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OFFICIAL REPORT
(HANSARD)

Thursday, November 18, 1999

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Thursday, November 18, 1999

The House met at 10 a.m.

Prayers

[*English*]

HOUSE OF COMMONS

The Acting Speaker (Mr. McClelland): I have the honour to lay upon the table the Performance Report of the House of Commons Administration for the period from April 1998 to March 1999.

ROUTINE PROCEEDINGS

● (1015)

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Derek Lee (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 responses to three petitions.

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INTERPARLIAMENTARY DELEGATIONS

Ms. Sophia Leung (Vancouver Kingsway, Lib.): Mr. Speaker, pursuant to Standing Order 34(1), I have the honour to present to the House in both official languages the report of the Canadian delegation of the Canada-Europe Parliamentary Association on the eighth annual session of the Organization for Security and Co-operation in Europe Parliamentary Assembly, OSCE PA, in St. Petersburg, Russia, July 6-10, 1999.

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COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have the honour to present the eighth report of the Standing Committee on Procedure and House Affairs regarding the associate membership of the Standing Committee on Human Resources Development and the Status of Persons with Disabilities.

If the House gives its consent, I intend to move concurrence in the eighth report later this day.

[*Translation*]

* * *

EMPLOYMENT INSURANCE ACT

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ) moved for leave to introduce Bill C-323, an act to amend the Employment Insurance Act (Schedule 1).

He said: Mr. Speaker, the purpose of this bill is to ensure that contributors to employment insurance have sufficient weeks of benefits to tide them over until their next job.

This is to counteract the negative effects of employment insurance reform, which has created the so-called ''spring gap'', the 5 to 15 week period not covered under the present program.

We hope that this bill will make it possible to remedy one of the major flaws in the employment insurance reform.

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

* * *

EMPLOYMENT INSURANCE ACT

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ) moved for leave to introduce Bill C-324, an act to amend the Employment Insurance Act (determination of insurable employment).

He said: Mr. Speaker, this government's determination to take as much money as possible back from the unemployed has led to unacceptable behaviour when it comes to determining people's insurability.

Very small family businesses are being horribly harassed at the present time, and I trust that decisions on insurability will be transferred from Revenue Canada to Human Resources Development Canada so that they will be made in the regions and will take into account the realities of the very small family businesses currently being affected by the behaviour of Revenue Canada.

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

• (1020)

[*English*]

STATUTORY INSTRUMENTS ACT

Mr. Gurmant Grewal (Surrey Central, Ref.) moved for leave to introduce Bill C-325, an act to amend the Statutory Instruments Act (disallowance procedure for statutory instruments).

He said: Mr. Speaker, I rise to introduce my private member's bill entitled an act to amend the Statutory Instruments Act. I thank the hon. member for North Vancouver for seconding my bill.

This bill seeks to establish a statutory disallowance procedure for all statutory instruments that are subject to review and scrutiny by the Standing Joint Committee on Scrutiny of Regulations of which I am a co-chair.

This bill will ensure that parliament has the opportunity to disallow any statutory instrument made under the authority delegated by parliament or the cabinet. The bill would empower the Standing Joint Committee on Scrutiny of Regulations to take action on this. It would empower the members of the House and the Senate to democratize our right here in parliament.

I present this bill for the consideration of the House.

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

* * *

REFORM'S TERRITORIAL PROTECTION ACT

Mr. Gurmant Grewal (Surrey Central, Ref.) moved for leave to introduce Bill C-326, an act respecting the territorial integrity of Canada.

He said: Mr. Speaker, I am honoured to introduce my private member's bill entitled Reform's territorial protection act. I wish to thank the hon. member for Elk Island for seconding my bill.

The purpose of this enactment is to affirm Canada's sovereign indivisibility. The bill is based on the fact that there is no provision in our constitution for the withdrawal from the federation of a province or a territory.

I want to accomplish three things with the bill. First, I want to ensure that the Canadian federation may not be deprived of any part of Canada's territory except with Canada's consent through constitutional amendment; second, to ensure that no province or territory may unilaterally withdraw from the federation; and third, to declare any province or territory cannot declare its intention unilaterally to secede from the federation and form a separate state.

I present this bill for the consideration of the House.

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

* * *

FARM INCOME PROTECTION ACT

Mr. Leon E. Benoit (Lakeland, Ref.) moved for leave to introduce Bill C-327, an act to amend the Farm Income Protection Act (crop damage by gophers).

He said: Mr. Speaker, it is my pleasure to introduce this bill regarding an issue which costs western farmers millions of dollars a year. The bill requires the federal government to compensate farmers where they have losses to crops due to harm done by such rodents as gophers because the poison which they normally use to control these pests has been removed for reasons such as environmental protection and so on. Gopher damage costs western farmers millions of dollars a year. It is a serious issue.

I look forward to having the bill drawn and for this protection to be given to farmers. They have had their tools removed from them which has caused this damage and this clearly should not have been done.

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

* * *

• (1025)

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if the House gives its consent, I move that the eighth report of the Standing Committee on Procedure and House Affairs, presented to the House earlier this day, be concurred in.

The Acting Speaker (Mr. McClelland): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

* * *

PETITIONS

OLD AGE SECURITY

Mr. Gurmant Grewal (Surrey Central, Ref.): Mr. Speaker, I am honoured to present 12 petitions with 300 names on them. These signatures are of concerned Canadians mostly from the constituency of Surrey Central. They draw the attention of the House to the discrimination they declare is caused by Canada's old

age security system. The act discriminates against seniors from certain countries. Therefore, they call upon parliament to grant old age security benefits to all seniors over the age of 65 based on the needs of the seniors and not based on their country of origin.

YOUNG OFFENDERS

Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.): Mr. Speaker, pursuant to Standing Order 36, I wish to present a petition signed by constituents who live in the village of Wyoming. Their petition draws the attention of the House to the following recommendations: to charge young offenders who commit serious crimes, for example assault, sexual assault, aggravated assault, murder, attempted murder, manslaughter, aggravated sexual assault and crimes against seniors, in an adult court; to not allow Young Offenders Act protection to repeat offenders; the Young Offenders Act should protect one-time offenders only; to notify the victim and the public about the release of a serious crime young offender; and to change the Young Offenders Act to apply only to children between the ages of 10 and 15.

They request that parliament hear their prayer that victims of young offenders should have some of their rights as law-abiding people protected and that the abuse of the legal system by young people be stopped.

[*Translation*]

CANADA POST CORPORATION

Mr. Ghislain Lebel (Chambly, BQ): Mr. Speaker, I am tabling a petition signed by 53 individuals, all rural mail delivery persons, asking the government to repeal section 13(5) of the Canada Post Corporation Act, which prohibits organizing and collective bargaining.

The parliamentary secretary to the minister told us the other day that a legal opinion or a trial court decision had indicated that the government was perfectly justified in maintaining this section, which contained nothing illegal and did not contravene the charter.

I point out that it is a decision by a trial court and a legal opinion. However, the strangest thing in this is that the minister is making his own law, negotiating with these employees and denying them the right to negotiate.

Therefore, because the government is in a clear conflict of interest in this situation. I table this petition on the petitioners' behalf.

[*English*]

AIRCRAFT EMISSIONS

Mr. Gordon Earle (Halifax West, NDP): Mr. Speaker, over 500 residents of the Espanola area have signed a petition raising concern over possible government involvement in what appears to be aircraft emitting visible aerosols. They have found high traces of aluminum and quartz in particulate and rain water samples. These concerns combined with associated respiratory ailments have led these Canadians to take action and seek clear answers from this government.

The petitioners call upon parliament to repeal any law that would permit the dispersal of military chaff or of any cloud-seeding substance whatsoever by domestic or foreign military aircraft without the informed consent of the citizens of Canada thus affected.

GENETICALLY MODIFIED FOODS

Mr. Reed Elley (Nanaimo—Cowichan, Ref.): Mr. Speaker, I would like to present a petition on behalf of 200 constituents and others on Vancouver Island who are concerned about genetically modified foods. They believe that it is the right of all consumers to know what is in the food they eat. They are requesting that parliament require manufacturers and growers of genetically altered foods to label such products accordingly in a way that is obvious to the general public.

● (1030)

THE CONSTITUTION

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, I rise pursuant to Standing Order 36 to present a petition from the great people of the province of Nova Scotia, especially the wonderful cities of Lower Sackville, Bedford, Beaverbank, Timberlea and the surrounding communities.

They pray that parliament and parliamentarians uphold the present wording of the constitution and preserve the truth that Canada was and is founded upon principles that recognize the supremacy of God and the rule of law.

CHILD PORNOGRAPHY

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, the outrage of the people of Canada against this inactive Liberal government continues. I have 146 more signatures on petitions that express this outrage with respect to its inaction on the issue of child pornography.

They ask that the government do whatever is necessary to reinstate immediately the criminal code provision that makes the possession of child pornography illegal.

* * *

QUESTIONS ON THE ORDER PAPER

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, Question No. 3 will be answered today.

[*Text*]

Question No. 3—**Mr. Rick Borotsik:**

Has the Department of Agriculture and Agri-Food developed a plan for implementing a stand-alone, self-directed risk management program for the horticulture industry in accordance with the final report of the National Safety Net Advisory Committee dated June 15, 1998, and, if so, what is that plan?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib): At their July 1998 meeting, the federal and provincial agriculture ministers agreed to examine the possibility of implementing a national self-directed risk management program as part of the process leading to a renewed safety net framework. Discussions on the long term safety net policy were continued at the July 1999 ministers' meeting in Prince Albert. It was agreed that further analysis and discussions were required to enable ministers to decide on the next five year framework agreement at their February 2000 meeting.

Current and proposed programs are currently being assessed with respect to their effectiveness and any required modifications. In this respect, a study on SDRM's effectiveness has been completed and preliminary results have been shared with horticulture producer organization representatives. This process continues with industry-wide consultations, notably with the national safety net advisory committee.

[*English*]

Mr. Derek Lee: I ask, Mr. Speaker, that the remaining questions be allowed to stand.

The Acting Speaker (Mr. McClelland): Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

YOUTH CRIMINAL JUSTICE ACT

BILL C-3—TIME ALLOCATION MOTION

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.) moved:

That in relation to Bill C-3, an act in respect of criminal justice for young persons and to amend and repeal other acts, not more than one further sitting day shall be allotted to the consideration of the second reading stage of the said bill and, fifteen minutes before the expiry of the time provided for government business on the day allotted to the consideration of the second reading stage of the said bill, any proceedings before the House shall be interrupted, if required for the purpose of this order, and in turn every question necessary for the disposal of the stage of the bill then under consideration shall be put forthwith and successively without further debate or amendment.

Mr. Randy White: Mr. Speaker, I rise on a point of order.

The Acting Speaker (Mr. McClelland): There is a motion on the floor and a point of order is not receivable at this time.

[*Translation*]

Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. McClelland): Call in the members.

• (1115)

[*English*]

(The House divided on the motion, which was agreed to on the following division:)

(*Division No. 54*)

YEAS

Members

Adams	Anderson
Assad	Assadourian
Augustine	Baker
Bakopanos	Beaumier
Bélair	Bélanger
Bellemare	Bennett
Bertrand	Bevilacqua
Blondin-Andrew	Bonwick
Boudria	Bradshaw
Bryden	Bulte
Caccia	Calder
Cannis	Caplan
Carroll	Catterall
Chamberlain	Chan
Charbonneau	Clouthier
Collenette	Comuzzi
Copps	Cullen
DeVillers	Dhaliwal
Discepola	Dromisky
Drouin	Duhamel
Easter	Eggleton
Folco	Fontana
Fry	Gagliano
Godfrey	Goodale
Gray (Windsor West)	Grose
Guarnieri	Harb
Harvard	Hubbard
Ianno	Jackson
Jennings	Jordan
Karygiannis	Keyes
Kilger (Stormont—Dundas—Charlottenburgh)	Kilgour (Edmonton Southeast)
Knutson	Kraft Sloan
Lastewka	Lavigne
Lee	Leung
Limoges (Windsor—St. Clair)	Lincoln
Longfield	MacAulay
Mahoney	Malhi
Maloney	Manley
Marleau	Martin (LaSalle—Émard)
Matthews	McCormick
McGuire	McKay (Scarborough East)
McLellan (Edmonton West)	McTeague
McWhinney	Mifflin
Mills (Broadview—Greenwood)	Minna
Mitchell	Murray
Myers	Nault

O'Brien (Labrador)
Pagtakhan
Parrish
Peric
Pettigrew
Pickard (Chatham—Kent Essex)
Pratt
Provenzano
Reed
Robillard
Saada
Sekora
Speller
St-Julien
Szabo
Thibeault
Ur
Whelan
Wood —129

O'Brien (London—Fanshawe)
Paradis
Patry
Peterson
Phinney
Pillitteri
Proud
Redman
Richardson
Rock
Scott (Fredericton)
Shepherd
St. Denis
Stewart (Brant)
Telegdi
Torsney
Volpe
Wilfert

NAYS

Members

Abbott
Alarie
Bachand (Richmond—Arthabaska)
Benoit
Bigras
Brison
Casey
Chatters
Crête
Dalphond-Guiral
Desjarlais
Dubé (Lévis-et-Chutes-de-la-Chaudière)
Dumas
Earle
Epp
Gauthier
Girard-Bujold
Godin (Châteauguay)
Grewal
Guay
Hanger
Herron
Johnston
Konrad
Lebel
Mancini
Mark
McNally
Meredith
Muise
Penson
Rocheleau
Solberg
St-Hilaire
Thompson (New Brunswick Southwest)
Vellacott
Wayne
White (North Vancouver)—75

Ablonczy
Anders
Bellehumeur
Bergeron
Breitkreuz (Yorkton—Melville)
Canuel
Casson
Chrétien (Frontenac—Mégantic)
Cummins
Davies
Desrochers
Dubé (Madawaska—Restigouche)
Duncan
Elley
Forseth
Gilmour
Godin (Acadie—Bathurst)
Goldring
Grey (Edmonton North)
Guimond
Harvey
Hilstrom
Jones
Laurin
MacKay (Pictou—Antigonish—Guysborough)
Marceau
Martin (Winnipeg Centre)
Mercier
Morrison
Nystrom
Perron
Schmidt
Solomon
Stoffer
Tremblay (Lac-Saint-Jean)
Wasylycia-Leis
White (Langley—Abbotsford)

PAIRED MEMBERS

Axworthy
Barnes
Brien
Cardin
Coderre
Debien
Duceppe
Fournier
Graham
Karetak-Lindell
Lefebvre
Normand
Picard (Drummond)
Serré
Tremblay (Rimouski—Mitis)
Vanclief

Bachand (Saint-Jean)
Bonin
Brown
Cauchon
de Savoye
Dion
Finlay
Gagnon
Iftody
Lalonde
Ménard
O'Reilly
Sauvageau
Steckle
Turp
Venne

The Speaker: I declare the motion carried.

SECOND READING

The House resumed from October 21 consideration of the motion that Bill C-3, an act in respect of criminal justice for young persons and to amend and repeal other acts, be read the second time and referred to a committee, and of the amendment.

● (1120)

Mr. Bob Kilger (Stormont—Dundas—Charlottenburgh, Lib.): Mr. Speaker, I rise on a point of order. Discussions have taken place among all parties and I believe you would find consent for the following motion. I move:

> That when debate on second reading of Bill C-3 ends later this day all questions necessary to dispose of the second reading stage of the said bill be deemed put, a recorded division requested and deferred until the expiry of Government Orders on Tuesday, November 23, 1999.

The Acting Speaker (Mr. McClelland): Does the hon. whip of the government have the consent of the House to present the motion?

Some hon. members: Agreed.

The Acting Speaker (Mr. McClelland): Is it the will of the House to accept the motion as presented by the chief government whip?

Some hon. members: Agreed.

(Motion agreed to)

Mr. Grant McNally (Dewdney—Alouette, Ref.): Mr. Speaker, it is a pleasure to continue my speech on Bill C-3, the youth criminal justice act.

As I said before the House broke on this issue, the government likes to do a lot of talking. The Minister of Justice has talked about the youth criminal justice act for a number of years. She has used the phrase ''in a timely fashion'' and has done some tinkering with the youth criminal justice act, but has not made the substantive changes that are necessary to make it an effective piece of legislation to accomplish the task that it is being designed to accomplish.

Last week I talked about an initiative within my own riding being implemented and carried out by an individual named Lola Chapman, her youth diversion program, which is an excellent program that works very well because it involves members of the community. It sets the structure in place to involve young people, who are first time offenders of non-violent crimes, to have the option to appear before the youth justice committee in order to have a different process than the one that is currently in place.

We know now that if a young person is charged with a crime it can take up to a year or even more than that before the case even gets to court. The young person is in limbo for that period of time. The issue is not resolved and it is not dealt with.

This youth diversion program, which is an excellent program, happens within a matter of weeks and sometimes within a matter of days of the offence occurring. It brings the offender together with the parties against whom they have committed this act, along with community leaders, to come to a resolution of this incident, providing some consequences for the individual.

There is also some follow up with some community service work. A person works with the young person, almost in a big brother or big sister capacity to help that young person along the way and make sure they do not get into further trouble. It is a very excellent program. It is something that the government should consider.

I tried to present the report from this very excellent program happening in my riding of Maple Ridge to the House and table it here so that all members could be aware of this excellent program and take it back to their own communities and talk to individuals.

As a community leader within each riding, the MP has a sphere of influence and is able to talk to community leaders, mayors, council members, chiefs of police and all sorts of people to continue this kind of initiative. It is a shame, but that consent was denied by the government. It was a good, positive, proactive solution to the whole issue of youth justice.

● (1125)

We again see that the government's overall theme seems to be ''We'll just say what we need to say in order to get the headlines and to create a perception that we are working on this area'', without putting the meat and bones behind it to actually take the action necessary to fix the problem. We see that with the youth justice act as well. That is the government's approach.

We also see that it has called time allocation once again on this piece of legislation. The government went ahead and did this rather than listening to ideas being suggested by other members or by taking a good report that was from within my community and having it available for all members to read. Instead, its response is to call time allocation. That approach is simply wrong.

The people of the country are waking up to the fact that the government has the wrong approach. While it is attempting to fix the youth justice system, this bill falls far flat in the area of addressing the serious issues and concerns.

One thing we have a major concern with is the issue of younger people under the age of 12 being helped and dealt with if they are running afoul of the law. Under the current act and the proposed act there are no provisions to help young people under the age of 12 who are led astray and become involved in criminal activity.

The government's response is to say that others want to just throw young people in jail. Nothing could be further from the truth. We want to help these people at a younger age before they start on the path of getting involved in more serious offences. Under the current law there is no way to do that. This government has not addressed that. Government members stand in their place and make scurrilous comments to those individuals who suggest these proposals.

The member for Crowfoot, who is a long-standing member of the justice committee, has made many good proposals over the years in this place on this issue. Being a former RCMP officer, he knows that dealing with people at a young age would help to divert them from getting involved in more serious offences. Yet the justice minister and the government refuse to listen to those ideas and those suggestions. That is wrong. It puts individuals at the young age of 10 and 11 in a position of being possibly recruited by older kids to get involved in criminal acts because there is nothing that can be done to those younger individuals. Older teens, in some cases, are exploiting younger children to get involved in criminal activities knowing that these younger individuals cannot be touched by the law. That is wrong.

The Minister of Justice knows it but she does nothing about it. Instead, she and the spin doctors of the Liberal government try to create this perception that others who would suggest this idea are wrong when, in fact, police officers and people working with young people are saying that we need a way to help these younger individuals.

I know RCMP officers in my riding who say they know who these younger individuals of 10 and 11 are and that they are just waiting till they turn 12 so that they can hold them responsible for their actions. We know it is a small percentage of individuals, but a small group of people can cause a lot of damage and harm if there is no system in place to deal with them and help them so they do not get involved in these activities.

Without taking the necessary steps to make those changes through amendment to this bill, the government is missing a golden opportunity to solve a serious problem. It can say what it wants, create the spin and send the people out to carry the message that it is doing something about youth justice, but the reality is that there are so many weaknesses within the bill that the actions that will result will still lead to some serious problems. The government has the golden opportunity with this bill now before the House to make the necessary changes needed to help solve the problem. Instead, what did this government do? It brought in time allocation and ignored suggestions by others to fix this bill.

● (1130)

Mr. Steve Mahoney: That is not true.

Mr. Grant McNally: The member for Mississauga West says it is not true. I would like to hear his suggestions about dealing with young people who are 10 and 11 and who get involved in some serious offences when the law excludes them from being dealt with, even through a diversion program which is working well within my community. I do not know if a diversion program exists in his community, but this bill does not look at how to deal with younger people.

The government should allow younger people to be involved in a diversion program. As a first time offender that would certainly help them before they get involved in the cycle. Yet, that suggestion is falling on deaf ears on the other side.

We see the theme. Whether it is youth justice or any other issue, the government seems happy with the status quo. The government does a bit of tinkering to create the perception that it is doing something about an issue, when in fact, when we scratch under the surface and look at the brass tacks of how the legislation applies to people, the government does not change the problem substantively.

While the government will not make these changes, the Reform Party will continue to champion proactive, positive solutions and work in this place to form government. We will make the changes, because the Liberal government will not make the necessary changes to address the serious problems, whether they be in youth justice or in any other area. It is wrong that the government will not take this approach. The Reform Party will continue to positively, proactively put forward solutions, which the government ignores.

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, I would ask my colleague what he thinks is the number one influential factor that would cause a 10 or 11 year old to commit a crime of either a violent or random nature? I know there are many factors, but which one would the member pick as being the greatest influence that would make children of that age commit a random crime? We have read in the newspapers recently about the 11 year old in the United States.

Mr. Grant McNally: Mr. Speaker, I thank my colleague for the question. I know he is concerned about these issues within his own community. It is a difficult question.

There are a lot of different factors that would lead a young person of 10 or 11 years of age to get involved in committing a violent act. In my opinion, the number one factor would be the lack of love or the lack of support within the family unit. I think that would be the number one factor, but there are many others.

One thing that could be done would be to provide a support network to support the individual's family, proactively, so that it does not get to the point where a child of 10 or 11 years is committing a violent criminal act. We in this House can help by introducing legislation which supports family and community, and proactively looks at how to deal with individuals and how we can support that basic unit of our society, the family, before an individual gets to the point of committing a criminal act.

It is a good question. There are a lot of other factors, but that would be the primary one in my opinion.

Mr. John Maloney (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I listened intently to the member's speeches, both today and previously when he spoke on this issue.

He went on at great length about the diversion program, which has been an excellent program within his community. He also made reference to youth justice committees. I would like to draw to the member's attention that this bill provides for a youth justice committee, as did the previous act, the Young Offenders Act. All of the beneficial aspects which he has brought out are already here.

• (1135)

Can the member respond to that? Has he not read the bill? Is he not aware of clause 18 of the bill? Is he not aware of the comparable section in the Young Offenders Act?

Mr. Grant McNally: Mr. Speaker, certainly I am aware of clause 18 of the bill. What I was referring to was the fact that 10 and 11 year olds are not able to participate in a diversion program.

I am also aware of the fact that the member is the parliamentary secretary to the Minister of Justice. I am also aware of the fact that the member had his name on a letter that went to the Prime Minister asking him to consider using the notwithstanding clause to get rid of child pornography in my province of British Columbia. I know that he voted against that. He wrote a letter to support it and then he voted against it. He voted with his group to keep that precedent setting case in place. That is what I am aware of. I am aware of many things.

The people of Erie—Lincoln should know and be very aware that their member supported quashing an opposition motion that would have reversed the decision on child pornography. They need to know that. This government is the government that says one thing and does another. Obviously, this member is one who said one thing and did another. That is what I am aware of.

Mr. John Maloney: Mr. Speaker, the hon. member has not answered my question. Does he not know that clause 18 provides for diversion programs? Has he not read the bill?

He has gone on at great length about youth justice committees. Diversion is provided for here. It was provided for in the other act. May he please respond.

Mr. Grant McNally: Mr. Speaker, perhaps the member for Erie—Lincoln could take his earpiece out and listen closely. I told him once and I will tell him again. I am aware of youth diversion programs. Maybe he did not hear my statement that 10 and 11 year olds are not eligible to participate in those programs if they are not included in the legislation. He does not get it. The member, who is the parliamentary secretary to the Minister of Justice, does not understand that basic fact.

