internet.

With regard to the government's commitment at the OECD level, it was odd that it would not also provide some sort of commitment locally. What does it say about its commitment at the international level that there is no provision within a piece of national legislation which is presently before the House, that the government has left it out altogether.

It is important to draw attention to this question to consider the Internet and the abuse of the Internet in not a very different way than the abuse of telephone marketing. It would be useful if we ensured that our competition policy was up to date to the extent that it was dealing with the way in which commerce is being carried on in the country today. More commerce will be dealt with over the Internet, so we had better get organized to do something about it and not wait until we find out whether or not it is more or less coercive, whether or not it is worse, or whether or not it tricks more people because we know the potential is there.

I urge that we support this provision and not in the words of the member for the Reform Party see it as something terribly complicated. It does not look very complicated to me.

Mr. Jim Jones (Markham, PC): Mr. Speaker, the Internet is very important but in this particular case it deserves special discussion and more public consultation with the people involved in it.

My party will not support Motions Nos. 4, 5, 7 and 8. These are very troubling amendments in that they seek to put a certain level of regulation on the Internet in what can only be referred to as a haphazard attempt. There are questions to be answered and maybe we should be looking at ways to protect consumers on the Internet. It needs to be done in a thoughtful manner with greater public involvement. To do so in a reckless manner would be a disservice to the legislation and to all Internet users. We only need to look at

our southern neighbours and their unsuccessful attempts at regulation of the Internet.

● (1310)

This is an issue where the public demands to be heard. No matter how well intentioned this amendment may be, we have not as parliamentarians had an opportunity to study all the potential impacts. Let us not deviate from our primary purpose with this Bill C-20. It is designed to deliver a crushing blow to fraudulent telemarketing.

While it is true that electronic commerce via the Internet is growing in an exponential fashion, it does not constitute the same insidious risk that telemarketing does. Professional telefraud artists know how to seek out the most vulnerable in our society. These slick individuals are more adept at defrauding the aged and the lonely merely by building a degree of empathy over the telephone. In this type of situation the victims, like most Canadians, do not wish to be rude and hang up on the caller.

No such situation exists on the Internet because one always has the opportunity to delete or to back page or just turn off the computer. The Internet is necessarily a colder, more impersonal means of communication. It lacks the necessary characteristics to create trust and empathetic relations.

While I respect the intention of my hon. colleague's amendment, let us seize this opportunity to handle one situation at a time. At this time our priority must be telemarketing fraud.

Mr. Gurmant Grewal (Surrey Central, Ref.): Madam Speaker, earlier I addressed the four groups together. Now we are on Group No. 2 of Bill C-20.

Industry Canada deserves our support for this particular initiative. We recognize that Bill C-20 is very important and some of the amendments are pretty good. The thing here is we are fighting against a timeframe and while we are against a timeframe, fraudulent telemarketing is hurting the most vulnerable and very poor in our society. It hurts people who cannot defend themselves against these marketing scams.

For example, our senior citizens are the hardest hit category in this particular scam. We all know that deceptive telemarketing hurts honest people and those telemarketers mar the whole industry. Senior citizens are less reliant on the Internet at this time. We know that Internet is coming up very fast. We know therefore it is not pressing at this time. The amendments in this bill should have been passed yesterday because every day telemarketing scams are hurting vulnerable seniors.

Canada's high tech economy will become Internet dependent one day. The time will come when we have to address this issue. I agree 100% the Internet must be regulated. It must be regulated in a way that allows commerce to flourish and consumers to be protected. This matter will be addressed at a ministerial conference in October, and the industry committee will be addressing this particular issue. This issue should be studied at the steering committee.

The second group of amendments will expand Bill C-20 to include Internet communications. Bill C-20 is aimed at addressing the whole telemarketing industry itself. This bill will address the potential for psychological coercion during personal telephone communications. High pressure telemarketing sales people try to sell their programs and services. It is difficult for senior citizens to hang up sometimes.

The Bloc amendments do not account for the fact that the same level of coercion recognized in telephone communications is not present in Internet communications. Internet communication allows one to simply point and click with the mouse in order to delete and put an end to the solicitation.

● (1315)

Person to person voice communication is not as easy to terminate because it is more interactive. No doubt there is a need for some rules to be applied to Internet communication, but, as I said, this issue should be resolved later so that we can give adequate protection to our senior citizens who are vulnerable to these telemarketing scams.

I will therefore oppose the particular set of motions in group 2. I do not think there is a member in this House who does not support this bill. We should get on with passing this bill so that those people can be protected.

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

Some hon. members: Question.

[*Translation*]

The Acting Speaker (Ms. Thibeault): The question is on Motion No. 4. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Ms. Thibeault): The recorded division on Motion No. 4 stands deferred.

The recorded division will also apply to Motions Nos. 5 and 7.

Mr. Antoine Dubé (for Mrs. Francine Lalonde) moved:

Motion No. 6

That Bill C-20, in Clause 13, be amended by adding after line 4 on page 11 the following:

''(a.1) make a representation to the public in the form of a statement, warranty or guarantee of the performance, efficacy or length of life of a product that is not based on an adequate and proper test thereof, the proof of which lies on the person making the representation;

(a.2) make a representation to the public in a form that purports to be

(i) a warranty or guarantee of a product, or

(ii) a promise to replace, maintain or repair an article of any part thereof or to repeat or continue a service until it has achieved a specified result if the form of purported warranty or guarantee or promise is materially misleading or if there is no reasonable prospect that it will be carried out; or

(a.3) make a materially misleading representation to the public concerning the price at which a product or like products have been, are or will be ordinarily sold, and for the purposes of this paragraph a representation as to price is deemed to refer to the price at which the product has been sold by sellers generally in the relevant market unless it is clearly specified to be the price at which the product has been sold by the person by whom or on whose behalf the representation is made.''

He said: Madam Speaker, with this motion we are introducing some clarifications. Clause 13 provides:

(a) make a representation that is false or misleading in a material respect;

However, the important points are not indicated.

It continues:

(b) conduct or purport to conduct a contest, lottery or game of chance, skill or mixed chance and skill, where—

And this is where our proposal comes in.

(i) the delivery of a prize or other benefit to a participant in the contest, lottery or game is, or is represented to be, conditional on the prior payment of any amount by the participant, or

(ii) adequate and fair disclosure is not made of the number and approximate value of the prizes, of the area or areas to which they relate and of any fact within the person's knowledge, that affects materially the chances of winning;

(c) offer a product at no cost, or at a price less than the fair market value of the product, in consideration of the supply or use of another product, unless fair, reasonable and timely disclosure is made of the fair market value of the first product and of any restrictions, terms or conditions applicable to its supply to the purchaser; or

(d) offer a product for sale at a price grossly in excess of its fair market value, where delivery of the product is, or is represented to be, conditional on prior payment by the purchaser.

• (1320)

We consider these important points. This clarifies much of the bill which remains imprecise. I point out the particular context of this bill, which will give greater powers to the director of the competition bureau, to be known in future as the commissioner. This individual will be able to make decisions alone, whereas in the past there were other commissioners.

If these points are not spelled out, this person will have a difficult task. More importantly, I think that the victims of deceptive telemarketing should know when such action is considered fraudulent so they may lodge a complaint.

Our aim in making these proposals is to improve the legislation.

[*English*]

Mr. Walt Lastewka (Parliamentary Secretary to Minister of Industry, Lib.): Madam Speaker, I have difficulty supporting this motion.

As I indicated earlier when referring to the motions affecting a general criminal provision in subsection 52(1) against misleading representation, the wording of the proposed subclause 13(a) would in most cases be broad enough to capture the matters specifically detailed in the suggested paragraphs, namely: performance claims, warranties and ordinary price claims.

I also note that the wording suggested by paragraph (a.3) of this motion does not take account of the proposed new tests dealing with ordinary price claims in section 74.01, which were thoroughly canvassed, accepted and debated by the committee.

Mr. Rahim Jaffer (Edmonton—Strathcona, Ref.): Madam Speaker, I will take a few brief moments to rehash my thoughts on Motion No. 6 to amend Bill C-20 presented by the hon. member for Mercier.

This motion stands alone in Group No. 3 and, if supported, would expand the guidelines provided for telemarketers to include fraudulent claims regarding warranties and the overall performance and efficacy of a product.

My immediate concern is that this amendment would wrongly place the onus on the telemarketer to ensure that the manufacturer's product claims are accurate. While I strongly believe that telemarketers must act with due diligence in their relationship with manufacturers, the quality and efficacy of the product as supported by the manufacturer's claim should be the responsibility of the manufacturer. Furthermore, section 52 of the act, as amended by Bill C-20, is sufficiently broad so as to include false claims concerning warranties and the overall quality of products.

For these two reasons I would recommend that Motion No. 6 be opposed.

On a final note, it is not in the best interests of consumers to create legislation that will be unduly costly and cumbersome for business. My colleagues in the Reform Party have constantly argued that we need to try to create opportunities by putting less obstacles in the way of business. Being a small businessman, I know that the biggest obstacles which are usually faced are government red tape and bureaucracy. Let us look at ways to try to eliminate that and make it easier.

Motion No. 6 unfortunately goes down the road of putting obstacles in front of business. We need a balance between the protection of consumers and the freedom of business. As I mentioned earlier, I commend Industry Canada for this initiative. We are starting to see more of a direction toward eliminating bureaucracy and red tape for business. I wish that the government would follow that direction and that we would see more of this type of direction in legislation on other bills. We need to try to create more opportunities in our economy and we should all work together to try to do that.

As I mentioned, I believe it would be in the best interests of the House to oppose Motion No. 6.

• (1325)

Mr. Chris Axworthy (Saskatoon—Rosetown—Biggar, NDP): Madam Speaker, the provisions which have been recommended under Motion No. 6 are pretty standard provisions of most competition legislation and, in particular, of all legislation dealing with warranties and guarantees, basically dealing with representations made not only by someone who makes a product but also by someone who sells a product.

The warranty is a larger legal term than just the type of guarantee you get from a manufacturer for a product that is being sold, statements made about the efficacy of a product, about the standard and quality of a product and indeed about the prices at which products are traditionally being sold are not only made by the person manufacturing the product, who in this day and age is probably in another country altogether, but also by the importer, the wholesaler and the retailer.

Therefore, it is important to include a provision of this sort for greater specificity, for greater protection for consumers and for greater protection for businesses which are honest and forthright because they are being penalized by the deceptive practices of other businesses.

It is important to add this kind of provision. It is a common practice amongst most legislation of this sort. It would add extra specificity to the section dealing with telemarketing practices. It would provide an extra person, who might be responsible, to be pursued legally for damages above and beyond the manufacturer, the importer, the wholesaler and any other retailer. It seems to widen the net a bit to bring in more deceptive practices perpetrated by those businesses which are dishonest and out to cheat Canadians.

I would like to emphasize a point made by last the speaker. It is odd to suggest that a provision such as this, which would prohibit misleading representations to the public concerning the price at which things are sold, which would prohibit representations which are untrue as to the performance, efficacy or length of life of a product, with respect to a warranty or guarantee of a product with regards to repair, replacement and so on, could be damaging to business, at least damaging to legitimate business. If the member wants to protect illegitimate business that is another matter. It would be damaging to those illegitimate businesses which are out to cheat consumers and their competitors in the marketplace.

Surely we are here to present a level playing field for businesses and protection for consumers. If the hon. member looked back at other consumer protection legislation, not only in other parts of the world but throughout Canada, he would have seen that this is a very normal provision and one which would add to the protection of consumers and to the protection of legitimate businesses. It seems to me that it is in everyone's interest.

Mr. Jim Jones (Markham, PC): Madam Speaker, the Conservative Party will be opposing Motion No. 6 put forward by the Bloc.

I am pleased to have the opportunity to speak to Bill C-20, a bill that we had hoped would be expedited so as to provide our law enforcement officials with more tools in their ongoing battle with telemarketing fraud.

Recent estimates have put telemarketing fraud figures at $50 billion annually in Canada and the U.S. A quick calculation tells me that this equates to over $137 million each and every day. I ask that members pardon my frustration, but I have to wonder why we are allowing even one more day of delay on this issue.

Perhaps these amendments are reasonable. However, I believe that deceptive telemarketing provisions are already adequately addressed by legislation.

I must add that perhaps if this motion, as well as the preceding ones, had been introduced at the committee stage we would have had the opportunity to study them in an in-depth fashion. That is the purpose of our parliamentary committee work. Once again I feel that we would be slipping into an indiscriminate approach to legislation if we were to pass this motion. This could only lead to shoddy legislation, and the PC Party will not be supporting it.

• (1330)

Let us stop battling semantics and let us get on with the job of battling crime.

Mr. Mike Scott (Skeena, Ref.): Madam Speaker, when I was preparing to come to the House today to speak to the bill and to speak to the amendments, it caused me to reflect on the proper role of government in a free market economy. Reformers for the most part see this role as very limited in terms of the economy itself. We see it limited to the rule of law, freedom of contract, the enforcement of contract, the ability of Canadian companies to rely on the law to ensure that the contracts they enter into are going to be observed and that the rule of law will see that happen, and of course for the protection of consumers to ensure that no criminal or untoward actions of businesses and enterprises in the free market would be countenanced.

What we have here is a series or a successive number of governments, both federally and provincially, that have practised intervention more and more over a long period of time. In Canada we have as a result of this a distorted market at times, very much distorted when we take into account the grants and subsidies and other false inducements that government provides to the free market to try to influence it to do one thing or the other, the government's desire of the day, whatever that may be.

The other thing we see in this country is punitive taxation rates. I recently did a comparison. Take a person working in the United States and earning a salary of $60,000 a year. If that same person were in Canada and had a comparable take home pay, they would have to earn $134,000 a year when the difference in the dollar and the difference in taxation rates are factored in.

It is easy to see that Canadians and Canadian businesses are very much disadvantaged by that. The government's response typically is not to go to the heart of the matter, which is taxation and regulation. The government's response is regulate it. If it moves, regulate it, then regulate the regulations and then regulate the regulators. This seems to be the Canadian way, regulate everything in sight.

I suggest what we need is less regulation. If hon. members do not think government is intent on regulating, just consider what we are doing here today. What are we talking about? We are talking about regulating competition. While we are at it, why do we not start regulating the laws of gravity? Why not repeal Newton's laws? Why not repeal the laws of supply and demand? Government can do it. Obviously it has the power to do it. That is what the government is intent on doing.

Imagine if we tried to regulate Donovan Bailey or Wayne Gretzky and said we want you to run fast but not too fast, we do not want it to be unfair, we do not want your competition to be unduly disadvantaged. We cannot do that. Competition is competition. By the way, competition is good for the consumer. It is healthy. It sparks innovation. It causes people to look for the best way to accomplish something, whether it is building a house or a ballpoint pen. It causes anybody who is in that market scenario or that situation to look at the best way for them to participate and to draw customers to them.

What we talked about here in the House is regulating competition. I submit that the best thing this or any government can do in terms of competition is reduce regulations, stop interfering in the marketplace and abandon this punitive taxation system we have in Canada so that Canadians and Canadian businesses have more money to take home and more incentive to do what we all know needs to be done, which is create a viable, healthy economy.

● (1335)

Mr. Gurmant Grewal (Surrey Central, Ref.): Madam Speaker, we are debating Bill C-20, an act to amend the Competition Act and to make consequent and related amendments to others acts.

There are four groups of amendments put forward by the hon. member for Mercier. We already debated two groups of amendments and in the third group of amendments we are talking about various aspects of businesses, as the hon. member for Skeena has said.

In the third group, Motion No. 6 would include a prohibition against offering a statement or a warranty or a guarantee for performance or efficacy or the life of the product without adequate and proper tests thereof.

This amendment would wrongly place the onus on the telemarketer to ensure that the claims by manufacturers or service providers are accurate. Telemarketers must act with due diligence in their relationship with the manufacturer or the service provider regarding the quality and efficacy of the product or service as claimed by the manufacturer.

So it should be the responsibility of the manufacturer and not that of the telemarketer. The legal framework in the bill offers enforceable guidelines for professional conduct among telemarketers. Furthermore section 52 of the act, as amended by Bill C-20, is reasonably broad. It is sufficiently broad so as to include false claims concerning the warranty.

As the hon. member for Skeena has mentioned, we are talking about businesses. On the other side we are talking about consumers. The official opposition supports small businesses. We understand that small businesses need more opportunities because they are the ones that create 96% of the jobs in the country. But we know the red tape is too much for them. Government is always on the back of small businesses. The cost of doing business in this country is going up. Taxes are going up.

We have to create a balance between the protection of the consumer and freedom of business. It is not in the best interest of consumers to create legislation that will be unduly costly, cumbersome for business and not be hurting the fraudulent businesses.

I will be supporting Bill C-20 but opposing Motion No. 6 because senior citizens, the most vulnerable in our society, are

damaged more and more by fraudulent telemarketing scams. We have to protect them immediately against telemarketing fraud.

Mr. Eric Lowther (Calgary Centre, Ref.): Madam Speaker, I had the pleasure of being part of the industry committee that reviewed Bill C-20 at some length and had some input into our party's actually deciding to support this bill and go behind the bill. We are in agreement that it should be passed through the House as quickly as possible.

● (1340)

Why would our party support this bill? I am looking at some of the statements we put together in recommending that our caucus support this bill. With respect to this bill the industry staff has made sure that telemarketers give fair and reasonable disclosure of information at the beginning of each call. This is an important point. It must include the identity of the company, the purpose of the communication, the nature or product of the business interests, price, material restrictions and any terms or conditions that apply to delivery. Those are the kinds of things my party and I support, fair and reasonable disclosure of information and accountability throughout.

The one issue we have with this motion is that it places the responsibility in the wrong place. It is calling for the telemarketer to be responsible for the manufacturer's product claims. We are suggesting that is going a little too far. The responsibility should be in the correct place and left with the manufacturer. If the manufacturer is giving certain guarantees and warranties, that is where the responsibility should lie.

Along with this bill I encourage the House to consider some of the principles behind it. It is the desire of my party that we see the principles for the open, complete and reasonable disclosure of information, as we see in the bill and as addressed in Motion No. 6, exercised by the government.

There is an area where we have failed in reasonable disclosure of information. For a fleeting instant there was a surplus at the end of the last budget year. That surplus was applied quickly and before anyone knew what had happened to a millennium fund, billions of dollars. It is interesting that the auditor general picked up that this was not in keeping with the kinds of principles we see in this bill. The auditor general said that it is not right to expense to a millennium fund in which you have not actually spent the money but are going to spend it some years hence so you will not have a surplus today. The thrust of his comments was that it was not a fair and reasonable disclosure of information.

This is doubly tragic when we look at some of the red book promises of the Liberal Party. It said it would apply some of the surplus to debt and tax relief. Yet it took that surplus and expensed it for some future fund that is intruding on provincial jurisdiction and is going to benefit only a very small number of students. It did this so there would be no surplus and Canadians would not see debt and taxes reduced as this party has long been calling for. This debt is sucking the lifeblood out of our country.

We see the Liberals talking a little about debt and tax relief. Yet when I heard the throne speech and when I read the red book there were between 25 and 30 new spending initiatives. It is pretty hard to reduce debt and give Canadians the long needed tax break they have been crying for. Canadian taxes are the highest of the G-8 countries. In a comparison of Canada and the United States, my hon. colleague from Skeena pointed out the gross taxation in this country and what it is doing to us.

We may hear more in the House about some of the things that happened at the APEC summit which I would say are not at all in keeping with the principles in this bill. This bill tries to make sure the purpose of communication is clear. There was a situation at the APEC summit where it seemed the prime minister's office was more concerned with protecting the rights of a known harsh regime as far as human rights go. It was more concerned with protecting him and putting some of our own quiet and reasonable protesters under abuse.

● (1345)

These kinds of things fly directly in the face of the intent and the kind of principles upheld by Bill C-20.

We see the good in this bill and that is why we support its principles and precepts. Our hope would be that someday there will be a government, and I suggest it would be a Reform government, upholding these principles and precepts.

Once again for hon. members opposite, we would hope that there be fair and reasonable disclosure of information, making sure that the purpose of communication is clear, that the nature of the product or business interests, the price and material restrictions are there for all to see. That is what we call accountable government and that is what we have been calling for.

Mr. Leon E. Benoit (Lakeland, Ref.): Madam Speaker, I appreciate the opportunity to have a very short intervention in the report stage debate of Bill C-20.

Bill C-20 is an act to amend the Competition Act. The Competition Act is an extremely important act in terms of providing responsible regulation to business. Regulation is needed.

We heard the member for Skeena talk about what an acceptable role for government is in the marketplace. I certainly share his concerns.

What happens with this Group No. 3 amendment, Motion No. 6 in particular which was brought forth by the Bloc is that it really confuses this legislation beyond what is necessary.

Already the Competition Act is complex. This legislation amending the act is complex. Motion No. 6 not only would complicate it more should it pass but it also really would make it more confusing. That is the key here. It would provide improper emphasis in the Competition Act.

This amendment would provide a prohibition against offering a statement, warranty, guarantee of performance, efficacy of length of life and that type of thing about a product unless there is adequate testing done. Should this Bloc amendment pass, it would put the onus on telemarketers to provide testing that of course is the responsibility of the manufacturer. Putting this amendment forth would provide the wrong direction for this legislation.

As well, I would like to point out that section 52 of the act as amended by Bill C-20 is sufficiently broad in order to deal with and include false claims concerning warranties, et cetera. That has been dealt with already.

I believe that this motion is out of place here. It is important to consider the proper role of government. In many cases governments over the past 30 years and probably longer have tried to play an improper role and have become too involved in the marketplace in trying to unreasonably protect consumers.

I have talked to several people who have been suckered in by telemarketing fraud, in some cases by blatantly fraudulent telemarketers. The RCMP in two cases I know of dealt with this. Charges were pressed and the issue was cleared up as well as it could be cleared up. I really feel for the people who have been taken advantage of and I refer to the very elderly.

This is a concern. This is not the way to deal with it. That is important to note.

• (1350)

I will close by saying that I certainly cannot support this group. I believe that the Reform members by and large will not support this amendment, but I would like to add that we will support the bill itself.

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

Some hon. members: Question.

[*Translation*]

The Acting Speaker (Ms. Thibeault): The question is on Motion No. 6. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Ms. Thibeault): The recorded division on the motion is deferred.

Mr. Antoine Dubé (for Ms. Francine Lalonde) moved:

Motion No. 9

That Bill C-20, in Clause 22, be amended by adding after line 10 on page 23 the following:

''74.091 (1) A person, other than a corporation, who is resident in Canada and at least 18 years of age, or a group of persons, none of whom is a corporation, who are resident in Canada and at least 18 years of age may address a request to the Commissioner that the Commissioner make application for an order under this Part.

(2) The request must be in a form approved by the Minister and must include a solemn declaration containing

(a) the name and address of the person making the request;

(b) a statement that the person making the request is a resident of Canada and at least 18 years of age and is not a corporation;

(c) a statement of the nature of the reviewable conduct and the name of each person alleged to be involved;

(d) a summary of the evidence supporting the allegations in the request;

(e) the names and addresses of each person who might be able to give evidence about the reviewable conduct, together with a summary of the evidence that each such person might give, to the extent that this information is available to the person making the request; and

(f) a description of any document or other material that the person making the request believes should be considered in the application for an order and, if possible, a copy of the document.

(3) The Commissioner shall acknowledge receipt of the request and shall make application for an order under this Part.

(4) The Commissioner shall not make application for an order if the request is frivolous or vexatious.

(5) If the Commissioner decides not to apply for an order, the Commissioner shall, within 60 days after the request is received, give notice of that decision, including the reasons for it, to

(a) the person who made the request; and

(b) each person alleged in the request to be engaging in or to have engaged in reviewable conduct for whom an address is given in the request.''

Motion No. 10

That Bill C-20, in Clause 22, be amended by adding after line 10 on page 23 the following:

''74.091 (1) Any person, other than a corporation, who is resident in Canada and at least 18 years of age, or a group of persons, none of whom is a corporation, who are resident in Canada and at least 18 years of age may address a request to the Commissioner that the Commissioner make application for an order under this Part against a person who is engaging in or has engaged in reviewable conduct.

(2) As soon as possible after receiving a request under subsection (1), the Commissioner shall make application for the order, unless the request is frivolous or vexatious.''

Motion No. 11

That Bill C-20, in Clause 22, be amended by replacing lines 11 and 12 on page 23 with the following:

''74.1 (1) Where, on application by the Commissioner, by a person, other than a corporation, who is resident in Canada and at least 18 years of age or by a group of persons, none of whom is a corporation, who are resident in Canada and at least 18 years of age, a court determines that a''

He said: Madam Speaker, we brought in these motions because, as a result of Bill C-20, in future no one but the new commissioner will be able to ask the court whether someone's conduct is or has been reviewable. This leaves a great deal of power in the hands of a single person, a power that is far from commonplace, since it is the ability to convene a court in order to determine whether there has been deceptive telemarketing or advertising.

In the past, there were rules that allowed people who felt they had been unfairly treated to call upon that court.

Too much power is entrusted to this commissioner, will report only to the minister, we would remind members, and not to the House of Commons, as the auditor general does. This person is going to report only to the Minister of Industry.

The Reform members are saying that this is a complex bill and that the proposals we have just made would complicate things still further. They admit that this bill is a complex one,

When something is complex, it needs to be clarified. Some sense must be made of it. Sufficient detail must be given to allow the public to understand what it is all about, otherwise how can they organize any defence?

We would like any individual who feels he has been harmed by misleading advertising or telemarketing to be able to appeal to a court. We do not wish this to be left up to the judgment of one person who does not even report to the House of Commons, but instead depends on the power of a single minister.

● (1355)

All this has been added. I think it is worthwhile quoting them:

74.091 (1) A person, other than a corporation—

A company or an agency.

—who is resident in Canada and at least 18 years of age, or a group of persons, none of whom is a corporation, who are resident in Canada and at least 18 years of age may address a request to the Commissioner that the Commissioner make application for an order under this Part.

(2) The request must be in a form approved by the Minister and must include a solemn declaration containing

(a) the name and address of the person making the request;

(b) a statement that the person making the request is a resident of Canada and at least 18 years of age and is not a corporation;

(c) a statement of the nature of the reviewable conduct and the name of each person alleged to be involved;

(d) a summary of the evidence supporting the allegations in the request;

(e) the names and addresses of each person who might be able to give evidence about the reviewable conduct, together with a summary of the evidence that each such person might give, to the extent that this information is available to the person making the request; and

(f) a description of any document or other material that the person making the request believes should be considered in the application for an order and, if possible, a copy of the document.

(3) The Commissioner shall acknowledge receipt of the request and shall make application for an order under this Part.

(4) The Commissioner shall not make application for an order if the request is frivolous or vexatious.

If the chairman or the commissioner is of the opinion that it is frivolous, this could be dropped.

(5) If the Commissioner decides not to apply for an order, the Commissioner shall, within 60 days after the request is received, give notice of that decision, including the reasons for it, to

(a) the person who made the request; and

(b) each person alleged in the request to be engaging in or to have engaged in reviewable conduct for whom an address is given in the request.

This is a clear and precise statement that ordinary citizens can understand. This is the kind of legislation expected from any government, including the federal government.

[*English*]

The Speaker: I see the hon. member for St. Catharines on his feet. If this is to take part in the debate, I recognize the hon. member but I also call upon him to perhaps wait until after question period. We will go directly to Statements by Members now but the member will have the floor when we come back to debate.

STATEMENTS BY MEMBERS

[*English*]

LOUIS RASMINSKY

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, on September 14, 1998 Mr. Louis Rasminsky died. He was 91.

He will be remembered as a former governor of the Bank of Canada who also became one of Canada's international economic statesmen. He will also be remembered as one who helped articulate government policy on several social issues.

Upon becoming governor in 1961 he undertook the delicate task of drafting legislation that would clearly define the relationship between the federal government and the governor of the Bank of Canada. Eventually legislation established the principle that in the event of a policy difference between the Minister of Finance and the governor, the government has to instruct the bank and to do so publicly. This requirement for transparency and accountability in monetary policy has served Canadians well over the years.

Mr. Rasminsky will always be remembered as a proud Canadian who served his country to the best of his abilities. We offer our condolences to his family and his friends.

* * *

JOEY HACHÉ

Mr. Grant Hill (Macleod, Ref.): Mr. Speaker,

At age 15 for most Canadian teens
This summer was full of joy,
A swimming hole, a trip away
Brought smiles to girls and boys.

I can recall the laughter now
As my own kids, healthy and fair,
A summer filled with memories
Spent without a care.

But there is one young lad I know
Who rode his bicycle cross this nation,
He had a cause, a major task
For him no relaxation.

In cold and rain, in heat and wind
He pedalled day after day,
To keep his issue in our minds
He ended his ride today.

A giant of a lad is he
It couldn't be much clearer,
That Joey Haché with hepatitis C
Is a genuine Canadian hero.

• (1400)

FINANCIAL INSTITUTIONS

Mr. Stan Keyes (Hamilton West, Lib.): Mr. Speaker, congratulations to Dr. Harold MacKay and members of the task force for successfully completing the challenging task of reporting on the future of Canadian financial institutions.

Congratulations to the Minister of Finance for insisting that public discussion and full debate take place on the task force's recommendations. Special hearings by the Standing Committee on Finance will allow Canadians from coast to coast to coast to share their views and their concerns on the two bank merger proposals.

This government has clearly demonstrated that it has the best interest of Canadians at heart.

Last September 10, Canadians learned that a merger between the Bank of Montreal and the Royal Bank would result in a boost in small business lending. With one eyebrow raised my constituents say ''nice timing'' and ask ''Why put off until tomorrow what the banks should be doing today?''