Why is it that his group denied consent for me to table a report in this place on the youth diversion program that is working well in my riding? Why did they do that?

Mr. Steve Mahoney (Mississauga West, Lib.): Mr. Speaker, I hope you will bear with me. I am battling a bit of a cold today, but when I found out that I had the opportunity to speak to this bill I decided I had better shake it off because I consider this bill, and this debate, and the whole concept of issues surrounding youth justice, to be almost a defining issue for the country. How we deal with our young people in trouble, our youth at risk, really says a tremendous amount about the country as a society and our values.

It is quite interesting to hear members of the Reform Party speak to this issue. I think their views provide a total contrast to what most Canadians believe is necessary and will work in dealing with youth at risk or youth involved in crime.

The contrast is that if they rename or change the title of this bill, I think they would call it the youth revenge bill as opposed to the youth justice bill.

Everything we hear from that side of the House has to do with getting revenge. If we have a justice system for any age in this country that is based on revenge, I would suggest that the distance we have come as a caring society would change dramatically. We would go back 50 to 100 years to an era when that was all people thought about; if someone committed a crime there would be revenge.

What is absolutely astounding is that most members of that party come from a part of the country where people believe in the Bible.

● (1140)

Mr. Lynn Myers: A bunch of dinosaurs.

Mr. Steve Mahoney: They come from a part of this country that is based in Christian belief.

Mr. Lynn Myers: They want to cane them.

Mr. Steve Mahoney: They come from a part of this country where they know that the Lord says in the Bible—

Mr. Ken Epp: Mr. Speaker, I rise on a point of order. The rules of the House require specifically that there be no aspersion of motive that is not right to other members. This member and the member beside him are engaging in that big time. I ask that you call upon them to withdraw those untruths and start dealing correctly here.

The Acting Speaker (Mr. McClelland): As all members are aware, it is absolutely strictly prohibited for one member to cast aspersion on another member directly. If a member in debate may have cast aspersion upon the intentions of another political party, that is traditionally, at least in my experience, something which happens every day. If the hon. member for Mississauga West is of the opinion that his words were casting aspersion on a specific member, I would ask that they be withdrawn.

Mr. Steve Mahoney: Mr. Speaker, I did not mention any specific member in my remarks. I am mentioning a party that has had members stand in the House to talk about their ideas and the principles of their party. They have principles, and they say if we do not like them they have others.

In any event, it is the belief that stems from the Reform Party that I was talking about. I believe that its members believe that revenge is the primary motivating factor.

As I was about to say before I was interrupted, in the Bible, which the members would know better than I, ''Revenge is mine'' sayeth the Lord. Revenge does not belong in the control of the state. Revenge does not belong as a legal tool in any piece of legislation.

Members of the Reform Party are attempting to divert what we are trying to do here. If you want a point of order, Mr. Speaker, with the nonsense and the antics that go on, it would be the opposition failing to show up this morning, trying to not allow a quorum. The opposition members have already said that unless they get a national referendum on the Nisga'a treaty—one of the most important pieces of legislation and one of the most important treaties in this country—unless we agree to some cockamamie national vote on the Nisga'a treaty, they will stop every bill they can. They will delay. They will use whatever tactics as a party they can.

The Canadian people should know that. Canadians should know that when the opposition members parade around on the front steps of parliament hill in Mexican sombreros, it is a sad sight to see. When they drive around the precinct in an antique car painted with a Canadian flag, it is a sad sight. It almost desecrates the Canadian flag. That is the kind of attitude that they bring to the House.

The member who spoke previously, I thought, was being very thoughtful until our parliamentary secretary rose to ask him if he had read the bill. Instead of answering, ''Yes, I have read the bill'', he started on a rant about child pornography.

There is a clear attempt in every case in this place to mislead the Canadian public about the position of the government or the position of an individual member, such as the parliamentary secretary.

The government has said: ''We abhor child pornography. We abhor the decision made in British Columbia by a provincial court''.

Mr. Ken Epp: You don't do anything about it.

Mr. Lynn Myers: You guys are fearmongers, fearmongering dinosaurs.

Mr. Steve Mahoney: Now they are chirping away, saying that we did not do anything. The truth is, we are appealing that decision. The Supreme Court of Canada and the system of justice in this country were put in place to allow anyone to appeal a decision with which they do not agree.

● (1145)

The government has taken the stand to appeal it. Would it be more effective to have an act of parliament revoke the notwithstanding clause, or invoke the notwithstanding clause, to say that it does not agree with the court decision? Or, would it be more effective to actually have the supreme court analyse the decision and take a look at what possible rational a judge sitting on a bench in British Columbia could have, a part of this country that I dare say members opposite should know better than?

What possible justification could a justice have? We would presume that the individual has knowledge of the law. We would presume that the individual has integrity. We would presume that the individual looked at the case carefully, but he came down with a decision that said it was okay to own child pornography. I do not know a Canadian citizen that agrees with that decision.

Mr. Werner Schmidt: Mr. Speaker, I rise on a point of order. If I heard the hon. member correctly, I think he said something about my colleague having deliberately misled the Canadian people and the House by making some of the statements he made. I do not think it is correct to ever cast—

The Acting Speaker (Mr. McClelland): With respect, I was listening very carefully. That was not the impression I got from what he said. There is no question that the member for Mississauga West is accusing the opposition, and specific members of the opposition, of misleading the Canadian public as to the government's intention.

I do not think a white glove debate is taking place. I suspect this is probably part of the debate that takes place here day in and day out, from one side to the other. It is casting aspersions on individual, specific members that is not countenanced. I do not think casting aspersions on the motives of other political parties is something that is particularly untoward in our system of government.

Mr. Steve Mahoney: Mr. Speaker, I understand the sensitivity of members opposite. The fact is that the truth hurts a bit from time to time. All they want to do is rise on points of order so they can muzzle me. That is their intent. Frankly they do not like what I say, and I do not really give a darn if they like what I say. I do not say it to please them. I say it to point out a counterargument to what they claim the government is doing.

It is just not true that we have done nothing about that decision in British Columbia. It is just not true. If a political party can stand in the House or out in the community and continue to perpetrate a fraud, I do not understand how they could possibly object to my pointing that out.

Mr. Ken Epp: Mr. Speaker, I rise on a point of order. The member has directly said that members here are not telling the truth. He has said that directly. He has said that the party stands up here. There is no party in the House; there are members in the House. We stand up as members. I demand that he withdraw that. What he is saying is untrue.

Mr. Steve Mahoney: Mr. Speaker, I guess we can keep doing this all day. I would point out something that was said in the House by the previous speaker, and I am talking directly about that member. I would point out that I disagree. I consider his comments to be perhaps unfortunately inaccurate. He said that the government had not listened to any of the amendments put forward by other members in the House.

We all know the tragic story of the member for Surrey North. We know the heartache that he feels and we all reach out to him for the loss he has suffered. As a result of his input, and I just want to share this, other provisions in the bill would permit harsher penalties for adults who wilfully fail to comply with an undertaking made to the court to supervise youths who have been denied bail and placed in their care by permitting prosecution as either a summary or indictable offence. This measure responds to a proposal made by the member for Surrey North.

● (1150)

I do not know how we could be more clear. We have listened to that member in committee. We have listened to that member speak in the House. We know his pain and we think he put forward a good idea. If an adult is charged with the responsibility of supervising a young offender and that the young offender is allowed to go home under that person's supervision by court order, and if the adult individual decides to go to Florida or somewhere and leaves the young offender alone then the adult will pay a price for it. I think that is just. Clearly the government is listening to the member opposite who brought a real life tragedy into this place and into the bill. Members can stand if they want, but what the member said is

inaccurate because there is a change in the bill which addresses that issue.

I want to talk about the age issue. Somehow we should lower the age to below 14 for young offenders to be dealt with under the new youth justice act. Somehow we should go to 10 year olds.

My wife Katie and I have raised three sons. My boys are 24, 27 and almost 29. It is hard to believe, as young as I look. Having raised those young boys I have had many other young boys around and young girls now, thankfully. If parents have not placed their values in young children by the age of seven, I believe they have lost it. I do not believe that once they get past seven parents will have a tremendous influence. I am talking about basic core values: what is right and what is wrong. If others believe that I suppose we could say we should lower the age to eight or seven.

The opposition party tries to deal only with the sensational crimes, and we know them. We saw a tragic beating in a Toronto park last week. Ten or twelve young people unconscionably beat a young boy to death. What in God's name goes through their minds? It is like a pack of animals. How they can do that is not something any of us can understand. We saw what happened in Taber, Alberta. We saw a young girl beaten to death by other young girls.

There is no question that there is a problem in society, but to use debate on this bill simply to sensationalize and appeal perhaps to the more red neck element in society is disgraceful. The bill is allowing for violent young offenders to be dealt with in adult court. Do we want eight year old kids put into jail or put into the arms of the police?

Mr. Werner Schmidt: Who said that?

Mr. Steve Mahoney: I hear the hon. member. Ten year olds then. I admit that the age is 10, but I use my analogy that I believe the age of seven is the age where parents have put into place the basic necessary feelings, understandings and moral values. If others believe that then the age could be lowered to eight, but what kind of society would we have?

● (1155)

In spite of the terrible shooting in Alberta and the murder in Toronto, the vast majority of young offenders do not commit murder. They do not commit attempted murder or manslaughter or aggravated assault or rape. They commit crimes which make us wonder where they are headed.

Having raised three young boys myself, as I said, there were many times when I wondered where their heads were. It almost seems from about the age of 12 or 13 to about 22 that the brain stops functioning, at least in relationship to the parent, but somehow we get through that. We battle through and hope that what they were taught from birth to seven years old will get them through. We hope they will not make mistakes.

There are many examples of kids who have made those kinds of mistakes. I believe that we have to base, and this bill does it, the justice system for young people on compassion, not revenge. We have to base it on rehabilitation, not revenge. We have to base it on the hope and belief that a young person who offends or who reoffends is more likely to be rehabilitated than an adult and that there must be differences. Yet we feel rage as a society when a young person commits a horrible crime.

I remember being in England when a young child, almost a baby, was found beaten to death on the railway tracks in London. It turned out that two other almost babies had committed the crime. I have said in this place before that my brother-in-law, who is an Englishman, says that when the babies start killing babies we have a problem.

Do we put those babies into a youth justice system? Do we somehow tell the police they will have to deal with these people? What about parents? What about the education system? What about supporting children's aid? Foster parents are heroes for the work they do in society because while there are exceptions where young offenders come from good families very often young offenders come from broken families. Young offenders will be abused young people.

I read the newspaper account of the women from the Grandview Home for Girls in the Toronto papers yesterday. They received an apology from the attorney general of the province of Ontario for the abuse. They are in their forties, fifties and sixties. The oldest one is even in her seventies. She talked about when she was taken into custody, put into a cell, stripped naked at the age of 13 and raped. She cried and sobbed uncontrollably with the friends and family who were there.

How do we correct that kind of damage and abuse that occurs from that kind of damage? We can apologize. The attorney general for the province of Ontario did a great thing by standing in that place to correct a wrong that happened many years ago. I am frankly ashamed to say we did not do that when I was in the Ontario legislature. We should have apologized to those women. Those women cried and said the one thing that moved them to tears was that members of the provincial legislature were actually looking at them as people, not just statistics.

That is the one thing about the youth justice bill that I think is so important. We can look at statistics. We can make law based on an age differential of 14 or 12 or 10 or 8, but we have to look at individual cases. We have to understand what it is that drives a young person to actually commit murder or aggravated assault. I understand what drives them to steal something out of a store, shoplift or something like that. It is just a lack of proper functioning at the time. Maybe it seems like a lark. It is not something society can accept, but those issues can and will be dealt with under the legislation because those kids will not go through the court system but, rather, will be dealt with at the community level.

• (1200)

It is at the community level that we can help our young people, whether it is through children's aid, the education systems, church groups, or perhaps through providing counselling for parents. We can say to parents that their youngster has a serious problem, that their youngster is violating what we believe to be important in this country and we want it stopped.

The changes in the bill will make this a more humane and more accountable piece of legislation for our young offenders and for all Canadians.

The Acting Speaker (Mr. McClelland): Before we go to questions and comments, it was brought to my attention earlier that the member for Mississauga West indicated that a specific member had deliberately misled the House. I did not hear it but others have suggested that they did.

If this is the case, I ask the hon. member for Mississauga West to withdraw his remarks. If it is not the case, we will just proceed. However, rather than go through the blues, I know the member for Mississauga West would not want to leave that on the record.

Mr. Steve Mahoney: Mr. Speaker, I did not say that he misled. What I said was that I believe the statement he made was inaccurate and I wanted to correct it and I read from the bill to do that. I did not accuse him of misleading this place.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I do not quite understand why the member for Mississauga West is criticizing the Reform members. The bill before us this morning is Reform policy that the government has put into the text of a law.

Who in this House called for the publication of the names of the young offenders, as we currently see in Bill C-3? The Reform members. Who in this House wanted young offenders referred as often as possible to adult court? The Reform members. Who in this House called for harsher sentences and greater repression for young people? The Reform members.

I cannot understand why the Liberal member is attacking the Reform Party. This is the very policy that the Minister of Justice has included in the bill, a policy that has been tested and that does not work. This policy has been tested in Quebec, and there is universal agreement that it does not work.

Rehabilitation is the way to go. Nothing in the bill will encourage the other provinces, which are not enforcing the Young Offenders Act in its present form anyway, to enforce the new legislation. In addition, it will cost millions of dollars to implement this new bill, when Quebec has been enforcing the legislation for the past 16 years, with convincing results, very good results.

Under pressure from western Canada, the Minister of Justice has scrapped the old act and drafted a new one. These are not amendments—let us strike this word from our vocabulary—to the Young Offenders Act. This is really a new act entitled the Youth Criminal Justice Act. This is a complete change of vocabulary and a complete change of philosophy.

The government may think that this bill is about public safety, but it is mistaken. In the long run, Canada and Quebec will pay for the amendments that have just been introduced. When young offenders re-enter society, they will not be anonymous citizens the way they are today when the existing Young Offenders Act is enforced the way it was intended to be and funds are made available, as they are by Quebec.

• (1205)

I think that the member opposite does not know what he is talking about. I think that he has not even read Bill C-3 and I definitely think that he has not looked at the differences that exist between today's young offenders system and Bill C-3. What I heard this morning was shocking.

[*English*]

Mr. Steve Mahoney: Madam Speaker, only a member of the Bloc could turn this into a Quebec against the rest of the country issue. I do appreciate the fact that the member has stated that the province of Quebec is having some success in dealing with its young offenders. I congratulate the province for doing that. In fact, the bill does allow for a great deal of flexibility so that all provinces, not just the province of Quebec, will be able to deal with it in the context of their own justice system.

Let me deal with the issue of publishing names. It was not the Reform Party that convinced me that we should do this. It was my constituents. Frankly, long before I got to this place, I believe people felt that when young offenders commit what we would define as an adult crime and are referred to the adult court system, why would they not then be dealt with in the same way that an adult would be dealt with?

Let us be clear, we are not talking about publishing the names of all young offenders. We are talking about publishing the names, in the normal course of the justice system, of those young offenders who are dealt with in the adult system. These are people who would have committed murder, attempted murder, aggravated assaults or serious crimes against individuals and society, and that is why the names will be published.

Mr. Werner Schmidt (Kelowna, Ref.): Madam Speaker, the hon. member opposite makes all kinds of interesting comments. He is obviously a very learned individual and one who is able to twist words, to twist meanings and to make things appear different from what they really are. I think it is a rather negative thing when somebody does that.

There is one point he made that I want to commend him for. It was not directly related to the act, but it does have to do with the overall operation of the House. He did suggest in his speech that the Nisga'a bill was a very important bill that put into law the Nisga'a treaty. He said that it was really very important and implied that it would affect all of Canada.

Why then would the hon. member not support a referendum? If it will affect virtually everyone and our tax dollars are involved, our operations are involved and the local government is involved as well, why would he refuse a referendum?

Mr. Steve Mahoney: Madam Speaker, I do not think that has anything whatsoever to do with the bill.

The point I was simply making is that the Reform Party members, the official opposition, are using whatever tactics they can to delay, to stall, to derail the government's agenda as a result of their demand for a national referendum.

As it relates to this bill, we think it is important that the youth justice bill be passed by the House so that the implementation can take place as quickly as possible. For Reform members to try to tie up a bill so significant as the youth justice bill over something else that they have already lost is, to me, almost unparliamentary. It is certainly undemocratic.

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Madam Speaker, the hon. member in the Liberal Party mentioned how truth hurts. He did talk on the subject of child pornography. The fact is that 70 people on the Liberal benches signed a letter asking the government to use the notwithstanding clause against the B.C. court decision. Here is where the truth hurts. When it came to a vote, 66 of those Liberals voted against their own signature on a written document.

The House can be assured that during the next election that letter will be sent out to every constituency that I can think of in order to let them know that the Liberals say one thing and do another.

My parents ran a group home in Richmond and in Burnaby, British Columbia for well over 20 years. Over 400 children came through our doors, some for a couple of hours and some for many years.

● (1210)

The law enforcement agencies of the land are without adequate resources. Sports and youth programs across the country are without adequate resources even though the initial intention of setting up the lottery systems was for sports and recreational and cultural programs, not for general revenues. Social housing is also in a major crisis in the country and the Liberals have provided no funding for that.

The Liberals are presenting yet another bill. Is the hon. member going to stand up in the House today and say that the Liberal government will give not just adequate resources but sufficient resources for law enforcement agencies and other agencies across the country in order for them to do their jobs effectively and bring restorative justice to our young people?

Mr. Steve Mahoney: Madam Speaker, there was a lot of turf covered on that particular issue.

The letter that he refers to is obviously on the Xerox machine as we speak in order to distribute it, and once again as a party, to try to mislead the voters. The reality is that the people who signed that simply said ''if necessary'', but that there must be an appeal. There is an appeal. I am very hopeful that our supreme court will overturn that decision.

With regard to the resources in the community, the federal government is not a one stop shop. We have partners in the country. It is called Confederation. Our partners are our provinces. Yesterday the headline—

Mr. Scott Brison: The Onex partner.

Mr. Steve Mahoney: Madam Speaker, the Tory member wants to heckle. Yesterday there was a Tory headline in the paper stating that the provincial government was taking a further $800 million out of the Ontario education system at the same time as we have increased transfer payments and have restored funding for health care. We continue to provide an unconditional grant of $950 million to the province of Ontario which could be used and should be used for the items that the hon. member talked about.

The municipalities need to be our partners. The school boards need to be our partners. It cannot all be fixed by waving some magic NDP socialist wand.

Mr. Werner Schmidt (Kelowna, Ref.): Madam Speaker, it is indeed an honour and a privilege to be able to enter the debate on Bill C-3.

I would like to divide my comments into two parts. First, I want to talk about some of the provisions within the bill. Second, I want to talk about the justice system in Canada.

If we look at the overall summary statement at the beginning of the bill, one would almost get the impression that this is summum bonum, the absolute best thing that could ever have happened to the youth justice system. This is what it says:

> This enactment sets out a range of extrajudicial measures, establishes the judicial procedures and protections for young persons alleged to have committed an offence, encourages the participation of parents, victims, communities, youth justice committees and others in the youth justice system, sets out a range of sentences available to the youth justice court, establishes custody and supervision provisions, sets out the rules for the keeping of records and protection of privacy, provides transitional provisions and makes consequential amendments to other Acts.

We would think that was it. What else is left to be done after all that?

There are a couple of things that I would like to look at. Conditional sentences, for example, are possible here. We know that in the past conditional sentences on some of the very serious offenders, such as drug traffickers and people who have committed manslaughter, have not resulted in any material punishment for the people involved. There have been no serious consequences for having committed such very serious offences.

There is another position. Only five presumptive offences have been listed here. They include first and second degree murder, attempted murder, manslaughter and aggravated sexual assault. These are the big, heavy duty crimes that must be tried in adult court.

There are some serious omissions here. What about death by criminal negligence? What about bodily harm caused by criminal negligence? What about sexual assault using a weapon? What about hostage taking and illegal confinement? Those are very, very serious offences. I do not believe they are any less violent than the ones under the section in the act. There is a clear indication that amendments to the act are necessary to bring about the true intent of what the act is supposed to accomplish in terms of its purpose.

● (1215)

I would also like to talk about age. The hon. member from Mississauga suggested that we could go down to age eight. No one has ever suggested such a thing. That was the member's dream. We know that 10 and 11 year olds in our society surely know what is right and wrong. They have the ability to make a decision, to make a choice and they do so. We need to deal with them seriously.

The hon. member suggested that most young people are decent and well behaved. I would hope so. The act is not designed to deal with 95% of the people. It is designed to deal with people who have chosen to break the law. That is the problem and that is what we are addressing. Ten and eleven year olds who break the law and who have done so deliberately and with forethought, need to be dealt with in a reasonable way.

Should we include transitional periods? Should we have the restoration of justice and the rehabilitation programs? Absolutely. Incarceration is not what we are talking about. We are not talking about revenge. We have to inculcate in these people a recognition that if they break the law, it is a serious offence and society will not condone that type of behaviour. We want to help them to become contributing and successful members of society.

It is not out of order to suggest that 10 to 15 year olds ought to be included in this legislation. We have seen far too many 10 and 11 year olds take advantage of the fact that they cannot be touched and are not subject to criminal prosecution. It is sad to say but there are some adults who know this and use 10 and 11 year olds to commit crimes on their behalf.

I would now like to turn my attention to the justice system in Canada. I would encourage every member of this House and every Canadian to read the book *Outrage* written by Alex MacDonald. He is no ordinary author. This man has been in the business of law and justice for 40 years. He was the attorney general of the province of B.C. He was a lawyer and a minister of the crown. He sat in this House as a member of parliament. This gentleman knows what he is talking about. At the beginning of his book Mr. MacDonald says:

> Canada's legal system is heading for disaster, so preoccupied with protecting individuals' rights that it fails to protect the rights of society. More than fair to a few, the legal system is less than fair to the majority of Canadians, sacrificing time-honoured concepts such as Truth and Justice to an unhealthy fascination with process.

This is not an amateur who wrote that. This is a practitioner in the legal system, one who understands. The kind of legislation we have had presented to us and which is contained within Bill C-3 does nothing to change that particular conclusion.

The number one issue that is missing in this legislation is the underlying principles. There is a whole section in the bill dealing with the principles that are involved in this particular legislation, but the fundamental principle of the purpose of justice is missing. The fundamental principle is to ensure that when the rights of law-abiding citizens and victims of crime conflict with the rights of the perpetrator of a crime, obviously the rights of the victim should prevail.

It seems that the only people who are here to protect society, not the law, are police officers, the men and women who enforce the law. They stick their necks out. They are in danger day after day. What does the government do with these people who look after the interests of society? It slashes their budgets and ties their hands. It has a revolving door parole system and an unbalanced justice system.

● (1220)

What does one of these principles say? I want to draw specific attention to one statement of principle in this bill. Subparagraph 3(1)(c)(ii) states:

> (c) within the limits of fair and proportionate accountability, the measures taken against young persons who commit offences should—

That is not shall, but should.

> (ii) encourage the repair of harm done to victims and the community.

I agree. The operative word is ''should'', not ''shall''. If this were a principle, it would say ''it shall''. Clearly it is not a principle. If it is, it is one that is so wide open that it is meaningless. It may be more specific.

There is another provision in this bill which I am not sure is a principle. I think it is, but it is not found in that particular clause. It is probably the worst possible clause that could have been in the bill. It is the centrepiece of the old Juvenile Delinquents Act, the Young Offenders Act and it is contained in this bill again. It is word for word, exactly the same sentence. Paragraph 145(2)(b) states:

> (b) the person to whom the statement was made has, before the statement was made, clearly explained to the young person, in language appropriate to his or her age and understanding—

It is the officer saying this to the individual. The first point is that the young person is under no obligation to make a statement. In other words, the individual who is accused of a particular crime, apprehended or whatever the case may be is not obligated to speak at all. He can be absolutely silent. This is a real difficulty. What is the result?

> Now, what kind of a signal is this to send to teens? It expresses one of the shibboleths of our Law, one which the criminal defence bar is apparently prepared to defend to the death. Never mind that it contradicts the wisdom of the ages when it comes to raising youngsters into responsible adulthood.

Those are the words of Alex MacDonald again.

Every parent who is wise wants to raise his children well. The hon. member from Mississauga talked about the fact that he raised three boys. That individual knows full well that he did very well with his children. He admitted that and I think that is right and wonderful. The wise parent, and I am sure the hon. member from Mississauga knows this only too well, asks when his children are in trouble, ''What is it that is causing it? Tell me the whole story''. That is what we need to do.

Mr. MacDonald observes:

> Sensible parents know that the first step in correcting youthful misbehaviour is getting the miscreant to own up. And they know that acknowledging wrongdoing is in the best interests of the young person, since it minimizes the chance that the offender will repeat.
>
> Sadly, the federal government's lawmakers have yet to grasp this concept. The whole wide world knows that confessing is good for the soul. So why doesn't the Law get it? Surely a duty to speak up serves young people in trouble better than a right to keep mum.

I wish to read a particular case into the record. It took place in British Columbia on Vancouver Island and began in 1988. Peter is the individual.

> In the wee hours of October 12, 1988, this young man. . .and two of his friends, aged 17 and 23, took a cab from the native reserve at Duncan, B.C., to Victoria, some 65 kilometres to the south. They had been partying hard and had several drinks en route to their destination. In their possession were two mean-looking pellet guns, two ''throwing knives'' and what the 23 year old later called ''tools to break and enter''.

After arriving in Victoria at about 4 a.m., the threesome wanted some more beer and asked the cabby to get them some more. After paying off the cabby, they hailed another cab. Two of them were in the back seat and Peter was in the front.

> The two in the back seat stuck their guns in the driver's neck, but the driver resisted. In the scuffle for the driver's wallet, Peter, who was in the front seat, stabbed him several times. The man died.
>
> At a friend's house, the young men washed the blood from their clothing, but some remained on Peter's. Later that day, one of the youths casually mentioned that they'd killed a cabby. The RCMP were tipped, and all three were arrested. At the lock-up, Peter was given the Charter caution and was told to call a lawyer and have a guardian come down. He chose a great aunt. However, before the lawyer arrived—the great aunt was there—one Constable Logan engaged Peter in a long conversation. Before it was over, Peter told Logan something of what had happened. The other two youths were to hold guns to the cabby's neck. Peter was supposed to sit in the front seat and ''just stab''. Logan then drove Peter to a house where he produced the fatal knife and the cabby's car keys. Later that day, at Logan's urging, he talked with his lawyer.
>
> The next morning, Peter had another phone conversation with his lawyer. Then, seeing Logan, he told the officer that he had left out some details and wanted to add more. Again the two men spoke, and again Peter confessed—
>
> On legal advice, Peter did not testify at his trial in youth court. He was found guilty of second degree murder, and the verdict was affirmed by the appeal court. However, in 1993, the Supreme Court set aside the judgment.

● (1225)

The court had no doubt that Peter's statements were basically true and that Logan had been frank and polite in all his dealings with the youth. Nevertheless, it held that Constable Logan had slipped up in the way he had obtained the admissions. Therefore, the words had to be treated as if they had never been spoken. To do otherwise would sully the law's fair name.

The upshot was clearly that three young men had committed murder, at least second degree murder. Their individual complicity might have varied some but that ought to have been a matter for sentencing. Clearing Peter meant that the court did not have to deliberate on the serious issue and the real issue of the crime. MacDonald continues:

> Criminal cases, especially those concerning young people, must slide away from the adversarial model, with its gladiatorial combats and prosecutors devising strategies to out-manoeuvre those of the defence. The presiding judge should lead an inquiry, independently if need be, of the two sides—more inquisitorial and less adversarial.
>
> ''Legal fairness'', as in Peter's case, all too often gets the better of truth seeking. And ignoring truth can grease the slippery slope on which a young lawbreaker finds himself, hastening a life-destroying future life as a criminal.

Those are very serious observations by the former attorney general of the province of British Columbia.

It is clear that the truth is sacrificed on the altar of legal technicalities and process. Such a system is not a justice system. It is a legal system. It does not generate respect for the law, for

society's values, for personal responsibility or accountability, nor does it engender respect for law enforcement officers.

The hon. Alex MacDonald then makes this observation. He talks about the legal and justice system as being governed by Prodigal's law that process expands to fill the time and money available. That is a very serious indictment. I will use the Winnipeg connection in this regard to illustrate how the process expands to fill the time and the money available:

> In 1984, ''Joe'', a 17-year old Winnipeg lad, brutally raped and murdered a 3 year old girl. Her body was found in a garage, blue panties at her feet, her rectum torn and bruised, her skull fractured and her neck broken.
>
> As soon as the body was found, the police began to round up possible witnesses, among them this 17-year old. Attending at the police station, Joe gave an account of his whereabouts that, checked out, proved to be false. He also tried to shift the blame onto someone else.
>
> The young man was confronted with shreds of scalp and clothing that could be his. Again, he tried to pin the crime on another saying, ''Yeah, like I said, he took her to a garage and she was crying for her grandmother'', details that could only have been known by the guilty person. He then conceded, ''I grabbed her. . .took her to the garage. . .blacked out''.
>
> The police ceased their questioning, arrested Joe and read him his Charter rights. He conferred with his lawyer for 37 minutes. When she left, not asking the officers to stop any further questioning, the police resumed their inquiries. Once more, Joe voluntarily admitted to the crime. On the way to the detention centre, he pointed out the apartment building where he abducted her, pointed to the garage where he bludgeoned her to ''stop her screaming'' and even pointed out the bloody cinder block he used. At the trial, which was held in an adult court, the judge let the jury hear Joe's tape-recorded admissions, which he'd made prior to his lawyer's visit. But what he said and what he pointed out to the police after seeing his lawyer were ruled out. Joe was convicted of first-degree murder.
>
> The matter went to appeal, where the court ruled just the opposite, rejecting Joe's admissions made before seeing his lawyer and allowing everything he said and did afterwards. A new trial was ordered—

● (1230)

There was one trial. It was appealed. The appeal overthrew the decision and a new trial was ordered. He was convicted at the new trial but it did not end there. This case began in 1984. In 1991, seven years after the crime was committed, a third trial was ordered. Joe was convicted by the supreme court in 1991, seven years later.

What reasonable person could expect that a law like this one would take seven years to come to a conclusion? We need to come to the point where we recognize that the values in society need to be protected and that the rights of an individual also carry with them responsibility.

What seems to be developing is that the rights of individuals are important but their accountability and their sense of responsibility is secondary. We need to shift our justice system to where it becomes a justice system that seeks the truth and convicts on the basis of the real issue rather than on the basis of legal technicality and process.

Mr. Scott Brison (Kings—Hants, PC): Mr. Speaker, my question is a very simple one. If the hon. member had his choice, would it be his opinion that Canada would be better served without our charter of rights?

Mr. Werner Schmidt: Of course not, Mr. Speaker. The implication that the charter of rights is the cause of problems is not the question.

The point is that the charter of rights does not include accountability and responsibility. Everyone has rights and that is fine, but with those rights comes the need to be responsible and accountable because we make choices on the basis of our rights and the rights of others.

My freedom is not pervasive for everybody. My freedom begins with me and ends where somebody else's begins. We must recognize that. I commend the member for asking me the question so that I could clearly indicate the intent of what I was trying to say.

Mr. Grant McNally (Dewdney—Alouette, Ref.): Mr. Speaker, I want to ask a short question about diversion programs. I mentioned them earlier in my speech and I know the Parliamentary Secretary to the Minister of Justice does not seem to understand the fact that individuals who are 10 and 11 years old are not eligible for youth diversion programs as contained in the bill. They are not included in the act. I would like my colleague's comment on that.

Mr. Werner Schmidt: Mr. Speaker, I commend the community of Maple Ridge for its diversionary focus. It has done a lot more than just bring in a diversionary program. It also has a strong program of restorative justice. It is a leader in Canada in that regard.

Not only do I support that, but it is important that with those diversion groups and committees emphasis is placed on responsibility and accountability. Individuals need to recognize that they committed a crime, intruded into the lives of other people, invaded their sanctity and their property. That has to be made clear.

The diversionary programs do exactly that, so that criminals are confronted with the victims, with the damage they did, and hopefully a certain remorse can be generated. A new value system can be oriented so that they recognize that not only do they have rights but victims also have rights and they need to work together. That is why this program is so successful. It is also the reason there ought to be a command for this kind of a program for kids who are 10 to 15 years old.

● (1235)

No reasonable parent or reasonable member of society would say that 10 or 11 year olds who have a choice to make should not be

subject to a strong rehabilitative program and a diversionary program so they can recognize what they have done and then behave more successfully and co-operatively in society.

Mr. Chuck Cadman (Surrey North, Ref.): Mr. Speaker, I recommend that all Canadians read Alex Macdonald's book. It is a very good book and a real eye-opener. I commend my colleague for bringing it to our attention in the House.

I am certainly aware of the reaction of my constituents and how they feel about the current Young Offenders Act but also how they feel about the proposed new youth criminal justice act. What is the consensus in my colleague's riding? Has he gone to his constituents and presented what the government is proposing, and how have they reacted to it?

Mr. Werner Schmidt: Mr. Speaker, I thank my colleague for the question. It is an excellent question because it has two parts.

Back in 1994 I had the honour to present a petition containing about 25,000 signatures that was started by high school students in Kelowna. They asked that the Young Offenders Act be amended because it was a joke.

We had a meeting about two weeks ago in the constituency dealing with some of the provisions of the proposed act. The people knew we had the Young Offenders Act and were to have the youth criminal justice act and asked what had changed. That was their first reaction.

The name has changed. Indeed there is more flexibility in the new act, and we went through some of it. One of the points I made this morning with regard to the justice system not being in fact the justice system but being a legal system is one point that they drove home over and over again.

Another point they made was that no matter how good the legislation is that is presented to the House we as parents, as educators and as leaders in society need to recognize that young people have to be taught and shown what is right and what is wrong. It should be incumbent upon every leader in the community, teacher, parent, church or whatever group, that once they have dealt with young people there should be no equivocation that a joyride in a stolen car is an acceptable the right of passage into adulthood.

The Acting Speaker (Mr. McClelland): Before we resume debate I wish to inform the House that the period for 20 minutes speeches has now expired. Members will have 10 minutes in debate without a period of questions and comments.

Mrs. Brenda Chamberlain (Guelph—Wellington, Lib.): Mr. Speaker, I am pleased to take part today in what I believe is a very important debate on a piece of legislation that will affect our society as a whole. I know that my constituents have been asking for this legislation.

The youth criminal justice act recognizes that the protection of the public, people like you and I, Mr. Speaker, and our families and loved ones, must be the main objective of any effort to renew the youth justice system.

This new act is a balanced approach to replacing the Young Offenders Act. It takes steps to address society's concern about violent and repeat youth crimes, as well as the need for a system that promotes accountability, respect, responsibility and fairness.

However, it goes beyond punishing offenders as the Reform Party would have us do. It promotes crime prevention. It offers alternative sentencing methods. It provides for rehabilitation in order to prevent repeat offences. Quite simply, just a punishing will not fulfil these needs.

• (1240)

This legislation is part of the youth criminal justice strategy which focuses on three key areas. The first is prevention, to address the root causes of crime and to encourage community crime prevention efforts. The second is meaningful consequences that hold young offenders accountable, help them to understand the impact of their actions and allow them to make good on the harms they have done to both their victims and the community. The third and very important component is rehabilitation and reintegration to ensure that youth who have committed an offence receive the treatment and have access to the programs they need to prevent them from reoffending.

I believe that this focuses not only on punishment but also on prevention. Rehabilitation is extremely important. I agree with many of my colleagues in the House of Commons, and many of my constituents in Guelph—Wellington, that breaking the law must have serious consequences. However, it is my hope that the prevention measures contained in the youth criminal justice act will help to lower the youth crime rate and therefore prevent years of grief for the offender, the victim and the community.

I feel that rehabilitation is extremely important. All too often we see a pattern by young offenders. This act will help to break that cycle of jail and crime and jail and crime and jail, by giving young offenders access to counselling and other programs that will help them to understand that the law must be upheld, not broken, and that they can and will be valued members of society if they are willing to contribute to society in a constructive manner.

Programs that help to rehabilitate, supervise and control youth as they return to their communities help to protect the public because these programs help to prevent further crimes. This is something we can all be happy about. This component in Quebec has been

extremely positive. We in all parts of Canada want to work on those successes.

As mentioned previously, where crimes do occur I believe that there must be meaningful consequences. I applaud my colleague, the Minister of Justice, on her move to ensure that these consequences are proportionate to the seriousness of the offence. It is very frustrating for a society to see any offender receive a sentence that does not equate with the crime committed.

The changes proposed in the youth criminal justice act will help to ensure that justice is done. For example, the age at which a youth can be tried in adult court will be lowered from 16 to 14 years of age. Those who are convicted and receive an adult sentence will have their names published. Their records will be treated as the records of adult offenders.

These measures are not aimed at putting children in jail or at ruining their lives but rather at ensuring that serious crimes have serious consequences. Less serious offences could receive community based sentences that will help both the offender and the community to recover and move on.

In all cases youth will face consequences that promote responsibility and accountability to the victim and to the community, as well as to reinforce the values of society by helping the offender to understand the impact of his or her actions.

I will take a few moments to highlight some of the changes proposed in the youth criminal justice act because I feel they are important changes which are worth noting. The youth criminal justice act will establish a more efficient process. It gives the courts the power to impose adult sentences where serious crimes have been committed. This change, while respecting the due process of rights of the accused, also relieves the burden facing victims and their families.

The offences for which a young offender could be raised to adult court have been expanded to include a pattern of convictions for serious and violent offences. As a parent and a member of the Guelph—Wellington community this change gives me great peace of mind. I feel it goes a very long way toward ensuring that our streets remain safe. Victim impact statements will also be introduced.

● (1245)

Another important change that I would like to highlight is the provision for harsher penalties for adults who willfully fail to comply with an undertaking made to the court to supervise youth who have been denied bail and placed in their care. When the court places a young offender in an adult's care that adult is accepting the very serious responsibility of ensuring that youth in his or her care complies with the court's orders. This is not a responsibility to be taken lightly.

This measure responds to a proposal made by my colleague, the hon. member for Surrey North, and I would like to commend him for his efforts on this issue. I personally feel that this is a very important measure that sends a very strong message to parents. The role that they play in bringing a young offender to justice is an important one and parents must continue to play an active role in helping their children to become productive members of society.

I would also like to point out that the youth criminal justice act provides for new ways to deal with minor offences. Some young people are brought into the formal justice system for minor offences that are not always best dealt with in a traditional manner. The changes proposed in the bill establish a range of informal programs and alternatives for less serious offences. These new consequences will still be meaningful, but may not necessarily involve jail time. Instead, they focus on ways to repair the harm done to the community and to the victim.

Serious offences will still be dealt with through the formal court process. The youth criminal justice act is a key component of the federal government's youth strategy. I believe this strategy will be a success because it involves partners at every level of government as well as in the community: provincial and municipal governments, law enforcement officials, members of the legal profession, social service and child welfare agencies.

Over the last few years the Guelph police service has moved to a more community based, inclusive approach to law enforcement. It has been extremely successful. It has been so successful because the community as a whole now feels that it has a greater role to play in protecting our society. I would like to take this opportunity to congratulate the Guelph police service for all of its wonderful work. Guelph—Wellington is lucky to have such a talented and dedicated police force.

I believe that the youth criminal justice act helps to ensure all of these things: a justice system that promotes accountability, fairness, respect, new measures aimed at crime prevention which include the community as a whole, meaningful consequences when crimes are committed, and programs that help to rehabilitate the offender while easing the pain of the victim and society. I am very pleased to see that these changes are talking place.

The public, the victims and I want the bill. To do anything less would be wrong.

The Acting Speaker (Mr. McClelland): Before we go to the next speaker, over the course of the morning, in the rotation that we traditionally use, there has been some disagreement on whether the rotation has been exactly fair. What we will do over the course of the afternoon is try to get a couple more Bloc members into the rotation. Just so everybody understands, that is what will happen. We will be going back and forth, but during the course of the afternoon we will get a couple more Bloc members in.

[*Translation*]

Mr. Maurice Godin (Châteauguay, BQ): Mr. Speaker, I am pleased to rise on behalf of my constituents and my party to address Bill C-3, an act in respect of criminal justice for young persons and to amend and repeal other acts.

We thought that the Minister of Justice and Attorney General of Canada would have used the opportunity provided by the throne speech delivered on October 12 to let this very controversial bill, formerly Bill C-8 during the first session of the legislature, die on the order paper, like so many other bills.

● (1250)

Indeed, the primary purpose of a throne speech delivered half way through a mandate is to allow the government to adjust some of its policies, to review certain bills or to let them die on the order paper. Such was not the case with this legislation.

The minister is reintroducing the same bill, in spite of the numerous concerns expressed by the public, particularly in Quebec, and is pursuing the same goal, which is to fight Reformers on their own turf, on the right, so as to improve her party's image in western Canada.

Bill C-3 does not merely amend the Young Offenders Act, it repeals it. In it the minister sets out the new principles applicable to youth crime, which means that the basic principles of the Young Offenders Act, including respect for adolescents' special needs, will be replaced by new ones that have nothing to do with the specific characteristics of youth crime.

My colleague responsible for this issue, the hon. member for Berthier—Montcalm, suggested in a letter to the minister this summer, sent after he learned that the government was proroguing the session, that she take advantage of the opportunity provided by the throne speech to withdraw her bill for the following reasons:

> Your reform has no justification. Statistics clearly demonstrate the effectiveness of the way the law is being enforced in Quebec, based on the special needs of adolescents and individual treatment tailored to the specific characteristics of the adolescent and not to the nature and seriousness of the offence he or she has committed.

Statistics in Quebec demonstrate just how right my colleague from Berthier—Montcalm was. As I have already said, Quebec has the lowest youth crime rate in Canada. Yet in her bill the minister maintains her focus on seriousness of the offence and on repression, rather than reintegration. Why does she insist on this? What is she hiding, if not a desire to move to the right along with Reform, to the detriment of children?

This bill, if implemented as drafted, risks marking young people for life and turning them into hardened criminals rather than putting them back on the right road. The most intriguing element in this situation is the fact that the minister, in agreeing to what she calls a degree of flexibility, an opting out mechanism, shows that she has some doubt about her bill.

The minister claims there is flexibility, because provincial prosecutors will have, in each case, to decide whether or not they are opposed to the imposition of adult sentences on 14 year olds.

This same government, which intrudes all too often in areas of provincial jurisdiction in the name of a sacrosanct national standard, will allow, with this bill, differences in application that will be left up to provincial prosecutors.

In Quebec, a number of organizations belong to the Coalition pour la justice des mineurs. They believe the minister is making a serious mistake by making repression the focus of her bill. These organizations include the Commission des services juridiques, the Conseil permanent de la jeunesse, the École de criminologie of the University of Montreal, the Montreal community legal centre, the Fondation québécoise pour les jeunes contrevenants, the Institut Philippe-Pinel, the Association des chefs de police et pompiers du Québec, the Conférence des régies régionales de la santé et des services sociaux, the Association des centres jeunesse du Québec, the Commission des droits de la personne et des droits de la jeunesse, the crown prosecutors' office, the Association des CLSC et des CHSLD du Québec, the École de psychoéducation of the University of Montreal, the Regroupement des organismes de justice alternative du Québec, the child welfare league of Canada, the Canadian criminal justice association, the Association des avocats de la défense du Québec and the Société de criminologie du Québec.

● (1255)

This is quite a number of organizations that are close to adolescents and that think the minister is making a mistake.

There is another example that warrants considerable thought, although it is somewhat different. Last Thursday, in a riding next to mine, in the town of Valleyfield, the Association des groupes d'intervention en défense des droits en santé mentale du Québec was holding a conference on isolation and restraint, on surviving and eliminating them.

Interviewed in *La Presse*, Dr. Tomkiewicz, renowned world over for his work in juvenile delinquency said:

> Isolation and restraint accomplish nothing. I cannot see how they are therapeutic. With adolescents, the first thing to do is to talk to them, listen to them, get to know them, in short, treat them like individuals with their own story, and a capacity for love. Since

1960, I have been reducing the aggressiveness of young people through creativity, art, theatre, film and photography, and it works.

And this took place just recently, last week, not far from my riding.

Members will agree that what he has to say bears no resemblance to the Liberal philosophy, a policy which I would describe as repressive.

Bill C-3 broadens the group of offenders who may be tried in adult court to include 14 and 15 year olds. It establishes a sentence of custody for young people at higher risk and repeat offenders in cases of violent offences.

The example I gave earlier is much more consistent with the enforcement of the legislation in Quebec and the vision of the Bloc Quebecois than the repressive philosophy of the Liberal party.

According to the newspaper article on the conference, several other guest speakers shared Dr. Tomkiewicz's views. Among them were Gilles Gendron, a professor at the University of Montreal, Daniel Michelin, of the Centre jeunesse in Montérégie, and Marc Bélanger, of the Commission des droits de la personne et de la jeunesse.

I cannot understand why this government, which has been spending millions on consultations in various fields for the past year, supposedly to avoid making any mistakes, is now ignoring not only the recommendations of specialists, but the experience and excellent results obtained in Quebec.

Once again, we note that the problem with Canadian federalism lies more in its implementation than in its form. That is why I hope that the minister will take into account the views of and results obtained in Quebec and amend this much contested bill.

[*English*]

Mr. John McKay (Scarborough East, Lib.): Mr. Speaker, I am glad we have figured out the order of debate.

There is probably no other subject that gets Canadians more animated than the subject of youth justice, and we are having another example of that today. There are days that the debate generates more heat than light, so in that context I would like to at least offer some statistical information with respect to charge rates.

● (1300)

In an international crime comparison, out of every 100,000 youth, Canada apparently charges about 7,900 with offences, and of that 7,900 it incarcerates 447. Interestingly enough, the United States for that same 100,000 youth only charges 5,000. Arguably, we have a much more charge based system than does the United States, that great bastion of law and order.

Interestingly, the custodial rate per 100,000 youth is 311 in the United States as opposed to 447 in Canada. Again, great ironies upon ironies. We think that we are the softer, gentler, sweeter nation, but we incarcerate youth at a greater rate than does the United States. By the way, those figures are exactly reversed when it comes to adult sentencing.

Hopefully that will go some way toward dispelling the myth that youth crime in this country is out of control, that we have a system that is soft, that mollycoddles these little children and that all they need is a good spanking and then they can be sent home. In fact, I would argue exactly the reverse. On statistics alone, we have a charge based system which probably needs to be examined. I think the entire system needs to be examined. I commend the minister for having the courage to put up this bill to create these issues.

The real fact of the matter is that youth based crime is on the decline. I know that may not be of great interest to editorial writers and writers of headlines, but it is true. Youth based crime is on the decline. It really has absolutely nothing to do with legislatures, parliaments and things of that nature. It is a demographic fact. We are simply producing fewer youth who will produce the crime. That is the good news.

The bad news is that there is another cohort on the way that will demographically and statistically start to produce more crime. These are virtual statistical facts. Again I commend the minister for at least, while we are having a downturn in the crime rate, dealing with this. We recognize that she has consulted widely and responded quite well, in my view, to the issues.

One of the problems that Canadians see with this issue is that we are soft on crime. If I had a dime for every time that phrase was repeated I would probably be able to retire and give up the apparently golden pension to which I am entitled, if I last for another election.

I direct members' attention to clause 6 of the bill, the presumptive offences. I make two notes with respect to the presumptive offences. The first five offences are first degree murder, second degree murder, the attempt to commit murder, manslaughter and aggregated sexual assault. The big change here is that instead of having these youth tried in adult court, where the lawyers get to argue whether they should be put up to adult court, the crown will now simply say ''Your Honour, I am electing and my election at this point is that I am seeking an adult sentence for this person''. At the beginning of the trial that issue will be put to bed and the crown, the defence and the judge will get on with the trial and decide at the end of the trial if the conviction entitles this individual to an adult sentence.

The other interesting point is the sixth offence. This is not an offence to which adults are subject. I am sure it will create some interest and controversy at committee. It is called the serious violent offence. One can get an adult sentence for being convicted

of a serious violent offence which may not be one of the first five offences.