* * *

[*Translation*]

RADIO-NORD

Mr. Guy St-Julien (Abitibi—Baie-James—Nunavik, Lib.): Mr. Speaker, several days ago, the unionized employees of Radio-Nord in the Abitibi-Témiscamingue region began an indefinite general strike.

Since 1997, I made representations on a number of occasions to ensure that Radio-Nord maintained adequate services for the people back home. Radio-Nord provides only a minimum of local information, leaving the public largely unaware of the initiatives taken by its elected officials and leaders at the municipal, school board, sports, federal, provincial and regional levels.

The public is now asking for proactive radio and television services that will truly reflect the reality of our local communities. Radio-Nord is not fulfilling the commitments it makes when it goes before the CRTC to renew its licences. Therefore, the CRTC will have to discipline Radio-Nord, on behalf of the residents of the riding of Abitibi—Baie-James—Nunavik and of the whole Témiscamingue region.

* * *

[*English*]

OFFICIAL LANGUAGES

Ms. Sophia Leung (Vancouver Kingsway, Lib.): Mr. Speaker, I want to congratulate the ministers of heritage, justice and the treasury board who sponsored the recent National Symposium on Canada's Official Languages.

This celebration and examination of Canada's Official Languages Act assessed official bilingualism policies in Canada.

This year marks the 10 year anniversary of the 1988 Official Languages Act legislation which recognized the equal status of English and French in federal institutions.

Congratulations to all involved with this excellent initiative.

* * *

JEWISH NEW YEAR

Mr. Peter Goldring (Edmonton East, Ref.): Mr. Speaker, each year at this time the arrival of the Jewish New Year is welcomed. This time of reflection and renewal, starting with Rosh Hashana and ending with Yom Kippur, is the highlight of the Jewish calendar.

To my good friends in Edmonton, James and wife Ricki; to my good friends in Montreal, Hilda and her late husband Richard, as well as to Howard and his wife Ann; and to all the Jewish faith, nationally and internationally, I say that these are important days for them and their families, a time for reflection and resolve.

With the opening of this session I ask members of this House to recognize and embrace this spirit of reflection and annual renewal. I am sure that the upcoming year will be enriched by such resolve.

* * *

[*Translation*]

SWISSAIR CRASH

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, on September 2, a terrible plane crash in Nova Scotia killed 227 people, that is 213 passengers and 14 crew members.

Yves de Roussan, a Quebecker working for UNICEF, was among the victims.

On behalf of my colleagues, I wish to extend my most heartfelt sympathy to the families and friends of the victims. This tragedy demands that we as a community take measures to provide maximum safety to those who use the various modes of transportation.

But for the time being, my thoughts are with those closest to the victims. I share their overwhelming grief.

* * *

• (1405)

[*English*]

ARMENIA

Mr. Sarkis Assadourian (Brampton Centre, Lib.): Mr. Speaker, today, September 21, marks the seventh anniversary of political independence and the end of communist rule in Armenia.

Independence was first gained from the Ottoman Empire on May 28, 1918, following the tragic genocide of 1915. Unfortunately, the communist takeover on December 2, 1920 was the beginning of 70 years of tyranny which thankfully ended with the collapse of the U.S.S.R.

Today Armenia is a proud independent nation taking giant steps toward democracy, free to control its own destiny on the world stage and ready to do business with the world.

I am pleased to extend an invitation from the Armenian ambassador to my fellow members of parliament to attend a reception this evening from 6.00 p.m. to 8.00 p.m. in the Adam Room of the Chateau Laurier to wish Armenia a happy anniversary.

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[*Translation*]

LIBERAL GOVERNMENT

Mrs. Suzanne Tremblay (Rimouski—Mitis, BQ): Mr. Speaker, Quebeckers and Canadians are sick of a government and an arrogant Prime Minister who makes light of a violent RCMP intervention by talking about the pepper he puts on his food, a Prime Minister who has already grabbed a demonstrator by the throat, a Prime Minister who shows his disdain for provincially elected politicians by saying that they would have to have been elected Prime Minister of Canada to be entitled to comment on Canada's future. And that is just too bad for Jean Charest.

These Liberals, who counted on the Conservative leader's absence to win in Sherbrooke, got theirs. I would bet a golf ball that the Prime Minister is too arrogant to understand why. The Bloc Quebecois victory in Sherbrooke sends a clear message: the public is sick to death of the arrogance of the Prime Minister and his government.

* * *

PARTI QUEBECOIS

Mr. Denis Coderre (Bourassa, Lib.): Mr. Speaker, here we go again. The Parti Quebecois thinks democracy is fine as long as it calls the shots.

In recent weeks, we have heard the Premier of Quebec say that 50% plus one is enough for a democratic victory.

But the premier pushed through a resolution to overturn a motion adopted the previous day by his own rank and file regarding the holding of a referendum during the Parti Québécois' next term of office, if it is re-elected, something that does not bear thinking about.

On Saturday, however, well over 50% of PQ members voted in favour of the motion.

Long live the separatists' version of democracy. It suits us just fine!

[*English*]

FOREST FIRES

Mr. Darrel Stinson (Okanagan—Shuswap, Ref.): Mr. Speaker, lightening started more than 50 forest fires around my riding of Okanagan—Shuswap.

One month ago a fire like one of these got whipped up by 90 kilometre winds into an inferno. It moved so fast that many escaped with nothing but their lives and the clothes on their backs.

The Salmon Arm fire caused the biggest evacuation in the history of British Columbia, with more than 7,000 people moved on a 10 minute alert.

Today I want to say thank you to all the people from communities near and far who took in the evacuees, who donated or volunteered, who worked above and beyond the call of duty.

I also want to issue a solemn warning. Although 200 troops from Edmonton came to B.C. to help, they had to travel and then get up to two days of training before they could staff the fire lines. It is totally irresponsible for this government to abandon British Columbia with no land forces base since it closed Chilliwack.

* * *

SUMMER RECESS

Mr. Steve Mahoney (Mississauga West, Lib.): Mr. Speaker, many years ago in school we used to report to the class on what we did during the summer break. Frankly, my summer was not half as interesting as the Reform Party's, so I thought I would report on its summer.

Reform's summer to remember began with their leader's disastrous Asian vacation. The member for Calgary Southwest infuriated Canadians by becoming the first leader of the opposition to go overseas and criticize our economy in front of foreign investors.

Then, while some Reformers were recanting their previous attacks on the MP pension plan, others began discussing what most Canadians have known for some time, that Reform has no chance of forming government with its current leader. What about the so-called united alternative? Reform MPs are not united. Canadians do not see them as being much of an alternative.

The summer was not all bad. They managed to recruit a high profile Quebec separatist to their cause. I guess this means the marriage between—

The Speaker: The hon. member for Bas-Richelieu—Nicolet—Bécancour.

• (1410)

[*Translation*]

SOS MONTFORT

Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ): Mr. Speaker, last weekend, under cover of an official languages symposium, the official languages commissioner decided to defend the anglophone minority in Quebec instead of denouncing the unacceptable conditions faced by francophone communities in English Canada.

It is unfortunate that the commissioner did not take the opportunity to urge the federal government and the governments of the English provinces to give francophone minorities the same treatment as the Government of Quebec gives its anglophone minority.

Regardless of our political stripe, however, we must support the efforts of Franco-Ontarians to keep Ontario's only francophone hospital alive.

The Bloc Quebecois urges all members of the House to give generously to the SOS Montfort funding campaign, to obtain campaign collection boxes and to set them out on their desks in Ottawa or in their riding.

* * *

[*English*]

GOVERNMENT OF CANADA

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, as one can imagine, we in the NDP are anxious to get right down to work and have parliament hold this Liberal government accountable for acts of unprecedented arrogance.

This past summer should have been a summer of hope for Canadians. Instead it was a summer of disappointment. We are talking about Liberal disregard for human rights and revelations about the handling of security at APEC. We are talking about a deadbeat government when it comes to pay equity. We are talking about Liberal inaction in the face of huge bank mergers. We are talking about the cruel failure of Liberal leadership on health care.

Here we are again, right where we left off in June, with the government refusing to ensure fair compensation for all hepatitis C victims. Believe it or not, the Minister of Health is offering care that should be the right of every Canadian. He is offering no compensation to those who have lost their homes, jobs or businesses.

The summer of hope may be dead and gone, but the battle for justice for hepatitis C victims and for all—

The Speaker: The hon. member for Hastings—Frontenac—Lennox and Addington.

1998 COMMONWEALTH GAMES

Mr. Larry McCormick (Hastings—Frontenac—Lennox and Addington, Lib.): Mr. Speaker, I rise today in the House to take this opportunity to congratulate the 277 athletes who represented Canada proudly at the 1998 Commonwealth Games in Kuala Lumpur, Malaysia.

I know that all hon. members and Canadians everywhere join me in applauding the 30 gold medals, 31 silver medals, 38 bronze medals and all other exceptional performances that were witnessed over the past 10 days.

In sport all Canadians come together and agree on the importance of shared values such as excellence, dedication, discipline and fair play. In international competitions such as the Commonwealth Games we come together as a nation to celebrate these values.

Like every other Canadian I want to see our athletes on the podium. At the same time I want to recognize each and every one of them for what they have already brought to us through their commitment to their dreams and their courage in pursuing them.

I thank team Canada for the wonderful performances.

* * *

THE ECONOMY

Mr. Rahim Jaffer (Edmonton—Strathcona, Ref.): Mr. Speaker, while the Canadian dollar was taking a beating over the summer our Prime Minister was safely bunkered away in his summer fortress.

With his new $80,000, tax funded security system he was safe from the tough questions Canadians wanted answered. Soon our fearless Prime Minister will be able to enjoy the sanctity of country living even faster with the completion of a new road.

The Prime Minister can keep wasting tax dollars on his secret summer hideout in the country or he can put his golf clubs away and do something about the state of our Canadian dollar.

When can Canadians expect leadership from this government, or can we expect to see the dollar remain as low as the Prime Minister's golf score?

* * *

HUMAN RIGHTS

Mr. John McKay (Scarborough East, Lib.): Mr. Speaker, the civilized world was fixated when Pakistan detonated the so-called Islamic bomb. At the same time a number of MPs received letters from the Religious Liberties Commission and the Ahmadi movement in Islam.

The Ahmadi letter anticipates that changes will be made to the constitution of Pakistan which would make it a violation for Ahmadis to keep the holy Koran in their homes. These sanctions could include capital punishment.

The religious liberties letter makes reference to a Christian who was sentenced to death for blasphemy.

I believe that these two are linked, that the so-called Islamic bomb and the widespread persecution of religious minorities in groups in Pakistan are linked and prevent Pakistan from taking its rightful place amongst civilized nations.

I would call upon the Government of Canada to express its displeasure at this fundamental breach of human rights in the same manner as it expressed its displeasure at the detonation of the bomb.

• (1415)

I would also call on my fellow MPs to demand that the Government of Pakistan immediately repeal its—

The Speaker: The hon. Leader of the Opposition.

ORAL QUESTION PERIOD

[*English*]

APEC SUMMIT

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, documents, memos and e-mails from the privy council office, the prime minister's office and the RCMP indicate that the Prime Minister was directly involved in the security arrangements for the APEC summit in Vancouver.

Why has the Prime Minister been denying his involvement for almost a year when all the evidence points to the fact that he bent over backwards to protect an Asian dictator not from violence but from political embarrassment?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, there is an inquiry being held at the moment on this matter. I do not want to comment on the incident.

During the APEC summit we received 19 leaders from countries around the world. We had the president of the United States, the president of China, the prime minister of Australia, the president of the Philippines and many others. As the government it was our duty to ensure their security in Canada.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, this story has been coming out in dribs and drabs. The Indonesian bodyguards were given the right to shoot Canadian demonstrators. Canadians were arrested for holding up signs which stated such subversive things as democracy and human rights. The protesters were pepper sprayed because they might have been seen by APEC leaders.

The Prime Minister has a chance today to clear the air. Exactly what did he direct his officials to do with respect to APEC security?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, it was the responsibility of the RCMP to ensure the security of all the leaders who came to Canada. There was an incident and a committee is now reviewing the incident. It was our responsibility to ensure that all the national leaders who came to Canada would be received in a very safe way, which is exactly what happened.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, Canadians want answers, not evasions.

According to an official in the privy council office working on security arrangements for the APEC summit: ''The Prime Minister will want to be personally involved''. Canadians want to know the extent therefore to which the Prime Minister was personally involved in the security arrangements for APEC.

Why did the Prime Minister trample on the political rights of Canadian citizens in order to protect an Asian dictator?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, arrangements were made by local authorities in Vancouver to ensure order was maintained. Protesters were in areas where everyone could see them. If the Leader of the Opposition had been in Vancouver at that time he would have seen the protesters that some of my ministers and all the members of the delegation saw during their visit.

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, the Prime Minister deliberately ordered police to quash peaceful protesters. Canadians want to know why and what it was he said.

Why was the Prime Minister more concerned about the feelings of a foreign dictator than he was about protecting the rights of our own Canadian citizens?

Hon. Andy Scott (Solicitor General of Canada, Lib.): Mr. Speaker, the public complaints commission is investigating the incidents around the APEC meetings. I think that institution, which has been in existence since 1986, has established a good record and deserves the opportunity to get to the bottom of this. That is how Canadians will find out the answers to the questions.

• (1420)

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, Canadians want to know what the Prime Minister will do about this and where his fingerprints are all over this deal.

The RCMP had to stare down these bodyguards and Canadians want to know why the Prime Minister gave in to a foreign dictator who uses goons with guns. Why would that be?

Hon. Andy Scott (Solicitor General of Canada, Lib.): Mr. Speaker, the public complaints commission has existed for a long time. It has done very good work. I think it has the confidence of Canadians. It certainly has the confidence of the government. Consequently I think members opposite should let the appropriate tribunal, at arm's length from the government, do its job and get to the bottom of this.

* * *

[*Translation*]

SOCIAL UNION

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the ten premiers reached a historic agreement in Saskatoon on social union.

The Prime Minister's response to this consensus was disdain and arrogance.

Will the Prime Minister recognize that, by so cavalierly rejecting the consensus on social union, as Alain Dubuc, the editorialist of *La Presse* pointed out, he is treating the provinces with the arrogance and disdain of certain employers of 50 years ago?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, when we met last December, it was the federal government and I that had discussions with the premiers in order to hold the meeting and progress in the social field so we could harmonize our policies.

It was an initiative of the federal government. We are in the process of negotiating. However, when people ask the Prime Minister of Canada to change the five conditions of the Canada Health Act, we will not change them, because Canadians want to keep—

The Speaker: The leader of the Bloc Quebecois.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, it was not one of the premiers' demands. The premiers asked him to return the money he had taken out of the pockets of the poorest provinces. That was what they asked.

With the Prime Minister's attitude to the unanimous position of the provinces, we are entitled to ask questions.

Is it not his intention to try to hinder the Conservative government of Mike Harris and the government of Lucien Boucher in order to help docile individuals in Quebec and Ontario come to power?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, provincial elections are going to be held soon. I can see the PQ and their little brothers, the Bloc Quebecois, are nervous.

I want to say that we are asking no more of people than that they be clear and honest with the people of Quebec and not twist and turn like the Parti Quebecois did yesterday so as to muddle Quebeckers even more.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, with the huge cuts it has imposed on the provinces, the federal government has exerted some very heavy pressure on health care across Canada.

All the provincial premiers are unanimous on this. The Prime Minister is the only stubborn one.

Could the Prime Minister not learn something from the reception the fishers and the unemployed have been giving his Minister of Human Resources Development all summer, and become less arrogant toward the people who are calling upon him to be more tuned in to the public?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I would like to point out to the hon. member that the Minister of Human Resources Development handled the cod fisher situation very well this summer, that he made some significant offers, that he allocated considerable funds, and that the situation is pretty good under the circumstances, because the Minister of Human Resources Development is really looking after the problems of the disadvantaged, instead of making political hay from it.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, we have been hearing this kind of thing for a long time, but the government is disconnected from the people.

I am asking the Prime Minister: Is his current arrogance, his concern for a high profile, his lack of compassion, his desire to be the boss of Canada and to stick it to the Conservative government of Mike Harris or the government of Lucien Bouchard, not in the process of disconnecting him completely, utterly, from what the people want, which is for Ottawa to return to the provinces the money it took from them for health?

• (1425)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, speaking of new alliances, the Ontario ultra-right is becoming the model for the Bloc Quebecois and the Parti Quebecois.

* * *

[*English*]

APEC SUMMIT

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, it is clear that the Prime Minister and his staff made a decision to sacrifice the democratic rights of Canadians in order to create a comfort zone for a brutal foreign dictator. Today I ask the Prime Minister one simple question. Was it worth it?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the security rules applied in Vancouver were applied for the protection of all the leaders of the 19 countries there on that occasion. There were problems. Some people from other delegations were not comfortable. Some even protested to me because they saw some signs they did not like. I told them that it is Canada, that I see protests all the time, that it is the way Canada operates, that real democracy is applied here. It was a good example to the others to see that people can protest—

The Speaker: The hon. leader of the New Democratic Party.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, Canadians want their Prime Minister to be a statesman, not a doormat for brutal foreign dictators. Will the Prime Minister admit today that he was wrong to put the dictates and the demands of a brutal foreign dictator ahead of the democratic rights and civil liberties of Canadians?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, an inquiry has begun on that. I have to repeat that we had 19 leaders in Canada. We had to offer them a secure place. There was room for protesters. Perhaps there was some problem at the last hour of the last day. The solicitor general has a mechanism at arm's length from the government that is dealing with that. It will conduct its inquiry. We will look at the report and advise.

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, the Prime Minister said in January that RCMP investigations are not the responsibility of political authorities, and I agree. Canadians now know the RCMP believes the prime minister's office wanted the RCMP to remove banners at the APEC summit. An RCMP memo states: ''Banners are not a security issue. They are a political issue''.

Could the Prime Minister tell us who in his office made the political decision to have the RCMP remove banners and signs at the APEC meeting?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, they do not know. When I was there I saw signs and banners in protest against me and against others.

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, this is a government that does not believe in justice for all the innocent victims of tainted blood. Should we wonder that it would pepper spray Canadians?

The Prime Minister agreed with the solicitor general who said in January that his role was ''not to interfere with the operation of the RCMP''. I ask the solicitor general, the minister responsible for the RCMP, to tell us who ordered the political interference, who gave the RCMP the order to tear down banners, banners that were a political issue, not a security issue.

Hon. Andy Scott (Solicitor General of Canada, Lib.): Mr. Speaker, to be specific, I am also the minister responsible for the public complaints commission which is why that organization is getting to the bottom of this right now.

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Mr. Speaker, my question is for the Prime Minister. It is about the signs at APEC he has been talking about. On November 25, 1997 at the APEC conference, UBC law student Craig Jones

was arrested and jailed without charge after he refused to remove signs that said free speech, democracy and human rights.

Does the Prime Minister not agree that this clear violation of free speech and civil rights is contrary to the Canadian way? Should those people not get an apology?

● (1430)

Hon. Andy Scott (Solicitor General of Canada, Lib.): Mr. Speaker, the subjects that are being asked about right now are subjects that are being investigated by the appropriate administrative tribunal. I think it is appropriate for parliament to give it the opportunity to do its job.

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Mr. Speaker, parliament does not need to wait for a Liberal appointed commission to tell us that people's free rights, that their freedom of speech is violated.

On November 21 at the APEC conference the RCMP told Karen Pearlston that if she did not remove a sign from her home, she would be arrested. When she asked why, they told her that the Prime Minister did not want to embarrass our visitors.

This is a violation of her human rights, of her freedom of speech. We do not need to wait for anybody to tell us that this is wrong. Will this minister, the Prime Minister or this government not apologize to those British Columbians whose human rights and freedom of speech were violated?

Hon. Andy Scott (Solicitor General of Canada, Lib.): Mr. Speaker, in fact it was parliament that made the decision to establish the public complaints commission in 1986. It functioned for 12 years quite effectively and I am sure it will do its job well again.

[*Translation*]

Mr. Richard Marceau (Charlesbourg, BQ): Mr. Speaker, my question is for the Prime Minister.

The government is hiding behind the RCMP investigation to avoid answering any question on the role played by the Prime Minister in repressing the demonstration against dictator Suharto in Vancouver.

Does the Prime Minister recognize having participated, either directly or through his cabinet, in setting up the security measures applied in Vancouver?

[*English*]

Hon. Andy Scott (Solicitor General of Canada, Lib.): Mr. Speaker, I think it is important for everybody to understand exactly the process at play here.

The public complaints commission is an institution that was established by parliament specifically to deal with complaints against the RCMP. That is why it is called the public complaints commission.

I wish that the members opposite would give that organization the opportunity to do its job as parliament would have it do it.

[*Translation*]

Mr. Richard Marceau (Charlesbourg, BQ): Mr. Speaker, we are not asking for the videotape.

The former Indonesian ambassador to Canada said he had received from the Prime Minister himself the assurance that all would be done to avoid embarrassment for bloodthirsty dictator Suharto.

Does the Prime Minister confirm this statement?

[*English*]

Hon. Andy Scott (Solicitor General of Canada, Lib.): Mr. Speaker, all the questions being raised are subject to this inquiry. As I said, I think we should let that inquiry do its job.

Mr. Jim Abbott (Kootenay—Columbia, Ref.): Mr. Speaker, on today of all days the United States has spent $40 million and seven months with the president prevaricating and trying to turn away answers to the obvious questions.

We are asking the Prime Minister right now to save the money. Will the Prime Minister admit that he was involved in this process?

Hon. Andy Scott (Solicitor General of Canada, Lib.): Mr. Speaker, the members opposite are displaying a remarkable lack of understanding as to how these processes work. The administrative tribunal is available to the public to seek recourse when it believes there has been a grievance. That is the process in play. I have high regard for that process, as I believe most Canadians do and I would ask the hon. member to join them.

Mr. Jim Abbott (Kootenay—Columbia, Ref.): Mr. Speaker, we very clearly understand what the process is. The process is called cover-up. That is exactly what is going on in this case.

Some hon. members: Oh, oh.

The Speaker: I ask the hon. member to go to his question.

Mr. Jim Abbott: Mr. Speaker, I would ask the Prime Minister one more time, will he do it here and do it now? Will he admit that his fingerprints are all over this process, that he is fully responsible for the fact that democratic rights of Canadians were taken away as a public statement, a political statement by him?

● (1435)

Hon. Andy Scott (Solicitor General of Canada, Lib.): Mr. Speaker, I would appeal to the members opposite to recognize the appropriate role for the public complaints commission that was

established by parliament. It deserves our support and I would ask the members opposite to give it to the commission.

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[*Translation*]

BUDGET SURPLUSES

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, in a statement to the House on February 19, the Prime Minister reminded us of the promise he made during the last election campaign to devote half of any budget surpluses to social programs.

Last week, we learned that, so far, all the surpluses have gone towards paying down the debt, and that nothing has been put towards social programs or reducing taxes.

After going back on his promise to scrap the GST, after going back on his promise to introduce pay equity, is the Prime Minister not embarrassed to break his promise to use half of the surplus to help the health sector?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, on July 1 we introduced a new $850 million program to help poor families. In addition, last spring the Minister of Human Resources Development implemented a program to provide almost $1 billion in assistance over three years to fishers in Newfoundland, Quebec and elsewhere.

We have put a great deal of money into social programs and we have also paid down the debt, which means that we are a very balanced government that is doing everything it can to meet both its social and its financial responsibilities.

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, with $20 billion going towards the debt, the Prime Minister is telling us that he accords greater importance to the millionaires of Bay Street and Wall Street than to those who are ill.

Does the Prime Minister not think that the economic slowdown and the effects of the sharp decline in the value of the Canadian dollar are sufficient reasons to bring down an emergency budget regarding the use of budget surpluses and management of the federal debt, not for millionaires but for those in this country who are ill?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the hon. member is up on the business of the House and knows very well that we are now looking at a bill that sets payments to the provinces at $12.5 billion, a $1.5 billion increase over last year's forecast. This $1.5 billion federal contribution will be paid directly for health services.

[*English*]

HEPATITIS C

Mr. Grant Hill (Macleod, Ref.): Mr. Speaker, young hep C victim Joey Haché pedalled across the country this summer from Halifax to Victoria. He met with the Prime Minister today. The Prime Minister said ''Sorry, Joey. You and the victims left out are just going to have to go to court''. Why has the Prime Minister left those poor victims to go to court for what is proper and compassionate?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I received Mr. Haché a few minutes ago and he gave me a petition. I said that the position of the government was to offer some compensation for those who were the victims between 1986 and 1990. For the others the Minister of Health in collaboration with the majority of the provinces has a new program that is being discussed at this time to help the other victims.

We think we have seven provinces on side at this time. Most probably almost everyone will sign the proposition made to the provinces by the Minister of Health last week.

Mr. Grant Hill (Macleod, Ref.): Mr. Speaker, in France the courts are not being used to batter the victims. In France the prime minister and the health minister are both charged today with manslaughter. Their tainted blood scandal has ended up with charges of that magnitude. Is this Liberal government trying to prevent similar charges against a previous Liberal government?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, last Friday as the Prime Minister mentioned, I put before ministers of health a proposal that included steps and suggestions that involve $525 million of federal money that will make certain that anybody who got hepatitis C through the blood system will have access to the needed medical services and drugs for treatment and care without paying out of their own pockets.

We believe that when people in this country are sick, they require treatment, not payment. We show our compassion through care and not through cash.

* * *

[*Translation*]

PAY EQUITY

Mrs. Pierrette Venne (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, my question is for the Prime Minister.

After agreeing in writing on June 11, 1993 to honour the decision of the Human Rights Tribunal on pay equity, the government is now not only not honouring its decision, it has announced it will appeal it.

Is the Prime Minister not ashamed of once again going back on his word?

● (1440)

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, the government is clearly in favour of pay equity, because we passed the first piece of legislation and have already paid out over a billion dollars for pay equity, in addition to putting another $1.3 billion on the table.

Certain federal court decisions were contrary to the decisions by the Human Rights Tribunal. We will have to leave it up to the courts to decide which is the correct interpretation of the law.

[*English*]

Mrs. Judi Longfield (Whitby—Ajax, Lib.): Mr. Speaker, my question is for the President of the Treasury Board.

The government has recently appealed the decision of the Canadian Human Rights Tribunal regarding pay equity for federal public servants. This has caused a great deal of frustration for our employees and has raised many questions.

Does the government still believe in equal pay for work of equal value? If so, can the minister tell us what actions are being taken to achieve pay equity?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, I am glad to have the question because it permits me to restate the issue.

The issue is very clear. The government believes in pay equity but it does not believe in two standards of pay equity, one for the private sector in the Bell Canada case and one for the public sector in the case of the human rights tribunal. With two different interpretations of the law by two different tribunals it was clear that we had to go to the appeal court and ask them to interpret the law in the same way for the private sector and for the public sector.

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THE ECONOMY

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, Canadians are profoundly unhappy with the Prime Minister's handling of the economy over the summer. While he was hitting his three wood out on the golf course, our dollar hit 10 new lows in the month of August alone. It is time for action. We want action now, not six months from now.

When is the Prime Minister going to realize that we need lower taxes and debt repayment now in a budget this fall? When is he going to wake up and realize that?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, I suppose there is no better indication of the intellectual bankruptcy of the Reform Party than once again they come up with the same old refrain that we need a mini-budget in the fall.

Throughout the whole last mandate we could count on it like clockwork. Every single September the Leader of the Opposition would stand up and say ''You are not going to hit your deficit targets. We need a mini-budget''.

They have no plans. They have no ideas. The only thing they want to do is get together and talk.

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, look who is here. We have not seen him all summer. We thought he had resigned and had not told anybody. It is good to see him back. Welcome.

We have documents from the finance minister's office indicating that they have brought in $21 billion in income tax hikes since he became finance minister. That is $1,500 per person, an incredible amount.

Now that he has done so much damage to Canadian taxpayers, why will he not bring in a budget now while the problems are occurring instead of six months from now when it is too late?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, when I was not here in fact I did spend some time in the member's riding. I want the member to know his constituents want me to say hello to him.

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BANKS

Hon. Lorne Nystrom (Regina—Qu'Appelle, NDP): Mr. Speaker, my question is for the Minister of Finance.

There are indications that the minister is increasingly uneasy about the proposed mega bank mergers that are coming up, particularly in the consequence of a failure of a mega bank in light of what has happened in Japan and elsewhere around the world and he is now looking to the Competition Bureau to say no.

If that is the case, why does the minister not save us time, save us money, end the uncertainty and say no now to the proposed mergers?

● (1445)

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, there is no doubt that prudential matters of safety of the Canadian banking system are uppermost in the government's mind.

That is why following receipt of the MacKay report in which there will be public hearings, and it has been referred to the House of Commons finance committee, we have asked the office of the superintendent of financial institutions and the Competition Bureau to report on that matter.

We are dealing with one of the most fundamental changes in Canadian financial institutions in history. It is important that we have public debate. I thought the member would support that.

Hon. Lorne Nystrom (Regina—Qu'Appelle, NDP): Mr. Speaker, I will take the minister up on his offer.

It is indeed one of the most fundamental changes we have seen in Canadian financial history. In light of that I believe the decision should be made by parliament on behalf of the people of this country and not by the Minister of Finance.

Is the minister prepared to do something really radical, really dramatic and really democratic and allow this House to make the decision on behalf of the people of Canada?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, what is democratic is to allow the House of Commons finance committee to hold a series of hearings on the MacKay report. Then if consideration were to be given to the mergers, there would be further hearings on that.

What I do not understand is how the member can contradict himself. He says let the House decide but in his first question he said why do I not decide. There really is a contradiction in the member's two questions.

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APEC SUMMIT

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, the Prime Minister should really learn from the president of the United States, his golfing buddy, that the longer he bobs and weaves to avoid public accountability on this issue, the more he will undermine the integrity of his office and his government.

There are numerous documents that indicate direct interference of the Prime Minister and his office in the RCMP security of the APEC summit.

Will the Prime Minister make a full ministerial statement in the House, this public forum, on his role in the affair, or is he going to persist with his slippery guy from Shawinigan routine?

The Speaker: Colleagues, I urge you to be very judicious in your choice of words.

Hon. Andy Scott (Solicitor General of Canada, Lib.): Mr. Speaker, the hon. member should know that documents he is referring to, the allegations that have been made and the questions that have been put are all subject to a public complaints commission review. That review is being undertaken right now.

It does a discredit to those Canadians who choose to serve their country as members of that commission to suggest in any way that their integrity should be in question. That does a disservice to this exercise and to the truth.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, what does a discredit to this institution is the fact that answers are given in this House.

The Prime Minister and the solicitor general know full well that the RCMP public complaints commission is not holding a criminal proceeding. There is absolutely nothing to prevent the government from answering questions in the House. Instead, the Prime Minister is hiding his role in oppressing innocent Canadians to appease a foreign dictator.

Why is he afraid to talk about this issue in this House? When can we expect the Prime Minister to show some integrity and leadership on this issue?

Hon. Andy Scott (Solicitor General of Canada, Lib.): Mr. Speaker, I find it shocking that the member opposite as a critic for the solicitor general would not be aware that it would be completely inappropriate for the minister responsible for that tribunal to speak to it in this House during the investigation.

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LAND MINES

Ms. Colleen Beaumier (Brampton West—Mississauga, Lib.): Mr. Speaker, my question is for the Minister of Foreign Affairs.

Canada has shown strong leadership in the international community in the pursuit of a global ban on anti-personnel mines. What is the significance of the 40th country's ratifying the Ottawa convention? How will this important milestone make a difference in the lives of people in mine affected countries?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, last Wednesday when the president of Burkina Faso was here he announced that country had provided the 40th ratification. What that means is that it turns the treaty into a permanent part of international law and sets in motion the conditions of the treaty. This means the destruction of the stockpiles and the movement toward the reduction of land mines within 10 years.

In other words, the land mine treaty has now become international law.

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THE SENATE

Mr. Rob Anders (Calgary West, Ref.): Mr. Speaker, when Trudeau gave the west the finger at least he had the courage to do it in person.

When this Prime Minister gave Albertans the Trudeau salute by appointing another unelected hack to the vacant Alberta Senate seat, he did it from the golf course.

Why did the PM not have the courage to be in Alberta when he sabotaged democracy instead of slapping us in the face from an Ottawa golf course?

● (1450)

Right Hon. Jean Chrétien (Saint-Maurice, Lib.): Mr. Speaker, at one time we had a chance in the House and in the nation to vote for an elected Senate. The people who opposed the Charlottetown accord were those on the side of the House who refused to support an election of the Senate. I have to respect the constitution and I will not—

Some hon. members: Oh, oh.

The Speaker: We want to listen to the questions and the answers.

Mr. Chrétien (Saint-Maurice): Mr. Speaker, I named a gentleman who, in the words of the premier of Alberta, Ralph Klein, is a fine Canadian who has done a tremendous amount for world peace and he is an impeccable parliamentarian.

I am very proud that Doug Roche will be in the other house.

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[*Translation*]

HEPATITIS C

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, after permitting a glimmer of hope of a settlement of the hepatitis C matter, last week the Minister of Health closed the door on any further federal involvement in compensation.

How can the minister accept his government's coming up with $750 million for used submarines, nearly a billion dollars for renovations to the Parliament buildings and not one cent for the victims of hepatitis C?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, that is not true. Last Friday, we proposed specific measures with $525 million of federal money to help people who contracted hepatitis C from a blood transfusion.

This was the federal government's proposal to the provincial ministers, and I am awaiting Mr. Rochon's response.

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[*English*]

PAY EQUITY

Ms. Bev Desjarlais (Churchill, NDP): Mr. Speaker, my question is to the Prime Minister.

Last night talks with the public service alliance broke down because the government demanded rollbacks and concessions in return for pay equity.

Human rights are not negotiable. Pay equity is not a bargaining chip, it is a legal right under the Human Rights Act.

When will the government stop violating the human rights of Canadians?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, yesterday the basis for the conciliation board was established and negotiations on pay equity have not been interrupted. Tomorrow there is a meeting between the union and the government on pay equity.

I agree that a negotiated settlement would be the best way to solve that problem. I ask my colleague to plead with the union to offer to workers the offer we have left on the table.

The union has refused to propose to its employees—

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[*Translation*]

APEC SUMMIT

Mr. Gilles Bernier (Tobique—Mactaquac, PC): Mr. Speaker, generally, when the Prime Minister sees fit, in a matter of great importance, to become involved in an area that comes under the responsibility of one of his ministers, he consults the minister in question in order to determine the best way to proceed.

My question is for the Solicitor General. Did the Prime Minister consult him before ordering the RCMP to violate the constitutional freedom of expression and assembly of a group of students during the APEC summit last year?

[*English*]

Hon. Andy Scott (Fredericton, Lib.): Mr. Speaker, again the hon. member opposite shows a tremendous misunderstanding as to how this works.

The reality is that the security questions are handled by the RCMP specific to the kinds of questions that are being investigated by the public complaints commission. The public complaints commission is going to get to the bottom of this. That is what parliament has mandated it to do and I have every confidence it will do it well.

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AGRICULTURE

Mr. John Harvard (Charleswood St. James—Assiniboia, Lib.): Mr. Speaker, my question is for the Minister responsible for the Canadian Wheat Board.

I am sure the minister has heard through the media the American allegation that the so-called subsidized Canadian grain has flooded U.S. markets. It is further alleged that this is disrupting American grain prices and hurting American farmers.

● (1455)

Is there a scintilla of truth to these allegations?

Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, the allegations are not true. There has been no export subsidy with respect to Canadian grain since the western grain transportation act was repealed in 1995, and the volume flows are completely normal, in the range of 1.6 million tonnes or so which has been the long term average.

What is interesting and really intriguing in this cross-border controversy is that both the governor of North Dakota and that state's major farm organization have publicly applauded the Canadian Wheat Board and are looking for ways to join forces with the Canadian Wheat Board in tackling global markets.

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CANADA PENSION PLAN

Mrs. Diane Ablonczy (Calgary—Nose Hill, Ref.): Mr. Speaker, Canadians have just received some very alarming news. The top independent watchdog for the Canada pension plan was secretly fired just weeks before his major three year review of the Canada pension plan is due.

Why did the government fire Canada's top CPP watchdog? What is it afraid of?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, first of all, there was nothing secret about this. The office of the superintendent of financial institutions has stated that there were management differences between him and the chief actuary. Those are matters internal to the public service and to OSFI. That is what happened.

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[*Translation*]

MONTREAL CONVENTION CENTRE

Mr. Antoine Dubé (Lévis-et-Chutes-de-la-Chaudière, BQ): Mr. Speaker, the Government of Quebec, the City of Montreal and business leaders agree: the Montreal Convention Centre needs to be expanded and renovated. The project has been at a standstill for nearly a year now, because a response from the federal government is still not forthcoming.

Can the secretary of state responsible for regional development in Quebec tell us what is keeping him from responding to the consensus in Quebec?

Hon. Martin Cauchon (Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.): Mr. Speaker, obviously, the question of the Convention Centre is an important one to the government.

The economic fallout from the Convention Centre is recognized by this side of the House, where we are working like mad to make it possible for some form of agreement to be reached on the matter of the Convention Centre.

While addressing the question of the Montreal Convention Centre, however, it must also be kept in mind that there are other requests from pretty well all over Quebec and Canada. As a result, this request has to be looked at from a national point of view.

It is unfortunate that the Government of Quebec had a so-called infrastructure program that they did not make use of for such an important project.

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[*English*]

APEC SUMMIT

Mr. Svend J. Robinson (Burnaby—Douglas, NDP): Mr. Speaker, my question is to the Minister of Foreign Affairs on the APEC summit.

According to a memo written by Canada's ambassador to Indonesia, our Minister of Foreign Affairs apologized to Indonesia's foreign minister for the anti-Suharto poster campaign in Canada, saying that it was ''outrageous, excessive and not the way Canadians behave''.

Will the minister now apologize to Canadian students and indeed to all Canadians—

The Speaker: The hon. Minister of Foreign Affairs.

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, one thing the hon. member conveniently forgets is that during the APEC conference this government provided substantial financial support for the people's summit where all kinds of groups that had opposition to APEC had an opportunity to come together to voice their concerns. Ministers met with that group. They passed on the message to the leaders of APEC so that full open discussion could take place.

It is about time the hon. member started recognizing the truth.

* * *

[*Translation*]

ASIA PACIFIC ECONOMIC COOPERATION SUMMIT

Mr. Gilles Bernier (Tobique—Mactaquac, PC): Mr. Speaker, I have been a member of this House for one year now, and I am proud of it.

Whenever we put a question to the solicitor general, we always get one of three answers: either it is before a committee, under investigation or before the courts.

My question is an easy one. Did the Prime Minister consult the solicitor general before ordering the spraying of students with pepper gas, or did he simply bypass him because he knew those actions were illegal?

● (1500)

[*English*]

Hon. Andy Scott (Solicitor General of Canada, Lib.): Mr. Speaker, it would seem to me that members who are representative of the political party that established the public complaints commission should understand its purpose.

I think all of the questions being put are being put specifically around this particular incident which is being investigated right now. It would be completely inappropriate to discuss any of the details around that investigation.

ROUTINE PROCEEDINGS

[*Translation*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to 29 petitions.

* * *

[*English*]

SWISSAIR FLIGHT 111

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, words cannot capture the shock that all Canadians felt when they learned that Swissair flight 111 had crashed into the ocean near Peggy's Cove bringing a sudden tragic end to the lives of over 200 people, including two of our fellow Canadians.

[*Translation*]

In one brief instant, a place known the world over for its great beauty was transformed into the site of an unspeakable tragedy. If words cannot express our emotions, they certainly cannot hope to express the pain of families and relatives suffering the loss of a son, daughter, father, mother, husband or wife.

[*English*]

We cannot bring them back to life, but I want the grieving to know that the Government of Canada is doing all it can to get to the bottom of this tragedy. We will spare no effort. We will solve this mystery and put to rest their burning questions. We cannot end their suffering. But I want to say how deeply proud Canadians are regarding the way the people of Nova Scotia reached out to them, the hard work put in by our incredible search and rescue teams, and the way the people around Peggy's Cove without hesitation got into their boats and went out to see if there was anything they could do, hopeful at first, only to find out that the victims were, in the end, in the hands of God.

We can be most proud of the comfort that Nova Scotians offered to the suffering families when they came to Peggy's Cove to mourn. They opened their hearts and their homes. They offered helping hands and a friendly ear. Mostly they were just there, perhaps feeling that what they could not do for the victims they could do for the families.

● (1505)

On behalf of the people of Canada I attended the memorial service in Halifax. I saw firsthand how moved the families were by this. One could tell even in their sadness that they knew everything humanly possible had been done. They will take this precious memory back to their homes.

I would like all members to join me in saluting this heroic and compassionate effort.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, it is with sadness that I rise today as well to join with the government in extending our heartfelt condolences to the families and friends of those who perished on Swissair flight 111.

I think I echo the sentiments of all members that when these tragedies occur what we are primarily conscious of is that there simply are no words to say to people who have experienced that kind of tragedy.

What we can do, as the Prime Minister has said, is try to identify the cause of the accident so that perhaps similar tragedies can be averted in the future.

We would like to express our gratitude also to everyone who was involved in the search and rescue operations at Peggy's Cove. The search and rescue teams showed extraordinary bravery, compassion and professionalism that has made all of us and indeed all Canadians proud of their efforts.

We all hoped on the night of September 2 that survivors would be found. We now realize that the investigation and salvage will continue for some time.

Our thoughts now turn to those conducting the investigative aspects and operations and pray that they will have the strength and courage to carry out a very difficult operation and that they will find out exactly what happened to cause such a tragedy. We admire the investigative people as well for the strength, caring and compassion that they have shown, and not just toward the victims of this tragedy but also toward each other.

I want to thank all the search and rescue and investigative people on behalf of all Canadians but particularly on behalf of the victims and their families whose lives have been so tragically altered by this disaster.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, like all Quebeckers and Canadians, we were dismayed to hear of the crash of Swissair Flight 111 on September 2.

The following day, on behalf of my Bloc Quebecois colleagues and all Quebeckers, I offered my deepest condolences to the families of those who perished in the tragedy off Peggy's Cove in Nova Scotia. Our heartfelt sympathy continues to go out to the families of victims.

I wish to offer special condolences to the friends and relatives of Yves de Roussan, a Quebecker working for UNICEF, who was among the victims.

The loss of over 200 lives in such circumstances is a shock to each and every one of us. It is a stroke of fate to which we cannot remain indifferent.

The loss of a loved one creates a void that is difficult to fill and reveals to us just how powerless we are in the face of such extraordinary events.

I can still see the quiet ceremony during which tribute was paid to the victims. Friends and relatives of these passengers on what was to have been an uneventful flight gathered to express their love for those who had perished. It was a very moving moment.

I would also like to mention the hard work and compassion of those who rushed to the scene of the accident in the hope of rescuing survivors.

Their efforts were unfortunately in vain, but I think I can safely say that their presence and their concern for the families of victims were a great comfort. I would like to thank all of them for their tremendous compassion.

• (1510)

[*English*]

Mr. Gordon Earle (Halifax West, NDP): Mr. Speaker, it is with both sadness and honour that I rise today in this House on behalf of my caucus to express our feelings concerning the tragic crash of Swissair flight 111.

Like many of you, the news of Swissair flight 111 came to me as a shock, a shock that such a disaster could happen so close to home, so close to the tranquillity of Peggy's Cove. Like many others, as I stood on the rocks of Peggy's Cove that first morning looking out at the ocean at the rescue scene, I was filled with hopes and prayers that there would be survivors. It was so hard for all of us to accept the fact that this hope was to be in vain.

While the sadness persists, there is also an element of honour. This country can be very proud of the professional and efficient manner in which this disaster has been responded to by the many volunteers and professionals who saw the need and reached out quickly with compassion: the fisher people who on that fateful night pulled on their boots and without thought of self rushed out to sea to help; the Emergency Measures Organization; the military and the Canadian Coast Guard; the RCMP; the volunteer fire departments and rescue workers; the Transportation Safety Board; the harbour master; the Red Cross and Salvation Army; clergy and parishioners of all denominations; provincial and federal fisheries officials; politicians; and especially all the community residents from all walks of life.

Over these difficult days since the crash, my pride has been reinforced over and over again as I have watched the people of my riding and of the South Shore riding conduct themselves with dignity and unselfishly offer their skills, provide meals, open their homes and their hearts to help in any way they could. Even a special memorial service originally planned by the community to assist the area residents in dealing with their sorrow and grief was unselfishly shared with the country and indeed with the world.

When the media cameras were turned off and the rest of the country went back to the daily routine, the residents in and around Peggy's Cove were faced with a grim reality. Not only did they have to deal with the aftermath of haunting images and raw emotions, but also they were left with an economic crisis. Many of these people rely on the ocean for their livelihood, a livelihood that had been suspended. Everyone accepted that there must be restrictions around the crash site. Efforts have been made to resolve this very real problem. I on behalf of my constituents will continue to work co-operatively in that regard.

I thank my constituents for all that they have done and given to assist in this tragedy. Thank you also to the many other Canadians who showed love, compassion and the common bond of humanity in this time of great tragedy.

I extend on behalf of my caucus our sincere condolences to the families and friends of the victims and to all who suffered and continue to suffer as a result of this disaster. May God bless and comfort all of us.

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, a tragedy of the magnitude of Swissair flight 111 is always difficult for us to comprehend no matter what the explanation.

On behalf of the Progressive Conservative Party of Canada I would like to extend our heartfelt condolences to the families of the victims of Swissair flight 111.

We could never fully appreciate the depth of their pain and grief, but our thoughts and our prayers are with each and everyone of them. Efforts continue to be made in the search for answers to this tragedy.

I would like to commend the actions of the Canadian forces, the Canadian Coast Guard, the RCMP, the Nova Scotia emergency services personnel, the Air Transportation Safety Board, local fishermen and the people of the south shore of Nova Scotia for the quality of their mercy, the professionalism and heroism shown throughout the emergency response effort. I want to thank the

Prime Minister for attending the special service. We really appreciate that, sir. To all of them, we say God bless them all.

The Speaker: Under extraordinary circumstances, my colleagues, we sometimes take for us extraordinary measures. Will you please stand and join with me in a moment of silence.

[*Editor's Note: The House stood in silence*]

● (1515)

The Speaker: I hope that friends and relatives of the deceased will be comforted, and may the victims rest in peace.

* * *

CANADA LABOUR CODE

Mr. Lee Morrison (Cypress Hills—Grasslands, Ref.) moved for leave to introduce Bill C-429, an act to amend the Canada Labour Code (severance pay).

He said: Mr. Speaker, the purpose of this bill is to remove an anomaly from the Canada Labour Code which in certain cases makes it impossible for older workers upon dismissal to claim severance pay.

The problem is that under the Canada Labour Code if someone is entitled to pension benefits, even if they are much reduced pension benefits due to early retirement, that person is not automatically able to claim the same benefits under severance pay as younger employees. I believe that is wrong. That is the object of the bill.

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

* * *

CANADA TRANSPORTATION ACT

Mr. Lee Morrison (Cypress Hills—Grasslands, Ref.) moved for leave to introduce Bill C-430, an act to amend the Canada Transportation Act (discontinued railway lines).

He said: Mr. Speaker, this bill to amend the Canada Transportation Act has as its purpose the declaration of a moratorium of three years on the dismantlement of any abandoned rail line.

The reason is that once a line is abandoned, if immediate dismantlement is allowed, that line can never be put into productive use. If there were a three year moratorium it would give interested parties the opportunity to organize, raise financing and potentially put these lines back into service as privately owned short lines.

● (1520)

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

Routine Proceedings

PETITIONS

MULTILATERAL AGREEMENT ON INVESTMENT

Mr. Nelson Riis (Kamloops, Thompson and Highland Valleys, NDP): Mr. Speaker, it is an honour and a privilege for me to present a petition on behalf of a large group of petitioners from throughout the province of British Columbia and on behalf of my New Democrat colleagues in the House of Commons who support the petition against the MAI in principle and in content.

They point out that the MAI is simply one more step in a series of these agreements which, in the name of liberalizing trade and investment, expands the power of multinational corporations at the expense of the powers of governments to intervene in the marketplace on behalf of our social, cultural, environmental and health care goals.

The petition is too long to recite. It goes on to give hundreds of reasons to oppose the MAI. It is an honour to present it today, the first day back in this session of parliament.

[*Translation*]

REDUCTION OF GAP BETWEEN RICH AND POOR

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, I have the honour to present a petition signed by more than 500 of my constituents calling on Parliament to strike a joint parliamentary committee whose specific mandate would be to examine the ability of Canadian parliamentarians to narrow the gap between the rich and the poor in the new context created by market globalization and to propose concrete solutions.

This petition stems from the initiative undertaken by the member for Lac-Saint-Jean and strongly supported by all those who want to see a narrowing of the gap between the rich and the poor in our society.

[*English*]

CANADA PENSION PLAN

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I rise to present a petition on behalf of a number of citizens from Peterborough who have discussed with me their concern about the death benefit in the Canada pension plan.

The petitioners point out that the CPP is an integral part of the retirement income of Canadians. The CPP death benefit plays an important role for Canadians during a difficult and stressful time. They suggest that adequate notice was not given prior to the reduction of the death benefit.

Therefore these petitioners call upon parliament to address this oversight by rescinding the reduction and to acknowledge that the 30% reduction in the death benefit creates additional hardship for many Canadians.

SAGKEENG FIRST NATIONS

Ms. Bev Desjarlais (Churchill, NDP): Mr. Speaker, I rise on behalf of members of the Sagkeeng First Nations who comment on conditions in their community and call on parliament to put in place a process that will assist them in improving the quality of life in their community.

CANADA LABOUR CODE

Ms. Bev Desjarlais (Churchill, NDP): Mr. Speaker, as well I have a petition on behalf of a number of citizens of Ontario. They note the Treasury Board's bad faith in negotiating with federal workers and ask parliament to enact legislation that would broaden the scope of the Canada Labour Code to include all federal workers.

HUMAN RIGHTS

Mr. John McKay (Scarborough East, Lib.): Mr. Speaker, I have the honour to present a petition on behalf of ethnic Chinese people from Indonesia.

The petition makes reference to human rights abuses and describes in some detail how 1,300 people were killed. It states that these human rights abuses cannot continue.

The petitioners ask that Canada, as a leader in human rights areas, ethically and morally, not stand by and do nothing. They call upon parliament to appeal to President Habibie of Indonesia to protect the human rights of ethnic Chinese.

MARRIAGE

Mr. John McKay (Scarborough East, Lib.): Mr. Speaker, I have a second petition to present with respect to Bill C-225, an act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act, which would define in statute that a marriage can only be entered into between a single male and a single female.

CRTC

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I have two petitions to table today pursuant to Standing Order 36.

• (1525)

The first petition from the people of Pictou—Antigonish—Guysborough pertains to changes to the CRTC act and calls upon the government to review the mandate of the CRTC, specifically with respect to the licensing of sexually explicit and violent programming.

FOOD AND DRUGS ACT

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I wish to present another two petitions, again from the people of Pictou—Antigonish—Guysborough.

The petitioners call upon the government to review the Canada Food and Drugs Act with respect to certain amendments that they are calling for and, as well, they specifically ask the government to review the introduction of health products into the Canadian economy for freer introduction of those products.

BILL C-68

Mr. Lee Morrison (Cypress Hills—Grasslands, Ref.): Mr. Speaker, over the course of the summer recess I received seven petitions bearing 883 signatures in total. The petitions come from the constituencies of Battlefords—Lloydminster, Regina—Qu'Appelle, Prince Albert, Churchill River and my own constituency of Cypress Hills—Grasslands. The seven petitions are similar in form and content. Therefore I will refer to only one of them.

The petitioners point out that there is no evidence that the registration of firearms will have any impeding effect on crime in this country. The petitioners point out that Bill C-68 would put an unnecessary burden on peace officers. The petitioners state that the search and seizure provisions of Bill C-68 would constitute a breach of traditional civil liberties.

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

This brings to 3,989 the number of signatures that I have received on petitions of this nature in the last few months.

* * *

QUESTIONS ON THE ORDER PAPER

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the following questions will be answered today: Nos. 14, 87, 95, 96, 97, 101, 102, 103, 104, 105, 106, 107, 112, 114 and 116.

[*Text*]

Question No. 14—**Ms. Judy Wasylycia-Leis:**

For the financial year 1997-98, how much money has the federal government (*a*) spent before September 1, 1997 and (*b*) allocated for the reduction of smoking in each of the following activity areas; (i) anti-smoking programs aimed at youth and young Canadians, (ii) research into tobacco use and its consequences, (iii) enforcement of federal laws on tobacco use, (iv) enforcement of laws against cigarette smuggling, (v) measurement of the tobacco use by Canadians, (vi) development of regulations under

the new Tobacco Act, (vii) costs associated with the tobacco industry challenge of the Tobacco Act, (viii) cessation programs or other support for Canadians addicted to cigarettes, and (ix) grants and/or contributions to health and community organizations?

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

Health Canada and Justice Canada

Before September 1, 1997, Health Canada and Justice Canada spent:

(a) (i) $17,000
(ii) $128,000
(iii) & (iv) $822,000
(v) $55,000
(vi) $75,000
(vii) $259,679.35
(viii) none
(ix) $350,000

For the financial year 1997-98, Health Canada and Justice Canada allocated:

(b) (i) $200,000
(ii) $487,000
(iii) & (iv) $5.5 million
(v) $210,000
(vi) $285,000
(vii) $2.0 million
(viii) 0
(ix) $425,000

Revenue Canada

(a) & (b) (iii) The excise duty program is responsible for the protection of revenues for excisable goods subject to the Excise Act, including alcohol and beer, as well as tobacco products.

The enforcement of federal laws on tobacco use is an important part of the department's global strategy. However, the amount of money spent on enforcement is not broken down into specific commodities.

(a) & (b) (iv) Revenue Canada's customs contraband resources are dedicated to preventing not only tobacco but alcohol, drugs, firearms and other types of smuggling. As such, it is impossible to separate resources used solely for enforcing laws against tobacco smugling.

In 1997-98 the department received $23 million to implement an anti-smuggling initiative and allocated $19 million of the total to the Customs and Trade Administration Branch. To fight contraband smuggling, the department dedicated over 700 FTEs, full time equivalents, to the program, of which about 300 have been funded though the anti-smuggling initiative.

Apart from this special effort, the department also deploys over 3,500 uniformed customs officers across Canada to prevent smuggling, not only of tobacco, but other products as well.

Royal Canadian Mounted Police, RCMP,

(a) & (b) (iii) & (iv) It is impossible to detail the amount of funding for enforcement of federal laws on tobacco use or enforcement of laws against tobacco smuggling. The reason for this is that the RCMP priority under the customs ans excise program is the investigation of organized criminal groups involved in smuggling. Although a criminal organization may be involved in tobacco smuggling only, it is more often the experience of the RCMP that organized criminal groups are simultaneously involved in a variety of illegal activities. The most common illicit products are tobacco, liquor, drugs and firearms. Therefore, an investigation would overlap a number of illegal activities and contraband goods at the same time.

In general terms, the following can be provided in relation to customs and excise enforcement. The RCMP was provided with $66,300,000 for customs and excise enforcement and related statutes through the anti-smuggling initiative for the fiscal year 1997-98. Of this amount, $18,104,000 was provided directly to the integrated proceeds of crime initiative to support human resources and to cover the costs related to investigations of proceeds of crime activities related to the Customs and Excise Acts.

The remaining $48,196,000 is used to support 332 regular members and 25 public service support staff. In addition, there are 249 regular members and 33 public service support staff with the customs and excise program. These resources are funded through the ''A'' based RCMP budget. This would amount to approximately $25,000,000 per year.

In addition to the above, the cost of support programs to customs and excise enforcement would need to be included. There is, however, no way of determining the direct cost of these resources to tobacco related investigations.

Question No. 87—**Mr. John Duncan:**

What was the yearly amount paid for services rendered to the federal government and its agencies, from 1990 to 1997, to the following law firms; (*a*) Lang Michener; (*b*) Fraser Beattie; (*c*) Gowling Strathy; and (*d*) Fasken Calvin?

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

(a) Lang Michener

1990-91—$63,903.59
1991-92—$221,093.25
1992-93—$86,811.00
1993-94—$265,675.89
1994-95—$89,474.07
1995-96—$149,977.36
1996-97—$202,782.82
1997-98—$285,442.99

(b) Fraser & Beattie

1990-91—$273,506.05
1991-92—$484,695.61
1992-93—$181,361.79
1993-94—$445,166.02
1994-95—$159,493.98
1995-96—$35,549.49
1996-97—$10,364.51
1997-98—$7,917.00

(c) Gowling Strathy & Henderson

1990-91—$224,127.90
1991-92—$300,291.64
1992-93—$628,233.88
1993-94—$537,508.49
1994-95—$480,180.21
1995-96—$777,425.29
1996-97—$705,233.32
1997-98—$1,077,602.76

(d) Fasken Calvin

1990-91—$6,152.00
1991-92—$2,236.00
1992-93—$18,895.00
1993-94—$46,080.06
1994-95—$6,761.00
1995-96—$27,626.91
1996-97—$48,410.36
1997-98—$10,153.00

Question No. 95—**Mr. Grant McNally:**

What studies has the Government of Canada commissioned concerning the extent of potential financial liability to taxpayers resulting from challenges by foreign investors against allegedly non-conforming measures at the national and subnational level under the investor-state dispute settlement processes of (*a*) NAFTA and (*b*) the proposed MAI?

Hon. Sergio Marchi (Minister for International Trade, Lib.): The right of corporations to sue governments is not unprecedented. Under Canadian law, both domestic and foreign owned companies have the right to file claims in Canadian courts if they believe that they have been treated unfairly by the government. Investor-state arbitration ensures that Canadian investors abroad have recourse to fair and transparent dispute settlement, especially in countries which may not provide the same legal and judicial protection that is guaranteed in Canada. Recourse to investor-state arbitration is an important feature of the North American Free Trade Agreement, NAFTA, and of bilateral investment treaties that Canada and many other countries have concluded.

The government works continually to ensure that its measures conform to its international legal obligations. Indeed, the government consults broadly and assesses a variety of implications in the development of policies and initiatives. The government's potential financial liability pursuant to challenges by foreign investors against allegedly non-conforming measures under the investor-state dispute settlement procedures of the NAFTA and a potential Multilateral Agreement on Investment, MAI, would depend upon the number and nature of the disputes in question.

Respecting subnational measures, Canada secured a grandfathering of all existing non-conforming subnational measures in the NAFTA. In the MAI negotiations, Canada has indicated clearly that the application of the MAI to measures under the jurisdiction of Canadian provinces cannot be assumed and would depend upon the content of any potential deal. Should the negotiations result in a satisfactory agreement for Canada, the coverage of provincial investment measures would not exceed the NAFTA. Canada would ensure that all existing non-conforming measures maintained by provincial and local governments would be excluded from the coverage of any agreement. As well, Canada would fully safeguard our freedom of action at both the federal and provincial levels in key areas, including health care, social programs, culture, education, programs for aboriginal peoples and programs for minorities.

Since the outset of the MAI negotiations in 1995, the government has consulted the provinces on a frequent and consistent basis. The provinces are debriefed after every negotiating session, copied on all reports and have access to all negotiating document. Numerous meetings between federal and provincial trade officials have taken place over the past three years to address issues related to the negotiations. The federal-provincial trade ministerial meeting of February 19, 1998 allowed for a thorough discussion of Canada's objectives and bottom lines.