● (1305)

A serious violent offence for which an adult could be sentenced to imprisonment for more than two years, which is committed by a young person, after clause 41 comes into force, for the person who committed the offence, at least two judicial determinations will be made under subclause 41(8), at different proceedings, that the young person had committed a serious violent offence. In other words, this is a bit of ''open the door and put the kid away'' because this person would be convicted at two separate judicial determinations as a youth who is, if I may use the vernacular, out of control.

I think the minister has responded in as effective a fashion as one could reasonably hope for in the context of our charter of rights and freedoms. It is a creative response to concerns of many Canadians that we are pretty soft on youth.

Fortunately the minister has not left it there. She has outlined the sentencing principles and purposes. The criminal code contains sentencing guidelines, allowing parliament to speak to sentencing judges, indicating the type of thinking that we want judges to apply to individuals convicted of particular offences. That kind of pattern is copied in clause 37 with a unique direction to the judges themselves. They are reminded that they are dealing with youth.

The purpose of sentencing under clause 41 is to contribute to the protection of society by holding a young person accountable for an offence through the imposition of just sanctions that have meaningful consequences and that promote his or her rehabilitation and reintegration into society.

There are four principles of sentencing articulated by parliament to sentencing judges: the protection of society, accountability, meaningful consequences, and the promotion of the individual's rehabilitation into society. That in turn will lead to different sentences from time to time which may be different than one would get as an adult.

The other area in which parliament is giving instruction to the judges in this matter is under clause 3. What the judges are being asked to consider, which is separate from other sentencing principles that they may apply to this particular instance, is what was the degree of participation of the young person in the commission of the offence. What was the harm done to the victims.

Members will note that we have made considerable efforts with the victims rights bill to include victims in the process so they have a meaningful role to play. This includes any reparation made by the young person to the victim or to the community, the time spent in detention by the young person as a result of the offence, and previous findings of guilt. I address members to the clause which concerns serious violent offences. It also includes any other aggravating and mitigating circumstances related to the young person and the offence which are relevant to the purpose and principles of this clause. These are the guidelines and principles which parliament is giving to the judiciary.

I look forward to this bill arriving in committee. I look forward to the examination of clause 6, as to whether it is appropriate. I look forward to the examination of clause 37, as to whether it is appropriate, and whether all of the principles have been covered.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I watched with interest during the spring of 1999 as Bill C-68 began to unfold in the House and speaker after speaker dealt with it at great length. I can tell the House that much of the debate at that time made me angry. I spent a lot of time listening to this debate and I was very upset about what I was hearing from many of the different parties. Frankly, I did not like either the tone or the content of much of the debate.

● (1310)

I can now say that anger has been replaced with an overwhelming sense of sadness. I do not know which is better. I feel in a very profound way that we would not be having the kind of debate we are having today if we had a better grasp and a better comprehension of what we really need to do in the area of the criminal justice system as it relates to young people.

I am not a lawyer and I will be making my remarks in a less technical way than some speakers. I am speaking more as a parent and as an inner city resident of a large Canadian city where this is an issue of great interest because we have problems with youth gangs, street gangs, issues of vandalism and violence. I get many calls to my office regarding safe streets and the problems of the youth justice system.

I would like to remind members of the House that ultimately this is a bill about children. We have to somehow keep that as our primary focus in all of the remarks we make. That should really set the tone for much of this debate. We have to keep in our minds that we are dealing with kids.

When I see provisions in Bill C-3 which contemplate 25 year sentences for children as young as 14, I am very concerned. It makes me think that the members of this House who are advocating this have given up on the idea of rehabilitation and that incarceration of young offenders is dealing more with retribution than with any hope of rehabilitation. I remind people that the concept of an eye for an eye keeps going until the whole community is blinded.

I would also like to remind the House that it is only within this century that we have even recognized the sanctity of childhood in

civil society. I am making reference to the fact that it was only in this century that we even banned child labour.

Up until the early years of this century children went into the mines with a fuse between their teeth because they were small enough to crawl between the crevices and the cracks. We saw no problem with exploiting children in that way. They were simply little people. Thankfully, we have gone past that. We won those debates and those arguments, at least in this country. Although, I would point out that it does not seem to bother Canadians much in other countries. The Canadian government has yet to sign ILO convention 138, which deals with banning child labour, and it has yet to sign ILO convention 87, which deals with the worst forms of exploitative child labour. We would like to see some movement in that regard, if we are serious about the sanctity of childhood, not just for our own privileged kids, but for kids all around the world.

It remains for Bill C-3 to try to do something to answer the question of how we treat children who run afoul of the Canadian justice system. I have heard many ideas in the House. We all know the bizarre spectre of one well known member who wanted to go to Singapore to study how to beat children more effectively, or what size rod we should use to whack kids with.

This debate has gone from the ridiculous to the sublime. It has gone through the whole range, the whole spectrum, in an attempt to criminalize children and deal with kids who run afoul of the criminal justice system as criminals. That will have predictable consequences. We will be the architects of our own issues when we treat children in that way.

New Democrats are tough on crime, contrary to popular opinion. We are also tough on the causes of crime. That is where we prefer to spend our energies. That is where we believe we get the best value for our invested dollar, dealing with the root causes of crime. We all know that the jury is in on the issue that chronic long term poverty is one of the key factors in the rising level of crime in our communities.

• (1315)

Why we continue to tolerate chronic long term poverty in the richest and most powerful civilization in the world is beyond me. Child poverty is a national embarrassment. Even the government is starting to get the message. It has had 10 years in this House of Commons. I am very proud that in 1989 it was the leader of the New Democratic Party, Mr. Ed Broadbent, who moved the motion to eradicate child poverty by the year 2000 and it was adopted unanimously. It is very rare to see unanimous endorsation for a private member's motion in the House of Commons but in 1989 people felt compelled and they felt strongly enough about the issue that it was a unanimous vote.

In 1989, 14% of Canadian children were living in poverty. By the same measurement in 1999, 10 years later, and within months of the year 2000 which was to be the deadline, the national rate of child poverty is 27%. Instead of eradicating child poverty and all its predictable consequences, we have seen it virtually double. In my riding of Winnipeg Centre, an inner city riding in the city of Winnipeg, the neighbourhood of Point Douglas is a provincial boundary and the rate of child poverty there is 57.7%, almost 60%.

Until we address the fundamental root causes of crime which I argue is poor kids living in poor families, poverty, we are not going to be able to design any legislation that is going to truly meet our needs.

I recognize that Bill C-3 has many qualities to it. Many of these points were reached by consultation with the community and activists in the field.

I have already drawn attention to one clause which I have serious reservations about. A child as young as 14 years old could receive a 25 year sentence for first degree murder instead of the current maximum of 10 years for young offenders sentenced in youth court. I find that offensive and I have a great deal of difficulty with it.

There is an interesting clause which I noticed. Parents or guardians could face a jail sentence in serious cases of up to two years if they fail to supervise their children who are released from custody. This is an increase from the current maximum penalty of six months in jail or a $2,000 fine. Normally when a child is charged with a crime under the current Young Offenders Act a parent or guardian signs an agreement with the court to supervise the child and to enforce certain conditions until the charges are heard.

There are other changes recommended under Bill C-3. The justice system will begin tracking young offenders for years after they have been released from jail and force them to take part in a probation type initiative that will consist of a period of tight supervision and extensive halfway programs. The current practice allows young offenders to walk away with no strings attached or probationary restrictions. Clearly Canadians have spoken that they want that tightened up. That provision is in Bill C-3 and it may give some satisfaction in that regard.

The proposed legislation needs to be a balancing act focusing on getting tough with violent repeat offenders and shifting more emphasis toward community based programs for youth and families. The bill is really a reworking of the Young Offenders Act without significantly changing it in a meaningful manner and will likely fail to substantially change the current system of youth justice or alleviate the public's legitimate concerns about youth crime. The NDP has some serious reservations and concerns and I will outline some of them.

We have concerns that new provisions for the publication of the names of offenders will be more readily available. They can release

names of young offenders. Those provisions already exist and we do not believe that needs to be expanded in any way.

The life sentence of 25 years I have already dealt with. It really abandons the concept of rehabilitation if we are sentencing a 14 year old child to 25 years in prison. This is retribution. This is revenge. This is not rehabilitation.

On increasing penalties for parents and guardians, again I think this is something which most Canadians have strong feelings about. It puts an undue burden on the very low income families where much of the youth crime and violence actually occurs. Because of the connection which I have already pointed out of poverty being the main cause of crime and poor kids living in poor families, it is going to probably be a low income family that is being given this increased penalty. That kind of punitive measure on a single parent family for instance victimizes the family that much further and drives them deeper into poverty.

● (1320)

The bill will place a substantially increased financial and administrative burden on the provinces. We believe a great deal of what is in Bill C-3 increases the workload of the provinces to a very large degree without any compensation or corresponding funding.

Mr. Speaker, I see that I am out of time. How time does fly.

[*Translation*]

Ms. Hélène Alarie (Louis-Hébert, BQ): Mr. Speaker, speaking of the present Young Offenders Act, here is what the Coalition québecoise pour la justice des mineurs, the membership of which has already been listed by my colleague, had to say:

> Before doing away with 16 years of practice, adjustments and precedent to go in a direction that breaks with almost a century of tradition, parliamentarians must ask whether this is a worthwhile effort. Will they have the courage to defend a piece of legislation that is unanimously supported by those who know and use it, or will they give in to the lobbyists, who are experts in using disinformation to advance a program that is as petty as it is reductive?

Let us summarize the present situation. First of all, Bill C-68 was introduced in first reading by the Minister of Justice on March 11, 1999. It was an outcome of the youth justice system renewal strategy announced in May 1998. Bill C-68 died on the order paper when the House was prorogued.

After the Speech from the Throne, Bill C-3 was introduced on October 14. Aside from a few changes in form, all aspects of Bill C-3 are identical to Bill C-68. The Bloc Quebecois and all stakeholders in Quebec are opposed to this reform, deeming it pointless and even dangerous, as far as its anticipated effects on the reduction of crime in the long term are concerned.

In Quebec, reform of the Young Offenders Act is quite simply not going over well. Bill C-3, like Bill C-68 before it, is denounced by all those who are in the front lines in the battle against youth crime, in other words those most familiar with it: criminologists, social workers, and police and legal authorities.

What we are interested in is not a repressive approach but rather the expertise acquired in Quebec in implementing the Young Offenders Act, which has proven itself.

It is not only Quebec that is opposed to this bill, however. More and more voices are being heard throughout Canada expressing opposition to the simplistic policies of this government in the field of justice. They include those of the Canadian criminal justice association and the child welfare league of Canada, which joined with that of the Quebec coalition in calling on the minister to withdraw her bill.

The Young Offenders Act allowed Canada to substantially reduce its juvenile crime rate. Since 1991, the rate of juvenile crime has dropped by 23%. This same law enabled Quebec to have Canada's lowest juvenile crime rate.

What fate has the Liberal government in store for such an effective law? The wastebasket. Bill C-3 does not merely amend the Young Offenders Act, it repeals it. This means that the basic principles of the Young Offenders Act, which include ''respect for the special needs of adolescents'', will be replaced by new principles foreign to the peculiarities of juvenile crime.

The legislator's silence will make it clear that taking the special needs of adolescents into account is no longer the primary rule in juvenile justice. In fact, the new principles are focused more on making young people responsible for their actions.

● (1325)

When one reads these passages and sees the effectiveness of the present Young Offenders Act, one wonders whether the members have ever lived with young people. One wonders how well they know them.

I have heard some pretty incredible things today. Can we talk about a hardened criminal in the case of a 12 year old? That is what I heard in the House. Let us stop citing sordid examples, which are generally the exception, when what we need to be doing is coming to the assistance of these young children.

The topic of adolescents—because the bill talks about adolescents—should not provoke hysteria. This House must learn to speak about these children with love. The rehabilitative approach we have adopted in Quebec forces caregivers to assess children, to get to know them and to provide encouragement, because a 14 year old should not go to jail, he should not be sent where he will learn all about crime.

When one has a family—particularly a large one, which broadens one's expertise—one sees that no one child reacts the same way to a given situation. How can we apply a rigid law to these adolescents when, in real life, we know how these young people, who have a soul and creativity, react? They can be saved with rehabilitation programs adapted to their reality.

I heard the member for Mississauga West say that a child's basic values are instilled by the age of seven. It is certainly odd that we can talk about rehabilitating adults, but not about rehabilitating young people. If a child is fully shaped by the time he is seven, then there is nothing we can do here. Adolescence, these days, is longer than before, into the twenties according to some studies. Parents of grown children are aware of this.

What can be said about the 14- to 16-year olds? Why revise the criminal justice system for adolescents when we have legislation in hand that has proven itself over the past 10 years and has reduced the crime rate considerably?

I would like to quote from the report of a Quebec task force, the Jasmin Report:

> It is often easier to amend legislation than to change our approach to a problem. It may be tempting to think that tougher legislation is the answer to the problems of delinquency. Simplistic responses blind us to the full extent of complex problems and create the false impression that we are doing what is necessary to resolve them. One such simplistic response is substituting get-tough measures for educational approaches. Doing so, however, loses sight of the fact that adolescents are still developing, and lays all of the blame for their delinquency on them, as if society and the environment they live in had nothing to do with it.

In the bill, there are two aspects that catch my attention particularly, and to which I object. First, there is the more repressive sentences, where the group liable to the same sentences as an adult would be is extended to 14- and 15-year olds. Second, there is the establishment of a sentence of committal to custody for young people at highest risk and repeat offenders in the case of violent crime.

Our society will gain nothing from having young people harden in prison, at crime school. Sooner or later, they will have to return to the community. Our collective security is directly related to the success of the rehabilitation of young offenders, and abusive incarceration could undermine their chances of success.

In conclusion, I repeat that the Bloc Quebecois strongly opposes Bill C-3 and that it can happily live with the Young Offenders Act as it stands, since we apply it in Quebec. In order that her bill may truly be flexible, I would like the Minister of Justice to permit Quebec to be excluded from the application of the new legislation and to continue to apply the present legislation.

• (1330)

For Bill C-3 to be truly flexible, it should simply contain the following provision: ''This legislation shall apply to all provinces, except Quebec. In the latter case, the provisions of the Young Offenders Act shall continue to apply''.

[*English*]

Mr. Bryon Wilfert (Oak Ridges, Lib.): Mr. Speaker, today I am pleased to have the opportunity to address the House regarding Bill C-3, the youth criminal justice act.

I find myself at somewhat of a loss this afternoon due to two events that have just recently occurred in Toronto. The first case is the senseless beating death of 15 year old Dmitri Baranovski. His assailants are still at large. His parents are facing their worst nightmare. They had to bury their own child.

At the memorial to celebrate his life, Rabbi Zaltzman encouraged everyone there to chase away the darkness of the violence of Dmitri's death. He urged government to strengthen laws against violence.

In the second case, police in Toronto found a 14 year old girl bruised and bleeding with cigarette burns down her back after enduring two hours of torture from four older teenage girls. As the press reported this morning, she said ''All this needs to stop. If it was my world—I know that sounds childish—but seriously, if it was my world, nothing like this would go on''.

I do not think that sounds childish at all. I would like the House to be able to tell her that we will make it stop, that nothing like what happened to her will happen to another.

The impact of cases like these means that we, as elected members, must examine the difficult issues surrounding our youth and use our elected office as instruments to chase away the darkness of violence.

Canadians expect communities, where they live, work and raise their families, to be safe, secure and healthy. They reflect who we are. They also make us who we are. We want all Canadians, especially our youth, to participate fully in our society.

We are committed to working with partners to reform the youth justice system and so the bill focuses on prevention, meaningful consequences, rehabilitation and reintegration.

My constituents in Oak Ridges have been quite clear. They are very concerned about youth who violently break the law or repeatedly break the law. At the same time, they want a system that promotes accountability, respect, responsibility and fairness.

We all know that there is a consequence for every action that we take, and my constituents want that to be made very clear to young people before they think abut breaking a law. That means that we have to talk about prevention, about addressing the root causes of

crime and encouraging community efforts to reduce crime. Let us reduce crime by eliminating it before it even begins.

As a former educator, I found that if I had to deal with a disciplinary situation with one of my students, the best approach was one of respect and dignity. Yes, that is a far distance from violent crime, but the principle of respect remains the same.

Our young people must know and understand that there are consequences to a crime they might commit and that they will be held accountable. A key principle of the bill is on sentencing. The sentence that a youth receives should be proportional to the seriousness of the offence.

For example, provisions in the new legislation will allow an adult sentence for a youth 14 years old or more who is convicted of an offence punishable by more than two years in jail.

It will also establish a more efficient process that gives the courts the power to impose adult sentences on conviction when certain criteria are met. This would result in a system that respects the due process rights of the accused, places less of a burden on victims and families and would give any court hearing a case involving a youth the tools it needs to deal appropriately with the case.

● (1335)

It will expand the offences for which a youth who is convicted of an offence is expected to be given an adult sentence to include a pattern of convictions for serious, violent offences.

It will extend the group of offenders who are presumed to receive an adult sentence to include 14 and 15 year olds. It will permit victim impact statements to be introduced in youth court.

I believe these provisions speak to what Rabbi Zaltzman said about strengthening laws against violence.

When youth commit crimes, it is important that there are programs and treatment available to prevent them from reoffending. Bill C-3 also includes these elements of rehabilitation and reintegration.

It is important to remember that, yes, young people must be held accountable for their crimes, but they are also more likely than adult offenders to be rehabilitated and become law-abiding citizens.

The bill would require all periods of custody to be followed by an intensive period of supervision in the community that is equal to half the period of custody. This would allow authorities to closely monitor the young person and ensure that he or she receives the help necessary to return safely and successfully to their community.

It would also require conditions to be imposed on periods of supervision. This could be targeted to the youth's particular circumstances, such as attending school, finding employment or obeying a curfew. It could also include abstaining from alcohol or drugs, attending treatment or counselling and not associating with gang members.

These are the types of measures that my constituents have told me that they want.

We will work with our partners: the provinces, municipal governments, law enforcement agencies, the courts, social service officials, educators, parents and so many others.

This is a reasonable and considered approach. It includes alternatives to the justice system for non-violent offences and has built-in flexibility that the provinces have said that they want.

I urge members of the House to use their elected offices wisely and to support the motion of the Minister of Justice, the member for Edmonton West, that the bill be read a second time and referred to the Standing Committee on Justice and Human Rights. By doing so, they will be acting as instruments of light against the sorts of youth violence that I mentioned earlier, and they will be making it clear to 14 year old teenagers that we want to make sure nothing like this will go on again. If we do that I believe we will have advanced the cause.

Mr. Greg Thompson (New Brunswick Southwest, PC): Mr. Speaker, this is my second opportunity to engage in this debate. Before the House prorogued last spring, I had the opportunity to speak on the bill.

I thank the member for Pictou—Antigonish—Guysborough, our justice critic, for helping me through the complexities of the bill. Being our justice critic, he has really examined this from one end to the other. He has spent a lot of time on the bill and obviously in committee as well.

After having stepped through the bill, after having read various articles from across the country and after having heard some expert testimony, my feeling is that there is a great disappointment in the bill. It is nothing more than a tinkering with the old bill, the Young Offenders Act. The government has basically taken the old bill and added to it. I will get into some of the areas where I think there has been improvement, but there is nothing more than tinkering.

In one of the earlier speeches I gave on the bill, I referred to York Regional Police Chief Julian Fantino. I know my colleague from Ontario would know the man. He is highly respected in his field.

I quote him where he said:

> Many police officers and citizens right across Ontario, are frustrated with the Young Offenders Act because it seems primarily concerned with the rights of offenders... It's disappointing that the federal government won't take the opportunity to right this wrong and introduce a much tougher law to serve as an effective deterrent to youth crime.

● (1340)

That does not mean that we have to be tougher in terms of punishment, but I think we have to be tougher in terms of how we deal with it in the programs we offer to help some of these young offenders.

The youth criminal justice bill has provided high expectations for us but with very poor results. One of the difficulties with it is identifying and differentiating between violent and non-violent offenders. It should be putting emphasis on prevention and treatment, which it does not. It also does not provide the resources to our provinces.

What we basically have is the federal government setting the rules for the provinces. We have seen this in so many other pieces of legislation. It sets the rules but does not provide the funding.

Witness the Canada Health Act, Mr. Speaker. In your home province of Alberta today there is a raging debate on what the premier of Alberta wants to do in terms of health care and the delivery of health care services. It is being criticized in Ottawa by the health minister, a member of the very government that has gutted health care in the country.

The result is that provinces now have to go to extraordinary measures to make up for the lack of funding in health care. What we have now is the health care minister criticizing the premier of Alberta for what we might call radical surgery. I am not sure if it is that radical, but he is certainly entertaining doing something we have not seen done before. The point I am making, which reflects directly on the bill, is that the government sets the rules but does not want to provide the funding. At the end of the day, what kind of change will it initiate? I think it will be minimal at best.

One of the things we have heard in the House is that we should lower the age of the young offender. That has not been meaningfully addressed in the bill. There is a lot of evidence to suggest that some of these younger people have to be tried in adult court because we are talking about violent, and in some cases, very violent crimes.

The province of Quebec is probably the best model for the rest of Canada to follow in terms of how it addresses young offenders. The province of Quebec has a lower rate of youth crime than any other province in the country. It is willing to put money where its mouth is and that has delivered some very credible results for that province. We cannot expect all the provinces to be able to do that.

As I mentioned, there is a great disparity within the country in the delivery of health care. We regrettably have poorer provinces. Thankfully, we have provinces that are doing very well and those provinces that are doing well can deliver the services much more effectively than the poorer provinces.

As in health care, we have that same disparity across the country and a lack of support from the federal government to make the youth justice system work. The provisions within the bill end up providing the provinces with less than 50% of the administration cost of implementing the youth justice system. In some cases it goes down to about 35% funding by the federal government, so it is placing a real burden on the provinces.

● (1345)

The member for Pictou—Antigonish—Guysborough made some very interesting comments and I think it is worth quoting some of them. On March 11 he expressed his reaction to Bill C-3. First, he questioned the effectiveness of the new act tabled in the House and said it could be more forceful but was not. He accused the federal government of employing smoke and mirrors in the hopes of giving the appearance of strengthened legislation. He questioned whether Bill C-3 responded adequately to Canada-wide pressures to be tougher on young criminals.

At the same time he said he was disappointed that the federal government did nothing to lower the age of accountability to 10 years from 12. I mentioned that was proposed by our party during the 1997 election. In February 1998 the member for Pictou—Antigonish—Guysborough tabled a private member's bill, Bill C-313, amending the Young Offenders Act in this respect.

According to the member, the PC Party had been calling on the federal government to lower the age of accountability to 10 years of age. When a growing number of crimes are being committed by children as young as 10 years of age, there must be a mechanism to bring young persons into the system at the earliest point.

There is no question that this bill will put more pressure on police officers. It will mean more dialogue among police officers, children's aid societies and their parents. It will take officers off the street.

We know consultation has to take place which in itself is good, but at the end of the day it means that more officers will be involved in the dialogue between children's aid societies and parents, which means that fewer officers will be on the street to enforce the act we talking about today. That goes back to the question of funding by the federal government. Again it writes the rules but does not want to provide any funding.

In conclusion, the government must start to listen to debate in the House and not simply throw something up with the traditional smoke screens and mirrors as it is accustomed to doing.

Mr. Reed Elley (Nanaimo—Cowichan, Ref.): Mr. Speaker, I am glad to have the opportunity to speak to Bill C-3 respecting Canada's youth criminal justice act. I am pleased the bill has finally arrived before the House of Commons. I just hope the Liberal government and in particular the justice minister are open to listening to what members of the House and the justice committee have to say about the bill.

I acknowledge that there are some positive aspects to the bill. I agree with the comment that we should approach youth justice with a balanced approach. Each situation will have similar but different aspects that must be dealt with case by case. Not every crime should have the same punishment, but every crime should be punished and society should feel that the offender has been dealt with in a way that brings justice and the chance to change.

Today's youth must be held accountable for their actions. Surely they should understand why they must feel remorse and have a desire to right their wrong wherever possible. I support the premise of diversion or what the minister has called extrajudicial measures. My colleagues from Crowfoot and Surrey North have done a great deal of work in this area. They have seen diversion work firsthand and believe in it. I have also had constituents write to me with their support of this means of justice. I believe there is merit in this type of justice program and would support its implementation.