The governement will continue to consult closely with Canadians respecting the MAI negotiations. Consultations with provincial and territorial governments, non-governmental organizations, business and individual Canadians are vital to ensuring that all our interests are properly reflected in Canada's negotiating position.

Question No. 96—**Mr. Eric Lowther:**

With respect to the granting of pardons by the National Parole Board during the 1994-95, 1995-96 and 1996-97 reporting years: (*a*) how many decisions with respect to pardons did the National Parole Board make during these years: (*b*) how many total pardons were issued or granted during these years: (*c*) how many pardons were revoked during these years: (*d*) how many applications for pardons were denied during these years: (*e*) how many pardons were issued or granted for sexual offences during these years, including, but not limited to, the offences listed in sections 151, 152, 153, 155, 159, 160, 170, 212, 271, 272 and 273 of the Criminal Code or any of the earlier provisions of the Criminal Code which these sections replaced: (*f*) how many of the pardons that were revoked during these years had previously been granted for sexual offences: and (*g*) how many of the applications for pardons that were denied during these years were application to have one or more sexual offences pardoned?

Hon. Andy Scott (Solicitor General of Canada, Lib.): With respect to the Ministry of the Solicitor General, the answer is as follows:

(a) The National Parole Board made the following number of pardon decisions:

1994-95—25,502
1995-96—16,981
1996-97—19,269

(b) The National Parole Board granted the following number of pardons:

1994-95—23,895
1995-96—15,401
1996-97—17,529

(c) The National Parole Board revoked the following of pardons:

1994-95—269
1995-96—416
1996-97—498

(d) The National Parole Board denied the following of pardon applications:

1994-95—228
1995-96—172
1996-97—184

(e) There are no statistics available regarding the issue of pardons by offence type.

(f) There are no statistics available regarding the revocation of pardons by offence type.

(g) There are no statistics available regarding the denial of pardons by offence type.

Question No. 97—**Mr. Eric Lowther:**

With respect to the child tax benefit, CTB during this and the last fiscal year for this program: (*a*) how many cases have there been where the same child was being claimed for the CTB by more than one individual at the same time: (*b*) what percentage are these cases of the total number of cases in the CTB program over the same period of time: (*c*) what was the total amount of overpayment for all of these double payment cases: (*d*) what was the average dollar value per double payment case: (*e*) what was the average length of time of such double payment: (*f*) how are such cases handled after they are discovered: (*g*) how many cases have there been of CTB payments being paid for an extended period of time after the deth of a child: (*h*) what percentage are these cases of the total number of cases in the CTB program over the same period of time: (*i*) what percentage are these cases of the total number of cases of child deaths where the child had been in the CTB program: (*j*) what was the total amount of overpayment for all of these cases: (*k*) what was the average dollar value per overpayment case: (*l*) what was the average length of time of overpayment: (*m*) how are such cases handled after they are discovered: (*n*) what were the costs to the department in discovering and correcting the above errors?

Hon. Harbance Singh Dhaliwal (Minister of National Revenue, Lib.): (a) Revenue Canada has effective processes in place to ensure that duplicate payments cannot be made in respect of a child, for the same period. As a result, such cases are extremely rare. A review of all compliance activities for the 1997-98 fiscal period, over 31,000 actions, revealed only one case of duplicate payments being made in respect of a child. Data were not kept at that level of detail prior to 1997-98.

(b) For statistical purposes, the percentage is effectively ''O''.

(c) The one case detected involved an overpayment of $1,574.

(d) Not applicable.

(e) For the case detected, overpayments continued for 17 months.

(f) The overpayment is being recovered from the client. In general, overpayments are recovered by deducting 50% of the amount of future benefits until the debt is repaid. However, a lower rate will be accepted if the client demonstrates that the 50% withholding causes significant financial hardship.

(g) Each year, about 400 clients fail to report the death of a CTB, child tax benefit, entitled child to Revenue Canada, and continue to reveive benefits in respect of that child for an extended period of time, i.e., more that a year following the death of the child.

(h) This represents 0.007% i.e., about one child in 14,000, of children in respect of whom CTB is being paid for the year.

(i) The annual total of 400 cases is about 18% of CTB entitled children who die each year.

(j) Losses for the last and current fiscal years are estimated to be less that $800,000 and $1,000,000 respectively, against annual expenditures of $5.1 billion.

(k) The average annual overpayment per case is approximately $510.

(l) If neither the client nor Revenue Canada take corrective action in respect of a case, payments may continue for an average of 9.6 years following the child's death. Using this as a worst case scenario, Revenue Canada risks overpaying CTB by an average of $4,900, over the duration of the case. It should be noted that CTB is a relatively new program, with the first payments being made in 1993.

In the near future, Revenue Canada hopes to obtain detailed infromation on child deaths directly from the provinces, so that the department can accurately and quickly take appropriate action to prevent overpayments, without adding to ghe stress and duress experienced by the grieving family.

(m) In most cases the parent contacts Revenue Canada when he or she realizes that benefits are still being received in respect of a deceased child. They may be detected during routine reviews of the account, but the frequency of occurrence is too low for this to happen more than a few times a year. In either case the account is adjusted and any overpayment is recovered without interest and penalities being charged, barring deliberate fraud.

(n) To date Revenue Canada has not undertaken any compliance reviews that specifically target the failure to report the death of a child. Revenue Canada has concentrated its efforts on imforming the public of the need to advise the department immediately of such an event. Assuming the required data will be made available by the provinces, Revenue Canada will soon be able to take prompt corrective action at a very modest cost.

Question No. 101—**Mr. Jim Hart:**

How many people were infected with Hepatitis C from tainted blood before January 1, 1986 and what is the source of this information?

Hon. Allan Rock (Minister of Health, Lib.): Current estimates place the number of people still living who were infected with hepatitis C through Canada's blood system before January 1, 1986, at somewhere between 20,000 and 30,000. This does not include the 10,000 and 18,000 people who were already infected with hepatitis C before they used the blood system, but for a number of reasons many if not most of these cases cannot be distinguished from the others. Thus there are between 30,000 to 48,000 living

people who might be considered as having been infected with hepatitis C through the blood system.

A working group of epidemiologists under contract to Health Canada developed these estimates using the latest data and information available. Health Canada invited key stakeholders to participate on an expert panel that reviewed the working group's findings. Participants included representatives from the provinces and territories, and consumer groups such as the Hepatitis C Society of Canada and the Canadian Hemophilia Society. The expert panel endorsed the working group methodologies and findings.

Question No. 102—**Mr. Jim Hart:**

Has the federal government provided the Nicola Indian Band funding for a feasibility study to purchase the Douglas Lake Ranch and, if so: (*a*) how much money did the government provide; and (*b*) what are the terms of the agreement between the government and the Nicola Indian Band?

Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.): The federal government has not provided any funding to the Nicola Band for it to undertake a feasibility study to purchase the Douglas Lake Ranch.

Question No. 103—**Mr. John Cummins:**

With reference to infectious salmon anemia (ISA) and its possible effect on salmon and other marine life on Canada's east and west coasts: (*a*) where on the east coast has the disease been found amongst farmed Atlantic salmon, how many pens have reported the disease, how many farms, and how many bays; (*b*) what action has been taken by aquaculture operators to control the disease on the east coast, how many farmed Atlantic salmon have been slaughtered, and what was their value; (*c*) what chemicals, antibiotics or other medicines have the aquaculture operators on the east coast used to prevent or control the disease, and which of these products have been approved for use in the marine environment; (*d*) what is the effect on wild salmon, shellfish and other marine life of the chemicals, antibiotics or other medicines used by aquaculture operators to prevent or control the disease; (*e*) is it possible that local wild species of salmon and other marine life on the east coast have been affected by the strain of the disease found amongst farmed salmon, if so which species of wild salmon and other marine life are most susceptible to the disease, and which of these species would be most threatened by the disease (*f*) what is the responsibility of the Department of Fisheries and Oceans in regard to this strain of the disease, more particularly what responsibility does the department by statute have in dealing with this disease when found in sea-base aquaculture operations; (*g*) what responsibility does the Department of Fisheries and Oceans have to prevent the possible transmission of this strain of disease from aquaculutre operations on the east coast to local wild fish stocks; (*h*) what action has the Department of Fisheries and Oceans taken to ensure that this strain of the disease is not transmitted to wild fish stocks on the east coast; (*i*) has the Department of Fisheries and Oceans succeeded in preventing the transmission of this strain of the disease to wild stocks on the east coast; (*j*) what research has the Department of Fisheries undertaken on the possible spread of this strain of the disease to wild stocks on the east coast, when will this research be completed and when will it be made available to the public; (*k*) what resources (money and personnel) has the Department of Fisheries spent in the control and prevention of this disease; (*l*) so as to prevent the transmission of this disease what research has the Department of Fisheries and Oceans undertaken into alternatives to net pen salmon aquaculture; (*m*) are farmed Atlantic salmon on west coast susceptible to this disease; (*n*) has this disease found on the east coast yet been found in farmed Atlantic salmon stocks on the west coast; (*o*) what responsibility does the Department of Fisheries and Oceans have to endure that the disease does not get tranferred to farmed Atlantic salmon stocks on the west coast; (*p*) what action has the Department of Fisheries and Oceans taken to ensure that the disease is not transferred to farmed Atlantic salmon stocks on the west coast; (*q*) what special precautions is the Department of Fisheries and Oceans undertaking to prevent transfer of the disease to the 214 wild coho runs on the west coast identified by the American Fisheries Society as being at high risk of extinction; and (*r*) is it possible to transfer the disease from farmed Atlantic salmon stocks on the west coast to local wild stocks and if so what wild salmon and other marine species are susceptible to this disease?

Hon. David Anderson (Minister of Fisheries and Oceans, Lib.): (a) Infectious salmon anaemia, ISA, has only been found in Atlantic salmon marine farms in the Bay of Fundy along the south west coast of New Brunswick. Twenty one farms have been infected in three bays, Limekiln, Bliss Harbour ans Seal Cove.

(b) The aquaculture industry on the east coast has supported the establishment of a comprehensive ISA control program. A series of procedures have been or will soon be implemented including strict site disinfection and disinfection of waste water from fish processing plants. The industry has also relied on early harvest, i.e. before there are signs of the disease, as a measure to control ISA. It is estimated that approximately 1.5 million Atlantic salmon have been, or are in the process of being, eradicated in the three affected bays. The economic impact of ISA is estimated to be as high as $25-30 million.

(c) Infectious salmon anaemia, ISA, is a viral disease with no known treatment, so chemicals and antibiotics are not being used to control this disease. There are also no vaccines available to prevent infection of Atlatic salmon with the ISA virus. Instead, the prevention and control of ISA are based on comprenhensive management measures such as cleaning and disinfection of farm premises and equipement, restricted movement of live adult fish, disease surveillance, and disinfection of offal on waste from fish slaughterhouses. Sanitary slaughtering of market fish, i.e. slaughtering fish before there are disease signs, form farms where ISA is present il also recommended.

(d) No chemicals antibiotics or other medicines have been used to control this disease, so there is no impact on wild salmon, shellfish and other marine life.

(e) It is always possible that local wild Atlantic slamon, the same species as cultured Atlantic salmon, have been affected by ISA. However, ISA was first recognized in Norway in 1984, and the Norwegian authorities still consider ISA as a disease of farmed, not wild, Atlantic salmon in marine cages or land based facilities using seawater. The same situation is observed in New Brunswick. ISA has only been found in cultured Atlantic salmon in seawater, and testing of wild salmon and juvenile salmon in freshwater hatcheries has been negative for ISA.

(f) In New Brunswick, the Department of Fisheries and Oceans, DFO, has no direct responsibility for controlling ISA in marine farms. The provincial department of fisheries and aquaculture has the responsibility for controlling diseases in salmon farms under the provincial aquaculture act. DFO's mandate in New Brunswick relates only to protecting the health of wild fish.

However, DFO has provided considerable scientific support to the province in terms of disease diagnostics, disease surveillance in wild fish, and participating on committees established to advise the New Brunswick government on ways to control ISA.

(g) ISA is not known to occur in wild fish, either in Canada or Norway where the disease was first detected. ISA has also been reported very recently in Scotland for the first time, again only in farmed fish in coastal waters. So DFO has not taken any specific action to date to control the spread of ISA to wild fish in New Brunswick. DFO is represented on committees mandated to control and manage the disease in aquaculture facilities and is monitoring the situation closely.

(h) ISA is not believed to be transmitted from parents to progeny via eggs. However, if transmission of ISA to ohter provinces on the east coast is to occur, it would likely be through the movement of live eggs and fish. Such transfers are controlled under the fish health protection regulations or under section 4 of the Fisheries Act. Live eggs or fish are only tranferred to other provinces form New Brunswick if sources have been inspected for and found to be free of the ISA virus.

(i) There is no historical evidence that ISA occurs in wild fish; nor is there evidence that ISA has been transmitted to wild populations of salmon in New Brunswick. In 1997, DFO tested more than 100 wild salmonids for the presence of ISA and all fish were negative. And additional 120 wild juvenile Atlantic salmon have been tested by DFO in 1998, as well as samples from herring, cod, pollock, mackerel and flounder. Furthermore, adult Atlantic salmon returning to rivers draining into the inner Bay of Fundy are being sampled, 30 adults so far, including some fish that escaped from aquaculture cages. As in 1997 all tests to date are negative for ISA.

(j) Research efforts in DFO Science has focused on comfirming that ISA was the disease agent for the syndrome that was causing high mortalities on salmon farms in south west New Brunswick, and to assess the validity of cell culture to diagnose infectious salmon anaemia. All the research results on transmission of the disease are completed and were made public during scientific conferences, workshops or meetings. The laboratory work on using cell culture as a diagnotic tool has just been completed, and results will be made available as described upon completion of the data analysis. DFO is also paying for a contract to study the epidemiology of ISA. The contract report will be a public document.

(k) Work by DFO on ISA has been performed periodically by several DFO scientific staff within the existing work-plans. No additional money has been allocated, although it has necessitated a rearragement of priorities in certain cases. DFO is also paying $45,000 for a contract that is now in progress, to study the epidemiology of ISA.

(l) ISA is considered a manageable disease in Norway if management measures described in (c) are implemented. DFO has not studied alternatives to net-pen culture.

(m) In North America, ISA has only been found in Atlantic salmon reared in marine cages in the Bay of Fundy south west New Brunswick. As the Atlantic salmon farmed on the west coast are the same species they would be susceptible, but there is no indication of the disease in British Columbia.

(n) No, ISA has not been detected on the west coast.

(o) The Department of Fisheries and Oceans is responsible for protecting the health of fisheries resources in Canada. Any interprovincial movement of live salmonid eggs and fish, e.g. transfers from New Bruswick to British Columbia, is subject to requirements of the fish health protection regualtions, or under section of the Fisheries Act. Sources of eggs and live ish originating from New Brunswick would have to be inspected and certified free of ISA before and import permit was issued for the importation to another province such as British Columbia. As an added precaution because of the presence of ISA in New Brunswick, local fish health officers who administer the fish health protection regulations on the east coast have agreed not to approve request to transfer live fish from marine cages located in the Bay of Fundy to any other province.

(p) The measures described in (o) minimize the risk if ISA being transferred to the west coast.

(q) The measures described in (o) minimize the risk of transferring ISA to any salmonid stocks on the west coast. These meaures are meant to protect wild coho salmon as well as farmed salmon. It should be noted that Pacific salmon is a different genus to Atlantic salmon, and the virus has not been found in Pacific salmon species.

(r) This is a highly hypothetical question since ISA is not present on the west coast and its distribution is limited to farmed fish in south west New Brunswick. ISA is a disease affecting only farmed Atlantic salmon. To our knowledge it has never been found in wild Atlantic salmon populations. Atlantic salmon is the only species that we know is susceptible to this disease.

Routine Proceedings

Question No. 104—**Mr. John Duncan:**

In the last three fiscal years (1995-96, 1996-97 and 1997-98), on the west coast of Canada, how much money in total was spent at the light stations known as Trial Island, Merry Island, Chrome Island, Entrance Island, Cape Mudge, Scarlett Point, Pultney Point, Boat Bluff, Green Island, Dryad Point, Pachena Point and Carmanah Point on automation in preparation for destaffing for alternative lighting, fog horns, power generation, alarm relay systems, weather recording systems, recording buoys, cameras, anemometers, security structures, technician transport and adjustment costs for same, battery replacement costs, and on satellite time costs for alternative weather data recording and transmission?

Hon. David Anderson (Minister of Fisheries and Oceans, Lib.): In order to make a decision on destaffing 12 light stations, in the pacific region of the Department of Fisheries and Oceans, it was necessary to obtain user input on the acceptability of alternative services at modernized light stations. Therefore, the coast guard spent money on various activities to provide the necessary demonstration period at these site including aids to navigation equipment, weather equipment, and transportation costs. The light stations are: Trial Island, Merry Island, Chrome Island, Entrance Island, Cape Mudge, Scarlett Point, Pulteney Point, Boat Bluff, Green Island, Dryad Point, Pachena Point and Carmanah Point.

Automation in Preparation[1] for Destaffing at Selected Light stations

Station	1995-96	1996-97	1997-98	Attributed costs for 1997-98	Total costs for the three fiscal years for each station
Trial Island	0	$1,353.45	$75,886.00	$133,000.00	$210,239.45
Merry Island	0	$1,894.68	$45,034.00	$133,000.00	$179,928.68
Chrome Island	0	$5,621.04	$69,656.00	$133,000.00	$208,277.04
Entrance Island	0	$18,799.71	$42,737.00	$133,000.00	$194,536.71
Cape Mudge	0	$3,527.40	$80,929.00	$133,000.00	$217,456.40
Scarlett Point	0	$0.00	$67,000.00	$133,000.00	$200,000.00
Pulteney Point	0	$3,172.93	$49,683.00	$133,000.00	$185,855.93
Boat Bluff	0	$1,217.97	$37,241.00	$133,000.00	$171,458.97
Green Island	0	$414.53	$34,500.00	$133,000.00	$167,914.53
Dryad Point	0	$404.02	$39,700.00	$133,000.00	$173,104.02
Pachena Point	0	$0.00	$75,000.00	$133,000.00	$208,000.00
Carmanah Point	0	$1,090.84	$75,000.00	$133,000.00	$209,090.84
Totals	0	$37,496.57	$692,366.00	$1,596,000.00	$2,325,862.57

* estimates based on average direct cost of equipment and fixtures

[1] Project funds were expended during 1995-96; however, no work was done at the stations listed. In 1996-97 the focus of the light station services project was on the eight stations which became destaffed during that fiscal year. Some minor preparation work was done for the 12 stations under review; thus, no attributed costs are assigned; a total of $933,382 was spent which was not tracked to individual station. In 1997-98 project work focused on the 12 stations being reviewed. Costs were tracked where possible for individual light stations; however, detailed reporting by station is not possible with current financial systems. Direct costs have been estimated based on known expenditures as at November 1, 1997. Additional costs have been assigned by attributing the non-assigned costs equally among the stations.

Question No. 105—**Mr. John Duncan:**

In the last two fiscal years, 1996-97 and 1997-98, on the west coast of Canada, how much money has been spent replacing or fixing solar panels on beacons and buoys that were damaged because of theft or vandalism?

Hon. David Anderson (Minister of Fisheries and Oceans, Lib.): In the last two fiscal years $27,845, not including ship or technician time, was spent in the Pacific region of the Department of Fisheries and Oceans by the coast guard on replacing or fixing solar panels on beacons and buoys that wwere damaged because of theft or vandalilsm.

1996-97—$13,435.
1997-98—$14,410.

Question No. 106—**Mr. Grant McNally:**

Can the government provide the rationale and criteria used to substantiate the October 21, 1994 declaration of the immigration minister, pursuant to paragraph 19(1)(*l*) of the Immigration Act, that in his opinion, the former Marxist regime of Afghanistan, 1978 to 1992, had been engaged in systemic or gross human rights violations?

Hon. Lucienne Robillard (Minister of Citizenship and Immigration, Lib.):

Citizenship and Immigration Canada, CIC

The rationale and criteria used in designating governments/regimes, including Afghanistan, under paragraph 19(1)(*l*) of the Immigration Act:

Under paragraph 19(1)(*l*) of the Immigration Act, senior members or officials associated with regimes that, in the opinion of the minister, committed gross human rights abuses or crimes against humanity are considered inadmissible to Canada unless the minister is of the opinion that their admission would not be contrary to the national interest. These officials need not have committed crimes against humanity themselves but, by virtue of their position during the period when atrocities were committed, likely agreed with or were able to influence the actions, laws and policies of the government, in addition to benifiting from the status brought about from being a part of that government.

Immigration headquarters has the responsability for researching the human rights record of regimes in consultation with the Department of Foreign Affairs and International Trade, DFAIT. DFAIT plays an active role in this process by providing clear departmental positions with respect to the human rights practices of a specific regime and by providing an assessment of the international impact. Where appropriate, immigration headquarters recommends to the Minister of Citizenship and Immigration whether a regime should be designated under paragraph 19(1)(*l*) of the Immigration Act.

In 1994, CIC requested the opinion of the minister regarding the human rights record of the former Marxist regime in Afghanistan,

1978-1992, for the purposes of designating it under paragraph 19(1)(*l*). The Marxist regime was described as one which was engaged in terrorism, systematic or gross human rights violations, war crimes or crimes against humanity within the meaning of the Criminal Code of Canada. One of its leaders, Dr. Najibullah, had formerly been head of the Afghani Information Police, KHAD, whose agents routinely and savagely administered torture during interrogations of prisoners. Officials from Foreign Affairs were consulted and they concurred with the recommendation to designate. The Minister of Citizenship and Immigration subsequently designated the former Marxist regime in Afghanistan under paragraph 19(1)(*l*).

Question No. 107—**Mr. Peter MacKay:**

Can the government provide information as to whether or not Mr. David Pryce is working in the office of the Minister of Industry or any other minister's office and, if so: (*a*) does he perform duties that require security clearance and (*b*) can the government provide information as to restrictions for ministers and their staff who hold a criminal record, as it relates to security clearance?

Hon. John Manly (Minister of Industry, Lib.): Mr. David Pryce is employed as a special assistant with responsibilities for Ontario in the office of the Minister of Industry.

(a) All special assistants to ministers require ''secret'' security clearance.

(b) Staff who have a criminal record are treated in the same way as public servants to ensure that such cases are disposed of in a satisfactory, fair and objective manner which respects the rights of the individual. The existence of a criminal record need not be sufficient grounds to deny a security screening status. The procedures stipulated in the Treasury Board government security policy are followed. This means that the individual is offered an opportunity to explain the adverse information. The record is considered in light of such matters as the duties to be performed, the nature and frequency of the offence, the passage of time, the individual's attitude toward the offence, the extent to which the individual has changed behaviour and the likely recurrence of similar offences and their potential impact.

Question No. 112—**Mr. Chris Axworthy:**

Is the Department of National Defence planning to change the communications systems on the Sea King helicopters and, if so, what is the cost?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): The following changes to the Sea King helicopters' communication systems are underway to conform with NATO operation standards:

(a) The ''Have Quick II'' systems is being integrated into the AN ARC 164 (V) UHF radios at a cost of $1 million; and

(b) The KY75 system is being replaced by the Advanced Narrow Band Digital Voice Terminal, ANDVT, at a cost of $325,000.

Question No. 114—**Mr. Philip Mayfield:**

With regards to various developing countries involvement in the Montreal protocol: (*a*) what role is Canada playing to ensure these countries meet the specified standards; and (*b*) how much money, including indirect as well as direct funding, has the federal government allocated overall to help these developing countries achieve compliance?

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): I am informed by the Department of Environment and the Canadian International Development Agency as follows:

With regard to various developing countries involvement in the Montreal protocol:

(a) Canada has actively participated in the work of the meetings of the parties and the meetings of the executive committee of the multilateral fund to help ensure compliance of developing countries with the control measures of the protocol. More recently, Canada has presided over the work of the implementation committee which is responsible for reviewing situations of non-compliance with the Montreal protocol. Finally, Canada has been an advocator of a strong and effective non-compliance procedure and was the chief proponent of a newly created working group, ad hoc working group of legal and technical experts on non-compliance to the Montreal protocol, which is mandated to review the non-compliance procedure with a view to developing appropriate recommendations on the need and conditions for the further elaboration and strenghtening of this procedure.

(b) Regarding the issue of funding allocated by the federal government to help developing countries achieve compliance, Canada has, so far, contributed $25.3 million U.S. directly to the multilateral fund of the Montreal protocol shared between the Canadian International Development Agency, CIDA, and Environment Canada, of which $3.2 million U.S. was provided by Environment Canada to the bilateral assistance fund. In addition, Environment Canada has provided, so far, a total of $1.12 million U.S. in financial support to house the multilateral fund secretariat in Montreal. Canada's ongoing commitment to assist developing countries under the Montreal protocol totals approximately $8.2 million Canadian on a annual basis. Finally, CIDA is making two contributions to the Ottawa-based ENGO, Environment Non-Governmental Organization, Friends of the Earth, for ozone related activities in developing countries: a $300,000 Canadian grant over the next three years to strengthen public awareness about ozone issues, and to build national capacity to accelerate the transition from methyl bromide to environmentally benign alternatives in Chile, Ghana and Malaysia; and a grant of $75,000 Canadian this

year for an international youth internship program which targets ozone depletion activities.

Question No. 116—**Mr. Ken Epp:**

With respect to the selection of the new information commissioner, could the government specify: (*a*) how many individuals applied for the position of information commissioner; (*b*) what were the names of each of the candidates who applied; and (*c*) what criterion was used to select the information commissioner?

Mr. Gar Knutson (Parliamentary Secretary to Prime Minister, Lib.):

Part (a)

The information commissioner is a special ombudsperson appointed by parliament ot investigate complaints that the government has denied rights under the Access to Information Act. The commissioner is independent of government and has strong investigative powers.

The position of information commissioner became vacant following the expiration of Mr. John Grace's term of office on April 30, 1998.

Seven individuals expressed an interest in writing in being considered for the position.

Part (b)

The selection process for the new information commissioner was an informal one. Names were brought to the attention of the government for consideration by many sources, including the bureaucracy, the journalist community and members of parliament.

The names of those individuals who wrote in expressing an interest in the position cannot be disclosed since this information is considered personal information and is protected under the Privacy Act.

However, the Honourable John Reid's name was put forward to the government by opposition members of the House of Commons.

Under the Access to Information Act, the appointment of a new information commissioner must be approved by motions in the House of Commons and the Senate.

Following his testimony in committee, the House of Commons and the Senate adopted such motion supporting the appointment of the Honourable John Reid.

The appointment of Mr. Reid was subsequently announced by the government on June 25, 1998.

Part (c)

Although the selection process was informal, the government at all times sought to ensure that the new information commissioner would be an individual possessing experience in managing at the senior executive level, in innovating and leading in the management of a multi-disciplinary team on sensitive issues in a public environment, and with a thorough knowledge of the Access to Information Act, as well as an understanding of the rules of natural justice and fairness, and the principles of public administration, current government structure, and government decision making.

The government shares the view of all parties in the House of Commons and the Senate that Mr. Reid meets these qualifications.

* * *

[*English*]

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if Questions Nos. 85 and 98 could be made orders for returns, these returns would be tabled immediately.

The Speaker: Is that agreed?

Some hon. members: Agreed.

[*Text*]

Question No. 85—**Mr. John Reynolds:**

Can the Minister of Citizenship and Immigration please provide a costing of every one, of the 172 recommendations, contained in the Legislative Review Advisory Group Report and any other pertinent documentation or analysis?

Return tabled.

Question No. 98—**Mr. Eric Lowther:**

Could the government provide a complete list of all the ''rights'' (political, social, human) that Canada promotes through international organisations or has formally recognised through international agreement (including those through United Nations forums)?

Return tabled.

* * *

[*English*]

STARRED QUESTIONS

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, would you be so kind as to call Starred Questions Nos. 88, 99, 100, 113 and 115.

[*Text*]

*Question No. 88—**Mr. Ted White:**

Could the government explain what ongoing action it is taking, what progress has been made to date and when a final resolution is expected, with respect to the present situation whereby American shipbuilders have open access to the Canadian market, yet Canadian commercial vessels are prohibited for sale in the USA?

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.:) A number of maritime laws collectively known as the ''Jones Act'' impose a variety of limits on foreign participation in the U.S. domestic maritime industry. Under these laws, the carriage of cargo or passengers between points in the United States is restricted to U.S. built and U.S. documented vessels owned and operated by U.S. citizens. Similar restrictions apply to dredging, salvage and other commercial marine activities in U.S. waters. In international shipping, there are limitations on foreign ownership of vessels eligible for documentation in the United States. In addition, several subsidies and other support measures are available to operators of U.S. vessels: cargo preference laws restrict the carriage of military cargo and limit the carriage of government non-military cargo, aid cargo and certain agricultural commodities to U.S. vessels. These and other restrictions coupled with defence related prohibitions of the Byrnes/Tollefson amendment limit Canadian participation in U.S. shipping activities.

Although Canada has sought to enhance access to the U.S. market in this sector through trade negotiations, the United States has refused to negotiate improvements and has protected these restrictions in both the North American Free Trade Agreement, NAFTA, and the World Trade Organization, WTO, agreements. In the NAFTA and the WTO, Canada protected our ability to utilize similar measures wtih respect to imports from the United States. In practical terms, imports of ships from the United States into Canada have not been significant due to production and competitive realities.

Canada will continue to use every appropriate opportunity to encourage the liberalization of these restrictive provisions. Although there have been renewed calls for reform, the cabotage and cargo preference restrictions continue to enjoy significant support in the United States, limiting the prospect of any major change in the short term.

*Question No. 99—**Mr. Jim Hart:**

Has the federal government done an economic impact study on the implications of the Delgamuuk decision on British Columbia and, if so: (*a*) what are the results of this study; and (*b*) what are the economic impacts of the Delgamuuk decision for the rest of Canada?

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): The federal government has not conducted an economic impact study on the implications of the Delgamuukw decision on British Columbia or elsewhere in Canada. In its decision on the Delgamuukw case, the Supreme Court of Canada did not rule on whether or not where aboriginal title continues to exist in Canada. Accordingly, it would be impossible to conduct an economic impact study on the implications of the continued existence of aboriginal title.

*Question No. 100—**Mr. Jim Hart:**

What are the safety, health, disciplinary and morale reasons behind dress regulations for the Canadian Armed Forces as the exist right now?

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):

Safety and Health Reasons

Items of clothing are designed to accommodate the varied activities of Canadian Forces personnel in all climatic environments in order to prevent injury and disease.

Adequate clothing, properly worn, is essential to welfare and survival in harsh, cold environments. Clothing is designed to be worn as an ensemble for protection of head, torso and extremities. Failure to wear the total ensemble in accordance with the layering principle to conserve body heat, influences cold injuries such as chilblains, trench foot, hypothermia and frostbite.

In hot climates, clothing is designed to help personnel avoid the many problems associated with overheating like cramps, syncope, exhaustion and stroke.

Special items of clothing are designed to protect personnel who are occupationally exposed to environmental hazards like toxic chemicals and radiation. Also, personnel serving onboard ship must have clothing that minimizes injuries in the event of an explosion or fire.

Disciplanary Reasons

High standards of dress, deportment, and grooming are universally recognized as marks of a well trained, disciplined and professional force. Commanders must maintain the standards at all times to reinforce these characteristics for peace and war. Modified or idiosyncratic dress demonstrates inefficient and undisciplined training and a failure of those in command to focus on the purpose of a uniformed armed force.

Morale Reasons

The uniforms of the Canadian Forces identify all personnel as members of a cohesive, armed body in the service of the Canadian people. The uniform is an outward symbol of the Canadian Forces' commitment, identity and ethos. Coupled with overall appearance, the uniform is the most powerful visual expression of pride by the individual service member, and is the primary means by which the public image of the Canadian Forces is fashioned.

Canadian Forces personnel take pride in their uniforms. Ultimately, poor design or manufacture of these uniforms can affect their morale.

*Question No. 113—**Mr. Ted White:**

Could the government please indicate: (*a*) whether representatives of the Quebec government have been or will be, accredited as diplomats within the Canadian embassy in Beijing; (*b*) whether one of those representatives has been, or will be, operating under the title of ''chef de poste du Québec''; (*c*) the names of those representatives; (*d*) whether Quebec has representatives posted in other Canadian embassies; (*e*) whether Quebec representatives operating from Canadian embassies are permitted to distribute material promoting a separate Quebec and if not, what steps have been take to prevent such distribution; and (*f*) whether any provinces other than Quebec have provincial employees working with diplomatic status in Canadian embassies?

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): (a) As of June 3, 1998, no representative of the Quebec government has been accredited as a diplomat within the Canadian embassy in Beijing. The federal government is currently negotiating with Quebec a memorandum of understanding for the co-location of one Quebec official, supported by one locally engaged program officer and one locally engaged secretary, to perform what are to be essentially trade development, investment promotion and development assistance duties. Under current practice, provincial governments may, with the approval of the Minister of Foreign Affairs, be permitted to co-locate within Canadian embassies abroad on a full cost recovery basis and where space is available.

(b) The title ''chef de poste du Québec'' is not an official diplomatic designation and would not be authorized for use in the official publication ''Canadian Representatives Abroad'' nor in the diplomatic list provided to host country authorities. In comparable situations, the senior Quebec government officer is assigned the title of ''First Secretary'' followed by an appropriate description of his area of responsibility, for example, ''Immigration—Quebec'' or ''Commercial and Development Assistance—Quebec''.

(c) The negotiations of a co-location agreement are in progress. The Quebec governement has not yet nominated an officer to send to Beijing.

(d) Quebec government immigration officials are co-located within the Canadian missions in Damascus, Vienna and Hong Kong. A Quebec officer from the Ministry of International Relations working in the field of educational and social affairs is co-located within the Canadian embassy in Abidjan, Côte d'Ivoire.

(e) It would be inappropriate for Quebec officials located in Canadian missions abroad to distribute material promoting an independent Quebec. Under the terms of the co-location memoranda of understanding with provincial governments, the provinces agree that their provincial officials fall under the overall authority of the Canadian head of mission. The head of mission has the power to take appropriate disciplinary measures, including in the final resort to request the return to Canada of members of staff.

(f) At present, only the province of Alberta has a co-located employee with diplomatic status at the Canadian embassy in Seoul, Korea. Several other provinces, including British Columbia, Saskatchewan, Ontario, New Brunswick and Newfoundland have co-located employees within Canadian missions abroad in the past.

Experience to date has been that co-locating provincial staff within Canadian missions abroad provides for a closer co-ordination and a better sharing of the workload between federal and provincial officials that is likely to occur between a Canadian embassy and a separate provincial government office. Co-locations make optimal use of scarce resources abroad reflect the team Canada spirit.

*Question No. 115—**Mr. Paul Forseth:**

With regards to the weather-related ''leaky condo'' situation in British Columbia, which has evolved into financial disaster exceeding the Manitoba Flood and the Ontario-Quebec Ice Storm, does the Government have a plan to assist condo owners repair unforeseen damages by way of short-term emergency relief, and if so, does it permit any or all of the following: *a*) RRSP funds to be used without tax penalties: *b*) interest costs of repair loans to be used as a deductible expense, as it is for landlords: *c*) repairs to be GST-exempt: and *d*) expansion of the limits of the Residential Rehabilitation Assistance Program?

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): I am informed by the Department of Finance and Canada Mortgage Housing Corporation as follows:

a), b) & c) With regard to the Barrett commission's recommendations on using the tax system to deliver assistance in this circumstance, a careful review has raised a number of policy concerns. For example, since the federal tax system in nationally based, it would be difficult to provide tax assistance to owners of water damaged dwellings in B.C., while excluding individuals in similar circumstances in other parts of the country. It would also be difficult to provide a tax subsidy for unexpected repair costs arising from a particular cause but not others such as fires, floods, earthquakes, et cetera. Because of these policy concerns, the tax system was not used to provide relief for those affected by the recent natural disasters in Ontario, Quebec and Manitoba.

d) On July 13, 1998, the Government of British Columbia introduced legislation responding to 47 of the recommendations of the Barrett commission. British Columbia noted that discussions are underway with the federal government, local government, financial institutions and building professions on another 26 recommendations, and the other 9 recommendations are subjects to further analysis.

Two bills, the Homeowner Protection Act and the Strata Property Act, were introduced on July 13, 1998, and will make warranty protection in new homes mandatory; require residential builders to be licensed and meet standards; establish an industry funded home

protection office; and, increase access to information and ensure that owners and strata corporation can effectively respond to construction problems if they should occur.

The Government of British Columbia will commit $75 million as bridge financing for an industry funded reconstruction program that will provide no interest loans to owners for repairs. Priority will be given to those most in need who have exhausted all other financing options. The provincial contribution will be paid back over time through a special assessment on residential builders.

On July 17, 1998. the Minister of Public Works and Government Services of Canada advised the Honourable Jenny Kwan that Canada Mortgage Housing Corporation, CMHC, has been authorized to enter into negotiations with the B.C. government on the terms and conditions for a matching mortgage insurance fund, MIF, investment in the reconstruction program of up to $75 million for bridge financing. The minister also confirmed that CMHC mortgage loan insurance is available to enable owners of water damaged homes to fund repairs by way of existing, refinanced or second mortgages. Within its responsibility to manage the MIF in a prudent manner, CMHC will encourage early discussion and flexibility in applying CMHC mortgage options. CMHC will also continue to work with the industry and others to undertake research and transfer information of use to housing professionals. Since 1996 CMHC has committed approximately $1 million to this area.

The Minister of Public Works and Government Services of Canada advised the provincial minister that the delivery of assistance ot condominium owners through the tax system raises a number of public policy concerns. Since the federal tax system is national in scope it would be difficult to limit assistance to owners of water damaged homes in B.C.. It would also be difficult to provide tax subsidies for unexpected repairs arising from one cause, i.e. poor design and construction of homes, but not others such as floods and earthquakes.

The Minister of Public Works and Government Services of Canada noted that it would not be possible to increase British Columbia's share of the national budget for the residential rehabilitation assistance program, RRAP, because it would require funding to other jurisdictions to be reduced. Federal RRAP funding is allocated on a fair share basis among the provinces and territories.

[*English*]

Mr. Peter Adams: Due to the number of responses, I ask that they be printed in *Hansard* as if read, and I ask that the remaining questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

The Speaker: I wish to inform the House that because of the ministerial statement, Government Orders will be extended by 13 minutes.

• (1530)

I have three requests for emergency debates. I will deal with them in the following order. I will recognize the hon. member for Winnipeg—Transcona, the hon. member for Saint-Hyacinthe—Bagot and the hon. member for Kootenay—Boundary—Okanagan.

I have received letters from all three members and all three members are present. I will hear them one at a time.

* * *

REQUEST FOR EMERGENCY DEBATE

APEC SUMMIT

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, as you have indicated, I did write to you pursuant to Standing Order 52(2) to tell you that I would be rising in my place today to seek leave to propose an emergency debate concerning the actions of the officials of the Prime Minister and of the Prime Minister himself in relation to actions taken by the RCMP during the APEC summit in Vancouver.

Documents have been released to the RCMP public complaints commission inquiry that lend credence to concerns that have previously been raised about the direct intervention of the Prime Minister's office with the RCMP concerning security arrangements at the summit. There is now documentary evidence that officials with the PMO and perhaps the Prime Minister himself requested that actions be taken against peaceful demonstrators exercising their democratic rights.

Any political interference in policing is highly improper, but when there is documentary evidence that the Prime Minister intervened with the RCMP to take actions against demonstrators so he could retain cordial relations with Mr. Suharto, the former authoritarian leader of Indonesia, and that such political interference resulted in the use of pepper spray and of physical force to arrest peaceful demonstrators, we know there is a real possibility that Canadian democracy has suffered a deep wound.

Standing Order 52(5) states that in deciding upon an application for an emergency debate, the Speaker shall consider ''the probability of the matter being brought before the House within a reasonable time by other means''.

The Prime Minister has clearly stated that he will make no statement in the House of Commons concerning the matter so there is no likelihood that the House of Commons will have an opportunity to address this grave and urgent matter. An emergency debate is therefore the only way for members of this House to address threats that have possibly been made to two of the foundation

stones of democratic governance: freedom of expression and the political independence of the police.

An emergency debate in the House of Commons would in no way interfere with the RCMP inquiry. The public complaints commission has a specific mandate under the RCMP Act to conduct investigations. The House of Commons is a body with its own constitutional duties and obligations to hold the government publicly accountable for its actions. Surely it is appropriate that members of the House should have an opportunity to perform those democratic duties during the week that Nelson Mandela will address the House.

I urge you, Mr. Speaker, to consider favourably this request. It would give an opportunity not just to us but to the Prime Minister to give an account of himself and perhaps to refute convincingly the allegations that have been made against him. Nevertheless, in the interest of the public and of democracy that kind of debate should occur and occur soon in this Chamber.

The Speaker: I thank my colleague from Winnipeg—Transcona. I received his letter about an hour and a half ago. I have had occasion to consider both the letter and what he has said here in the House of Commons.

In my view the hon. member's application does not meet the requirements of Standing Order 52 at this time. Therefore I would rule that there will not be a standing debate on this issue today.

I will now listen to the hon. member for Saint-Hyacinthe—Bagot.

[*Translation*]

CANADIAN ECONOMY

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, pursuant to Standing Order 52, I ask that the House hold an emergency debate on the use made of budget surpluses and the management of the federal debt. Several economic indicators are disturbing and lead me to believe such a debate is really necessary.

Since August 4, the Bloc Quebecois has been demanding that the Minister of Finance table a special budget to deal with the various problems the Canadian economy has been confronted to in recent months.

First, the recent hike in interest rates by the Bank of Canada, following the ups and downs of the Canadian dollar on international markets, is a key factor that may have a very significant effect on this country's economy and consumer habits if we are not more careful and if expansionist economic policies are not promptly put forward by the federal finance minister in a special budget.

Second, the drop in the Canadian GDP over the past three months, together with an inflation rate that remains below the targeted range, clearly show that the Canadian economy is facing serious difficulties, which have led all analysts to a downward revision of the 1999 growth forecast.

This alarm bell calls, in our opinion, for vigorous and immediate action, if we do not want to find ourselves in a recession within a few months.

For all these reasons, I believe an emergency debate is required. The government must explain and justify its choices, which are contrary to the priorities of the people of Quebec and Canada as well as to the commitments made during the 1997 election campaign and in the budget tabled in February 1998.

• (1535)

The situation is deteriorating a little more every day, and that is why the government must immediately account for its management and take the urgent actions required.

I therefore ask that you give favourable consideration to my request for an emergency debate.

The Speaker: I received the hon. member's letter this morning, read it and gave it due consideration. I have concluded that his request does not meet the requirements of Standing Order 52 at this time.

[*English*]

I will now hear from the hon. member for Kootenay—Boundary—Okanagan.

BILL C-68

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Ref.): Mr. Speaker, I seek to present a motion under Standing Order 52(1) and 52(2) for the adjournment of the House for the purpose of discussing a specific and important matter that requires the consideration of all hon. members. It is the anticipated decision of the Alberta Court of Appeal regarding Bill C-68, an act respecting firearms and other weapons.

The court decision on the challenge of Bill C-68 is due any day and it is widely expected that it will rule in favour of the province. The decision will likely read that the federal government does not have the right to regulate private property. This will not only strike down the government's plans to force the registration of sporting rifles and shotguns. It will also strike down the registration of handguns as well.

A great number of Canadians, including many who are opposed to the registration of hunting rifles and shotguns, would be extremely concerned about the loss of the handgun registry.

I propose we examine an alternative to the court ruling by debating the feasibility of the government repealing Bill C-68 before the court decision is rendered and then petitioning the court to dismiss the action as having been settled. I believe this is in the

best interest of all Canadians and in the best interest of the government. Someone does have to look out for them.

An hon. member: A point of order.

The Speaker: On the point of order, I wonder if the hon. member would permit me to give my response first. I just want to check on one thing here.

I address myself to the hon. member for Kootenay—Boundary—Okanagan. I have the letter in front of me and have of course listened very attentively. At this time it does not seem that the application meets the requirements under Standing Order 52. I would therefore rule at this time that he will not have an emergency debate on the motion he brought forward.

Now I will deal with the point of order.

Mr. Jim Pankiw (Saskatoon—Humboldt, Ref.): Mr. Speaker, the point I wanted to raise was in anticipation of what you said about the timing not being right. I believe that the timing is crucial because if the Alberta Court of Appeal brings its ruling down—

The Speaker: The member's point of order is out of order and I say that in the gentlest way possible.

The hon. member put his case to me and I have made my decision. Therefore my decision will stand at this time, notwithstanding the fact that no doubt the hon. member would have other advice to give me. I would ask him to give it to me perhaps in my chambers a little later on.

GOVERNMENT ORDERS

● (1540)

[*English*]

COMPETITION ACT

The House resumed consideration of Bill C-20, an act to amend the Competition Act and to make consequential and related amendments to other acts, as reported (with amendment) from the committee; and of Motions Nos. 9, 10 and 11.

Mr. Walt Lastewka (Parliamentary Secretary to Minister of Industry, Lib.): Mr. Speaker, it is a privilege for me to talk about the fourth grouping on the various motions brought forward this morning and this afternoon.

I cannot support Motion No. 9 or its short form version, Motion No. 10. It would in effect require the director or the commissioner, as proposed in the new Bill C-20, to take a reviewable matter to the competition tribunal in situations where there was a complaint by just one person, without any opportunity to investigate the basis of the complaint or consider its merits. This raises concerns of fairness and could lead to abuse of process and a potential for waste of time, money and needless damage to reputation.

I hasten to note that the director gives serious consideration to all complaints which are made to him and takes action as he deems appropriate in various circumstances. In addition, the Competition Act currently provides for what is known as the six resident complaint which requires the director to open an inquiry.

The six resident complaint process is adequate to do the job of compelling the director to inquire into an alleged breach of the act. It also provides some assurance that there is some seriousness to the complaint about a practice that is distorting what should be a level playing field in the market and that the director's time and resources are not being wasted.

As I mentioned this motion would open up the door to potential abuse of process, raises concern about fairness and could result in time, energy and resources being squandered on groundless complaints.

With respect to Motion No. 11, which is part of the fourth grouping, a private party access to the courts is an important issue that was considered by the bureau. The consultative panel reported that the matter is extremely complex and requires more detailed analysis and meaningful public consultation. The director has already clearly stated that he would consult on this issue in the context of the next round of possible amendments to the Competition Act.

I would like to rebut some of the items the member from Lévis mentioned earlier. The director of the Competition Act, soon to be called the commissioner, reports to parliament although policy and policy changes comes through the Minister of Industry. The amount of discretion the minister has with the director is very little, being able to ask him to review a specific complaint or have another review of it.

I agree with the director and consultative panel that further analysis and consultation is required on Motion No. 11. I thank the member from Lévis for his comments but I cannot support Motions Nos. 9, 10 and 11.

Mr. Rahim Jaffer (Edmonton—Strathcona, Ref.): Mr. Speaker, I am happy to address the final grouping of Motions Nos. 9, 10 and 11. When looking at Group No. 4 amendments I would like to address the motions independently.

As many members of the House are aware all complaints that fall under the Competition Act are investigated by the commissioner and where deemed appropriate are then placed before the tribunal. Motion Nos. 9 and 10 would allow a single private individual over the age of 18 years to bring a case to the commissioner for investigation. The current procedure, however, is to insist that at least six individuals submit a complaint. This is a mechanism intended to help ensure against frivolous and vexatious submissions to the commissioner.

If a consumer has a complaint that he or she believes involves a violation of the Competition Act, he or she must find five other individuals who share the opinion that a violation of the Competition Act has occurred. This is not an unreasonable demand to place on the Canadian consumer. In fact by insisting that six individuals be part of the application process to the commissioner, we can work to ensure that Canadian businesses are not subject to a barrage of frivolous complaints. For this reason I would recommend that Motions Nos. 9 and 10 of Group No. 4 be opposed.

● (1545)

Motion No. 11 is one that I strongly considered supporting. I think the intent of the motion was to give Canadians direct access to the tribunal, thereby removing a barrier to communicating the needs of consumers. This motion would allow a single individual to bring a matter directly before the tribunal, removing the direct involvement of the commissioner.

While I would normally support an initiative that would allow citizens direct access to this court, this motion unfortunately maintains the insistence that a single individual can bring a case to the tribunal instead of six individuals currently required.

Competition legislation around the world has achieved mixed results. It is needed to ensure competitive practices. However we must not create legislation that entangles honest entrepreneurs in a regulatory mess. Consumers never benefit from creating a regulatory environment. That drives up the cost of business and places those costs on the consumer.

For the same reasons that I oppose Motions Nos. 9 and 10, I must also oppose Motion No. 11.

Mr. Jim Jones (Markham, PC): Mr. Speaker, I rise to address Motions Nos. 9, 10 and 11. These motions as they pertain to Bill C-20 deal with the director of the competition bureau and what constitutes a reviewable matter.

At present we have a system in Canada whereby any six Canadians can petition the director of the competition bureau to begin an inquiry that he can then forward to the competition tribunal. These motions would effectively change this provision to allow any one Canadian to petition the director and force him to begin an inquiry.

I fail to see how this can in any way be perceived as fair or reasonable. The opportunity for abuse by a corporation with an axe to grind is brazenly apparent. The present provision requiring six signatories is a reasonable approach designed to avoid such abuse. If the potential for abuse does not scare us off, the potential backlog that this would create within the director's office should.

The hon. member seems to be aware of the need to guard against such abuses when she includes the wording ''frivolous or vexatious''. If this is the case, then it should be self-evident that the present provisions need not to be tampered with.

As for Motion No. 11, this deals with private access to the tribunal resolution process. In the early rounds of public input on Bill C-20, in fact while it was still known as Bill C-67, it was decided that this issue should be put off until the next round of public consultations.

There are many submissions that lead to this decision and as a result different parties with vested interests in such a move have acted accordingly. To change this now would be the equivalent of the unseemly marketing practice known as bait and switch. As law makers we need to be setting an example here. Toward that end the Progressive Conservative Party will be voting no to these motions.

Mr. Gurmant Grewal (Surrey Central, Ref.): Mr. Speaker, we have already debated the first eight motions of Bill C-20 which were divided into three groups. Finally we are debating Group No. 4. There are three motions in this group, Motions Nos. 9, 10 and 11.

Motions Nos. 9 and 10 ask that a single private individual, an adult over the age of 18, be allowed to bring a case to the commissioner for investigation. The procedure now requires at least six individuals to lodge a complaint before it can be brought forward before the commissioner. This is a mechanism to help to ensure against frivolous and vexatious submissions to the commissioner.

● (1550)

The purpose is to avoid any abuse of the system or abuse of the liberty given to the individual to bring forward the complaint. On the other hand all complaints that fall under the Competition Act are investigated by the commissioner and where deemed appropriate would be placed before the competition tribunal.

Motion No. 11 requests that a single individual be allowed to bring a matter directly before the tribunal, removing any direct involvement of the commissioner. This will have potential for abuse again incurring unnecessary additional costs and creating unnecessary additional math for the small businessman. It is more desirable to have all complaints that fall under the Competition Act investigated first by the commissioner and then where deemed appropriate placed before the tribunal. Let us not put a small business or any business for that matter into an unwanted regulatory mess.

To summarize I remind the House that when the bill was introduced in the House the Reform Party put forward certain amendments to the bill so that we could support it. The government has accepted all those amendments. Therefore we approve of the effort by the government to modernize the Competition Act.

The Reform Party supports vigorous measures to ensure the successful operation of the marketplace. This includes promoting competition and competitive pricing and strengthening and vigorously enforcing competition and anti-combines legislation. We support severe penalties for collusion or price fixing in a competitive marketplace that serves the consumer well. It is reasonable to expect freedom from deception or collusion or any other anti-competitive practice that will inhibit the successful operation of the marketplace.

I am glad to support Bill C-20 on behalf of the citizens of Surrey Central who are citizens of this great country and senior citizens who are more vulnerable to fraud by telemarketers. We will be more than happy to support the bill but not at any cost. At this time we cannot support the amendments in Group No. 4, and as I mentioned earlier in the other three groups as well.

Mr. Eric Lowther (Calgary Centre, Ref.): Mr. Speaker, as one of the final speakers to Bill C-20 I want to approach this from a different perspective.

I appreciate the intent of the amendment put forward by the hon. member from the Bloc. As I understand it his intent is to make it easier for people to bring their concerns and complaints before the commissioner and the competition bureau. We have to look at this in a larger context to really understand the impact and to see if that is really achieving the goal that we were trying to do in the first place with this bill.

If we look at the thrust of the bill we can see that the key things this bill is trying to do is to make sure that telemarketers give fair and reasonable disclosure of information at the beginning of each call, including the identity of the company, the purpose of the communication, the nature of the product, business or interest, the price, material restrictions and any terms and conditions applicable to delivery. The key thing in summary is that those who are involved in this kind of business are forthright, totally honest, provide all the information to the consumer and that there is no misrepresentation.

That is what the bill is trying to do. It is trying to protect those who have been abused by those who have not followed the rules in the past. If that is what we are trying to do, then maybe it is good that we have it clearly laid out in the legislation. For those who violate those criteria or cross the line, perhaps it is better that we have the tools in place to bring swift conviction and have appropriate penalties to serve as a deterrent.

• (1555)

The goal here is to have people adhere to the principles of honest business. The answer, I propose, is not to make it easier to complain and grow the regulatory quagmire and cost all Canadians more, including the consumers, to deal with all these complaints. Instead, the more cost-effective answer would be to have clear guidelines with a clear process for penalties for those who breach the guidelines and when warranted, significant penalties that serve as a deterrent.

This kind of approach results in less abuses and a lower cost to the consumer and the marketplace in general. I think it is prudent upon all of us here as we face the debt we have and the taxes we have not just to cut taxes and not just to pay down the debt, but even before all that to ask ourselves in every piece of legislation that comes before the House, are we doing it in the most cost-effective manner? Are we approaching it in a way that achieves the results with the minimal regulatory and bureaucratic quagmire that can result? Are we driving it home and achieving the results in the most cost-effective manner?

That is what we have to be asking ourselves today with the state of our national economy and the taxes that Canadians are paying. That is what they are expecting us to be asking here and that is the reflective position the Reform Party is taking on these particular amendments. We do not think it is a move in the right direction. It is not serving the Canadian taxpayer. Let us make sure the rules are clear and that if the rules are broken there is a significant enough penalty to serve as a deterrent.

[*Translation*]

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: The question is on Motion No. 9. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The recorded division on the motion stands deferred.

[*English*]

The recorded division on this motion will also apply to Motion No. 11.

[*Translation*]

The House will now proceed to the taking of the deferred recorded divisions at the report stage of the bill.

Call in the members.

• (1600)

[*English*]

And the bells having rung:

The Deputy Speaker: At the request of the chief government whip, the votes on the deferred divisions at the report stage of this bill have been deferred until tomorrow at the conclusion of the time provided for Government Orders.

* * *

DNA IDENTIFICATION ACT

The House resumed from June 9 consideration of the motion that Bill C-3, an act respecting DNA identification and to make consequential amendments to the Criminal Code and other acts, be read the third time and passed.

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Mr. Speaker, the Reform Party is committed to restoring confidence in our justice system and providing Canadians with true security. This means providing our law enforcement agencies with the latest technological tools to detect and apprehend the perpetrators of violent crime. DNA identification is that type of tool.

If used to its full potential, the DNA databank could be the single most important development in fighting crime since fingerprinting. It is time that we move from early 1900 technology to 21st century tools.

In its current form Bill C-3 is reprehensible and unacceptable because it maintains an unnecessary level of risk to the lives and safety of Canadians. Bill C-3 gives Canadians a false sense of security. The Reform Party cannot support the bill in its current form. We support the creation of a DNA databank, but the current scope of the bill is too limited.

The Liberals have taken what should be a relatively simple issue and have complicated it. This bill will provide lawyers with more business, but will solve very little crime.

The civil libertarians may be concerned, but in reality the databank is to be exclusively restricted to criminal detection and crime solving. Any abuse is subject to criminal penalty.

DNA databanks are currently in use in the United States, Great Britain and New Zealand. DNA forensic analyses have been instrumental in securing convictions in hundreds of cases in Canada and have helped the release of wrongly convicted persons, for instance, Guy Paul Morin to name but one.

The Liberals have been dragging their feet on DNA despite co-operation by the Reform Party going back to 1995 when we assisted the government in passing Bill C-104 which enabled police to obtain a warrant to seize bodily substances for DNA purposes.

As Bill C-3 now reads it would not have assisted in the investigation of Paul Bernardo, as he had never been convicted of a listed offence to tie him to the DNA profiles left at the scene of his criminal activities.

Bill C-3 gives our police the full use of DNA technology, but Bill C-3 does not allow the taking of a DNA sample at the time of charge. It does not allow samples to be taken from incarcerated criminals, other than designated dangerous offenders, multiple sex offenders and multiple murderers.

If the multiple murderer commits the murders on the same night we cannot take a sample from him. The murders must be committed separately. This is totally unacceptable.

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

In committee the Reform Party asked for an example of such an instance. Nothing was forthcoming. The government it seems would rather protect the interests of criminals who would commit heinous crimes over those of law-abiding citizens.

The government cites finances as one reason why it is not willing to expand the DNA databank and allow for samples to be taken at the time of charge rather than conviction.

The Reform Party proposed that samples be taken at the time of charge and not be analysed until conviction. This would have satisfied the Canadian police associations and their concerns regarding offenders who are released on bail pending trial and skipping out.

During committee hearings on March 10, 1998, Dr. Ron Fourney, a research scientist in charge of the RCMP's forensic crime laboratory, said that the cost of a DNA case is about $4,500, but the cost of getting one's sample into the database is between $50 and $60.

• (1605)

At that cost it is justifiable to take a DNA sample from all persons charged with indictable offences, just like those who are fingerprinted.

We are told that the total cost of the DNA bank will be between $15 million and $18 million. The conclusive nature of DNA evidence often results in substantial savings for police and the courts since an investigation can be narrowed down and a trial very much simplified.

In the long term this is a cost effective tool and a great protection to society. By analyzing the DNA of all persons charged with violent offences other than common assault we could have 57,000 samples in the databank. Think of the added security that this would mean to all Canadians.

Let us look at the Clifford Robert Olson case and what Inspector Gary Bass, officer in charge of E Division of the British Columbia major crimes section had to say in committee and how essential it is to broaden the terms of Bill C-3.