● (1350)

The act of being confronted by those who have been wronged should bring young offenders face to face with the consequences of their actions. Criminals of all ages, especially youth, need to know that when they steal, vandalize or commit some other vicious act, they are affecting someone else's life. Someone had to save to buy the television, the car or the house.

To wantonly commit a criminal act without realizing the impact on victims and their families is not right. Youth who commit criminal acts must understand what they have done to someone else's life, how they have violated the person's rights, and the measure of stress and distress they have wrought for their victim and their victim's family.

Unfortunately I have many more concerns for the bill than I do accolades. While we all acknowledge that the old Young Offenders Act had its flaws, I do not really see how the replacement bill truly corrects the many flaws many Canadians have pointed out across the country.

We hear and read about extreme violence in many cases involving youth crime today. We certainly do not have to look at our friends south of the border, either. We have our share of high school violence and riots, youth shootings and beatings, drive-by shootings, car jackings, hate crimes, as well as intimidation, shoplifting, and break and enters. The list continues ad nauseam.

It is only a short drive from my home to Victoria where Renna Virk was savagely beaten and left to drown. This past week we were all shocked to hear of the swarming of a Toronto youth, a 15 year old lad, allegedly over a cigarette, and now he is dead. What a sad commentary on the state of our nation and some of its youth that there is even a climate anywhere in the country for that to occur.

For the past number of years Canadians have become more and more appalled at our justice system and particularly at young offenders, or what the bill calls youth justice. Even young people themselves look at the Young Offenders Act with disdain.

Let us take the problem with age discrimination, for instance. Young people know they can basically get away with anything, including murder, until they turn 18. This is absolutely wrong. This makes our youth justice system a sham.

Those aged 16 and 17 need to be treated as adults. These young people ask for the opportunity to drive, to get a good paying job and participate in the adult world. With these rights and privileges must come the acceptance of not some but all adult responsibilities that go with them.

I am also concerned that 10 and 11 year olds will still not be held responsible for their criminal actions in the bill. We do not want to have 10 year old children in jail, but we do want to ensure that children of this age receive the help they need. For the Minister of Justice to infer otherwise is ridiculous and certainly not worthy of further comment by this member.

Leaving children of this age strictly to the child welfare system is not a reasonable approach for either the child or the welfare system. Violent youths require more than a child welfare system can offer them. Putting these youth into the current welfare system takes badly stretched resources and thins them ever further.

There is a need to ensure that these children are rehabilitated prior to developing any further or more serious criminal habits. By offering younger children a rehabilitative process that teaches respect and discipline and reinforces positive learning skills, the end result will be a person who contributes to society rather than takes from it. The cost to rehabilitate today is much lower than the cost of incarceration tomorrow.

The next concern I have is for the other end of the juvenile age group. Those youth 14 and 15 who commit a serious offence should be moved into an adult court. They need to realize the enormity of their actions. They need to take responsibility. They need to understand that there are consequences. This is a part of the learning and maturing process. As they grow and take on greater tasks, they must also accept the greater responsibilities that go with them.

Unfortunately our society has degenerated in many aspects. One cornerstone is the family. One aspect of the bill I am somewhat pleased to see is the movement toward the recognition of the rights of victims. I believe that the bill and our justice system as a whole could move a lot further in this recognition.

● (1355)

To this end I encourage members of the House to review the victims rights bill drafted by the member for Langley—Abbotsford. He has worked on the issue passionately for years, and this is one rights bill that deserves our attention.

Obviously we cannot talk about youth without recognizing the impact on the family. Our society has been sliding away from strong family values for some time. I believe some of our youth crime problems are directly related to the breakdown of the family unit.

I am therefore encouraged that the bill sets out the compulsory attendance of parents at court if the judge considers their presence to be in the best interest of the youth. People are busy and oftentimes a wake up call is needed in order to reorganize and reset their personal priorities.

I am further encouraged that there are possible consequences for the parents who fail in their obligation to court directives with regard to the supervision of their children. Wilful disregard by parents of court orders puts others at further risk from their children's actions and sets a poor example for their children to follow.

The Liberal government must accept its share of the responsibility for the breakdown of the family unit. High taxation has driven many families to the brink of financial destruction. When mom and dad are struggling to survive it does not take much for the cracks to appear: financial cracks, emotional cracks, cracks in all levels of our temperament and patience. Before long these cracks widen and people, our children, begin to fall through them.

The bill will obviously not resolve all the problems. Nor is it intended to. The bill should be one more piece of the building block to strengthen and support families in society, but I do not believe it will do much to accomplish this goal.

There has been some minor tinkering with the Young Offenders Act in order to arrive at the youth criminal justice act. The Young Offenders Act needs a major overhaul. The justice minister has long promised a comprehensive bill to address the needs expressed by all Canadians from coast to coast. I believe Canadians are disappointed with the timid actions to date, and in this bill those actions continue. The interest of Canadians has not been fully addressed.

Unfortunately at this point I will not be able to give my support to the bill, but I hope in committee the government listens to the suggestions and recommendations of people and in the end we might be able to support it as a whole.

STATEMENTS BY MEMBERS

[*English*]

DIABETES

Mr. Janko Perić (Cambridge, Lib.): Mr. Speaker, in order to raise awareness of diabetes November has been designated international diabetes month.

Diabetes is a chronic disease that impairs the body's ability to use food properly and can lead to an increased risk of heart disease, stroke, blindness and kidney disease.

The Juvenile Diabetes Foundation is dedicated to finding a cure for diabetes and improving the lives of people with the disease. This year alone the foundation will award more than $100 million worldwide and $5 million in Canada to research.

I ask the House to join me in congratulating the many volunteers and staff at the Juvenile Diabetes Foundation.

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WORLD TRADE ORGANIZATION

Mr. Deepak Obhrai (Calgary East, Ref.): Mr. Speaker, yesterday I had the pleasure to participate in round table discussions with a number of Canadian businesses, ranging from agricultural consulting to telecommunications, dedicated to making a difference in the developing world.

As Canada prepares for the new round of WTO negotiations we must remember that Canada has prospered greatly from a rules based trading system. However, we cannot fail to include developing countries in the economic and social benefits offered by international trade.

The Canadian private sector, in co-operation with private sector companies in the developing world, can play a vital role in the new millennium in alleviating poverty by inspiring hope, hope where people can dream of a future for themselves and their children because of jobs and new opportunities. These are the benefits of international trade.

We look to Seattle and the WTO as a mechanism to increase prosperity for all people of the world, not just a few.

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LATVIA

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, as the first member of parliament of Latvian heritage it is with

great pride that I rise today to congratulate the people of Latvia and all Latvian Canadians on the 81st anniversary of Latvia's declaration of independence.

Latvia has surmounted many challenges since November 18, 1918, but the Latvian people have retained their national identity and distinct culture despite years of foreign occupation. Their example shows how a small country can retain its sovereignty through an undaunting desire for freedom combined with the strength to endure even when occupied by another power. Independance was regained on August 21, 1991.

● (1400)

Last November I led the first Baltic express trade mission to Latvia, Lithuania and Estonia. The trade mission was very successful, but more important, it demonstrated our commitment to boosting trade and investment between Canada and the Baltic region.

As Latvia celebrates the proclamation of independence 81 years ago, it has good reason to look forward with hope that the next century will bring a better life to its people.

[*Editor's Note: Member spoke in Latvian*]

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[*English*]

CAM GARDINER

Mr. Rick Limoges (Windsor—St. Clair, Lib.): Mr. Speaker, on November 2 in Montreal I had the pleasure of presenting Cam Gardiner, morning show co-host at CKLW Windsor, with the prestigious Canadian Association of Broadcasters Gold Ribbon award for outstanding community service by an individual broadcaster.

Cam Gardiner has made a major contribution to the quality of life in our area. He has spent over 30 years volunteering his time in the community.

I am certain that all members of the House understand the significant contribution local private radio and television broadcasters have made through community participation and charitable efforts. It is for that reason this national recognition of Cam Gardiner and CKLW is indeed so special.

Congratulations to Cam Gardiner on his national recognition and thanks to the Canadian Association of Broadcasters for conferring this honour on one of our finest citizens. It is yet another example of how Windsor and Tecumseh represent the very best of what makes Canada such a great place to live.

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MARK MCKINNON

Mrs. Judi Longfield (Whitby—Ajax, Lib.): Mr. Speaker, I rise today to pay tribute to a very brave man. On July 16, 1999 Whitby resident Mark McKinnon, a 17 year veteran of the Toronto Fire Department, gave us all a glowing example of the dedication and commitment with which our firefighters carry out their duties.

At 7.30 a.m. there was a serious explosion in the high voltage switching room of a downtown Toronto Bell Canada building. On the fourth floor in a room filled with heavy smoke, six inches of water covering the floor and 13,000 volts of electricity, firefighter McKinnon discovered a male victim suffering from burns, smoke inhalation, blindness and shock. Picking him up, Mark carried him down the stairs to safety.

As a result of these heroic efforts, Mark McKinnon and his crew recently received the highest honour from the Toronto Fire Department. Mark has also been awarded the Ontario Firefighting Medal of Bravery.

Public service is in Mark's blood. Not only is he a decorated firefighter, he is also Whitby's west ward councillor. He finds time to coach hockey teams and to work tirelessly—

The Speaker: The hon. member for Yorkton—Melville.

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AGRICULTURE

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, the comments by the Prime Minister of this country are very distressing. As part of his tour in Africa he said that Canada has not done enough to help out third world countries and will in future contribute more money to these nations.

The Prime Minister should look in his own backyard first. Travelling halfway around the world to see people needing help is unnecessary. Come to my home province of Saskatchewan and see the suffering going on in rural communities.

He gives aid to foreign countries, but will not look at supporting the people who put the food on his plate every day. Here is what one of my constituents had to say:

> To hear the Prime Minister promise more aid to another country with my money when I could use that money myself seems, well, just plain wrong.

The government has lost touch with the rural segment of our society. The Prime Minister should make a trip out to the prairies to see suffering in his own country. When will he realize that if he does not take any action on the prairies, he will have a third world country to bail out, but this time it will be his own.

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SIR WILFRID LAURIER

Mr. Bryon Wilfert (Oak Ridges, Lib.): Mr. Speaker, November 20 will mark the 158th anniversary of the birth of Sir Wilfrid Laurier.

Our seventh prime minister was a true Canadian, a man who believed in the virtue of tolerance and national unity. He provided Canadians with a legacy of bringing English and French speaking Canadians together in harmony in a united Canada.

Laurier's vision of the Canadian reality and his leadership gave our country the push forward and the confidence it needed at a critical moment in history. The opening of the Canadian west and the formation of the Canadian navy all occurred under his watch.

Professor Granatstein in his book *Who Killed Canadian History?*, comments that the knowledge of our history is disappearing. We need to honour our heroes. I urge the government to proclaim a day of recognition for our seventh prime minister, Sir Wilfrid Laurier.

* * *

EDUCATION

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, how many times have we heard the Liberal government say that education is an investment in the future, that youth must have opportunities and that the knowledge based economy is our salvation? Well, consider this. Students are worse off now than they ever were. Tuition fees have risen by 126% since 1990. Students are graduating into debt and poverty.

• (1405)

Let us make no mistake. Our public system of post-secondary education is in crisis because of the retreat of public funds, $7 billion since 1993. The privatization vultures are circling, waiting for their kill.

As on so many issues, Liberal talk is cheap. Indeed the federal government is now poised to place education on the WTO altar of corporation greed.

Our colleges and universities need help. Canadian students need help. Today we call on the government to defend public education, restore funding, lower the boom on tuition fees, establish a national grant system and make accessibility a new national standard.

* * *

[*Translation*]

EMPLOYMENT INSURANCE

Mr. Stéphan Tremblay (Lac-Saint-Jean, BQ): Mr. Speaker, the federalists have long held that Quebec received far more in EI benefits than it paid out in premiums.

But today, the federalists can no longer use this argument to turn a deaf ear to Quebec, which is claiming its fair share of federal structural spending.

Since 1995, Quebec has put more into the EI plan than it has taken out.

In 1995, Quebecers paid $4.477 billion in premiums, but drew only $4.343 billion in benefits.

In 1996, they paid $4.475 billion in premiums and received $4.122 billion in benefits.

In 1997, the shortfall was $1 billion. And finally, in 1998, Quebecers again put almost $1 billion more into the plan than they drew out.

In four years, Quebec has contributed over $2 billion more than it has received, and the federalists have fallen silent. It is high time that government members began demanding that Quebec receive its fair share of structural spending.

* * *

35TH WORLD SKILLS COMPETITION

Ms. Raymonde Folco (Laval West, Lib.): Mr. Speaker, the 35th World Skills Competition, which was held in Montreal, wound up yesterday.

For the first time in Canada, over 600 young people representing 34 countries measured themselves against industry standards in some 40 skilled trades and high technology areas.

We can be proud of our representatives. Karine Desroches and Robert Waite won bronze medals for renovation services and electrical installation respectively. Jessika Lessard won the gold for her skills as an esthetician, a demonstration trade.

The Youth Employment Strategy of the Government of Canada, which was one of the partners in the 35th World Skills Competition, is helping young people to embark on careers in skilled trades and technologies. These areas, we are sure, are wise career choices for young Canadians.

We congratulate the participants in the 35th World Skills Competition. They are all winners.

* * *

[*English*]

TARA SINGH HAYER

Mr. Gurmant Grewal (Surrey Central, Ref.): Mr. Speaker, in Canada we enjoy freedom of speech, freedom of expression and freedom of the press.

The media's role is to report the news in a fair manner. Canadians do not believe everything they read. The media is under close public scrutiny. The pen is mightier than the sword, but is the pen mightier than the bullet?

One year ago, Tara Singh Hayer, the editor of *Indo-Canadian Times* newspaper, was murdered execution style with a bullet. Mr. Hayer was the recipient of the Order of B.C. After serving the Indian army, years ago he migrated to Canada.

His editorials were controversial. No matter how many people disagreed with him at times, every one agrees that he was entitled to his views. He exercised our right to freedom of expression and paid the ultimate price.

I urge all members of the House and Canadians to condemn such cowardly acts of violence.

* * *

CHILDREN

Ms. Eleni Bakopanos (Ahuntsic, Lib.): Mr. Speaker, in recognition of National Child Day, I would like to read two paragraphs of a poem that was written by a child prostitute entitled ''A Commitment to Children''.

> And we accept responsibility for those whose nightmares come in the daytime
> who never eat anything
> who have never seen a dentist
> who aren't spoiled by anybody
> who go to bed hungry and cry themselves to sleep
> who live and move but have no being.
>
> And we accept responsibility for children who want to be carried
> and for those we never give up on
> and for those who don't ask for a second chance
> for those we smother
> and for those who will grab the hand
> of anybody kind enough to offer it.

Let us make this commitment not just on November 20, but for the rest of our lives here as parliamentarians.

* * *

[*Translation*]

YOUNG OFFENDERS

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, some twenty Quebec organizations working with young offenders openly oppose Bill C-3 aimed at repealing the Young Offenders Act.

Unfortunately, the Liberal members from Quebec seem unable to hear the message sent out by those defending Quebec expertise in this area for many decades.

• (1410)

Where are the members for Westmount—Ville-Marie, Lac-Saint-Louis and Ahuntsic? Where are the members for Bourassa, Saint-Laurent—Cartierville and Verdun—Saint-Henri hiding?

What have the members for Beauce and Papineau—Saint-Denis got to say? Have the members for Pierrefonds—Dollard, Outremont and Gatineau got an opinion?

The silence of the members for LaSalle—Émard, Brossard—La Prairie and Saint-Léonard—Saint-Michel, Notre-Dame-de-Grâce—Lachine, Vaudreuil—Soulanges and Brome—Missisquoi is incomprehensible. However, most disturbing is the endorsement given this bill by the member for Saint-Maurice.

Are we to understand that the Liberal representatives of Quebec prefer to respond to pressure by the Reform Party than to promote the opinion of experts from Quebec?

* * *

[*English*]

SELLOUT OF THE MONTH AWARD

Hon. Lorne Nystrom (Regina—Qu'Appelle, NDP): Mr. Speaker, Canadians are concerned about the increasing sellout of our economy to foreign multinationals and the subsequent loss of sovereignty and jobs. I want to highlight this today with our sellout of the month award to illustrate the biggest corporate sellout of the month. There are three nominees for this award, all in American dollars.

The first nominee is Groupe Forex, operating in optics and forestry, sold to Louisiana Pacific for $408 million. The second nominee is Versatile Tractor, originally sold to North America New Holland and now merged with the $4.6 billion American Case Corporation. The third nominee is Loewen Group operating in funeral homes and cemeteries, sold to US Funeral Homes for $429 million.

The envelope, please. And the winner of the sellout of the month award in terms of corporations will be New Holland and American Case for closing Versatile Tractor, Canada's last tractor manufacturing plant, and for throwing 700 people out of work and into the streets.

* * *

[*Translation*]

ONTARIO'S FRENCH TELEVISION

Mr. Yvon Charbonneau (Anjou—Rivière-des-Prairies, Lib.): Mr. Speaker, after its attempt to deprive Quebecers of their right to celebrate the Year of the Canadian Francophonie, now the Bloc Quebecois and the PQ government are trying to build a cultural wall to keep Quebecers from watching TFO, Ontario's French television.

Despite numerous letters in support of TFO from Quebecers and despite numerous editorials, the separatists are doing everything possible to isolate the population of Quebec from other French Canadians.

Yet the Bloc and its parent company in Quebec are quick to praise foreign programming, such as RFO, and we have nothing against that.

Walling in communities is an outmoded practice used by regimes that will be judged by history. Quebecers are open-minded people.

The separatists ought to stop trying to obstruct their ability to make choices.

[*English*]

ABORIGINAL AFFAIRS

Mr. Mark Muise (West Nova, PC): Mr. Speaker, yesterday the Supreme Court of Canada finally provided Atlantic Canadians with some clarification as to what extent native rights are being addressed in its September 17 decision.

It is obvious that the supreme court decision was completely misinterpreted by the Minister of Indian Affairs and Northern Development who unilaterally decided that the ruling contained provisions that dealt directly with logging, mineral and offshore gas exploration rights.

The minister contradicted his own minister of fisheries at a crucial time when tensions on the east coast were at their highest. His statements were totally irresponsible and only added further fear and unrest within our communities.

The minister and his government completely ignored calls for clarification of the Donald Marshall decision and instead forced the West Nova Fishermen's Coalition to do their job for them. The minister was totally irresponsible in his actions. He misinterpreted the court's decision and as such has misinformed the Canadian public.

* * *

UN CONVENTION ON THE RIGHTS OF THE CHILD

Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.): Mr. Speaker, The UN Convention on the Rights of the Child was adopted by the UN General Assembly in November 1989 on the 30th anniversary of the adoption of the UN Declaration of the Rights of the Child. Its drafting began in 1979, the International Year of the Child. Canada is proud to have played an active role in drafting this treaty.

Canada is also proud to have been in the first group of countries to ratify the convention in December 1991, after consultation with provinces, territories and national aboriginal organizations. The convention now has the highest number of states parties, 191, making it the mostly widely accepted human rights treaty in history.

The convention has become the rallying point for children's rights, mobilizing not only governments and UN agencies, but civil society, including NGOs, academics, professionals, and more important, children and youth and their families.

The adoption of the convention has created momentum for strengthening international standards, for instance with new agreements. However much we have accomplished 10 years after the adoption of the convention, we all recognize the tremendous efforts that are still required. Too many of the world's children still face daily hardships and fear.

HEALTH

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, the Minister of Health is rising up on his hind legs criticizing Premier Klein for trying to save our publicly funded health care system.

● (1415)

This is what has happened on the government's watch. It has cut transfer payments by $21 billion for health care. Waiting lists have grown to 187,000 people. In Montreal, emergency rooms are pleading for people to leave and go somewhere else because they are over full. Canada now occupies the lowest third of the rung in high tech, behind Hungary and the Czech Republic. In 11 years we will need 113,000 nurses and we will not have them. Furthermore, in 1997, 84 medical services were delisted from the health care system.

We have a big problem. The government's health care legacy is to deprive the poor and the middle class from the health care they need and to shepherd the demise of the publicly funded health care system in Canada.

ORAL QUESTION PERIOD

[*English*]

NISGA'A TREATY

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, everyone in Canada knows that the Nisga'a treaty establishes two tier citizenship and it entrenches inequality under the law.

The government does not even think that Canadians should have a say on it. At the Nisga'a hearings in British Columbia the Liberal MP for Haliburton—Victoria—Brock referred to the public consultations going on as the little song and dance.

Only the Nisga'a people have been able to have a say on it. Why does the government not just admit that it will not call a referendum on this deal because it knows it will lose?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, what the hon. member is talking about is not part of our ongoing process of government in this country. What is part of the ongoing process is the parliamentary system. The parliamentary system permits debate and consideration. We have had second reading consideration, committee hearings are going on, we are going to have a report stage and third reading. In each stage there is debate. More important, there will also be the opportunity to vote and take decisions for which we will enter a new course with the favourable support of the people of Canada.

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker it was his own Liberal member who criticized it.

The government knows that this deal would come to a crashing halt if the public had its say, just like Charlottetown.

The B.C. Liberal leader said ''This is an unacceptable sleight to British Columbia and to all Canadians''.

If this Nisga'a deal is so great, why does the government not just allow British Columbians to have their say?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I am surprised the hon. member has brought up Charlottetown. It gives me the chance to point out that if they had not opposed Charlottetown we might well have an elected Senate.

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, we would love a real elected Senate and not some sham that the government would talk about. It keeps living in the past with Charlottetown.

Today the government is going to get another earful from B.C. Liberal leader Gordon Campbell, this afternoon in Victoria, when he goes ahead and testifies—

Some hon. members: Oh, oh.

The Speaker: Order, please. The hon. member for Edmonton North.

Miss Deborah Grey: Mr. Speaker, the government is going to get an earful this afternoon from B.C. Liberal leader Gordon Campbell when he testifies before this little song and dance, as the Liberal MP calls it. He wants a B.C. wide referendum.

If it is good enough for that Liberal, why is it not good enough for these?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, my hon. friend is showing that the process works. The hearings enable somebody who is critical of the agreement to state his case in a public forum. The system is working.

Furthermore, I again say, is it not remarkable? First the united alternative is supported by the Reform Party and now it is coming out in support of B.C. provincial Liberals. Is that not remarkable?

* * *

ABORIGINAL AFFAIRS

Mr. John Cummins (Delta—South Richmond, Ref.): Mr. Speaker, yesterday's Marshall decision did not address the issue of access to resources other than eels. Yet, the Indian affairs minister continues to negotiate the transfer of any and all resources to natives under treaty.

Why is the government proceeding with the transfer of resources to natives when there is no requirement to proceed with this divisive policy?

Hon. Robert D. Nault (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, let me quote a few of the member's comments from yesterday. He talked in terms of a victory for the fishermen, non-aboriginal. He bragged that there is a limit on the treaty right. He tried to scare people with phrases like ''giving away the ranch''.

I want the House to know that this government and this member of parliament, this minister, are interested in negotiating treaty relationships in a modern context. That is our policy and that is what we will be doing.

● (1420)

Mr. John Cummins (Delta—South Richmond, Ref.): Mr. Speaker, giving away the ranch is exactly what the government is doing in the treaty process.

The Nisga'a treaty assigns access to natural resources on the basis of race. It pits one group of Canadians against another, native against non-native, even native against native. The Gitanyow and the Gitksan have said that they view the Nisga'a treaty as an act of aggression. Guns have been brandished, there have been threats of violence and warfare. Why is the government proceeding with a treaty process that pits one group of Canadians against another?

Hon. Robert D. Nault (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, that is absolute nonsense.

* * *

[*Translation*]

CSI S

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, yesterday the solicitor general told us that he considered the unfortunate mistakes made by CSIS to be a very serious matter.

The Prime Minister on the other hand, trivializes the matter and says he is happy to live in an open country, and that everything comes out in the long run, even state secrets.

How can the Solicitor General reconcile his statement with that of the Prime Minister?