He said:

> I believe for a number of reasons the case of Clifford Robert Olson provides useful insight into various aspects of the currently proposed legislation. Not only is it a case that many Canadians have some knowledge of, but his earlier criminal history is not dissimilar to that of many of our most violent offenders. His criminal convictions date back to July of 1957 for break, entry, and theft.
>
> Under the proposed legislation this would be a secondary designated offence under section 487.04. Pursuant to proposed paragraph 487.05(1)(b), application in theory could have been made at that time to take a sample for DNA analysis and entry into the DNA data bank.
>
> By 1960 Olson had added convictions involving 19 offences of theft, break and entry. Through the 1960s he was convicted of a further 43 offences, which included break and entries, armed robbery, false pretences, and escapes. Through the 1970s he was convicted of another 25 offences involving similar crimes.
>
> Between 1961 and 1982, 16 offences were either stayed or dismissed. One of these was robbery with violence in 1978. In April of 1981 stays were entered on indecent assault, buggery, rape, and gross indecency charges. By this time Olson had already killed his first known victim.
>
> Given this backdrop, it's useful to examine what may have happened in Olson's case had we had DNA technology and the legislation proposed in Bill C-3.
>
> There were several occasions during Olson's criminal career when DNA may have been taken pursuant to a secondary designated offence having been committed. It is unlikely that authorization would have been sought in the first instance. However, many more opportunities presented themselves over the following years.
>
> Until 1980 there had been no primary designated offence for which he had been charged. In November of 1980 he was charged with buggery in relation to a 15-year old male. Olson's first known murder victim died November 19, 1980. Just six weeks later, on January 2, 1981, Olson was charged with rape, buggery, and other sexual offences and weapons offences in relation to an offence that undoubtedly would have ended in murder had the victim not escaped. In April 1981 these charges were all stayed by the crown.
>
> On April 16 Olson's second victim was murdered, and five days later his third. The murders continued into August. Twice through that summer he was arrested and charged for sex-related offences and released again on bail. On July 2, a warrant for Olson's arrest for sexual assault was issued in relation to an offence committed two weeks earlier.
>
> We will never know how many sex-related offences Olson committed before and during the time he was committing the murders. However, there were many; by some accounts in excess of 100. We learned of previously unknown victims as recently as last summer.
>
> Under the currently proposed legislation, Olson's DNA profile would not have made its way into the DNA data bank for the rape, buggery, and indecent assault charges, which were later stayed.

This is very important. This is a policeman telling us what the concerns are for a very serious offender.

He continued before the committee:

> There is absolutely no doubt that Olson had committed numerous other sexual offences prior to 1980. There's a strong possibility he had committed murder before 1980. Given today's technology and appropriate legislation, another Clifford Olson could be apprehended much sooner in his criminal career.
>
> In Olson's particular case and with today's technology, he would have been apprehended after the first murder, if his DNA had been banked pursuant to the long history of secondary designated offences or if legislation permitted the taking and banking of DNA upon arrest and charge.
>
> I've used the Olson case as an example because it clearly illustrates the points I'm trying to make. One is that violent sexual offenders progress through a pattern of other criminal activity. Two, once they become involved in sexual offences, there is a predictable pattern of increasing violence and shorter intervals between the offences.
>
> Having said this, I do not want to leave the impression that this case is in any way unique in terms of the value of the DNA data bank to police investigations. Unfortunately, there are all too many criminals with characteristics similar to Olson's. The large number of homicides involved is unique; however, the frequent sexual attacks are not.
>
> It is this category of offenders for which DNA data banking has the greatest potential in terms of gross numbers of criminal offences. The ability to data bank the DNA profiles at the time of the first offence charge provides the best chance to interrupt criminal careers.
>
> It is highly unlikely that a serious sexual offender will be arrested for their first offence. Most first-time offenders will be granted bail, so it is important any previous similar activity be identified at that time. Linkage to other cases at this stage would provide stronger evidence through which bail could be opposed. Submissions of the DNA profile upon charge affords the opportunity to address these concerns.
>
> The gross numbers of DNA profiles, which will be contained in the proposed DNA data bank, will be relatively small compared with our fingerprint files. Searching and cross-referencing, once the infrastructure is in place, will be relatively fast. There is no reason the DNA data bank should not work as well or better than the automated fingerprint identification section.
>
> The value of the proposed DNA bank cannot be overstated, if used to full potential. There is indeed a valid public interest in the early detection, arrest, and conviction of offenders. In the class of offenders that we are discussing, early detection often means the prevention of further serious harm or loss of life—.
>
> The DNA data bank has the potential literally to end an investigation after weeks as opposed to years.
>
> From the police investigator's perspective, in the investigation of serious criminal offences—in particular primary designated offences such as sexual offences and homicides—there would be significant benefit in entering suspect DNA into the data bank at the time the suspect is charged. I believe this would be a reasonable and fair approach that would balance the legitimate privacy concerns of individuals against the public interest in the detection and prevention of serious criminal activity and in effective law enforcement.

● (1610)

If that is not reason enough to broaden Bill C-3, I do not know what is.

We on this side of the House have debated this issue at second reading and at committee. Now we are at third reading. Yet we heard even in question period today the minister talking about listening to what is going on and having commissions.

The police in our land are asking for help. They are telling us how we can save money, how we can process criminals more quickly so they cannot commit crimes again, but they are being ignored. It is really said.

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

The government has this thing about the rights of the perpetrators. It has a real opportunity to turn the tables on our weak justice system and it refuses to budge. For a moment it can forget about the supreme court and the preoccupation with the charter of rights and freedoms. People's lives are at stake.

I reiterate what I said during the second reading debate on this bill on May 4, on which I spent a lot of time, as did other members of this party. The public wants DNA testing. The public wants protection against these types of criminals and the public deserves this kind of protection from this government. It would save us literally millions of dollars if we could catch some of these people quickly, put them in jail and get them out of society's hands so they can be rehabilitated, if that is possible. In the meantime they are not going to commit more crimes against humanity. We do not understand why the government is not prepared to put in proper DNA testing.

● (1615)

It is interesting to note that the taking of a blood sample in the case of a suspected impaired driver does not raise too much concern. In fact society applauds this. Somebody gets stops and you can take a blood sample. No problem. Why is it different in the case of DNA samples left at the scene of a crime? We take blood samples for the purpose of determining impairment. There is no difference. The invasion of privacy has already taken place in the Criminal Code. It looks after that. Is there any difference at all? I do not see any difference. We take fingerprints. We take blood samples. What is wrong with DNA? It would help the police.

The authority to take samples is already there and overrules the privacy issue in this case. If the fear is over the databank and the keeping of blood samples we just have to look at the thousands of blood samples taken by doctors and nurses each day and kept in some sort of bank. These blood bank files are not being exploited. Why would a DNA bank be any different? Everybody in the House has probably had at least one medical and had some blood taken. Somewhere that blood is in a bank. If somebody wanted for whatever reason they could find it, but it has not been exploited. For some strange reason the government wants to set up a difference between fingerprinting, blood samples and DNA.

Listen to the experts who came to a committee before the House. They all are in favour of this. Why is the government afraid to take the next step? It will do it sooner or later. Do it now. The Canadian Police Association prepared and submitted a legal opinion and concluded there would be no constitutional concern with taking samples at the time of being charged. As we said before, we can take the samples and they can be held until a conviction if that is what we want. Why wait when there is so much that could be done?

I go back to the Clifford Olson case. We could have saved some people from being murdered if this was in process then. It was not but we can stop other crimes from happening in the country.

Why is the government so bent out of shape on this issue and so intransigent? We all want to fight to reduce crime. We all want to solve crimes. My party does not understand why the government is so upset with this.

I have a letter signed by the Canadian Police Association, Neal Jessop, president. He is offering help by saying let us come to help you make the legislation better. That is why we are here as legislators. We want to make better legislation. This piece of legislation is flawed and it needs some improving.

I move, seconded by the member for Medicine Hat:

That the motion be amended by deleting all the words after the word ''That'' and substituting the following:

''Bill C-3, an act respecting DNA identification and to make consequential amendments to the Criminal Code and other acts, be not now read a third time but that it be read a third time this day six months hence''.

The Deputy Speaker: The debate is on the amendment.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I know most of the members from the other side of the House would agree that we want to solve crime. I also know members would want to make sure innocent people are not convicted of a crime for which they are not guilty. I know they have said that on a number of occasions. I have also heard them say on a number of occasions how important it is to get preventive measures into place to better protect Canadians.

• (1620)

If the amendments we proposed and which have been proposed by the Canadian Police Association were adhered to by the government and were adopted by the House, would that make it a very preventive tool?

Mr. John Reynolds: Mr. Speaker, there is no question that if the government had listened to the amendments in committee and instituted them into this bill we would have a bill that would be supported by every party in the House, every police association and, more important, the majority of Canadians who would like to have this protection. It is necessary and parliament is making a big mistake if the bill is passed the way it is.

Associations are writing and faxing us today saying hoist this bill for six months so they have a chance to tell the government to take this extra step. We have to give the police the tools to work with. We know that Canadians want this and we in parliament have to try to make that happen. We hope the government will really listen and hoist it for six months. Let us listen to Canadians, the police association and others and bring in a bill that will be good for all Canadians.

Mr. Eric Lowther (Calgary Centre, Ref.): Mr. Speaker, I have not had the opportunity to be that close to debate on the bill, although I have certainly been aware of it. For those who are watching I ask the hon. member for West Vancouver—Sunshine Coast to explain.

As he has articulated today, with the way the bill is structured right now the DNA sample is taken after conviction. It is like shutting the door after the horse is already out of the barn. There is not much point in doing it. Whereas if a DNA sample could be taken at the time of indictment the benefit of this would be greatly increased. The current state of the bill almost makes it ineffective and not that beneficial. The change the hon. member is calling for makes it worthwhile and effective. Is it really even of much benefit the way it is compared to the amendment we have been calling for?

Mr. John Reynolds: Mr. Speaker, my answer to that is what the police testified before the committee. I use the Olson case as an example because it clearly illustrates the points I am trying to make. One is that violent sexual offenders progress to a pattern of other criminal activity. If we can take the sample when people are charged, at least somebody like Olson would have come up on the screen. It would have matched itself right away.

The government talked about a cost of $4,500 to process all this stuff. I quote Dr. Ron Fourney: ''When the database gets established, we fully intend to use a control standard by way of collecting. I showed you some bloodstained cards. We can put blood on that card, do a one millimetre punch off the card and process the DNA in about 15 or 20 minutes. Having it ready for CPR and running it through the entire test it is estimated that one sample will cost $50 to $60''. Here is a case of 15 to 20 minutes.

If we could all buy life insurance for that same price would we not all buy it? That is what this is. DNA is life insurance for Canadian citizens.

• (1625)

It is insurance to make sure that one does not get raped or robbed by somebody who is a continuous offender. It allows society to know that the minute they are arrested and charged they can be checked in the databank. If they have committed rapes in Ontario and they are in British Columbia they are not going to escape.

I had an interesting case today about people going through the system. I just received a report a few minutes ago about a man in British Columbia who was charged and convicted for the rape of a young British Columbian woman with cerebral palsy a number of years ago. He was ordered deported with his conviction. He served his time, got one-third off for good behaviour and is on the streets today. The young woman who was raped and her mother are terrified that he is going to come back and go after them.

I phoned the immigration department and was told that he was ordered deported and that the department should find him. The system is failing. I use that as an example to match against the DNA. In this case we have a convicted rapist now wandering the streets of Vancouver. If we do not use DNA we are going to have convicted criminals coming in, getting out and then we go after them later. They know how to disappear very fast. That is why it is so important that we get this bill improved before it gets third reading.

[*Translation*]

Mr. Jacques Saada (Parliamentary Secretary to Solicitor General of Canada, Lib.): Mr. Speaker, I am pleased to speak in the House today on Bill C-3, the purpose of which is to create a national DNA data bank.

This bill will create a tool accessible to all the police forces in Canada. As well, this innovative approach will enable Canada to be one of the first countries to make use of cutting edge technology for the identification of genetic fingerprints in order to create a national DNA bank.

[*English*]

The government proceeded cautiously with this legislation in order to have a full examination and public debate on privacy issues, among others. Because DNA has the potential to reveal much more about the person than the breath sample, fingerprinting or even routine blood tests, we have had to examine individual privacy rights of today and also look beyond to consider how this legislation might affect those rights in the future.

[*Translation*]

Right from the start, the Solicitor General carried out an in depth examination of the issues involved. The government drafted the bill that was tabled last year after consulting groups and individuals across the country. The bill was subsequently submitted to the Standing Committee on Justice and Human Rights prior to second reading. The committee, which heard over 30 witnesses, did a remarkable job of examining the bill in record time.

Since its presentation, the bill has been subjected to an open and transparent examination. I must also give tribute to the Solicitor General, who took the necessary steps to focus the process on consultation and to maintain its transparency.

Since the protection of privacy constitutes an important element in this bill, I would like to share with you the government's point of view on these matters and to show you how Bill C-3 is rooted in a solid and balanced approach.

First of all, I would like to address the question of sample retention. Scientists have brought out solid arguments demonstrating that it is essential to retain biological samples for the DNA data bank in order to be able to benefit from future technological progress.

Last March, an RCMP expert in criminalistics told the committee that major progress has been made in recent years in the area of using DNA fingerprints for identification. Now it is possible to examine smaller samples, including ones from decomposed material. This technological progress indicates that DNA analysis is one of the most active and rapidly evolving areas of technology.

As the technology evolves, today's gains from DNA identification could easily become obsolete.

• (1630)

Bill C-3 provides for the storage of samples of bodily substances. This means that Canada's first national DNA data bank will keep pace with the technological progress and will be able to communicate with the other laboratories and data banks in the world. The main concern may have to do with access to these samples and DNA profiles.

Bill C-3 is patterned on a bill passed in July 1995 that dealt with warrants—and members of the opposition should listen to this most important part—authorizing the collection of samples for forensic DNA analysis. Bill C-3 includes similar protective measures and provisions regarding the collection of samples for forensic DNA analysis.

So far, these legislative provisions on warrants have survived all the legal challenges made under the charter, and they have served as a sound basis for the establishment of the DNA data bank.

Therefore, Bill C-3 includes strict rules governing the collection of bodily substances and DNA identification, as well as the storage of DNA profiles, so as to protect people's privacy.

For example, the RCMP will be responsible for the safe storage of all bodily substances. Moreover, under the act, only those responsible for operating and maintaining the data bank will have access to the profiles and samples. To ensure that the information is used properly, the act explicitly provides that only the name indicated in the profile will be transmitted to police authorities in the course of criminal investigations.

The bill also provides a maximum sanction of two years less a day for all those not abiding by these provisions. Offences involving misuse of the data bank will be included in the Criminal Code and in the DNA Identification Act.

To ensure that the data bank respects the right to privacy of all innocent individuals found at the scene of a crime or law abiding citizens who volunteer to provide samples for genetic analysis, the bill contains provisions to permanently deny access to information in a criminal case pertaining to a victim or an individual no longer considered a suspect in a police investigation.

The aim of this important protective measure is to exclude DNA profiles of innocent individuals from the data bank.

[*English*]

Bill C-3 also provides an opportunity for persons required to provide DNA samples to express their preference as to the type of sample they would like to give. The police are then required to take that preference into account but are in no way obligated to take the sample specified by the person. This is because the police must take other considerations into account.

For example, a judge from the Ontario court of justice recently ruled that the taking of hair samples was unconstitutional. In addition, forensic scientists have advised that blood provides the best sample for successful DNA typing.

Bearing all this in mind, Bill C-3 allows the police to make the final decision on the sample to be taken.

[*Translation*]

In addition to the protective measures and sanctions provided in Bill C-3, other mechanisms exist to ensure that the bill will be applied in such a way as to maintain a balance between the protection of privacy and the protection of the public.

Once the data bank is in operation, the Privacy Commissioner will be able to verify this at any time. The Privacy Act permits him already to oversee the use of personal information in the hands of the federal government.

In addition, Canada's forensic laboratories are currently developing regulatory standards. Once these standards are in effect, the forensic labs may be studied by an independent body to ensure they meet international quality assurance standards.

Provisions already exist, like the one in the Privacy Act, providing that information, including genetic information, may not be transmitted to another country unless an agreement exists with it.

• (1635)

In addition, under the Privacy Act, information may be disclosed to a foreign state only for the purpose of administering or enforcing a law or carrying out an investigation.

Since the RCMP will be responsible for the DNA data bank, all functions must be consistent with that organization's internal standards, which are among the most rigorous in the world.

The RCMP also works closely with a number of international groups and committees in this area, including the technical working group on DNA analysis sponsored by the FBI, which keeps Canada up to date on the most recent technology and helps us ensure that our standards correspond to those in effect internationally.

I would now like to explain why the bill provides for samples to be taken at the time of sentencing, and not when an arrest is made or a charge laid, as certain colleagues are proposing.

Throughout the consultations held on the bill and committee hearings, many individuals and groups told the government that taking samples at the time of arrest would present difficulties. Rarely is someone convicted on the strength of DNA evidence alone.

In fact, DNA evidence is not always available at the crime scene. Various factors, such as alibis, motives, fingerprints, evidence of eyewitnesses, and so forth, are taken into consideration in a criminal proceeding.

There has been considerable discussion to determine whether taking samples when an arrest is made or a charge laid without first obtaining a warrant is consistent with the provisions of the Canadian Charter of Rights and Freedoms.

Three eminent former appeal court judges from Quebec, Ontario and British Columbia examined the issue as part of an independent review. Their findings clearly confirm the government position that taking samples when a charge is laid would be contrary to the provisions of the charter.

Let us be quite clear on this point. The government must continue to act carefully, responsibly and thoughtfully in this respect. We want to take the approach that is in the best interest of Canadians. Therefore, we must ask ourselves the following questions.

First, is it justified to collect bodily substances every time someone is arrested, when DNA data may not even be relevant?

Second, how would the criminal justice system benefit since judicial experts have told us time and time again that the risk of a charter challenge was much too high?

Third and last, why jeopardize the establishment of a DNA data bank designed to better protect all Canadians by going too far?

[*English*]

Taking samples at the time of conviction is the approach that ensures both effective law enforcement and protection of individual rights during the course of a criminal investigation. As the Privacy Commissioner of Canada told the Standing Committee on Justice and Human Rights, intelligent privacy protection is compatible with effective law enforcement. Let us give both a chance.

The police know all too well how easy it is for a case to be thrown out on a constitutional basis. In light of this, it is the responsibility of every member of this House to play a constructive role in creating a DNA data bank that will balance public protection with the charter and individual privacy rights.

[*Translation*]

I think such a balance has been struck by the government in Bill C-3. That is why I support it wholeheartedly and urge all my colleagues to do the same.

The Deputy Speaker: Before allowing questions and comments, 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 Acadie-Bathurst, National Defence; the hon. member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, Employment insurance.

[*English*]

Mr. Allan Kerpan (Blackstrap, Ref.): Mr. Speaker, I found two things interesting in my colleague's remarks with respect to Bill C-3 on the DNA data bank. First is the opinions of judges on what is constitutionally or lawfully allowed to be taken in terms of samples by any police force or judicial system.

• (1640)

The last time I checked, this was the building and we were the people who were supposed to be the law makers. The judges who are appointed in this country were supposed to be the group of people who uphold those decisions. I think it is another indication of where this government has gone, putting far more responsibility in allowing the courts, including the supreme court, to make the

decisions that need to be made and enforced from within this House.

The question I have for my colleague concerns the innocent person. He talks about protecting the rights of innocent people. I know a lot of police officers in police forces across this country. They do not go around arresting innocent people because they have nothing else to do on a Saturday night. They obviously have some strong evidence in order for them to make that arrest initially.

Under our recommendations, the bill would make it so that it is a guarantee that anybody who was arrested by mistake would be found innocent. It is almost an ironclad guarantee with the use of DNA evidence.

I would ask my colleague that very simple question. If he is so interested in protecting the rights of innocent people, why would he not be in favour of using DNA evidence at the point of arrest? If that person is found innocent, then that DNA evidence or report would not go into the DNA bank. It is very, very simple. To me it makes no sense that we would not be looking at that kind of system.

Mr. Jacques Saada: Mr. Speaker, I am quite surprised frankly that a member would say that we can change the constitution in this House alone when we know full well that the constitution of the country can be amended only with certain provisions having to do with the involvement of provinces, unless we want to refuse to recognize the prerogative of provinces to interfere.

Regarding the question of using DNA at the time of arrest, I would like to remind my hon. colleague that this can be done. The only condition that there must be to fulfil it is to get a warrant.

The protection of civil liberties is guaranteed by the fact that the judge has to order the taking of DNA samples. It can be done but it cannot be done randomly. It cannot be done without any form of protection.

We are a society where we want to balance our fight for civil liberties with the requirements for tools for our justice system to be executed in a most secure way for Canadians. That is a fundamental philosophy.

I would accept that the hon. member does not share this philosophy or that anybody else does. You may also differ with me, Mr. Speaker.

My point is that our fundamental philosophy is preservation of civil liberties at the same time as the absolute fight against crime.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I would like to have the member respond to the letter from the Canadian Police Association. I know he has received a copy of it as all members have.

Regarding the getting of samples at the time of arrest, the letter states that this issue is paramount to Canadian police officers. By virtue of the CPA they have obtained an independent, and mark that word independent. Unlike the picked judges who wrote decisions supporting the government's position, they have an independent legal decision stating that their position on this issue is constitutionally sound.

The letter states ''We attempted to work with the Department of Justice and they were unable to understand the significance of our position, perhaps because they never had to look in the eyes of a sexual assault victim or a grieving family member. We now turn to you our elected representatives to do what is right for Canadians. If you choose not to, we police officers will be forced to explain to that grieving family member that his or her government had the information and the ability to prevent such an act of violence but they chose not to''.

● (1645)

There should be a response for the police officers all over this land who support our stand on this issue.

[*Translation*]

Mr. Jacques Saada: Mr. Speaker, I find that interesting, and I am going to respond in my mother tongue in order to express myself a little more easily.

There is one thing that strikes me, although it ought not to surprise me. Members of the Reform Party attach more importance to the statements made by the Canadian Police Association than to three eminent judges from three different provinces, more than they do to representatives of the Ontario Ministry of Justice, or to representatives of the Quebec Ministry of Justice. None of these comments hold any importance for them, compared to those reported here from the Canadian Police Association.

This, I believe, reveals the fundamental difference in philosophy between wanting to turn up criminals everywhere, at any price and with absolutely no respect for the basic freedoms, and really finding the criminals as part of an organized process that respects people's rights.

[*English*]

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Mr. Speaker, I just have one question for my colleague across the way.

We pay attention to the police association because we know the police are out there dealing with criminals every day. I do not believe judges should be making political statements either. They are supposed to be judges and should not be commenting on this type of thing.

Let me ask about the charter of rights because the member talks about that. The charter of rights allows us to fingerprint people. If people get arrested their fingerprints are taken. The charter of rights allows blood to be taken from people if the police think they are impaired.

Why does the member think this would be any different? DNA is as simple as putting some saliva on a piece of card and taking a blood sample. It is a very simple thing to do. It does not affect anyone's rights. We have to be charged and arrested to get it done. It certainly will save a lot more people. We can put protections in there to make sure that if one is acquitted it can be eliminated. There can be a lot of ways to remove this, if there is concern about that.

It is interesting. Our fingerprints are taken for a passport. That is now in the system so if people commit a crime they can be picked up right away. They have done it for a simple reason, to get a visa to go to the United States or somewhere.

We do a lot of things in life. Those of us who are not involved in criminal activity do not mind our blood being taken and do not mind fingerprints being taken for travel documents. I would not mind having my DNA somewhere either.

It seems we are more concerned about protecting criminals than we are about people.

Mr. Jacques Saada: Mr. Speaker, there is one thing I would like to understand.

These questions raised by my hon. colleague have been answered time and again before the committee that he claimed he attended so assiduously over the deliberations. The answers were given so I am going to repeat them for him in case he missed that point.

When we take fingerprints we take a picture of a finger. It does not reveal anything else but identity based on a picture. DNA is much more revealing than simply a picture.

An hon. member: Like what?

Mr. Jacques Saada: The likelihood of the occurrence of a genetic sickness, for example. I do not want to get into a debate on that. It is much more revealing. If the member does not know what it is, he should consult scientists and they will tell him how much more revealing a DNA sample is compared to a fingerprint.

My colleague is right. We can at the present time take a blood test for purposes of conduite avec facultés affaiblies par les effets de l'alcool. The reasoning which was given by the courts in this regard is very clear: if we do not do it then the evidence will disappear. That is the basis on which it was allowed, not because it was an infringement upon any right of anybody else but because the evidence would disappear if we did not do it.

This balanced approach and interpretation of the charter must be maintained. That is how our rights will be preserved and criminal activity will be fought against at the same time.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I am pleased to rise to speak to the amendment put forward by my hon. friend from West Vancouver—Sunshine Coast. I am pleased as well, Mr. Speaker, to see you back in the chair.

Bill C-3 is obviously one of great importance to not only police officers and the judicial system but to all Canadians. Unfortunately, however, the government's reluctance to accept substantial amendments to Bill C-3 will seriously undermine this law's effectiveness. An unfortunate opportunity is being missed here.

• (1650)

I reiterate my thanks and appreciation for the many individuals and organizations that testified before the justice committee on this legislation. The committee stage reviews were truly an exhibition of the legislative process at its best in that a huge diverse range of opinions and suggestions was brought forward by those who testified at committee.

Although the member's amendment and the amendments by other members to this legislation were not accepted, the process has continued along. It did not get mired down in partisan politics. Yet we find ourselves at the brink of this legislation coming into being, I would suggest, in a very flawed and unfortunately damaged fashion.

I do not intend to review the entire substance of the legislation as many of my colleagues and I have spoken to the bill on previous readings. I intend, however, to highlight the sad and unfortunate situation in which members of the opposition find themselves.

* * *

BUSINESS OF THE HOUSE

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I rise on a point of order. I apologize to the hon. member for interrupting his speech. I wish to designate tomorrow as an opposition day.

* * *

DNA IDENTIFICATION ACT

The House resumed consideration of the motion that Bill C-3, an act respecting DNA identification and to make consequential amendments to other acts, be read the third time and passed; and of the amendment.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, it is not the first time I have been interrupted on this bill. I have no difficulty with that.

I find myself as do other opposition members in the unfortunate situation that we, along with members of the policing community and other Canadians, are anxious to see the legislation come to fruition. We want to see it before the Canadian people and entrenched in our criminal law in a way that the police can use it effectively.

As I indicated before we are in support of the bill in principle. It is fair to see that almost everyone without exception is supportive of the bill, but there are serious problems with the legislation that we in the House have the golden opportunity to fix. Yet the government has chosen to refuse pleas from a non-partisan group as the Canadian Police Association.

If the government proceeds with the legislation in its present form it will lose a significant and real opportunity to put into the hands of the law enforcement community the ability to fight crime, which is ultimately the task with which it has been charged, a tool that would give it the ability to effectively investigate and would assist it in its ability to combat serious crime.

It is not political posturing, I would suggest, by any opposition member who states this is the case. Everyone agrees the Canadian Police Association is an excellent organization that represents the concerns of frontline police officers, those individuals who form the thin line between the criminal element in society which exists, a rust and a cancer in our communities, and those individuals who are day to day out there risking their lives and putting themselves in harm's way to combat crime.

I quote from the Canadian Police Association's most recent publication in the context of the legislation: ''Getting this bill straightened out should be the government's priority when parliament returns unless the Liberals yearn for more embarrassment in the criminal justice field''.

This opportunity is being put forward to get it right and to get it right the first time. The Solicitor General and Minister of Justice have talked incessantly about the importance of crime prevention and about it being a priority of government. Yet by refusing to amend the bill to allow the use of DNA at the time of charge, the Liberals are removing a key tool to help law enforcement officers and their communities to prevent crime.

If a DNA sample could be collected at that point in time and used in the same investigation in which the police were involved, it would be a very important way to match a DNA crime scene sample to the DNA crime bank that would be in existence. The evidence of that investigation could be used to see if there was a match with unsolved crime or crime scenes from other unsolved matters.

● (1655)

It goes without saying that this would be very useful in the approach to ongoing or unsolved crimes. Again I would suggest that the emphasis here is on serious serial rapists, murderers, crime at the very high end, at the very top echelon of the Criminal Code.

For example, a DNA sample that was taken from an individual charged with an armed robbery or a break and enter could be cross-referenced with the data in the databank that would be in existence to see if there had been a match and consequently uncover an individual in question who may have left a DNA sample at a previous crime scene. It would be a preventive method, a proactive ability by the police to prevent further crime and in essence hold a person in custody and hold a person later accountable if that match proved consistent with other evidence.

We should consider the high frequency of flight of individuals on bail. A person who is being held on evidence in relation to a particular offence goes through a process of judicial interim release or a bail hearing and is released from custody after an analysis has taken place. Having that DNA sample and the ability to make a match, in a very straightforward and simple process which I hope to address later in my remarks, between the offender being held in custody and the DNA bank that exists for outstanding criminal offences might be the pivotal piece of evidence to prevent the person's release.

I would adamantly reiterate to the House the experience of the courts, police officers and prosecutors throughout the land. If individuals being held in custody for relatively minor offences—and I say relative when we are talking about crimes of violence, invasion of a person's bodily integrity, rape, murder or such offences—were to be released and a DNA sample could be taken at that time to see if they were involved in more serious unsolved or outstanding offences about which there is crime scene analysis evidence available through the DNA bank, if we have the physical ability to make those matches, why would the government not take that opportunity? It seems absolutely asinine that we would pass up this opportunity. This is the position that the CPA and other law enforcement agencies have been seriously and adamantly suggesting to the government.

As I was suggesting, when one considers the frequency of individuals who flee when out on bail, it becomes a penetrating statement of the obvious to say that this is an opportunity to prevent crime and to prevent a person fleeing not only the jurisdiction but possibly the country. Unfortunately in this country there is a very low frequency of jurisdictions that will then return a person to face prosecution in a jurisdiction.

Without the provision in this legislation to collect at the time of charge, Bill C-3 is seriously flawed and will create a databank that fails to meet the full potential in the prevention of crime.

Is that not what it is all about? Is that not something all of us in the Chamber as Canadians should be concerned about in our justice system? Should we not be doing everything in our power to try to prevent crime?

There has been mention by other members, and other members in opposition in particular, of the exculpatory nature of this type of evidence. As other hon. members would agree from a defence perspective exculpatory evidence is that again which has an

immense purpose and an immense importance in our justice system.

One only has to conger up the names of Milgaard, Morin and Donald Marshall in my home province of Nova Scotia to recall that if the ability to take a DNA sample and if the ability to use that type of technology existed, perhaps these abominations of justice where individuals were wrongly accused, wrongly convicted and spent a good part of their young lives behind bars for crimes they did not commit could have been avoided.

● (1700)

There are strong arguments to be made on both sides of our justice system which is often very adversarial in nature, but from a defence perspective as well. We are talking about the use of exculpatory evidence.

I would suggest that if a person found himself in the unfortunate position of being charged with an offence that he did not commit that individual would be rushing to come forward and give a sample of his DNA. If the person has nothing to hide, by all means he would want to clear himself of that cloud of doubt and that criminal charge. He would by all means ask to have his blood taken or a sample of his hair or saliva taken because he would want to prove his innocence. Why would we want to discourage that from happening?

Certainly the solicitor general and this Liberal government should be able to recognize that. Certainly the Department of Justice should be able to recognize that in its drafting of this bill. Then again the solicitor general has displayed here today in question period that he does not necessarily recognize the difference between a criminal investigation and a judicial proceeding in relation to the hearings that the RCMP Public Complaints Commission is going through. I realize I digress but there appears to be an apparent contradiction in the approach.

The Liberals as well as my hon. colleagues in the Bloc and the NDP have expressed their concern with the standard for the collecting of DNA samples at the time of charge. They feel, and perhaps fairly, that there needs to be a very high standard applied. I would like to address that momentarily.

As a former crown attorney I would like to echo the assertion of many, including a noted criminal defence lawyer, Tim Danson, that at the time of charge there must be a certain standard. However, that standard must be based on reasonable and probable grounds to hold a person in custody. This is the standard that is applied universally in our justice system. There has to be enough evidence coupled with the appearance of DNA at the scene before a person would be held. Surely that standard is not going to be subverted by the additional use of DNA in any judicial hearing.

I understand the trepidation and perhaps some reluctance on the part of the NDP to have full use of DNA at the time of charge. But I again suggest that it is not only for the use of the state in the prosecution of offences. It would surely be of great significance and assistance in the defence of those who are wrongly accused.

I want to further refer to the comments of Mr. Danson who was solicited by the Canadian Police Association to give an independent opinion with respect to the use of DNA and the fear, and I would even suggest constitutional constipation, that this government has repeatedly displayed when it comes to the use of DNA. Mr. Danson stated that if Bill C-3 were amended to allow for the collection of DNA samples at the time of charge, it would withstand a constitutional challenge under the charter of rights and freedoms.

During justice committee hearings on this bill the government was urged to provide its legal opinions that collecting DNA samples at the time of charge would endanger the legislation, endanger meaning that it might result in the legislation or parts thereof being struck. The Liberal government refused to do that.

The Liberal government chose, after the committee had completed its hearings and deliberations, to then go out and seek a legal opinion from three retired—and to quote the government speaker—eminent jurists in this country, who gave a contrary opinion to Mr. Danson's. I am not going to cast aspersions on that opinion. Suffice it to say that within our justice system time and time again we have seen differences of opinion not only from other lawyers but certainly from the judiciary itself otherwise we would not have a court of appeal, we would not have the Supreme Court of Canada. Time and time again we have seen differences of opinion with respect to this piece of legislation.

I ask rhetorically whether we in this House and the government should be curtailed in our passage of laws that would apparently be of benefit to the law enforcement community in their combating of serious crime and of great benefit to all Canadians. Should we be curtailed, so paranoid as to what the courts might or might not do?

I challenge the government to give us a substantial example of where that abuse of DNA is going to take place. Its drafters of this legislation have within its body included serious ramifications for any sort of misuse or misappropriation of DNA evidence. There are safeguards in place. There are very definite and very serious ramifications for the misuse of this type of DNA technology.

● (1705)

I would emphatically suggest that we have to move forward. We have to move into the 21st century with the technology that is available to us. Why on earth would we hesitate to do so when it comes to such a critical issue as the use of DNA in the combating of serious crime.

Although the timing of the release of the opinion is suspect, that is the contrary opinion to Mr. Danson's, I do not intend to delve into why that contrary opinion came back from the jurists. It would not surprise me if the opinion had come back the other way. A difference of opinion in our justice system, which is an adversarial system, is healthy. It is to be expected. However, juxtaposed positions taken by those involved in our justice system is the way that things currently work. This is part of the process. It is part of a healthy debate and part of the practice of law as you well know, Mr. Speaker.

The government should not hide behind the fears about a potential charter challenge especially in light of the considered opinions submitted by other legal minds, like Mr. Danson. The government should not hide behind legal opinions submitted by retired jurists who, though well-intended no doubt, I would suggest have been given an incomplete and inaccurate term of reference by the Department of Justice. It was also a rather rushed opinion given the amount of debate and the amount of in-depth analysis that took place at the justice committee.

At the risk of being redundant, I repeat that Bill C-3 is a golden opportunity to optimize the use of this new technology. The Liberal government has done a disservice to the law enforcement community and to all Canadians by holding back on the use of this type of legislation. It treads with caution and tables legislation which hampers the ability of law enforcement agencies to effectively do their jobs.

Let us let parliament act in the name of public safety and not out of constant fear of judicial intervention. We have an opportunity to use legislation to the full degree of the law, not treading on the rights of innocent individuals, not crossing the line when it comes to civil liberties. There are safeguards in place within this piece of legislation.

As I said earlier, I am fully in support of this initiative taken by the government. I commend it for its decision to introduce DNA. I do not want to over emphasize it, but in my former life as a crown attorney I was involved in cases that involved DNA evidence. It is extremely useful. It is absolutely vital to furthering the cause of justice in this country.

This legislation in its current form does not go far enough. It is an opportunity that we have now to right a wrong and to make a relatively minor adjustment as to the timing of the taking of the sample and the use thereafter.

I suggest that we in this chamber and we as members of parliament should not be held back. If we pass this legislation with this fear, this somewhat unrealistic and perhaps paranoid fear that the legislation would not survive judicial scrutiny, we are doing a tremendous disservice and we are holding back at a time when we should be moving forward.

This is not a rational fear that exists on the part of government. It is certainly something worth deliberating. It is something worth discussing in this chamber, in this public forum.

On behalf of the Progressive Conservative Party, that is why we are supportive of this motion. If it means delaying the passage of this legislation by a relatively short time, by six months as suggested by the hon. member, I am in support of that. I would suggest that all law enforcement officers and all Canadians would want to get it right in the first analysis, in the first instance.

On behalf of our party, we support this amendment. We suggest that the government and this House be provided with another six months to examine this piece of legislation and make sure that we provide a piece of legislation that is going to best serve Canadians and best serve our judicial process.

● (1710)

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, this is a very important debate that we are having today. I listened with great interest to the intervention made by the member from the Conservative Party. It was a very, very thoughtful approach, one which we would all do well as parliamentarians to listen to.

I would like the member to comment, if at all possible, on one question. It has to do with the process.

Obviously, the committee has heard all of the different witnesses. They have come forward. Undoubtedly they have heard arguments on both sides. It seems to me from what he was saying that the overwhelming amount of evidence in committee was to support the conjecture that the testing should be done at the time of arrest, that it should be strengthened. That is what I have been gathering here. I would like him to clarify that.

Beyond that, I would like to give him the opportunity with this question to respond to the process in this House. I am going to be as judicious as I can because I do not want to be accused of any unparliamentary procedure. I would like him to comment on the level of interest among the members on the government side.

This is a justice issue and it would be wonderful to see the justice minister rise in her seat and ask questions of him to see whether or not there would be a possibility of a change. What he has said has been so utterly reasonable that I do not think even an unreasonable Liberal would want to refuse to listen to the argument.

However the level of interest here is so low that it must be a little frustrating. I think it is time to shake up and wake up this Liberal government to respond to these very, very serious justice issues in the way we on this side of the House are trying to promote.

Perhaps I can have the member respond to those two questions.

Mr. Peter MacKay: Mr. Speaker, I thank the hon. member for his questions. Perhaps I will respond to the last one first.

As the hon. member is aware and I as a new member of this House was made aware very early on, it is not appropriate to comment specifically with respect to the appearance in the House or absence from the chamber of certain individuals. However I certainly echo his remarks when he suggests that there is an apparent—I would not go so far as to say lack of interest—but an apparent presence with respect to this government on particular justice issues in a public forum.

I have always been of the mind and I would like to make the statement that this of all places is the most public forum I know of to have these types of discussions, to bring forward these important issues, justice issues, health issues and issues of the economy.

I may be wrong in my interpretation of the words of the House leader when he held a press conference last week in anticipation of this opening. There was a suggestion that there was going to be greater emphasis from this government to have members of the government side, particularly ministers, present in the chamber when these discussions were to take place.

We have seen many examples in the last year where important government announcements were made at the press gallery across Wellington Street as opposed to here in the chamber.

We have given the Prime Minister an opportunity to stand today in his place to make a prime ministerial pronouncement clarifying his role in what took place in Vancouver and the RCMP's handling of the security at that time.

I would hope that this government's constant repeating of the mantra of transparency and accountability and openness is something that is going to be demonstrated in this chamber as opposed to simply lip service done through the press.

With respect to the first comment made by my hon. friend regarding the deliberations and the debate that took place at the justice committee, I had the honour of being a member of that committee. I did attend faithfully those committee hearings when this discussion took place.

● (1715)

The hon. member is correct to suggest that a good number of the witnesses who appeared at that time were very supportive of the contention that we should be allowing police officers to take DNA sampling, not necessarily at the time of charge which some police officers suggest, but at the very least at the time that a charge has been laid.

That threshold of reasonable and probable grounds and evidence has then been met. There is sufficient evidence to lay a charge. That is the standard which all peace officers in this country must meet. Having a DNA sample only furthers that. A DNA sample is perhaps the most decisive piece of evidence that can be found at a crime scene.

Again we are seeing this government put the reins and blinders on police officers and not allow them to go far enough in the pursuit of justice.

I again call on this government, I beg it, to permit this debate to continue and let us get this piece of legislation in a form that is going to do the most to ensure justice in Canada.

Mr. Ken Epp: Mr. Speaker, this is almost embarrassing because I think the government should be asking these questions. When it speaks we ask questions to expand on its views and to better understand where it is coming from.

When we on this side speak, if members opposite have any comments or questions, they should be up there speaking. I am publicly here chastising them. Why are they sitting on their duffs? This is an important issue. Let us get with it here. Let us do something about it. Let us make sure this bill is handled correctly.

There is an amendment on the floor right now to slow this thing down. One might ask is that intended to kill it. No, it is just the opposite. It is intended to make sure that when this bill is passed into law that it is a good law instead of a mediocre one as it is in its present form.

The reason for the six month delay in the vote and the reading is to allow time for the public to get involved and for the Liberal government to rethink its position, its position of stubbornness and of saying we have this thing down, this is how we are going to do it and you guys better just accept that.

It is true the Liberals have a majority. It is a small one. It slipped by 20 or thereabouts from 1993 to 1997 because they are being unresponsive to what Canadians are saying, particularly in the areas of economics and justice.

Over and over we hear from Canadians that they want the justice to protect law abiding citizens. Over and over we hear they want the justice system to work correctly in identifying people who are guilty and in exonerating those who are not guilty. They want a smaller level of error in those things.

Here is an opportunity to make a quantum leap in the ability of the government, our justice officials and police departments to work correctly to find those people guilty who in fact are and to prevent crime from happening, something the Liberals over and over say they want to do. Let us prevent the crime. Here is a case where it can be prevented but not in this present form.

I would like my hon. colleague from the Conservative Party to again comment on this and to maybe join me in chastising the government for being so flaccid in this particular case.

Mr. Peter MacKay: Mr. Speaker, I thank the hon. member for his comments. I think he has made a very eloquent and pointed plea to the government side and has emphasized quite clearly the need for some interaction, some debate.

It does appear that at this very instance there is a deafening silence that has fallen over the government benches. I am not going to say that definitely indicates a lack of interest. I do not think it does but it is somewhat disappointing. This is an opportunity to engage in debate and exchange of ideas and that is not what is happening.

● (1720)

The other point the hon. member has made which I think is also a very important one is the use of this type of technology. The use of this type of evidence can be used to close the margin of error. To use this type of evidence in an effective way is something we should all be striving for. There is an old legal maxim that the law is an ass if it is administered by an ass.

[*Translation*]

Mr. Richard Marceau (Charlesbourg, BQ): Mr. Speaker, despite the fact that many in this House, I am sure, would like to listen to me talk for hours on end, I have decided, unlike many of my colleagues, not to speak for the sake of speaking.

The Standing Committee on Justice and Human Rights, of which I am a member, has studied Bill C-3 in depth. I was present along with my colleagues from all the other parties, a number of whom have spoken just before me.

During these discussions, the Bloc Quebecois proposed a number of amendments, which, unfortunately, because of the government's hard head syndrome, as I would call it, were rejected.

That said, the Bloc Quebecois remains convinced, and so indicated in votes in the House at previous stages, that the bill should be passed quickly.

In committee, and in this House even, we have listened, discussed, spoken and ''parliamented'' and it is time now to act. Clearly the Bloc Quebecois is opposed to this amendment. It would like the motion defeated, the bill passed as quickly as possible and an end put to this waste of time and these fruitless discussions.

[*English*]

Mr. John Bryden (Wentworth—Burlington, Lib.): Mr. Speaker, I was listening to the remarks of the member for Elk Island. He suggested that members on this side of the House are not sufficiently concerned about this debate to participate as actively as perhaps we should.

I did intend to make some remarks at a later time but I want members to know that I have difficulties with this question of allowing DNA sampling upon charge or immediately after a person has been charged.

I am afraid it will be an invitation to the police to arrest people and to charge them in order to get this type of DNA sample in order to pursue criminals and to hopefully lead to further convictions.

We have to remember that DNA sampling is an invasive technique and that one superior element with respect to how we treat other human beings is to remember the dignity of the human person and to remember that even in the pursuit of crime and apprehension of criminals, we must remember we are dealing with human beings first.

In my riding which is rural the holstein industry is very active. There is a lot of genetic research, samples taken of various animals, not only cattle, and it is all part of today's modern animal husbandry. I would not want to see a situation where we forget that human beings are human beings. They are not to be treated like cattle even when they are capable of committing the worst possible crimes.

I do support the government's reluctance to move too fast on this issue despite the fact that we are coming under all kinds of pressure from the police associations to agree that crime prevention should be uppermost in our minds.

There is something more than crime prevention here. We must not rush into the new age of technology when human beings are reduced to ciphers in the sense of the communication technology or on the Internet or reduced to animals in the sense of how we pursue issues of justice. To the member opposite I plead with him to give us time to examine the implications of DNA sampling which is an invasive technique. Let us think about it. Let us pass the legislation as it is, see what happens and give time for a meaningful public debate. Let us not be stampeded into doing something because the police are putting pressure on us.

● (1725)

I have serious reservations about the police actually lobbying and threatening politicians with political action in order to get their way on this issue. This is something that I hope to address in my own remarks. We on this side are seriously concerned about this issue. We welcome the debate.

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, I am glad that finally we woke up one Liberal over there. It is good to hear his comments, but I cannot believe that he is saying what he said. DNA is an invasive technique.

We already have the great invasion of poking a person with a needle to draw a blood sample when we suspect him or her of drunken driving. That is a much greater invasion. One can give a DNA sample by very simple means compared to that. It is incredible that he should make that excuse.

I wish the Liberals would stop making excuses in trying to justify their limp attempts at legislation which are going to—

An hon. member: Flaccid.

Mr. Ken Epp: I thought maybe none of the Liberals understood the word flaccid and that is why I used limp this time, so I could catch more of them in understanding what I am saying.

It is incredible that the hon. member, whom I respect, falls into line to defend what is an inadequacy in the legislation. I would be much more pleased if the member said what the members in opposition, not only the Reform members but also members from the other parties, are saying about the legislation is important. We had better listen to it. Perhaps we ought to pass the amendment to hold the process for another six months so that we can have another look at it.

Instead we have an instant and automatic defence mode. Let us defend what we are doing because it cannot possibly be wrong in even the smallest regard so we will just keep on defending it. As long as that attitude persists we are not going to have proper adjustments and amendments to the bills so that the laws which result from them are truly effective. That is what we are seeking in the DNA act legislation. We want this to fly but we want it to be an effective system.

I also would like to say something regarding the concerns with respect to the invasion of the privacy of the criminal. Maybe we should start abridging their rights. Certainly an accused person has a right to a fair and speedy trial. A person charged has that right. We should as a society not feel hesitant at all to require a person so charged to co-operate fully with the judicial process by providing a DNA sample for not only the case that is the result of the charge but in order to link that individual with other possible crimes both past and future. It would be a valid part of reducing crime. I cannot understand why the government would be opposed to it, especially a government which has absolutely no qualms about trampling on human rights when it comes to confiscating property without compensation. It has no qualms at all marching into every household in the country to confiscate by the coercion of taxation half of their earnings every year. That is major intrusion. No qualms about that.

I beg the government to be a little more consistent in how vigorously it claims to be defending rights of citizens and freedoms of individuals in the country.

• (1730)

Mr. John Bryden: Madam Speaker, I thank the hon. member for Elk Island for his indirect compliment that he was not completely offended by what I had to say.

I do wish to add that I would be very disappointed if as a result of my remarks I were to be painted as somebody who sympathizes with criminals and will give the benefit of the doubt to criminals before the victims. We always must remember that no one is a criminal until he or she is convicted.

One of the difficulties with this debate in the whole pursuit to try to bring people to justice and to spare victims injury from the acts of criminals is that we must always bear in mind that people are innocent until proven guilty before the courts. There is no question if somebody is convicted that all the DNA sampling in the world ought to be available to the police authorities.

My reservation is before a conviction. This is where I have difficulties with the position taken by some members of the opposition. This is something we have to give second thought to.

The member for Elk Island drew the analogy with blood samples in drunk driving cases, when there is a possibility of charges being laid in the case of drunk driving. I suggest to him that in the very analogy he brings forth there is still some doubt about whether or not this is an infringement of a person's individual rights. We do believe in this country, or we used to believe, as far as I know, that we were not to be required to testify against ourselves. There always has been a problem even with respect to the breathalyzer and whether the breathalyzer takes it too far when it comes to getting the evidence from a person as a result of charges being laid.

I will make one final comment. DNA sampling is a far more invasive and intrusive process than a blood sample or a breathalyzer in that it actually gets genetic information. This is big brother. This is the new world order. We have to be cautious as a government and a parliament when we debate these issues.

Mr. Myron Thompson (Wild Rose, Ref.): Madam Speaker, I am pleased to speak to Bill C-3 today and officially register my opposition to this bill.

My opposition is based on the Liberal government's refusal to allow police officers the power to collect DNA samples at the time of arrest. I feel that is simply a major step backward in the fight against crime.

I listened to the arguments by the member for Wentworth—Burlington. I listened to the arguments by the parliamentary secretary. Once again what I am hearing from the other side is all the things that can be put into place which speak on behalf of the criminals of Canada but there is not a whole lot speaking on behalf of the victims.

I believe the suggestions that we had about the DNA data samples being taken at the time of arrest would be a tremendous victory for the victims of this land.

The Reform Party and the police association called for several amendments to Bill C-3 before third reading in the House of Commons. Since these amendments were not forthcoming, both parties cannot support the bill.

I am looking at a letter that was received on September 16, 1998 from the Canadian Police Association. It was sent to every member of parliament. When we first started talking about DNA there was some action taken back in 1995.

The last paragraph of this letter states ''Please accept our offer to work with you to develop legislation that would enhance public safety and still remain constitutionally valid. Despite contradictory rhetoric from the Department of Justice, it is an achievable goal. As an MP we urge you to take this opportunity and come to your own conclusion, not that as dictated by the Prime Minister''.

● (1735)

That is the kind of appeal I would like to make as a member of the official opposition. I would like to say to the people that the police commission is saying it is an achievable goal that is constitutionally valid, that it is sure it can work with us to come up with the legislation that would accomplish that.

Why is it that since 1995 we have not involved the experts in helping us to come up with the proper legislation? Why do we always think we are the big shots, that we know all the answers, that we can come up with the legislation because we have a law degree, or this degree or that degree?

Here we are talking about the crime fighters of the land whose number one goal is to protect the lives and the property of the citizens of this great country. That is just an elementary goal. That is something elemental about the whole justice system. It is supposed to be something that does exactly that.

It is ridiculous when the government rejects certain ideas of those who have the expertise, when it does not even involve them in the process. It reminds me of when I was the principal of a high school, that I should tell all the grade one teachers who they should pass and who they should fail after they had worked with the students all year. It would make about as much sense. It reminds me of bringing into the school a bunch of farmers who had worked on the crops all summer and getting them to determine who should go on to the next grade and who should not because they may have been elected to a school board. Even elected officials of a school board know of their own abilities and authorities.

When we get to this place it is strange. Everything seems to be settled on that front row. Then all the little boys and girls in the back rows do exactly as they are told time and time again.

Here are people who are representing I do not know how many thousands of police officers. They are begging parliament to give them the opportunity to help in the development of legislation that will be constitutionally sound and extremely effective in protecting the lives of the victims of this land. And we are hesitating. It is now 1998 and we have not even involved them. I think the police officers were referred to as an interest group. You bet they are an interest group. They have a lot of interest in doing their work and in doing it well and they want the tools to do it.

My Reform colleague who moved the motion to delay any decision on this bill and to speak to it six months down the road had a tremendous idea. I suggest that during that six months the justice committee and any other members of this House could invite the police commission to come with its expertise to help. We should ask it to help us develop that which would be good for all Canadians instead of letting the Prime Minister's Office and the justice minister, who is another I do not know what, make the decisions while everyone in the back row waits to see what they are supposed to do.

That is going on too much in this country. It could stop and does not need to happen but it will, mark my words. That is enough of this. I can hear the words now. ''We have to cut the debate on this bill. We have to cut it out because it is going on too far. We have to make a decision. Here is what you will do''. They will pull the string and they will vote the way they are told. Thank goodness there are a few I know on those backbenches who would not necessarily do that. There are not many but there are a few and I thank them for that.

Look at another paragraph from this letter. It states ''This issue is paramount to Canadian police officers and by virtue the CPA. We have obtained an independent''—I want to repeat that—''we have obtained an independent legal decision that states our position on this issue is constitutionally sound''. Why do we not investigate that to see if there is some truth in it? No, we have our justice system made up of all our little lawyer buddies and we go to a selected handful of judges who have not done a great deal about fighting crime. They do not really know what it is like to face a criminal on the streets and they are making all the decisions. They give no credit at all to the people who are genuinely on the streets fighting crime.

● (1740)

I would encourage everybody in this place to stop and think about it. We are going to run through a piece of legislation that according to all the feelings of the experts who fight crime is seriously flawed. It will cost extra billions of dollars to put into

place. I do not know if that is necessarily true. I know my friend over there from Renfrew and Pembroke does not know if it is true but he ought to be willing to bring in the experts to find out if it is. Let us do the right thing.

Just because this legislation came out of the justice department does not make it the greatest thing that ever happened.

I had the pleasure of playing an instrumental role back in 1995 when the first phase of the government's DNA testing plan was passed. Bill C-104 allowed the police to take samples without consent from individuals suspected of criminal offences, generally those involving serious violence. The sample taken from the suspect would be matched to samples from the crime scene to determine whether the suspect had committed the specific offence being investigated.

The legislation did not deal with the storage of the information or the samples derived from its testing. It provided a reasonable scheme to ensure that DNA samples were not taken from suspects unnecessarily.

I know the results that the first phase of the legislation had for Tara Manning's family. I am not sure if members remember her but many do. I will never forget June 20, 1995 when the justice minister said that he was prepared to introduce legislation by the end of the week for the purpose of adding DNA testing to the Criminal Code. That brought out quite a cheer from a lot of people. I know it meant a lot to the Manning family.

It was a great day for victims because it provided a mechanism to answer many questions and for the police to solve crimes. The mechanisms were there.

We now have the police association writing to us on September 16, 1998, over three years later, informing us that what we are trying to do now is seriously flawed. However, we are not willing to pay attention. We are going to get this through third reading and vote on it all because the frontline people here have decided that it is great stuff and should be done.

I encourage everyone to at least think about the amendment my colleague made. We must give this more time and bring in the people who say they are willing to help us develop legislation that will enhance public safety and will be constitutionally sound. Let us not judge too quickly that that will not be the case.

We are working on phase two of this legislation. We hear arguments that a DNA sample is unduly intrusive compared to fingerprinting. I have to agree with the words of Tim Danson who said in the *Globe and Mail* ''The high court has ruled that taking DNA samples as already allowed by law is not unduly intrusive. The method of sampling consists of cutting off a piece of the person's hair, rubbing a Q-tip swab inside the mouth or taking blood by a simple pin device similar to that used by diabetics''.

Further, the court has made it clear that privacy is far more affected when an individual is arrested, taken to court and forced to face the public and personal shame and humiliation that follows all of this. Privacy interests protected by the charter of rights and freedoms relate to a reasonable expectation of privacy and not privacy at large. I want to repeat that. It is a reasonable expectation of privacy and not privacy at large.

● (1745)

People who engage in criminal activity should expect some loss of privacy. Their victims certainly have. They have lost a lot of privacy. Perhaps the armchair, constitutional academics sitting over there should join us in the real world.

When we want to solve problems we should go to the people who have the expertise. We should go to the people who do the real work in trying to protect the lives of Canadians. We should talk to the police and give them the opportunity to help develop legislation. We do not always have to listen to the lawyers and the judges. They are not the only smart people in Canada. There are a few more around. I hope they take the time to check who they might be. We would be glad to give them a hand in developing proper legislation.

Let us please not pass this bill at third reading. It is premature. We can come up with better things than what we have in this flawed material that is before us today. I encourage hon. members to think about it.

Mr. Allan Kerpan (Blackstrap, Ref.): Madam Speaker, I have been involved in the debate on Bill C-3 since its inception about a year ago. I would like to ask the opinion of the member for Wild Rose on this. The thing that bothers me more than anything, as far as the government's position on the bill, is that it has thrown out, it has ruled out, it has given no credibility to probably the two most important groups in this country on this issue. One of those groups is the people who serve us on a daily basis, the front line police officers who, right across this country, have given overwhelming support to the idea of taking samples at point of arrest.

The Liberal members have put far more credence into the opinions of their appointed pals, the judges, on this issue rather than listening to the front line people, the police officers of this country and the victims' associations of Canada, the two groups who have far more to say, in my opinion, on making changes to the justice system in order to make it work better and to make it more effective.

I want to know from my colleague from Wild Rose if that is his opinion. Does he think, as I do, that the Liberals put far more credence into those elected judges rather than the people whom I believe are the most important in this country, police officers and victims' associations?

Mr. Myron Thompson: Madam Speaker, I certainly do agree with that. There is no doubt about it, there has been no effort made on the part of the committee or anyone else dealing with Bill C-3 to get an independent legal opinion on this particular issue.

There is a group of people who did get an independent legal position and that was the police association. Now they are prepared to say to the people in parliament that they have this statement clearly made by an independent body that the change that we are suggesting, that the police commission is suggesting, can be done and can be constitutionally allowed. It would be extremely effective in saving the lives of numerous Canadians from violent criminals. It would be extremely effective.

That is our plight. That is what we are supposed to do, create legislation that will do some of these things.

I was at a rally where people asked questions at a microphone. Before they asked their questions they were to say what kind of Canada they would like to see in the year 2000. A statement was wanted before they asked their question.

● (1750)

There were people who talked about good job situations, money, prosperity, economics. They talked about the health care system. But one person nearly stopped the whole rally when he asked ''Do you know what I want? I want to live in a country where my wife can leave this hotel, walk two blocks to the parking lot where we have parked our car and come back without the fear of being mugged, attacked, assaulted, murdered or raped''.

''I want to live in a country'' this man went on to say ''where the authorities, the politicians and the elected officials do their darndest to meet the most elemental duty that we have. That duty is to protect the lives and the property of Canadians''. That is an elemental duty and we have that duty.

When we are willing to pass legislation that the experts say is flawed, then we are not responding to that duty. If members cannot respond to that duty, they should not be here, they should be at home. Someone who is willing to do it should be sent here instead.

Mr. Joe Jordan (Leeds—Grenville, Lib.): Madam Speaker, I want to say to my hon. friends opposite that I have been one of the people who has been sitting here flaccid, and any other word that the hon. member for Elk Island has said. I have been listening to the debate and it is certainly food for thought.

I want to make one comment and it speaks to the intervention that was just made. I also think it is odd. We are trying to balance various rights and privileges here.

The CPA is also a proponent of gun registration, as is CAVEAT and hundreds of other groups. How can we decide when the CPA is right? Is there a quick way of determining that?

Mr. Myron Thompson: Madam Speaker, I am not so sure that there is a quick way of determining that, but there is one thing I can assure the hon. member of. If there is a rash that breaks out on someone's body or if some kind of illness overtakes them, please go to a doctor and not a politician. If someone's child is having a learning problem, please go to a school teacher and stay away from the judge around the corner.

There are experts out there. We do not know what all the answers are. Sometimes even the experts foul up. They certainly have fouled up if they support the idea of registering shotguns and rifles. There is no doubt in my mind.

Let us throw it out there and give them the opportunity. Why should they not have an opportunity to show us legislators that they can produce legislation that will not be flawed, that will be constitutionally sound, that will be balanced and provide a good law for the safety of Canadians?

I appreciate the member listening seriously to the debates. Most of the time that does not happen and I applaud him for that.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Madam Speaker, I again feel privileged to take part in this debate. I listened very intently to the comments made by the hon. member for Wild Rose.