[*English*]

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, as I indicated previously, when the director of CSIS informed me of this very serious matter he indicated to me that the inspector general was investigating the issue. He also informed me that CSIS was investigating the issue. I also was fully aware, because of the mandate, that SIRC had a mandate from the

House to evaluate the situation and had access to CSIS files. That is exactly what is taking place.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, that is very interesting, but not an answer to my question. What I was asking was why he considers this a serious problem while the Prime Minister does not.

We will try another question. We know that RCMP and CSIS documents contain highly privileged information, such as the names of informants, and disclosure of this information might have very serious consequences for these people. I imagine this is clear without my having to draw a picture.

What steps has the solicitor general taken to ensure that the people whose names are on these lists do not suffer harm? Someone may be out to get them, but that someone is not the RCMP.

[*English*]

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, I indicated to my hon. colleague previously that I am fully aware that this is a serious matter and the government is fully aware that this a serious matter. What took place was that the process was followed. That is what must happen.

CSIS is conducting an investigation. SIRC is conducting a review and the inspector general is conducting an investigation. That is what should happen.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, the incredible blunders of CSIS agents have discredited all Canada's secret services. Former CIA and FBI directors called this affair amazing and inexplicable.

Does the solicitor general not realize that the repeated blunders of the secret services have made them an international laughing stock, and show that he is not up to the responsibilities of his position?

[*English*]

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, I assure the hon. member that our allies around the world have a great respect for CSIS. They deal with CSIS on many issues. These things happen and what must happen is that the process must be followed. In fact, that is what was done here. The process was followed and all I ask of my hon. colleague is to let the process work.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, the affair of the diskette left in the telephone booth was investigated and it appears that disciplinary action was taken against the individual involved.

Can the solicitor general tell us whether any directives have been issued to prevent removal of such diskettes from offices in future and, more to the point, are these diskettes now protected so that it is no longer as easy to read them as it is now?

[*English*]

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, in reference to a case that took place in 1996, yes, it was reported by the director of CSIS to the solicitor general of the day. My hon. colleague is no doubt well aware that this issue was addressed by the SIRC report which I tabled in the House two weeks ago.

* * *

• (1425)

CHILD POVERTY

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, the finance minister tells us that he cares about child poverty, and I believe him.

Some hon. members: Oh, oh.

The Speaker: Order, please. The hon. leader of the New Democratic Party.

Ms. Alexa McDonough: Mr. Speaker, I believe the finance minister when he says that he cares about child poverty—

Some hon. members: Oh, oh.

The Speaker: Order, please. I think it is the compliments that are causing the disorder.

Ms. Alexa McDonough: Mr. Speaker, the problem is that the finance minister cares a whole lot more about other things. That is why he sets targets and timetables to achieve other goals and then resolves to meet them come hell or high water. But when it comes to child poverty, no targets, no timetables, no come hell or high water. My question is, why?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the leader of the NDP is absolutely right. The Minister of Finance does care greatly about children. Furthermore, every member of this government and every Liberal from coast to coast to coast cares deeply about children in this country.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, his backward rhetoric is not going to eradicate child poverty.

An hon. member: Allan Rock doesn't stand. Do you notice that?

Ms. Alexa McDonough: The latest reports show that the proportion of children living in families with less than $20,000 a year has doubled since 1989. The number of kids going to food banks has doubled.

Listen to what this finance minister once said: ''The lack of affordable housing accelerates the cycle of poverty, which is reprehensible in a society as rich as ours, and the government sits there and does nothing''.

Does the finance minister still believe in his own words?

The Speaker: Order, please. First, I would ask the hon. member to please not use that little prop. Second, the microphones are on and sometimes we inadvertently get caught.

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, I cannot but agree with the leader of the NDP when she quotes what is my own policy and when she quotes what is government policy. The only question is, why has it taken her so long to see the light?

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ABORIGINAL AFFAIRS

Mr. Mark Muise (West Nova, PC): Mr. Speaker, will the minister of Indian affairs tell the House whether he sought any legal advice pertaining to the Marshall decision before telling the Canadian public that the supreme court decision addressed native logging, mineral and offshore exploration rights?

Hon. Robert D. Nault (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I found it very interesting yesterday. The Minister of Justice and of course the minister of natural resources for New Brunswick agreed with our position that we have to negotiate with the aboriginal people of Atlantic Canada, and that is exactly what we are going to do.

Mr. Mark Muise (West Nova, PC): Mr. Speaker, on October 20 the minister of Indian affairs stated that the Marshall ruling included native logging, mineral and offshore exploration rights. Yesterday the supreme court decision clearly stated that this was not the case. Why did the minister artificially create a crisis in other natural resource sectors when he had no right to do so?

● (1430)

Hon. Robert D. Nault (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I can only repeat that natural resources are a very important component of economic development for aboriginal people, and in creating aboriginal economies.

I have every intention of making sure that aboriginal people are part of our economy.

* * *

NISGA'A TREATY

Mr. Derrek Konrad (Prince Albert, Ref.): Mr. Speaker, this week in B.C., the Indian affairs committee heard from Gitksan witnesses that the Nisga'a agreement allocates Gitksan land to the Nisga'a. The Nisga'a voted on it but the Gitksan did not, and they consider it an act of aggression.

Why is the Minister of Indian Affairs and North Development denying the Gitksan and all other British Columbians a vote on the Nisga'a treaty in a referendum? Why?

Hon. Robert D. Nault (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, we are presently in negotiations with the Gitksan.

Mr. Derrek Konrad (Prince Albert, Ref.): A vote would be a lot better than negotiations, Mr. Speaker.

The government has no intention of listening to Canadians affected by the Nisga'a treaty. In fact, Canadians were shut out of the committee hearings.

The Liberal member from Haliburton—Victoria—Brock laughingly called the committee hearings a song and dance show. Hearing that the Liberals feel the committee meetings are a joke, will the minister give the people of B.C. a real voice and grant them a referendum, yes or no?

Hon. Robert D. Nault (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I again really urge the Reform Party members to get a briefing on the Nisga'a agreement.

Paragraph 33 of the general provisions of the final agreement states:

> Nothing in this Agreement affects, recognizes, or provides any rights under section 35 of the Constitution Act, 1982 for any aboriginal people other than the Nisga'a nation

Therefore, we are not implementing a treaty that will affect the rights of other first nations.

* * *

[*Translation*]

AUDIOVISUAL PRODUCTIONS

Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ): Mr. Speaker, yesterday, an RCMP official said that the ongoing police investigation into the use of dummies in the audiovisual industry only targeted one production company.

However, we learned some time ago that this was also the practice in another company: World Affairs.

My question is for the Minister of Canadian Heritage. Should the minister not ask the RCMP to investigate World Affairs as well as CINAR?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, I did not put any pressure on the RCMP regarding the investigation. The RCMP is free to investigate any issue.

Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ): Mr. Speaker, let us be clear. Some very serious allegations have been made regarding the CINAR production company, and comments made by Mr. Shapiro, its executive producer, also incriminate World Affairs.

If, as she claims, the minister really wants to shed light on the use of public funds under her responsibility, how can she be content with having called for an investigation that only targets one of these two production companies?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, I did not refer to any specific company, the hon. member did.

* * *

[*English*]

SOLICITOR GENERAL OF CANADA

Mr. Jim Abbott (Kootenay—Columbia, Ref.): Mr. Speaker, the issue of information being out of control in the solicitor general's department is not new.

It goes back to Progressive Conservative Doug Lewis losing boxes of information from CSIS following the 1993 election. It also has to do with the minister's predecessor on the APEC affair talking too much, and then this minister ending up losing documents from the back seat of a car.

How can Canadians have any confidence in this minister or his ministry that their lives will be protected?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, police and security agencies take these issues very seriously and so do I.

When breaches of security occur, and unfortunately they do occur, there is a process in place to investigate them and all the necessary measures are taken to address the issues.

Mr. Jim Abbott (Kootenay—Columbia, Ref.): Mr. Speaker, I must say that one of the most chilling aspects of the story this morning about the loss of the disk is the fact that the person who found the disk had a sense of responsibility and did not sell the disk or turn the disk over to the people who were named in the disk. This sense of responsibility is his, which is more than I can say for the solicitor general.

How can Canadians have any sense of comfort or any sense that the minister has a feeling of responsibility for the lives of those who turn over their lives to CSIS, or to the RCMP in these confidences?

• (1435)

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, as I indicated previously, the director informed the solicitor general of this situation in 1996. I can assure my hon. colleague that the necessary procedure was followed.

In fact, as I indicated previously in the House, I just tabled the SIRC document that indicated that the matters were addressed.

* * *

[*Translation*]

CHILD POVERTY

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, next week, it will be with sadness that we celebrate the tenth anniversary of the motion adopted unanimously by the House of Commons to reduce child poverty in Canada.

How does the Minister of Finance explain his government's failing so lamentably to eliminate child poverty?

[*English*]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, there is no one in the House, and I do not think anyone in Canada, who does not appreciate that we have been through some very difficult times financially. We have our fiscal house in order. The finance minister has done an extraordinary job in bringing us all together.

Now that we have choices available to us again, these choices for this side of the House include children as our first priority.

[*Translation*]

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, it is unfortunate that the Minister of Finance did not answer my question.

Whatever the minister's figures say, they are eloquent. There were one million poor children in Canada when the Liberals came to office, and this figure has considerably grown since them.

How does the minister explain the increase in poverty among children in Canada?

[*English*]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, let me say again that on this side of the House the issue of children and child poverty is indeed a priority, and we are taking action in this very important area. Witness the Speech from the Throne. We are doubling parental leave. There will be a significant third investment in the national child benefit.

We will work with the provinces, including Quebec, to focus on the early child development years. We have a strategy in place and we will make change.

Oral Questions

TRANSITIONAL JOBS FUND

Mrs. Diane Ablonczy (Calgary—Nose Hill, Ref.): Mr. Speaker, there are disturbing discrepancies in the HRD minister's story about the TJF reserve.

She says that the half a million dollars that went to her riding from this TJF reserve helped create badly needed jobs in Brantford. But the Brant HRD regional office says that no applicants, hard-pressed or otherwise, ever came forward. So the money was never used to create jobs.

Who is telling the truth here, the minister or the HRD department?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, the hon. member will really have to get her facts straight.

My riding was designated as a transitional fund riding back in 1995 because the unemployment levels were very high. The average was 11.8% but spiked to over 14%. At that time there was money that was made available but the projects were not in place.

Subsequently, we have had very effective investment in my riding through the transitional jobs fund. We are now a successful community thanks to the partnership of the federal government with very focused community efforts.

Mrs. Diane Ablonczy (Calgary—Nose Hill, Ref.): Mr. Speaker, the minister keeps confusing the TJF and this minister's reserve. I wonder if that is deliberate?

Here is another credibility gap between the minister's story to the House and information from her department. Yesterday, she tried valiantly to justify her multimillion dollar slush fund of EI money by telling us that some went to the riding of the Reform member for West Vancouver—Sunshine Coast. But her department says that no such project was ever funded from this special ministers' so-called jobs creation reserve. Why the discrepancy?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, there is no discrepancy.

When my riding was identified as a TJF riding, there were moneys that could be used at that point in time that may have been coming from the ministerial reserve. That is not inappropriate. There is nothing wrong with that. The moneys were not used at that point in time. It was through actual transitional jobs fund moneys that had been allocated for those projects.

I want to remind the House that back in 1997 the Toronto *Star* ran an article that talked about my community as having the worst downtown in Canada. Just a couple of months ago, it ran a repeat article that talked about the success in my community.

• (1440)

[*Translation*]

SOCIAL HOUSING

Mr. Maurice Dumas (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, for the past six years, the federal government has invested nothing in the construction of social housing in Quebec, although the government of Quebec and social coalitions have been calling upon it to reinvest in this sector.

My question is for the Minister of Public Works. How can a government that claims it wants to fight poverty justify the fact that it is still refusing to invest any funds whatsoever into the construction of social housing?

Hon. Alfonso Gagliano (Minister of Public Works and Government Services, Lib.): Mr. Speaker, we continue to invest in affordable housing. First of all, I should like to remind the House that the government continues to invest just under $2 billion a year into social housing.

We also have a mortgage insurance program under which more than 475,000 houses are built and insured every year. We have invested $300 million in the RRAP program, from which Quebec benefits.

As well, since we have been in government, the—

The Speaker: The hon. member for Brampton Centre.

* * *

[*English*]

MUSEUM OF CIVILIZATION

Mr. Sarkis Assadourian (Brampton Centre, Lib.): Mr. Speaker, my question is for the Minister of Canadian Heritage.

After months of lobbying, thousands of letters of support and the signatures of over 2,500 petitioners in support of an exhibit in the Museum of Civilization to recognize all crimes against humanity committed in the 20th century, can the minister tell the House what action will be taken in reply to the tremendous support shown throughout the country for this concept?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, I would first like to thank the member for Brampton Centre who has done an incredible job getting together 22 organizations from across the country to work on this very important issue.

I hope that all members of the House will be here to speak in support of private member's bill, Bill C-224, which will be debated in the House on November 30.

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IMMIGRATION

Mr. Leon E. Benoit (Lakeland, Ref.): Mr. Speaker, the federal court has ruled that foreigners serving sentences in Canadian

prisons are entitled to the same rights as Canadians. This means that even if criminals are under orders to be deported they can apply for unescorted day parole.

There is only one way to prevent these criminals from being released. Immigration officials must convince the IRB that they are likely to disappear.

Will the immigration minister promise today that she will fight every single request for parole, or will she just let them all walk free?

Ms. Elinor Caplan (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I want to say to the member opposite and to everyone in the House that public safety is our number one concern. I have no sympathy whatsoever for foreign nationals who commit serious crimes in Canada. What this ruling means is that under the Immigration Act we will be able to and will argue for detention of anyone who poses a security threat to Canada or who we fear will flee if let free in our society.

Mr. Leon E. Benoit (Lakeland, Ref.): Mr. Speaker, the minister simply did not answer the question.

The situation in British Columbia with the Honduran drug dealers proves that this is a serious situation. These people file refugee claims and then start selling drugs days after arriving in the country. They are caught, charged, convicted and, eventually, deportation orders are issued. However, by that time the immigration minister has no idea where to find them.

When will the immigration minister ever learn? Why is the Liberal government letting convicted foreigners, who are criminals and who have been ordered deported, just walk free?

Ms. Elinor Caplan (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, the member is absolutely wrong. He is also confusing issues of law and order, which are policing, prosecution and the administration of justice, all of which are in areas of provincial jurisdiction, with our ability to deport and remove those who are inadmissible to Canada.

I would remind the hon. member that anyone who has committed a crime outside of Canada is not admissible to Canada. As I have said, I have no sympathy whatsoever for any foreign national who commits a crime in Canada and we will remove them as quickly as possible.

* * *

● (1445)

FARM IMPLEMENTS INDUSTRY

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, Versatile Tractor in Winnipeg is the last tractor manufacturer in Canada. Now that Ford New Holland and Case are merging, the U.S. authorities have ordered them to divest themselves of the tractor lines at Versatile, leaving virtually nothing at the Winnipeg plant. This will cost us 700 good jobs and it will drive a stake through the heart of the farm implements industry in Canada.

My question is for the Minister of Industry. What was the role of our federal government in the U.S. anti-trust hearings and the final deal? What steps did it take to represent our interests, to protect our jobs and to protect our important farm implements industry in Canada?

Mr. John Cannis (Parliamentary Secretary to Minister of Industry, Lib.): Mr. Speaker, in response to the hon. member, this is an issue which is very important to the government. It is front and centre to this industry. Certainly we are always staying on top of it.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, there is another issue. The federal government gave Versatile $45.5 million in R and D money to develop the very lines of tractors that we are now about to lose, such as the TV-140 bi-directional tractor, one of the best in the world.

As Manitobans scramble to find a new buyer for the Versatile plant, perhaps the minister responsible for western economic diversification can tell us if the federal government is prepared to offer similar grants and loans to new companies in order to attract industrial development that would compensate for the loss of the Versatile technology and for the loss of these 700 jobs in Winnipeg.

Hon. Ronald J. Duhamel (Secretary of State (Western Economic Diversification)(Francophonie), Lib.): Mr. Speaker, the federal government has not accepted that this is a fait accompli.

We continue to work with the companies to try to retain the jobs and to see if we can expand the plant. With respect to additional investments, we will look at those when they are presented to us. To date none of this has occurred.

* * *

CSIS

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, while the director of CSIS continues to give the solicitor general and parliament the gold finger, it has come to light that this is not the first reckless handling of confidential information by CSIS. More shortcomings of CSIS senior managers are being exposed with each passing day.

In 1996 a CSIS diskette was left in a Toronto phone booth. It included sensitive documents including names of targets. Further evidence that CSIS is in crisis is the cancellation of the sidewinder investigation. Stay tuned.

The solicitor general states repeatedly that this is a serious matter, but then he shrugs and says that these things happen. When will the solicitor general show some leadership and suspend the director?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, as I indicated previously the director informed me immediately. The issue which my hon. colleague brings up took place in 1996. It was reported to the solicitor general of the day and proper process was followed.

As I indicated previously SIRC issued a report. I received it. It was tabled in the House. It indicated also that proper procedural measures were taken.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, it took three years for the solicitor general to table that document. That is hardly a smooth, well working process.

CSIS is investigating itself. A newly appointed inspector general will report to him. The director who initially failed to notify the appropriate watchdog, SIRC, and covered the tracks of the agent will be trusted to provide co-operation throughout the investigation.

Does the solicitor general really believe that this in-house exercise of spy versus spy should give Canadians confidence and will truly expose the failings of his department?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, I am not sure what my hon. colleague does not understand. The director informed me. There is a process to follow. He indicated that the inspector general was conducting an investigation. He indicated that CSIS was conducting an investigation.

We all know in the House that SIRC has a mandate to review all the files of CSIS. Why does my hon. colleague not want to let the process work?

* * *

[*Translation*]

PAY EQUITY

Mr. Mark Assad (Gatineau, Lib.): Mr. Speaker, my question is for the President of the Treasury Board.

Two weeks ago, an agreement was reached between the Treasury Board and federal public servants on the pay equity issue. Since then, I have received several calls from those affected by the agreement. They want to know what happens next.

Can the minister tell the House what the next steps will be and when these people can expect to receive their first cheque?

● (1450)

Hon. Lucienne Robillard (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, I am pleased to inform members of the House that the Canadian Human Rights Tribunal has endorsed the agreement we reached with the Public Service Alliance of Canada regarding implementation of the pay equity ruling.

We are therefore prepared to move on to the next step, which is to calculate exactly what is owed each public servant. Our present employees can expect to receive their cheques in four to six months. The amounts will be calculated automatically and paid out by the departments they are currently working for. We have also set up toll-free telephone lines for our former employees.

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[*English*]

NATIONAL DEFENCE

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, in a recently released report the Conference of Defence Associations, an association of military experts, stated ''The Canadian forces is on the verge of collapse''.

This crisis was due only to the slash and burn policies of the Liberal government. Yet, in light of this damning evidence the minister refuses to restore military spending.

How can the minister ignore all this evidence and yet continue to starve out our military?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the Canadian forces are not on the verge of collapse. It is true that financially we are stressed but by the same token let us not exaggerate. That certainly is an exaggeration.

The government has invested money in new equipment. It has either bought new equipment or is modernizing and upgrading all the major equipment our forces use. We have invested money in salary increases and the quality of life of our personnel because it puts them first and foremost, and we will continue to do that.

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[*Translation*]

INFRASTRUCTURE PROGRAM

Mr. Odina Desrochers (Lotbinière, BQ): Mr. Speaker, in Quebec, there is a strong desire to undertake an infrastructure program as soon as possible. Everyone is calling for the negotiations on a new infrastructure program to begin.

My question is for the President of the Treasury Board. Will she get on with the business of meeting these requests immediately and not wait until the year 2001?

Hon. Lucienne Robillard (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, I suggest the hon. member go back and read the Speech from the Throne, which clearly states that we will have an infrastructure

program and that we will take the time to negotiate it with our partners.

Our target date is December 2000. We will negotiate in a serene context and we will do so first and foremost to meet the public's needs.

* * *

[*English*]

HEALTH

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, the Minister of Health has now had an opportunity to study Ralph Klein's medicare destroying missile.

Yesterday we heard warm and fuzzies. Today Canadians want action. Yesterday we informed the government that it could immediately invoke section 6 of the social union, which says that dispute avoidance and resolutions will apply to interpretations of Canada Health Act principles.

Surely that is what we are talking about today. Will the health minister take that step today?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, we all know there are problems and issues that Canada's health care system faces.

We have been working away the last six years to strengthen it, and we will continue to do that. The status quo is not acceptable. We have to make changes to improve health care in Canada, but the starting point has to be the principles of the Canada Health Act. That is why we do not share the approach taken by the Reform.

• (1455)

However, if the New Democratic Party wants to work with us in that regard, to join us in embracing the principles of the Canada Health Act and in urging all the provinces, not just Alberta but all provincial governments, to act on the principles of the Canada Health Act and strengthen public health care, it can.

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FISHERIES

Mr. Charlie Power (St. John's West, PC): Mr. Speaker, the supreme court has clarified the Marshall ruling and told the minister of fisheries for the second time that he can both make and enforce regulations.

Will the minister tell all fishers, both native and non-native, that they must obey current regulations until such time as they are changed? Further, will he instruct his fisheries officers to enforce the Fisheries Act so there is one set of rules for all fishers?

Hon. Harbance Singh Dhaliwal (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I thank the hon. member. If the hon. member were following this matter he would know I have said from day one that we would have a regulated fishery, which is exactly what we have had, and that we would enforce the regulated fishery.

The only position the Progressive Conservative Party has is that it would use the notwithstanding clause. What is its position? It has not narrowed it down. We would like to hear what is its position?

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EAST TIMOR

Mr. Pat O'Brien (London—Fanshawe, Lib.): Mr. Speaker, my question is for the Secretary of State for Asia-Pacific who was in East Timor for the referendum vote.

What specific steps is Canada taking to help ensure a successful transition to independence by the courageous people of East Timor?

Hon. Raymond Chan (Secretary of State (Asia-Pacific), Lib.): Mr. Speaker, Canada has been one of the most active countries in helping East Timor. Currently we have about 600 troops in East Timor to bring stability to the region. We have provided significant humanitarian assistance.

We have also been very active in creating the UN transitional administration for East Timor. This will provide security and at the same time administration of justice and will assist in establishing social and civil help in the region.

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NATIONAL DEFENCE

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, the defence minister knows that the Reform Party is on record as supporting a $2 billion increase in the defence budget.

In fact the chairman of the defence committee, a Liberal member, is also on record as supporting a $2 billion increase in the defence budget. Yet the minister still drags his heels and feet along the ground.

What is the defence minister waiting for? Will he restore funding? Yes or no.

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, I indicated the Canadian forces are financially stressed. I am seeking additional resources so that we can do what the Speech from the Throne said, and that is to make sure it has the capacity to be able to do its job.

One thing I do not understand is that in the last election campaign Reformers said they would put a freeze on all spending, including defence spending, for three years and dedicate all surpluses to tax and debt relief. Are they breaking their promise? Are they now changing their position? Who can believe them?

[*Translation*]

SOCIAL INSURANCE NUMBER

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, despite the crisis uncovered by the auditor general regarding the management of social insurance numbers, the government has decided to reject the unanimous report of the Standing Committee on Human Resources Development.

Has the Minister of Human Resources Development decided to ignore the auditor general's advice and let the mess in the management of SIN numbers and the resulting uncontrolled fraud go on indefinitely?

[*English*]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, I am aware that officials from the department were at the standing committee this morning. They reviewed the response to the standing committee's report on social insurance numbers.

I believe many aspects of the report given to us by the standing committee were included and are being addressed. I also acknowledge that we will continue to work with the standing committee to ensure the privacy of Canadians in the use of social insurance numbers.

* * *

RIGHTS OF CHILDREN

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, yet another report gives evidence that the government has failed Canada's children. Whether it is poverty, health or education, the Liberals get a failing grade.

Now we have to ask where the children with disabilities rate. They are at the bottom because Canada has failed in its obligation to the UN Convention on the Rights of the Child.

My question is for the Minister of Human Resources Development. Why has the government not insisted that children with disabilities receive the services, support and rights to which they are entitled? Why has the government not done that job?

● (1500)

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, the report that was issued today recognizes Canada and the work that we have done in support of the UN declaration in support of children. In fact, we are doing very well.

The report does indicate that there are certain areas where we can improve, particularly in supporting vulnerable children, including those with disabilities. I am glad to report that at a recent meeting with social services ministers, the issues facing Canadians with disabilities were a priority on our agenda. I am expecting that together we will be able to improve our record in a continued way.

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ABORIGINAL AFFAIRS

Mr. John Herron (Fundy—Royal, PC): Mr. Speaker, the Indian affairs minister was quoted today in the Halifax *Herald*. It was reported that he denied ever saying that the Marshall ruling applied to gas deposits or logging. Meanwhile, we do know that in this House he stated in the emergency debate on October 13 ''the impact of the Marshall case likely will not be confined to fish and it likely will not be confined to Atlantic Canada''.

My question is quite simple. Will the minister guarantee to the House that before he makes any more reckless, provocative comments with respect to the Marshall decision he will think before he speaks?

Some hon. members: Oh, oh.

The Speaker: On that happy note, this will conclude our question period for today.

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BUSINESS OF THE HOUSE

Mr. Grant McNally (Dewdney—Alouette, Ref.): Madam Speaker, it being Thursday, that favourite time of the week for all of us, I was wondering if the government House leader could inform the House of the business for the remainder of this week and for next week, and where he got his tie, because it is a nice tie.

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Madam Speaker, fashion criticism is always appreciated, particularly if it is positive. Meanwhile, I would like to inform the House of the following business.

[*Translation*]

Today, we will complete the debate on second reading of Bill C-3, the youth justice bill.

On Friday, we will deal with report stage and third reading of Bill C-4, the space station legislation, as agreed earlier today with the other House leaders. Then, we will deal with second reading of Bill C-10, the municipal grants bill. I hope we will be able to complete the consideration of both these bills tomorrow.

Next Monday shall be an allotted day. On Tuesday, we will consider second reading of Bill C-13, the health research institutes bill.

[*English*]

Next Wednesday, I expect to call the report stage of Bill C-8, the marine parks bill.

GOVERNMENT ORDERS

● (1505)

[*English*]

YOUTH CRIMINAL JUSTICE ACT

The House resumed consideration of the motion that Bill C-3, an act in respect of criminal justice for young persons and to amend and repeal other acts, be read the second time and referred to a committee, and of the amendment.

Hon. Ethel Blondin-Andrew (Secretary of State (Children and Youth), Lib.): Madam Speaker, as the Secretary of State for Children and Youth, I am very pleased to participate in the debate and to express my support for Bill C-3, the proposed youth criminal justice act.

This is very important legislation introduced by my colleague, the Minister of Justice. It is intended to replace the existing Young Offenders Act. Bill C-3 represents a fundamental rethinking and reform of the criminal justice system as it applies to young people.

For the first time there will be a clear statement of purpose and a set of principles in this legislation to guide the treatment of young offenders in all aspects of the criminal justice system. After extensive public consultation, the government has ensured that these principles and the act as a whole are consistent with the values of Canadians and with the best interests of young people. They will act as a clear guide to judges and police in dealing with young offenders. For example, the preamble reinforces values Canadians want to see in the youth justice system: accountability, respect, responsibility and fairness.

The proposed act clearly states that the protection of society is the primary objective of the youth justice system and that this goal is best achieved through prevention, meaningful consequences for youth crime and rehabilitation.

The proposed act contains a statement of principles that clearly provides that young people must be accountable for their actions and that consequences should reinforce respect for social values, encourage reparation to victims and the community and be responsive to the circumstances of individual offenders.

The government has carefully listened to the concerns of Canadians in all parts of the country about youth crime and how our justice system responds to it. We know that Canadians expect government to reinforce values of individual responsibility and accountability. We know that families and communities must be relied upon and supported in the raising of responsible healthy youth. We recognize that Canadians expect youth sanctions to be proportionate to the offence. At the same time sanctions must take account of age and other individual factors as well as the impact on victims and the need, the desirability for rehabilitation and reintegration of young offenders back into the community.

We must keep in mind as we debate this bill that young people are not the enemy. They are just as often victims of crime by youth and by adults. As every parent knows, raising healthy, happy, responsible children is a wonderful yet complex challenge. It requires care, sensitivity, common sense and a clear sense of values and priorities. Similarly the task of addressing the problem of youth crime requires a clear sense of purpose and values and the capacity to respond to the individual situations of each youth and his place in the community.

The criminal justice system must be able to respond to various contributing factors to youth crime. Simplistic lock them up and throw away the key responses are not effective. In fact they have been demonstrated to be more likely to contribute to repeat offenders than to reduce that problem.

I would know that. In the early nineties our territory in Western Arctic and the riding of Kenora—Rainy River of the Minister of Indian Affairs and Northern Development were deemed to be the two highest areas for recidivism, for repeaters of crimes.

The bill, while dealing firmly with violent youth crime, will just as importantly support the rehabilitation of youth in trouble with the law, the vast majority of whom are not involved in crimes of violence.

We really must examine the bill in the context of the reality of youth crime as it exists in Canada. I draw attention to the recent statistics demonstrating that youth crime overall has been in decline in Canada.

Between 1991 and 1997 the charge rate for young people saw a 23% decrease. It is a small number of youth, comparatively speaking, who are involved in serious or violent criminal acts. The majority of charges against youth are for non-violent property crimes. In 1997 for example, 82% of charges laid against youth were for non-violent crimes such as theft, drug possession and contempt of court orders.

● (1510)

I say this not to minimize the seriousness of these offences, but rather to point out that we know the majority of young people who come into conflict with the law do so temporarily. With the guidance of society they are redeemable. They are capable of changing their lives and becoming productive, responsible members of society.

We also know that 18% of charges laid in 1997 were for violent crimes, representing a 2% drop from the previous year. But we are not complacent about this encouraging statistic.

In the case of violent crimes, this bill will ensure accountability and appropriate penalties and treatment for young offenders. For example, the bill will create an intensive custody sentence for the most high risk youth who are repeat violent offenders or who have committed murder, attempted murder, manslaughter or aggravated sexual assault. These sentences are intended for those with serious psychological, mental or emotional illness or disturbances. The sentence would require a plan for intensive treatment and supervision of these youths and would require a court to make all decisions to release them under controlled reintegration programs. Federal funding will be made available to support the provinces in establishing and operating this new sentence.

Bill C-3 will permit victim impact statements to be introduced in youth court. It will extend the group of offenders who are presumed liable for receiving an adult sentence to include 14 and 15 year olds. It will also allow an adult sentence for any youth 14 years or older who is convicted of an offence punishable by more than two years in jail if the prosecution applies and the court finds it appropriate in the circumstances.

With respect to custodial and reintegration measures, the bill will generally require that youth be held separately from adults to reduce their exposure to adult criminals.

Bill C-3 would permit publication of the names of all youths who receive an adult sentence. In addition, the names of 14 to 17 year olds given a youth sentence for murder, attempted murder, manslaughter, aggravated assault, sexual assault or repeat violent offences may be published. Publication will be allowed if a youth is at large and is considered by a judge to be dangerous.

While the bill will deal firmly with crimes of youth violence, it will also ensure that the criminal justice system has the flexibility to deal with the many other cases involving non-violent offences. In these cases, alternatives to custody are often the best means of promoting rehabilitation and reintegration with the support and assistance of the family and community. We know that young offenders are much more likely than adult offenders to be rehabilitated and to become law-abiding citizens.

For the past five years there have been approximately 3,500 to 4,000 youth in custody on any given day. In 1997 only 25% of young offenders in Canada were dealt with through processes outside the formal justice system. By comparison, the rate was 53% in the United States, 57% in Great Britain and 61% in New Zealand. Our system has relied too heavily on custody as a response to the vast majority of non-violent youth offences and we have reaped the negative reward of repeat offenders.

I quote the 13th report of the Standing Committee on Justice and Legal Affairs entitled ''Renewing Youth Justice'':

> Of the young offenders convicted in youth court in Canada in 1993-94, 40% were repeat offenders and 25% were persistent offenders with three or more prior convictions. Moreover a significant proportion of adults serving sentences in provincial jails and federal penitentiaries ''graduate'' from the youth justice system. These data buttress the findings from empirical research, which have shown consistently that harsh penalties do not change the incidence of crime post-release.

● (1515)

[*Translation*]

Mr. Maurice Dumas (Argenteuil—Papineau—Mirabel, BQ): Madam Speaker, as a member of parliament, I find it appalling that I have to rise to defend the Young Offenders Act, effective legislation the government wants to get rid of. Bill C-3 is as useless as it is dangerous. As usual, the government is taking the easy way out to change legislation that is quite successful.

The Young Offenders Act led to a substantial drop in youth crime. Strangely enough, the justice minister gave us very convincing numbers in this regard when she introduced her new bill in May 1998. According to her, youth crime has decreased by 23% since 1991. She also talked about a decrease in violent crimes since 1995.

The Young Offenders Act must be judged by its results and not on the basis of a misconception.

It would be irresponsible to reform youth justice without taking into account all the relevant aspects of this issue. Since it protects certain basic concepts, such as life and physical integrity, the Young Offenders Act plays a key role in consolidating public confidence in our institutions.

Therefore, parliamentarians have the responsibility to respond quickly to concerns expressed by the public by making appropriate legislative amendments if necessary. However, they must first and foremost see to it that the public has the information it needs to have a good grasp of problems as complex as youth crime.

However, the federal justice minister has failed in her duty to provide that information. By campaigning for a stricter law, the minister is wrongly suggesting that the present system is flawed and is using that as an excuse to hide her own lack of leadership. In fact, Bill C-3 shows that it is easier for the Liberal government to sacrifice good legislation than to promote the effective approach it favours.

To properly understand the reason behind the current amendments to the Young Offenders Act, we must go back to the 35th Parliament to look at the first Liberal attempts at turning the Young Offenders Act into a scapegoat.

On April 28, 1994, the current Minister of Health and former Minister of Justice stated in the House that the move to the right responded to election commitments. I scarcely need to point out that these commitments were certainly not aimed at Quebec voters.

In fact, it is hardly a well-kept secret that the Liberal Party's intention was to win over the clientele of the Reform in the west.

By passing Bill C-37 at that time, the Liberal government was introducing into the Young Offenders Act a whole series of automatic provisions which would greatly affect the fragile equilibrium of the youth justice system. By allowing 16 and 17 year olds to be automatically referred to the adult court system, this government watered down once again the specific nature of the youth justice system. At the rate things are going, soon the only connection it will have with youth will be in its title.

Continuing in the same vein, in May, 1998, the Minister of Justice introduced her youth justice renewal strategy. In particular, she announced her intention to extend the referrals to 14 and 15 year olds.

All parties involved in Quebec viewed this with alarm. Some asked ''Where exactly does the government get the information that stiffer sentences were going to have any impact whatsoever on the crime rate?''

• (1520)

The Quebec stakeholders were bang on. Not only was the reform not necessary, but the solutions being put forward by the minister are misguided and risky.

On March 19, some fifteen organizations from Quebec publicly reaffirmed their opposition to Bill C-68. The Association des centres jeunesse du Québec, the Commission des droits de la personne et des droits de la jeunesse, the Conseil permanent de la jeunesse and the Association des chefs de police et de pompiers du Quebec, to name just a few, held a press conference at which they reaffirmed Quebec's consensus and flatly opposed the Minister of Justice.

The message was a very straightforward one. They told the minister they wanted nothing to do with her bill. They rebutted the minister's claims that her flexible system will allow Quebec to enforce the legislation as it sees fit.

Criminologist Jean Trépanier, a recognized youth crime expert in Quebec, was scathing, when it came to the minister's much-touted flexibility. At the press conference, he said ''The so-called flexibility seems to be a political trick. Quebec's judges cannot ignore sentences handed down in other courts''.

Cécile Toutant, another very respected voice from Quebec, also took aim at certain of the bill's measures. This criminologist, who is responsible for the youth program at the Pinel institute, condemned the new measures allowing for the automatic imposition of adult sentences on 14 and 15 year olds. According to Ms. Toutant, the time served in jail has nothing to do with the protection of the public.

A very large coalition in Quebec is opposing Bill C-3. The youth justice coalition now includes about 20 organizations that work with young offenders.

Those who will have to live on a day to day basis with the new legislation do not care about the concerns of this election-minded Liberal government. They are the ones who will have to implement the new act. The spokesperson for Quebec's youth centres association was very clear when he said that if the bill is passed, we will have a real mess.

Quebecers do not want that mess. Therefore, we will strongly oppose Bill C-3, which is a prime example of lack of political courage.

[*English*]

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Madam Speaker, it is a pleasure today to speak to Bill C-3. For years the Reform Party has tried to implement and give the government constructive suggestions to improve our youth justice system.

Today I am going to focus, in part, on the issue of prevention. The most important thing the government can do in dealing with youth crime is to prevent it. It need not look any further than the work that has been done in Canada and in other countries for ways to prevent crime.

Let us look at the antecedents of crime. Children who are incarcerated frequently have a common denominator. Many of these children have endured lives of trauma. They have been subjected to drug abuse, violence, improper nutrition, or a combination of the above. Many have been subjected to drugs and alcohol in utero, which have produced an epidemic of fetal alcohol syndrome and fetal alcohol effects, not only in the general population, but also in the sub-population of those children who are incarcerated.

While this does not exonerate them from the crimes they have committed, it gives us an understanding and an insight into why these children have committed offences.

Recent neurological and neuroscience experimentation, particularly using the positron emission tomography unit, shows very clearly that the most important development of the brain takes place in the first six to eight years of life. During that period of time the neurons in children's brains develop the important connections which enable them to understand and process information properly, to empathize, to have sympathy and to develop appropriate interpersonal relationships with others. If in that developmental stage children have an opportunity to develop without trauma and abuse, in a proper environment, in a loving, secure environment, with adult care, we would have children who have the best opportunity of developing interpersonal skills which will enable them to become integrated members of society as adults. If damage occurs during the development of the brain there is the risk of numerous psychological problems.

● (1525)

I have worked in jails both as a correctional officer and as a physician. I was struck by the number of children who have been subjected to lives which we would not want to wish on anybody. We know that subjecting children to those kinds of traumas during their developmental stage will likely result in future problems and we need to prevent that.

A head start program or an early intervention program works very well. If we look at the program in Moncton, in which the Minister of Labour and her husband were leaders, the program in Michigan, the Perry preschool program, and the program in Hawaii, the healthy start program, we see some dramatic results. The Hawaii program is an early intervention program which makes sure that children have their basic needs met and it strengthens the parent-child bond. They saw a 99% drop in child abuse rates.

If we look at the programs in Moncton and Michigan, which have been in existence for over 25 years, we see that there was a 60% drop in youth crime, a 40% reduction in teen pregnancies, less dependence on welfare and fewer kids dropped out of school. As an aside, in my province of British Columbia this is a serious problem, with 30% of students dropping out before their time.

The bottom line is that an early intervention program uses existing resources to strengthen the parent-child bond, teaches parents to be good parents and ensures that children have their basic needs met. A loving, secure environment, proper nutrition, freedom from trauma, abuse and violence will give us the best chance of having children who will become integrated members of society and who will not run afoul of the law. Ultimately there was a $6 to $7 saving for every dollar that was put into these program.

I hope that the Minister of Justice, whom I know has been a very big supporter of this, the Minister of Human Resources Development and the Minister of Health will work with their counterparts and use the motion that was passed by Reform in May 1998 calling for a national head start program, which would ensure that all children across Canada have, if they so choose, access to the program.

The program would not only be for so-called traditional high risk families. It would not only be for the poor and the impoverished, because there are huge numbers of children in some of the most affluent environments of our country who are treated as little more than pieces of furniture. While those children may have a Mercedes Benz in the driveway, it does little to help them have the loving, caring, secure environment with proper parenting and good adult supervision that they require to develop that neurological and psychological base which will enable them to be productive, integrated adults of society.

I ask the ministers to work with every member of the House to make sure this becomes a reality. If they do not act, if they fail to deal with this now, they are planting the seeds for future problems. The solutions are out there. Canadians have been leaders in head start programs. We have been leaders in prevention. Now all that is required is for the government to take the bull by the horns and deal with the problem in a productive, cost effective way.

I would like to talk about the issue of dividing the Young Offenders Act. Reform for a long time has been calling for ways to deal with the Young Offenders Act in a much more expeditious way. We divide up two populations of people. One group consists of habitual violent offenders, whom we believe should be incarcerated so they will not harm individuals in the public domain. The other people we should look at are first-time non-violent offenders. We should try to find alternative ways, such as restorative justice, to give these people the best chance to leave the cycle of crime, punishment and recidivism that is far too prevalent in the young offender, and indeed the adult system that we have today. My colleague from Surrey, British Columbia, has been a leader in that.

● (1530)

How people are defended in our legal system is another issue that is very important to the people in my province. Our system right now is very costly. I personally propose that a public defender system be looked into. It would get rid of the expensive nonsense that is taking place in our courts today where lawyers use and manipulate the system to ensure that cases are dragged on far too long, sometimes to the detriment of their clients. There are better ways of doing this. We need to look at a public defender system that ensures the accused has a safe trial and is represented properly, but that there are savings to the taxpayers. We need to have a more efficient system that will not clog up the judicial system as it does today.

Our courts across the country are clogged. They are clogged in part by the bureaucratic and legal entanglement that we have allowed to creep into the system. A public defender system is not the magic bullet that will cure this but it would go a long way in streamlining the system so that we have a fair judicial system.

It is interesting to to look at the American experience. When it compared a public defender system to one where individuals had the right to access government-paid individual lawyers, it found that the public defender system provided just as good a defence for the individual. There was no difference in sentencing, and there were huge savings to the taxpayers. The public defender system is something the Minister of Justice could look at and implement if she so chose to.

The corrections side is another issue that is very important to the people in my province. Because of a lack of resources in my province, it is eliminating psychologists, psychiatrists, counsellors and anger management counsellors who are necessary to ensure

that the people in jail have the treatment they require so they do not commit other crimes and be convicted in the future. The province is now firing all those people and letting the correctional officers have a one-week training course so they can become counsellors.

The correctional officers do a fantastic job of being correctional officers but they are not counsellors. As a result of this short-minded, myopic plan that the government has, the bedrock of our rehabilitation is being removed. We will sow the seeds of future problems if we do not address this problem right now.

[*Translation*]

Mrs. Monique Guay (Laurentides, BQ): Madam Speaker, our young people are our future. We rely on them to built a better future for our society.

With Bill C-3, the federal government wants to reform the youth criminal justice system and turn it into a system based on repression and not what it should be based on, reintegration.

Of course, the Bloc Quebecois is very concerned about the issue of youth violence. I have two teenagers who are still going to school, and I sometimes worry about the violence in the schools and in our society. This is why me must educate our youth.

As adults and parents, we have a duty to make our children aware of all the violence surrounding us. Towards this end, our society has developed very effective tools to try to eradicate adult violence as well as youth violence. All my colleagues would agree, I am sure, that Quebec is considered a real model in the fight against youth crime.

Quebec has the lowest youth crime rate in all of Canada. Why? Because Quebec authorities have been able to implement the Young Offenders Act effectively in keeping with the new social realities in Quebec.

● (1535)

The Quebec government made a very positive commitment to invest in crime prevention and social rehabilitation, instead of building prisons as the right wing in western Canada would have it.

The Young Offenders Act is very good legislation that has had very positive effects in Quebec. It should be left intact, at least in Quebec. If the rest of Canada wants Bill C-3, good for them, but everyone in Quebec is against changing and replacing the Young Offenders Act.

Bill C-3, just like its predecessor, Bill C-68, is being challenged and rejected by the majority of those in Quebec who work directly to fight youth crime: criminologists, social workers, police officers and lawyers.

Even the Coalition pour la justice des mineurs, which is made up of organizations as credible as the Conseil permanent de la jeunesse, the Fondation québécoise pour les jeunes contrevenants, the Association des chefs de police et pompiers du Québec, the Conférence des régies régionales de la santé et des services sociaux, the Commission des droits de la personne et des droits de la jeunesse, the Société de criminologie du Québec, and many more, is opposed to this bill.

Opposition to Bill C-3 is not only coming from Quebec. In the rest of Canada, more and more people are speaking out against this bill, including the Canadian Criminal Justice Association and the Child Welfare League of Canada, just to name those two. We can even say without hesitating that the former justice minister of this government is also against this reform of the Young Offenders Act, since he said during question period on April 28, 1994, and I quote:

> We do not think for a moment that violent crime is going to be resolved in this society by tinkering with statutes or changing acts. The fact of the matter is that the criminal justice system itself is not going to end violent crime. It only deals with the consequence of underlying social problems. It is crime prevention that must have at least the equal focus of the House of Commons.

Since all the partners in the youth justice system in Quebec and Canada have opposed this reform, how can the Minister of Justice explain and justify it? The explanation is quite simple. Believe it or not, it is electioneering.

The sole objective of the Minister of Justice is to woo the electorate in Western Canada away from the Reform Party. That is the real reason behind Bill C-3. The reform she advocates cannot be explained any other way. Government statistics speak for themselves.

Let me quote a few. Youth crime is declining in Canada. Between 1991 and 1997, it dropped by 23%. Since 1995, the number of young people charged with violent crimes has gone down by 3.2%.

In 1997, the rate of police reported crime for all age groups decreased for the sixth year in a row, falling 5%. As a result, the rate was the lowest it has ever been since 1980.

The number of young people charged with Criminal Code offences has gone down 7%, continuing the general downward trend seen since 1991. The number of young people charged with violent crimes has decreased by 2% for the second consecutive year. I should also emphasize that a majority, or 53%, of the crimes young people are charged with are property crimes, while 20% are violent crimes. And the list goes on.

The minister is bragging that Bill C-3 is a model of flexibility, and that the provinces will be able to keep their own preferred

youth justice system. That is completely false. There is no flexibility whatsoever in this bill.

The Coalition pour la justice des mineurs represents 18 organizations. It studied Bill C-3 and made a stunning finding, and I quote:

> Thus the alleged flexibility given the provinces in applying the law is nothing more in fact than a series of limited powers resting on the shoulders of the crown prosecutors. Nowhere in the bill do we find confirmation of the right of the provinces to apply their own model.

At a press conference held by this group of organizations with an interest in the situation of young offenders, lawyer Jean Trépanier, a criminologist and member of the Quebec bar association's sub-committee on young offenders, was very clear in his criticism of the flexibility of Bill C-3.

● (1540)

According to him, the so-called flexibility touted before the bill was tabled seems to have been a political ploy. Judges in Quebec will not be able to disregard sentences handed down elsewhere.

The people I have just quoted are not members of the Bloc Quebecois. They are not involved in politics. They are experts and they are unanimous: Bill C-3 must disappear. That is the bottom line.

Another aberration in this reform of the youth criminal justice system is that the age threshold for the imposition of an adult sentence is 14 years. The question that arises is the following: What study or statistic is the Minister of Justice drawing on when she includes such a provision in her bill? I put the question. Naturally, I will be given no answer, because no statistic or study has shown that imprisonment has a real impact on crime rates.

If the Minister of Justice had done thorough and documented work, she would have seen in a number of studies that violent delinquents can be rehabilitated. If she thinks that leaving 14- or 15-year old adolescents to waste away in a cell will help young people return to society normally, she better think again.

Such practice is ineffective. Imprisoning a 14- or 15-year old means opening wide the doors of the school of crime, which is what prisons are.

Quebec has proven that rehabilitation is the key to success for young offenders. Why would the Minister of Justice not even consider Quebec's youth criminal justice model then?

With Bill C-3, the minister is destroying 16 years of very positive practice in the area of youth criminal justice. What for? Only to pick up a few votes in Western Canada. This is incredible and unacceptable.

Another totally pointless provision of Bill C-3 is the one allowing the names of young offenders to be published. Why not write ''wanted'' under the picture of those kids while at it?

I would recommend that the minister consult her colleague, the Minister of Health and former Minister of Justice, on that subject. On June 20, 1994, during question period, he stated and I quote:

> The provisions to which the hon. member refers are intended to ensure that when young people make a mistake of that character, yes they are punished and yes they have learned a lesson, but they are not through the publication of their names in the media stigmatized for life, prevented from completing their education or from gaining employment. Surely that is in the public interest in this country.

The minister should make the same statement in this House.