The hon. member has articulated some very important points. He has placed some of the emphasis where it needs to be placed, and that is on the rights of victims. I received a comment in that vein very recently. This is something, again, that has to be taken into consideration.

The other comment I would make was raised by the member on the government side, and that is the speed with which we can make this decision based on the conflicting expert opinions and evidence that appears to exist in the context of this debate.

I think that is an important backdrop here. It is exactly what this motion, brought forward by the official opposition, is about. This is too important an issue to rush headlong into, resulting in flawed legislation that might very well wind up back here on the floor of the House of Commons.

● (1755)

There is no guarantee that will happen. Anything that comes out of this legislature is subject to judicial interpretation. But we cannot be curtailed or hobbled in our work with that paranoia in mind.

With those comments, I reiterate that this is an opportunity for us to get it right. This is an opportunity for us to use what can only be called cutting-edge technology.

Another example that I discussed recently with the member opposite is the use of DNA in retrieving the bodies in the recent air crash at Peggy's Cove, Nova Scotia, and allowing those families to have closure on the issue. It puts emphasis on how important this is and how important it is for victims to have closure on some of the terrible unsolved crimes. In British Columbia alone there are over 600 unsolved murders. The use of technology to have closure on those matters is extremely important.

Mr. Myron Thompson: Madam Speaker, the very quick response is that the hon. member is exactly right. He said what needs to be said.

The important thing about this debate is: Are they listening? It is so important and the listening part has to happen.

Mr. Gurmant Grewal (Surrey Central, Ref.): Madam Speaker, I am delighted to speak on this particular amendment to the bill. Before I start I would like to commend my colleague, the hon. member for Wild Rose, who put forward the official opposition's position on this bill very eloquently.

On behalf of the people of Surrey Central, I rise to express our opposition to Bill C-3, an act respecting DNA identification which would make amendments to the Criminal Code and other acts.

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

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

If used to its fullest potential, the DNA databank could be the single most important development in fighting crime since the introduction of fingerprints. The technology available through DNA identification would make our society safer. It would protect our homes, our families and our lives from criminal activity and, in particular, violent crime. It is my understanding that DNA capability will greatly enhance the work of our law enforcement community.

Over the next few years and perhaps decades this technology will virtually change the world in terms of crime solving, crime detection and the positive identification of criminals.

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

Why do I oppose this bill? Bill C-3 does not grant our police forces full use of DNA technology. Bill C-3 does not allow for the taking of the DNA sample at the time of the criminal charge being laid.

• (1800)

This is where fingerprints are taken. This is exactly the time to take DNA samples. How can the Liberals fail to provide our law enforcement agencies with the opportunity to get a DNA sample at the time of the arrest?

Bill C-3 does not permit samples to be taken from incarcerated criminals other than designated dangerous offenders, multiple sex offenders and multiple murderers.

In the hands of the Liberals Bill C-3 is actually a hindrance to more effective law enforcement and a safer society. This is a needlessly restrictive use of DNA in Bill C-3. The official opposition is holding the Liberals responsible for denying our police the use of DNA which they have been asking for for quite some time.

The Liberals are so arrogant that they are attempting to fool Canadians about what the bill does and does not do. It does not go far enough and we must not be fooled. It is an inadequate piece of legislation and we cannot support it.

I would like to quote from a September 16, 1998 letter addressed to me by the president of the Canadian Police Association. I am sure that other members in this House may have also received similar letters. This letter which I am going to quote from is a scathing indictment of the Liberal government. On the first page it reads:

> The Canadian Police Association represents approximately 35,000 front line police officers across Canada. . .. Bill C-3, as currently drafted, is seriously flawed, and will needlessly allow Canadians to be put at risk.
>
> The CPA has lobbied for the creation of a DNA databank for many years. Since the beginning, we stressed the important impact a bank could have on public safety, a goal that we work towards everyday whether it be on the streets or on Parliament Hill. We said then, as we say now, that for this initiative to work samples must be taken from suspects when arrested. By doing so, we will maximize the potential crime prevention aspects of the bill which is a goal we all share.
>
> Do not underestimate the importance of this issue to the CPA. We are not, and never have been, averse to take every public opportunity to inform the public when the government creates and passes flawed legislation. We will do that again regarding Bill C-3. We will make sure that Canadians understand that their government is risking their

lives. We will make sure that if one of your constituents is harmed because of this flawed legislation, that they will know who to ask for an explanation.

The Liberals should be ashamed that 35,000 Canadian police officers on the front lines have been seriously disappointed by this Liberal government's legislation.

Canadians want our police officers to be protected and do the best job they can. The Liberals are not allowing our police officers the use of DNA identification that they are asking for and our police officers deserve more support from us, from our government, than that which this Liberal government is giving them.

The Liberals are choosing to slow down this process of the advent of DNA identification into our crime fighting efforts. The Liberals are crippling the ability of our law enforcement agencies to use this technology. This government has refused to allow the amendments to this bill that have been put forward by the official opposition.

• (1805)

This is not an issue to play politics with. These amendments would put teeth into Bill C-3. But it is as if the Liberals do not want that.

The Liberals are afraid to unleash this powerful crime fighting tool because they are more concerned about the criminals and the rights of the accused than they are about the victims of crime.

Our law enforcement agencies should have been given the go ahead to use DNA identification tools ever since the technology was first invented. For example, it would just be like forcing people to use candles or kerosene lanterns instead of electric light bulbs. We ask our police forces to use fingerprints but not DNA identification.

The Liberal government is supposed to be responsible for shaping our justice system. This is the government of the day. Canadians are relying on the government but the government is just sitting on its hands.

The Prime Minister continues to show his willingness to place the lives and safety of innocent people in jeopardy, whether by allowing the parole of violent offenders who go on to rape and murder again or by allowing freedom of convicted violent offenders through conditional sentencing or by tying our police officers' hands through Bill C-3. The safety of our society is a secondary issue for this Liberal government.

Bill C-3 provides a dangerous and unnecessary exemption authorizing judges not to issue warrants for the taking of a sample if they believe in doing so the impact of the individual's privacy and security would be grossly disproportionate to the public interest and the protection of society. It seems to me that if DNA identification were positive and unequivocal proof then the rights of an individual would be best served by that person providing a DNA sample. DNA samples are conclusive if processed carefully and correctly. A DNA sample can disprove as well as prove whether an accused person was involved in a crime. The Liberal's argument in support of allowing the judge not to issue a warrant for the taking of a DNA sample fails.

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

Once again we are watching the Liberals use cold hearted legal talk to deny giving our law enforcement agencies what they need. The Liberals used cold legal arguments and some kind of numbers to deny help to all of the victims of tainted blood, so probably they are used to it.

Canadians are devastated when innocent victims fall prey to violence, whether the motivation is drugs, theft, greed or hate. My community wants to know how many more innocent people will lose their lives before changes are made in our criminal justice system.

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

During the summer I did some door knocking in my constituency. People were amazed and surprised by why a politician would do door knocking between elections.

• (1810)

While knocking on these doors I noticed that almost second home in my constituency had a sticker on their door or window warning that the home was armed with an alarm system. It gives me the signal that people are not feeling safe on the streets, as we know, but are also not feeling safe in their own homes.

A few months ago a senior was brutally beaten to death in his own home in my constituency. The constituents I represent in Surrey Central are living in the wake of the arrest of five young men for the brutal beating and murder of a temple caretaker.

This Liberal government is spineless, heartless, gutless, deaf and blind. Everyone knows that the government is not getting tough on crime.

My constituents and I are warning this government to get tough on crime. We want it to do the work that is necessary to protect our society. That is why we are not supporting Bill C-3. It does not do the work necessary to give our police what they want in terms of using DNA identification tools.

Mr. Allan Kerpan (Blackstrap, Ref.): Mr. Speaker, I just want to make a quick comment and ask a question of my hon. colleague who just made his remarks with regard to Bill C-3.

He talked about his door knocking this summer and noticed that a good number of houses in his riding were equipped with security systems. When I campaigned in 1997 that was one thing I took note of in Saskatoon. At least half the houses in supposedly small town Saskatoon were equipped with alarm systems as well. Saskatoon is number three on the crime list in Canada. Regina is number one and Vancouver is number two in the number of crimes committed per capita.

From my colleague's perspective why does he think that the crime rate is increasing not only in my province but in his as well? What steps could the Liberal government take in order to get tough on crime?

Mr. Gurmant Grewal: Mr. Speaker, I thank the hon. member for asking this question.

Canadians will recall that when Clifford Olson made an attempt at the faint hope clause his hearing took place in my constituency. If when that violent criminal committed the crime the DNA sampling was there and the law enforcement agencies had that tool they could have solved so many other murders years before. They probably could have put a stop to the murders before more were committed. He was on the loose and we could not convict him. If we had had this particular tool we may have been able to save many more lives.

When we see the alarm signs on the doors and windows of homes in our constituencies it gives us an indication that Canadians do not have faith in this Liberal government. It gives us the message that something needs to be done but the government is sitting on its hands. Why are we not giving such an innovative and modern tool to police forces? Who are we afraid of? Are we afraid of the violent criminal? Do we not want to protect the rights of the victims?

• (1815)

Crime is on the rise simply because there is no one to put a stop to the criminals. I think the government should do something, do the honourable thing and accept the amendments from the official opposition and give a tool with teeth to law enforcement agencies.

Mr. Mark Muise (West Nova, PC): Mr. Speaker, the PC Party, as my colleague for Pictou—Antigonish—Guysborough has so eloquently said, believes that recording of DNA is good but it does not go far enough as it is in its present state. Basically it curtails the ability of police to do their job effectively. It can lead to the flight of criminals who have not gone to trial.

Unlike the registration of long guns imposed by the ill-conceived Bill C-68, the registry of criminals through DNA databanking is something we applaud.

I would like to ask my colleague for his comments about the bill not permitting retroactive testing of DNA for convicted criminals such as Clifford Olson or Paul Bernardo.

Mr. Gurmant Grewal: Mr. Speaker, I may not answer the question very satisfactorily because I do not know the background details of this bill. I want to be honest and straightforward.

However, I believe if the amendments proposed by the official opposition are accepted this will be a very effective tool. It will be much more effective than the fingerprints which we allow the RCMP or law enforcement agencies to use.

Let me give an example. Let us say we sent a soldier to war and we give him a gun but we do not give him any ammunition. What good is the gun?

We have given the fingerprint tool but why not DNA identification? The Canadian Police Association is asking for it. There are 35,000 members who have to deal with crime who are asking for this technology. They are on the frontlines defending us, making our streets free from crime and making our homes and streets safe. They are the ones who are pleading in strong language to the government to make DNA identification an effective tool.

Mr. Allan Kerpan (Blackstrap, Ref.): Mr. Speaker, I have sat here for the last couple of hours listening to the debate on Bill C-3. A couple of concerns that initially come to my mind is that it seems as though all the debate is taking place from this side of the House.

Reform members have spoken about it and a number of Progressive Conservative have spoken about it obviously showing concern for the bill, but I have heard very little, in fact nothing, from the government, the Bloc Quebecois or the New Democrats on an issue which I would think should be one of the prime issues in this fall's session with today being day one in parliament. It should be an issue of great importance and yet the government seems to be sitting back thinking one of two things. It will either let the Reformers and the Tories rant on a little bit about it and ram the thing through, which is all too common in the House over the past number of years, or it does not care about the bill. I am not sure which one of those answers would be accurate, but I have a notion it is probably a bit of both.

I want to make my comments on third reading of the bill. I have spoken on it at least once before, if not twice, if my memory serves me correct. I want to go back a year. A good friend of mine who is a police officer in the Saskatoon police service, Sergeant Jim Bracken, and I spent a week in Washington, D.C.. last October. We went down there for what I think is a very important reason. Jim is as interested in reforming the criminal justice system as I am. When I was appointed deputy critic for the solicitor general I wanted to learn more about the American system. It is not that I think we should go to the American system of justice, but it is always

important to study the differences in another country that is our closest neighbour.

● (1820)

We spent a week in Washington talking to people from the attorney general's office, parole board, victims groups and so on. One afternoon we had a meeting in a government building with an expert on DNA evidence. As a bit of an aside, it took us 25 to 30 minutes to get through security. We had to go through a number of x-ray machines and empty our pockets. We just about had DNA testing done on us before we were allowed into the building. From that perspective I am glad we live in Canada.

We had an appointment with an academic in his office. He was the stereotypical academic, a short skinny little guy with big glasses and a bow tie, somebody I would think would be in movies as a scientist. That is what he was. When I first looked at him I expected he would give me a very dry rendition or account of what they had done with DNA evidence there.

As soon as I introduced myself as a member of parliament from Canada and my colleague, a sergeant from the police service in Saskatoon, and told him that we would like to learn about DNA evidence his face lit up like a Christmas tree. We could tell he had something to say. He was absolutely thrilled that somebody would come from another country to listen to him on what he had found and on how the DNA testing system was being implemented in the United States. We spent about two hours in his office. We had not originally scheduled a meeting for that long but we wanted to learn everything we could in that short time.

The Americans are much further ahead with respect to DNA evidence, sampling and databanks. I obtained a book down there of case studies from both sides of the coin. There were cases of people who were wrongfully convicted being later exonerated through the use of DNA evidencing. There were case studies of people already in prison who were convicted of other crimes and who were found through the use of DNA evidence to have committed other violent acts. The more I read from this book, the more I was convinced we were on the right track.

I applaud the government for bringing this issue to the House of Commons. I applaud it for taking upon itself to talk about the idea of DNA bank. However that is as far as I can applaud the government. We are taking what is probably the best, most useful and effective tool that has ever come down the pike for solving crime and we are throwing it away.

Let me use the example of a carpenter to show what we are doing with the bill the way it is. It is like saying to the carpenter that we will let him have a hammer but he is only allowed to pound nails from the outside of the house. It will look good on the outside, but we all know what will happen when we get to the inside.

It would be like saying a doctor may use an x-ray machine but only in certain cases because it may infringe upon the rights of someone. If we take a dental x-ray we might find out that the patient has some other disease we are not prepared to find out about and do not think we should know about because it would intrude upon the rights of the person and his privacy.

When we look into the eyes of a victim of crime—over the past five years since I have become a member of parliament I have had the opportunity to do so—we realize it is incumbent upon us as lawmakers, as the people who really make the legislation and implement it, to do absolutely everything within our power to solve crime.

● (1825)

I want to use a good example that is very well known in Canada. It is a case that happened in Saskatchewan in my city of Saskatoon, the case of David Milgaard. Through the use of DNA evidence we now know for sure that David Milgaard did not commit that murder. We now have another person who is to stand trial for that murder.

Obviously we did not have the use of DNA evidence at the time Milgaard was first tried. I will not argue that. Had we the proper use of this tool, cases like the Milgaard case would be very unlikely to ever happen again because we would be able to ascertain guilt or innocence almost for certain.

I do not want to see anybody else having to spend any time in prison for a crime that they did not commit, just as I want to see crime solved through the use of this tool. We will solve crimes through the use of this tool. It is a given. No one would argue with that except lawyers and the odd Liberal.

We could use DNA evidence for people who have been convicted of other crimes while they are in prison for another crime. The failure to do that is abdicating responsibility as a government to the people of the country. As someone else said previously, if we cannot provide security and safety and the feeling of security for Canadian people then what have we accomplished as a government or as an MP?

I believe, as I have said before many times, that the first and most important role of any government is to provide for the safety and security of people who live in our country.

This coming weekend right behind this building there will be a police memorial service. Many of us have been around to the back of the building and have seen the police memorial located there. I

have been a strong supporter of the Police Association of Canada since day one and I continue to be.

I think about those officers who gave their lives in the line of duty protecting every one of us in the country. I think about the fact that we will not give the colleagues they left behind the opportunity to solve crime with the use of this tool. Frankly I am embarrassed to say that we have let down those men and women who have given their lives to protect us on the streets of our communities. That is a sad thing because if we cannot honour the lives of those people then we have done nothing in this area as members of parliament.

Why is it in a country like Canada that in 1998, nearing the year 2000, we are in a situation where we would not pay attention to the most important people in the country, the people who live and work in our justice system on a day to day basis and the people who are victims of violent crimes? Far too often even in our little city of Saskatoon, what normally would be thought of as a very nice peaceful little city, I run across cases of violent crime. I have spoken with the victims. I do not understand why and it is amazing to me the government of the day that sits across the way would not put more credence into what they tell it.

I was at the committee meetings that were held on this bill. Steve Sullivan appeared before the committee on the particular day I recall offhand and spoke on behalf of a number of victims. They want to see all steps taken that are possible and reasonable to prevent crime.

● (1830)

As was mentioned before, the police association, some 35,000 strong, completely support the idea of DNA sampling taken at the point of arrest, yet the government fails to listen to them. The government fails to listen to the opposition members here today who I think have made some very, very strong points. I do not see anyone who really seems to care.

I have a notion that this bill will be rammed through and that we will see closure invoked on this bill because it is an emotional issue to a great many people.

I will not stand here today and say that the opposition parties are always right. We are not perfect. I do not pretend to be a perfect member of parliament just as the government is not perfect. However when the huge outcry of emotion on this issue is heard, just like on other issues such as Bill C-68, where the government refuses to listen to the vast majority of the people, we have a democratic problem in this country.

My colleague from Wild Rose mentioned in his remarks that there are members opposite who would support our way of thinking but unfortunately the way party discipline works in this place they will not perhaps get the opportunity to vote the wishes of their constituents. That is a systematic problem and one that needs to be changed very quickly.

One of the big arguments from the government about why it would cut this bill off at the knees and reduce its effectiveness is the fear of invasion of privacy or the intrusion into private lives.

I think about this in the same way I think about a breathalyzer test. Obviously we use blood samples. They can be obtained and used for driving under the influence tests. There are also breathalyzers where someone would be required to give a sample of breath which is no different in my opinion than plucking a single hair from one's head to provide DNA evidence. If I had the choice, and thankfully I have never had to have a sample of any sort taken to this point, I would rather have somebody pull a hair out of my head.

Therefore that argument does not wash with me. That is a no brainer, a non-starter in my opinion because it is non-intrusive.

The other thing which is very important and critical to this whole issue is what we will do as a government to prevent the abuse, the misuse of DNA evidence. I think the government is on track on that part of the bill. I do not argue with that.

Strict, harsh penalties will be imposed for anyone who abuses or misuses that DNA information. That is great and so it should be. No one in this House I believe would ever argue that point. If samples are taken for some cases and not others, then the opportunity still exists for the abuse or the misuse of DNA evidence. Therefore that argument does not wash.

The argument that does wash with me is the protection of people. Just a few minutes ago my colleague spoke about the number of houses with security systems in his riding. He thinks as do some others here that we could improve the safety and security of Canadians with the use of DNA evidence, DNA data banks.

I do not think it will happen overnight. If the bill were to go through according to our recommendations, I do not think Canadians would feel safe overnight but they would over time.

It is the right step to take at this point in time because as we move into the next century, I do not see any drop in the number of violent crimes. Our social system is in such a state that it could perhaps get worse. We have to take every step in order to protect people down the road.

The key thing is that if a known criminal knows that DNA sampling and evidence are available, they are more likely to think twice before they enter someone's house or commit a violent crime. They know that DNA evidence and the use of it is available. That also makes them a little bit more concerned if they have committed other violent crimes in the past. Over the long term I

believe that we will make Canada a much more safe and secure place in which to live.

● (1835)

Perhaps the biggest group of people who would be opposed to the use of a data bank as we would like to see it is the legal profession. If I am a lawyer anywhere in Canada and DNA evidence sampling is available, it is going to be pretty hard to defend someone who we know almost for sure is guilty. Far too often in my life I have seen the legal profession make a living out of other people's misfortune. That is a sad thing.

I did not stand up here today to take a round at the legal profession because I know that we need them. Everybody should have a token lawyer. They are necessary. There is no question about that. What I am saying is that we must take every step that we can to ensure and assure people that their best interests are looked after.

I want to sum up what I have said. The two most important groups to me on this issue are the men and women who serve us, who defend our property and defend our safety and security on a day to day basis, the police officers of this country. We would do a terrible disservice to those people if we did not listen and heed their words of advice on this bill. A more important group, and the group I will leave to the last is the victims of violent crime in this country. I have looked, and I would ask my Liberal colleagues from the other side to go home this weekend and look deep into the eyes of a victim of violent crime. Then come back next week and tell me that they do not think that the DNA data bank that is effective is worth talking about.

Mr. Eric Lowther (Calgary Centre, Ref.): Mr. Speaker, thank you for the opportunity to bring out an aspect of this bill that I think we have missed, even though we have heard a lot of speakers and we have had a lot of things brought forward.

The key part of this bill we need to focus on is the fact that the resistance we are running into on this bill relates exactly to the privacy issue, personal privacy. Whose privacy are we actually talking about? We are talking about the privacy of people who have been indicted. The police do not indict someone without good cause. What we are really looking to protect is the privacy of an individual who may have committed a heinous crime as opposed to the security and safety of Canadian citizens. We heard some of the heinous crimes that have been committed against women and children and if we can do anything to stop those heinous crimes. We are trading off the privacy issue and the safety of Canadians.

I have a bill on the same issue and which is going to be voted on next week, Bill C-284. It has to do with allowing parents and those who hire people to look after children to know whether or not the person has a history of being a paedophile. In that situation they would know if he has ever received a pardon. They would not put those children at risk again.

● (1840)

When we debated that bill in the House it was the same kind of thing. Everybody on this side was supportive of the bill, but what came from that side was ''We have to protect the privacy of the convicted paedophile more than we need to protect the children who could be exposed to this kind of risk''.

This is the key difference. Are we going to protect citizens as we have been elected to do? Many of us are here because of our frustration with the justice system being too much concerned and overly focused on protecting the rights of criminals or those who are indicted, putting that at a higher level than the victims in our society.

The Liberal approach is just not working. This loose approach to the justice issue not only puts law-abiding citizens at risk, but it makes those who are contemplating criminal activity more likely to step into that kind of activity because the barriers are just not there. They are not seeing it as a deterrent. It has become a laughing stock.

We can talk about Bill C-3 which is the DNA bill, my Bill C-284 and we can talk about the Young Offenders Act. This theme is pervasive across all the justice issues: the protection of privacy, protection of the criminal and protection of those who have been charged.

When do we ever hear from the other side of the House about the protection of the victim, victims rights, the protection of those who may be harmed or who have been attacked and the protection of law-abiding citizens? That is what is at the heart of justice, law and order and peace in our society. That is what was at the heart of many of the election campaigns we fought only a little over a year ago and why many of us are here.

This particular bill points out a fundamental difference between the members on this side of the House and those on that side of the House. It is a fundamental difference that says they are going to protect criminals over the rights of law-abiding citizens and we are focusing on making sure that Canadians are not put at risk.

The police are the people who are closest to the action, closest to the issue. In so many cases businesses realize that if they want to know where the waste is they go to the front lines. They have implemented empowering people at the front lines because they have had to live with the waste and the issues. But the government is still stuck in a top down way of thinking that says that judges and those who live behind brick walls will decide for those who do not. The police know. They are on the front lines. They hear the stories. They see the broken lives. They have to live with the tragedies. They have to pick up the pieces.

It is interesting that the police tell us ''Come on, let us get some things in place so our job has meaning again, so we can actually do

the job we are paid to do, protect our communities and do something to serve as a deterrent''.

Mr. Speaker, may I just ask at this point how much time I have left?

The Deputy Speaker: The hon. member has 14 minutes remaining in his remarks, but I am afraid that the time for the consideration of Government Orders has come to an end for today. When debate resumes on this bill he will be able to carry on at some length.

ADJOURNMENT PROCEEDINGS

[*English*]

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

NATIONAL DEFENCE

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, on April 1, I rose during question period to ask the minister of defence whether he would put an end to the privatization of non-core activities in several Canadian forces bases.

The privatization of CFB Goose Bay has caused considerable hardship. Close to 200 workers were not rehired by SERCO. Wages have been cut dramatically and the low morale of the base employees has plunged to new depths.

● (1845)

The transitional allowance to compensation workers who had their wages slashed will end April 1, 1999, leaving the affected employees with reduced wages. Just like with the pay equity issue, the government chooses to turn its back on its former employees.

Now the new service provider SERCO is eligible to receive a performance bonus for the next five years if it meets certain criteria. This once again demonstrates that this government is more concerned with lining the pockets of foreign companies than protecting the interests of Canadian workers.

If these bonuses are to occur, the wages and benefits that SERCO employees now receive should be one of the evaluation criteria used in determining whether bonuses should be given. Those employees who are now working for SERCO should receive equitable wages and benefits comparable to what they were receiving as public servants.

The government is willing to give SERCO $875,000 for its performance in the period from August 1, 1998 to March 31, 1999. These bonuses should not be earned on the backs of hardworking employees.

Furthermore there is still great concern that these privatization efforts will be extended to other bases. Six additional sites have been designated to go through the alternate service delivery process.

The communities of Gagetown, Kingston, Shilo, Suffield, Wainwright and Edmonton have a right to know on what basis they are being evaluated.

It is known that these sites will have an opportunity to reach the status of most efficient organization. If these sites are successful in doing so, the ASD process will stop.

How committed is the government to this process? Would further cutbacks in the department impede the MEO process? What is the percentage in savings each site has to achieve to be considered a most efficient organization?

The workers of these bases have a right to know what their goal is. The financial security of entire families hangs in the balance. The experience of CFB Goose Bay has shown us that privatization hurts workers and their families.

Let us hope that the Minister of National Defence has learned his lesson and will put a stop to any further privatization efforts.

Mr. Robert Bertrand (Parliamentary Secretary to Minister of National Defence, Lib.): Mr. Speaker, as the Minister of National Defence stated in the House previously, the Department of National Defence has an obligation to meet budget reduction targets.

The Canadian forces and the Department of National Defence must deliver the missions defined by the government in the defence policy in the most cost effective way possible within the constraints of the budget available. Achieving cost savings in support activities is something that can be done with the alternative service delivery program.

At the same time, however, this government has had an obligation and the desire to make sure that employees are treated fairly. We have demonstrated that with the way we have gone about downsizing the public service. We will demonstrate it again in terms of how we treat employees affected by the ASD program.

[*Translation*]

The options being considered include alternate service delivery such as competitive contracting, which includes internal submissions and the taking over of services by government employees, partnership agreements between the government and the private sector and, finally, privatization.

However, the Minister of National Defence has ordered the department to ensure that the six locations chosen in the spring for a study on alternate service delivery have an opportunity to show that savings may be made through internal work restructuring before a decision to award contracts by competition is reached.

The alternate service delivery program provides means for consultation and the fair participation of all stakeholders, including management, employees, unions, industry, local communities and other federal departments.

In the case of initiatives that could lead to staff reductions, the Department of National Defence and the Canadian armed forces will discuss the potential impact of the reductions planned with union leaders and the employees affected.

In such cases, arrangements will be made to ensure that the new employer hires department employees preferentially, and employees not offered jobs will be offered separation packages or a new position within the public service under the workforce adjustment directive.

● (1850)

EMPLOYMENT INSURANCE

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, on March 26, 1998, here in the House, I asked why the federal government did not put additional money into the transitional jobs fund in order to put more money into the resource regions.

In the three months that followed, that is April, May and June 1998, $100 million less was paid out in employment insurance in the Lower St. Lawrence region than in the same months of 1992.

It was as if a decision had been made to break the agreement that had more or less been in place in Canada, that the resource regions would produce and manage the natural resources and ship them out to the major centres, where industry would process them. The people in the resource regions would get financial compensation, such as employment insurance, to allow them to have a decent standard of living.

Since the employment insurance reforms, that compensation has been taken away from those working in primary sector industries, without giving them the possibility of diversifying their regional economy.

Our question addressed this, and is still pertinent today. Is the government going to decide to put more money into the transitional jobs fund, which is financed from the government's day-to-day funds and not from the employment insurance fund?

That money could be used to implement projects in our regional economies. For example, those who work in seasonal industries such as tourism, logging and agriculture, would then have an opportunity to develop projects and businesses, to promote winter tourism, to process wood or to expand the milk processing industry in their own communities. In other words, they could benefit from the annual surplus collected by the government as a result of the reduction in EI benefits. With revenues totalling some $19 billion and $12 billion being paid in benefits, the government ends up with a $7 billion surplus.

Would it not be possible for the federal government to find some way to put money back into the transitional job creation fund, so as to allow our regions to benefit from that fund, to diversify their regional economies and to reduce their dependency on employment insurance?

[*English*]

Mr. Tony Valeri (Parliamentary Secretary to Minister of Finance, Lib.): Mr. Speaker, as we have stated over and over again, the central pillar of this government's mandate is employment growth. In the last four years, over one million full time jobs have been created in the private sector with more than 370,000 being created in 1997 alone. The unemployment rate is lower than it has been since 1991 and our commitment is not about to change now.

The transitional jobs fund was introduced in 1996 to help individuals and communities of high unemployment areas adjust to EI reform. Projects approved to date are expected to create over 31,000 sustainable jobs. However, a transitional program cannot be extended indefinitely, especially without a thorough evaluation which is currently underway.

In the meantime, through labour market development agreements with the provinces employment insurance continues to offer active measures to help the unemployed re-enter the workforce. Examples include targeted wage subsidies, earning supplements, employment assistance services as well as other benefits and support measures. The 1998 budget also sets aside money to promote employment for young Canadians as well as youth at risk through EI premium holidays and the youth services Canada program.

I take the hon. member's comment and I reiterate that this government is committed to employment growth. The transitional jobs fund is under review. After that review is completed a decision will surely be made.

Since the hon. member talked about the surplus in the EI account, I reiterate that back in 1986 the auditor general required the government of the time to consolidate the EI account into general revenues. So those moneys are going directly into consolidated revenues and are certainly being used for what are Canadian priorities.

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 6:55 p.m.)

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