I will conclude by saying that there is no doubt that the federal government should withdraw immediately from the administration of criminal justice and leave it to the provinces. Thus, justice would truly serve the people, and not a government which wants to buy votes at the expense of public safety in Quebec and Canada.

[*English*]

Mr. Monte Solberg (Medicine Hat, Ref.): Madam Speaker, it is a pleasure to rise today and speak to Bill C-3, an act to amend the old Young Offenders Act.

I want to begin by asking members to consider the concept of justice. When we talk about the youth criminal justice act, which is essentially the Young Offenders Act, it is really important that we take the time to examine some of the terms that we throw around fairly loosely and really see what is inside them.

The first term I want to start with is the whole idea of justice. What does justice mean? Everything I have ever read and my common sense tells me that there are a couple of things inherent in the idea of justice. The first one is that there should be punishment. The second one is that it should be proportional to the crime that was committed.

Both in this legislation and in the old Young Offenders Act, I find that these two components of the concept of justice are sometimes missing. We do not see punishment sometimes, certainly not proportional, to the crime that has been committed. Let me explain what I mean by that.

● (1545)

Under the Young Offenders Act and under Bill C-3, the new youth justice act, we see maximum sentences for crimes that in some cases may seem okay, such as 10 years for murder, but very often we do not see sentences that are meted out that really do fit the crime. When a young person takes another person's life, steals the rest of that person's life, the 50 or 75 years ahead, it seems inappropriate to me that sometimes we hand out sentences of three years or five years, but so often that is the case.

It is no wonder the justice minister is saying that the Young Offenders Act is easily the most offensive piece of legislation in the eyes of the public today. It was the justice minister who said that. I am not saying something that is simply my opinion or the opinion of members of my party. We have heard it from the lips of the Minister of Justice. It really is reflected in the public today, the idea that too often we see sentences handed down that really are not justice in the minds of the public because they do not punish people for crimes they have committed and there is no proportionality.

There is no recompense in the form of some kind of appropriate punishment for the years that are stolen from people in the event of a murder. Sadly, that leaves the families left behind bitter. They feel victimized again when these sentences are handed down. That would be the first criticism I have of this legislation. It does not deal with that old concept of justice.

I do not think anybody believes we should be overly harsh. I do not think anybody believes that we should throw the book at a 13 year old because he was shoplifting. That is ridiculous. We do not want to do that. We think that the idea of alternative measures is good. In fact, it is one that we proposed a number of years ago. The government is desperately trying to take some credit for it, but it was a Reform Party initiative.

We believe that everybody should have a second chance providing the crime is not too serious. They should have the chance to admit responsibility for something they have done and ultimately try to make up for it. In doing all of that perhaps they may learn a lesson that what they have done has hurt the victims of their crimes. It is very important that we continue to embrace that concept.

I talked recently in my community with victims of crime who have gone or who are about to go through this process. They could see the merit in it. I am proud that members of my caucus have proposed this, as the member for Crowfoot has done.

There are other issues I want to touch on. In Bill C-3 there is a lot of rhetoric but there is very little in terms of new aspects that would give comfort to the public. One of the biggest criticisms the public raises whenever we have new criminal justice legislation with respect to young people—and it seems like we have had a lot but they never seem to get it right—is the fact that we are not supposed to talk about who has committed these crimes. In some cases they are violent crimes. Many people argue that the public does have a right to know who these people are when these crimes are committed and they are convicted of them. There is some common sense and merit in that. There are a couple of reasons.

One reason is very straightforward. If somebody has committed a serious crime, armed robbery or even murder, and is sentenced, gets out of jail and we never do learn the name, in some ways that may put the public at risk. People should have the right to know that their neighbour has committed a very serious crime. Then they can take some steps to protect themselves. Sadly, the history in Canada is that there are certain instances where people have been convicted of extraordinarily serious crimes, have preserved their anonymity because of this law and have gone on to commit heinous acts.

● (1550)

I could tell a story that would probably break everyone's heart about that happening in British Columbia in the past but I do not have the time. It is extraordinarily important that we restore the idea that people who have committed a crime and have been convicted of it be held accountable as well by having their name published, known to the public. That is an important aspect of justice. Sadly we do not see it addressed here.

I also want to talk about the issue of 10 and 11 year old children who all too often end up committing what would be crimes if they were old enough to be convicted of them. Again the youth justice bill does not address that issue. It does not deal with it. We know from reading the newspapers that there are many instances of young children who commit crimes. They are caught burning buildings down for example. In some cases they are even being recruited by older young offenders to help them commit crimes.

It would be a good idea to give the authorities the authority to deal with 10 and 11 year olds in the law. It does not mean putting them in jail. It would be a good idea to allow the authorities to use alternative measures to deal with these 10 and 11 year olds so that they could go to them if they have done something. If they admit their responsibility, they could face their victim. The victim could explain to them just what kind of harm these young people had done to their lives. Hopefully if they have a conscience, they will feel some guilt and some sense of shame. It will help them to avoid a life of crime and a lot of heartache down the road.

The government for reasons that are not clear to me has not addressed that. I do not understand it. We know that the public is anxious to give the authorities some way of dealing with these young people who are doing those sorts of things. It is very disappointing to me and my colleagues that we are not doing this. I would argue that we are really doing a disservice to young people when we allow this to go on without any kind of recourse in the form of giving authority to police to deal with this. Ultimately we condemn them to repeat their mistakes over and over again. Not only does that hurt the victims; obviously it does, but it hurts those young people too.

If we could deal with them when they are 10 and 11 we would have a better of chance of turning them around than when they are

15, 16 or 17 years old. I would argue that the government has failed when it comes to recognizing that important flaw.

Finally I want to say again that the government too often argues that violent crime is a thing of the past in Canada or at least that it is on its way down and it is not a big issue any more. In my riding this year, we had the horrible murder of Jason Lang allegedly at the hands of a 14 year old boy. It behoves all of us to take the issue of violent youth crime seriously. We cannot pretend that this is no longer a problem. It is a problem. It is happening too often. We have seen other examples, recently in Toronto for instance.

Let us not pretend that this is not happening any more. Let us take these issues seriously. It is our job as legislators to do that. Unfortunately this legislation simply does not do it.

Mr. Rey D. Pagtakhan (Winnipeg North—St. Paul, Lib.): Madam Speaker, I am delighted to speak in this debate and to point out some of the misinformation from the Reform member opposite. I do not think it was deliberate. Perhaps it was only the lack of time on the part of the member for Medicine Hat to read the entirety of the bill or to fully understand what is contained in the bill. He referred to the fact that there was nothing about an authority for the police to exercise extrajudicial measures for example, and I will speak to that.

I hope to cite the specific sections in the bill for the information of the member and so that the greater public may be fully informed as well.

● (1555)

Before I do that let me just say by way of preamble that Bill C-3, the new youth criminal justice act, was introduced in the House earlier this year precisely to fulfil the government's commitment. The bill was introduced by the hon. member for Edmonton West, the Minister of Justice and Attorney General of Canada, to replace the Young Offenders Act. We have something here that is new, in fulfilment of the government of Canada's commitment to reform the youth justice system in Canada for the betterment of our society.

In the interests of youth and all concerned, we would like to distinguish better between violent and non-violent offences, to provide appropriate measures to deal with both levels of offences, to strengthen efforts to rehabilitate our young people who committed these crimes and to encourage the use of effective, meaningful alternatives to custody for non-violent offences committed by our youth.

Indeed, this bill addresses some of the concerns raised by the hon. member for Medicine Hat. I hope he will take this into account in his further commentary on the bill.

Let me also add that this bill was developed after extensive consultation with provincial and territorial officials, front line workers in the field, police, legal professionals, judges, members of the academic community and non-governmental organizations. What that means is that following extensive consultations with all these groups of individuals, what we have in this bill in a real sense is the distilled wisdom of these experts on this issue. This bill also has built in respect for federal and provincial jurisdictions, that is, flexibility on the part of any province to give it part of its own creation, so long as it fulfils the thrust of the total bill itself.

I remind the House that when the bill was tabled earlier this year by the Minister of Justice and the Attorney General of Canada, she said: ''Canadians want a youth justice system that protects society and instils values such as accountability, responsibility and respect. They want governments''—meaning all levels of government—''to help prevent youth crime in the first place and make sure there are meaningful consequences when it occurs''. The new youth criminal justice bill has been designed precisely to achieve these goals.

Before I go to the principles of the bill, let me define so that it is clear in the minds of Canadians what we mean when we speak of youth. In this bill youth refers to a child and to young persons. The difference between the two is defined clearly in this bill in clause 2, Interpretation. It states:

> ''child'' means a person who is or, in the absence of evidence to the contrary, appears to be less than twelve years old.
>
> ''young person'' means a person who is or, in the absence of evidence to the contrary, appears to be twelve years old or older, but less than eighteen years old—

We have a very clear understanding of what we are speaking about in terms of the ages encompassed in this bill.

Now I will speak to the general principles of the bill itself. There are four principles. It is very critical that we let Canadians know about the principles, because when we understand the essence of the principles, we understand better the thrust of the bill itself. I am convinced that when members opposite truly, fully understand and acknowledge the beauty of the principles, no more criticisms will emerge.

● (1600)

The first principle is that the principal goal of the youth criminal justice system is to protect the public by preventing crime, by addressing the circumstances underlying the offending behaviour of young persons, by ensuring that young persons are subject to meaningful consequences for their offences, by rehabilitating young persons who commit offences and by reintegrating them into society. Who can quarrel with the first principle of the bill to protect the Canadian public by those various means?

The second principle is that the criminal justice system for young persons must be separate from that of adults and emphasize

the following: first, by fair and proportionate accountability that is consistent with the greater dependency of young persons and their reduced level of maturity; second, by enhanced procedural protection to ensure that young persons are treated fairly and that their rights including the right to privacy are protected; and third, by greater emphasis on rehabilitation and reintegration. Who would disagree with this principle that recognizes the difference between a youth and an adult, between a child, a young person and an adult?

The third principle is that within the limits of fair and proportionate accountability the measures taken against young persons who commit offences should: first, reinforce respect for societal values; second, encourage the repair of harm done to victims and the community; third, be meaningful for the individual young person; fourth, respect gender, ethnic, cultural and linguistic difference; and fifth, respond to the needs of young persons with special requirements. The essence is self-explanatory.

The fourth and last principle is that special considerations apply with respect to proceedings against young persons in particular. In this principle we see very clearly that the bill addresses the interest of the accused because that is the Canadian judicial principle. It also addresses the issues of victims and the concerns of parents.

We have here a bill that addresses the totality of what we ought to do were we to really advance the cause of the youth justice system in Canada.

With respect to extrajudicial measures, the following principles are very clearly stated on page 7 of the bill in clause 4, which I will read for the record:

> (a) extrajudicial measures are often the most appropriate and effective way to address youth crime;
>
> (b) extrajudicial measures allow for effective and timely interventions focused on correcting offending behaviour;
>
> (c) extrajudicial measures are presumed to be adequate to hold a young person accountable for his or her offending behaviour if the young person has committed a non-violent offence and has not previously been found guilty of an offence; and
>
> (d) extrajudicial measures should be used if they are adequate to hold a young person accountable for his or her offending behaviour—

The extrajudicial measures have been designed to provide an effective and timely response to the offending behaviour, encourage young persons to acknowledge and repair the harm caused to the victim and the community, to encourage families of young persons including extended families and the community to become involved in the design and implementation of those measures, to provide an opportunity for victims to participate in decisions related to the measures selected, to receive reparation, and to respect the rights and freedoms of young persons proportionate to the seriousness of the offence.

In this new youth justice act we have truly the essence of Canada. Lastly, if I may conclude on this point, even warnings, cautions and referrals may be done not only by police officers, which the member for Medicine Hat thought was lacking but is in the bill, but also by prosecutors.

● (1605)

[*Translation*]

Mr. Antoine Dubé (Lévis-et-Chutes-de-la-Chaudière, BQ): Madam Speaker, it is my turn to rise in opposition to this bill.

I listened intently to the member opposite who said that the bill reflected the Canadian reality well and respected Canadian values. It is quite surprising, when one looks at the statistics, to find out that the situation is completely the opposite of what the member just said: the crime rate has actually declined.

The Bloc Quebecois is a reflection of Quebec society. And this society, through a coalition, is expressing its opposition to this bill. Even if others members have already listed them, I believe it is important to name the various groups in this coalition to show representative it is.

There is the Commission des services juridiques, the Conseil permanent de la jeunesse, the Centrale de l'enseignement du Québec, the École de criminologie de l'Université de Montréal, the Centre communautaire juridique de Montréal, the Fondation québécoise pour les jeunes contrevenants, the Institut Philippe-Pinel, the Association des chefs de police et pompiers du Québec, the Conférence des régies régionales de la santé et des services sociaux, the Association des centres jeunesse du Québec, the Commission des droits de la personne et des droits de la jeunesse, the Bureau des substituts du procureur général du ministère de la Justice du Québec, the Association des CLSC et des CHSLD du Québec, the École de psychoéducation de l'Université de Montréal, the Regroupement des organismes de justice alternative du Québec, the Ligue pour le bien-être de l'enfance du Canada, the Association canadienne pour la justice pénale, the Association des avocats de la défense du Québec and the Société de criminologie du Québec.

This makes a great many people who think this bill is nonsense. Let us first look at the facts. Statistics from Statistics Canada or other bodies—the justice minister is aware of these—show that, between 1991 and 1997, the number of young people charged has dropped by 23%. It did not go up, it did not stay the same, it went down by 23%.

Charges against young people for violent crimes has dropped by 3.2% since 1995. Young Canadians convicted of criminal offences are incarcerated at a rate four times higher than adults, and twice as high as American youth. What is the government trying to achieve? It wants to go even further. It makes no sense.

Let us look at the numbers for one year. In 1997, the rate of police reported crime decreased for the sixth year in a row, falling 5%. This decline resulted in the lowest rate since 1980.

Rates decreased for almost all violent offences, including sexual offences, which stand at 0.9%. Robberies dropped by 8%, homicides by 9%. The number of young people charged with Criminal Code offences is down 7%, which is consistent with the general downward trend recorded since 1991. The number of young people charged with violent offences has dropped by 2% for the second year in a row. It should also be noted that the majority, or 53%, of charges against young people involve property crimes, while 20% involve violent crimes.

Violent crime is down and yet the minister persists with her bill. Violent crimes include homicide, attempted murder, physical assault and sexual assault, other sexual offences, kidnapping and robbery. The rate of such crimes decreased by 1.1% in 1997. Not too impressive, at first glance, but this is the fifth consecutive year.

The number of young people charged with crimes of violence has gone down for the second year in a row. It dropped by 2% in 1997. In the course of the last decade, the number of young people charged with homicide has remained relatively stable at approximately 50 a year. The national homicide rate dropped 9% in 1997, reaching its lowest level since 1969.

We could go on and on citing statistics, but I want to get back to the remarks of the member opposite, who said that the government was responding to Canadian reality.

● (1610)

If that is what the bill was doing, it should be geared down, because things are improving. The youth crime rate is decreasing, but tougher measures are being introduced. What a reaction.

The arguments are political in nature. The statistics show an increase in the crime rate the further west one goes. It would seem that the crime rate is higher in certain areas of the country. The Reform Party members, coming from the west, are reacting to this state of affairs.

The Minister of Justice, probably with an eye to re-election, is taking account of the political climate that exists in that region of Canada. She is, however, the Minister of Justice for all of Canada. In Quebec, all the organizations I named at the beginning of my speech are opposed.

The Quebec justice minister, who represents my riding, has been fighting a battle this is far from over and will only be when the federal justice minister withdraws the bill. The Quebec minister introduced an amendment that could somehow exempt Quebec from this bill, but this amendment was not considered in order.

Despite all the representations made and the support given by all Quebec organizations involved in this area, Ms. Goupil was not able to bend the will of the federal justice minister. Apparently, ideas from Quebec are not as good as if they came from western Canada, which is closer to her. She wants to get re-elected.

It is unfortunate that bodies of public opinion that may prevail in a particular region or are fuelled by the media can influence justice to such an extent.

I sometimes jump in my seat, in the morning, when I read the first seven or eight pages of some newspapers. We see pictures. Not those of young offenders, of course, because it is not allowed in Quebec. So far, it has not been allowed elsewhere in Canada either. But what does this bill intend to do? This bill will do away with this anonymity. It is going the other way.

I am not saying that this is what the minister intends to do. I certainly hope it is not, but there seems to be a shift toward publishing the pictures of young offenders under the age of 18 in certain newspapers, in Quebec and in Canada, with all the consequences this could have on their families.

In my youth, I was taught a number of basic principles that I never forgot. We must remember what our parents taught us. The other day, I was talking about the catechism, which sets out the nature of a mortal sin. Three conditions must be met. It must be a serious offence, committed with full awareness. They must also be wilful consent. Is a 12 or 14 year old fully aware of the seriousness of what he is doing? No. Who in the House has not, in his or her youth, done something rather stupid, something that he or she regrets now?

Ms. Jocelyne Girard-Bujold: They should stand up.

Mr. Antoine Dubé: I do not dare do what by the hon. member for Jonquière just did by asking those who did not commit anything stupid before the age of 18 to stand up. Perhaps there would not be many. I do not want to cast too many stones because, if I were to look into my own past, I might find something wrong, but surely not anything serious.

In conclusion, a bill to increase should follow an increase in crime. Yet, we see the opposite happening. Youth crime has decreased. Yet, the minister wants to cave in to Reform arguments to ensure her re-election.

● (1615)

[*English*]

Mr. Inky Mark (Dauphin—Swan River, Ref.): Madam Speaker, I am pleased to rise to speak to Bill C-3, an act to amend the old Young Offenders Act.

This should have been before the house in the early 1990s. I say this in reference to my former career as a mayor in Manitoba. The municipalities have been lobbying the government since the early 1990s to make the appropriate changes. There have been numerous resolutions from municipalities at the local level, as well as through the Federation of Canadian Municipalities. It was all for naught obviously. It has taken almost ten years to get a bill to amend the Young Offenders Act to this floor.

We all agree that there is a huge difference between violent offenders and those who are not violent offenders. We need to keep that separate.

I remember at one time the solicitor general's department sent out survey forms to all of the municipalities, asking them what they thought were the necessary changes. Most of us, willingly and co-operatively, filled out the forms and sent them back. Unfortunately we never heard from the solicitor general's department. I do not know whether that was surprising or not back in the early 1990s.

Time and again, with society changing, the rules need to change to keep up with the changing society.

The most common reference to the Young Offenders Act came from our enforcement people, the RCMP, telling the municipalities that they do their job and catch the violators, but their hands are tied because of the Young Offenders Act.

It is unfortunate that in recent times small-town Canada, always thought of as being a safe place to live, has been waking up to the real surprise that it is not such a safe place to live. Even in my own small city of Dauphin we have encountered very violent youth crimes. One example was when youths got together and broke into a senior's house. They robbed and battered that senior citizen, who subsequently passed away. This is the kind of experience that is traumatizing small-town Canada, which does not really know how to deal with the turn of events.

Vandalism is another issue that I hear about constantly wherever I travel. My riding is very large. I deal with about 80 municipalities on an ongoing basis. Vandalism is so bad that it has reached the point where the police will not even bother to deal with it. In fact, it is so ridiculous that during the summer break when I left Ottawa to return to my home riding in June, lo and behold, as I approached my property, the side of my garage had been spray painted. I later found out that it was done by a youth gang in the community. Believe it or not, I live kitty-corner from the police station, within shouting distance. I can see the police station from my front yard.

These are the kinds of concerns that Canadians have, certainly in my riding of Dauphin—Swan River. The Young Offenders Act needs to be amended. It is long overdue.

Last week during the break I met with a dozen municipalities at a group meeting with the RCMP to talk about this very issue of youth crime and police matters. There is no doubt that over the last few years a lot of problems arose because of cutbacks to the RCMP. It is my understanding that this year, from looking at the estimates, the budget has been increased by $11.8 million. Then I noticed that the government levied an extra $35 million for gun registration. I really wonder which is more important in this country, registering people's firearms or looking after our RCMP, which is badly needed.

• (1620)

The consolidation of our police force has also created a problem. I would say that consolidation came as a result of cutbacks in the budget. Over the past year we have heard in the House the many instances when police had to basically park their cars and their other vehicles because of the lack of funds to operate and repair them.

It comes down to the very point that people in this country, whether they live in cities or in small communities, want to live in a safe community. We all want to see a police presence. These were the concerns raised by the collective group of municipalities that I met with last week. They want the police to have the ability to enforce the law.

It is all right to take a preventive approach. We all believe that prevention is the best approach, but there are situations that arise which go beyond prevention. Things happen, laws become breached, people get hurt and property gets damaged. How do we deal with these people who do not follow the rules of society?

The Young Offenders Act, as it currently operates, does not work. We are told over and over again that it does not work. In other words, the police need help as much as the citizens of this country. They need the help of this House putting together good legislation that will serve the people in a responsible and effective manner.

I have encountered many instances of vandalism. For example, a small business had its front window broken. Who became the victims? The whole community became victimized. Unfortunately, we are all victimized because of the unaccountable and irresponsible behaviour of youth.

At this point there seems to be no way in which society can deal with these youth. In fact, it is so bad that in the small town of Birtle, Manitoba, the chamber of commerce had to hire a night security guard to patrol the main street of the community, believe it or not, because there was so much vandalism. The businesses were literally being penalized through the cost of vandalism. They found that hiring a security guard to do the night watch changed it totally. In other words, they are doing the job that the police should be doing.

I cannot understand why this government has not reversed the numbers when it comes to gun control and the budgetary requirements of the RCMP. Perhaps it can rethink that one before the estimates come before the House next month.

The Young Offenders Act has been criticized for many, many years. There is no doubt that violence in many cases cannot be prevented, but we believe prevention is the best approach.

Because of the lack of change another thing the Young Offenders Act has created in some communities in rural Canada is the sense that a curfew is necessary. It is really unfortunate that some communities need to think about looking for tools and other vehicles to help the police do their job. I know that curfews are probably not the whole answer, but they may be part of it.

The Reform Party supports the repealing of the Young Offenders Act and establishing a definition of juvenile offenders within the criminal code. Amendments should be made so that the Young Offenders Act would include young offenders aged 10 to 15, serious offenders aged 14 and 15, with offenders 16 and over tried as adults.

● (1625)

The Young Offenders Act should also permit public access to court proceedings in cases involving 14 and 15 year old offenders and in cases where the public's right to know supersedes the need to protect the youth's identity.

The Acting Speaker (Ms. Thibeault): It is my duty, pursuant to Standing Order 38, to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Winnipeg North Centre, Bill C-80.

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, today we are debating the youth criminal justice act. This is not the first time that I have had the opportunity to debate changes to the Young Offenders Act.

Earlier in the day I listened to hon. members discuss this. I heard members opposite suggest that it has taken an awful long time to get these amendments to the House. I am sure the record will show very clearly that there have been three separate bills to amend the Young Offenders Act over the years.

The act was first adopted in 1984. There have been three separate phases of amendment to that statute over the years. I would count this substantial rewrite by the Minister of Justice as the fourth.

Let us not forget that prior to the Young Offenders Act in 1984 there was a predecessor statute which dealt with young offenders. It had a slightly different name. It was called the Juvenile Delinquents Act. That statute provided a procedure for dealing with young offenders who committed crimes and breached the criminal code, some would say just as effectively, less or more effectively than the way we handle them now.

However, it is clear that our society, in modern times, has always had a statute to provide separate intervention and distinct measures to deal with young offenders. Whether we call them juveniles, children, boys and girls, non-adults, young adults, teenagers or adolescents, we have always in modern times had a statute to deal with them. There was nothing radically different about the Young Offenders Act of 1984.

I arrived in the House in 1988. Over the years after 1984 there continued to be a need to amend the statute, at least this is what Canadians told us. I was not in government then, but the government of the day accepted that changes were necessary. There were amendments dealing with some of the sentencing provisions for the more serious crimes, some of the procedures for the publication of names and that type of thing. All of these were attempting to improve the working of the statute.

It was clear in the early days that, while the government had passed the statute, the burden of administering it fell to the provinces. Going back 15 years one may question whether sufficient consultation took place prior to the passage of the Young Offenders Act in 1984 with reference to the role of the provincial administration.

It is the provinces that have to carry the financial burden of dealing separately with young offenders. It is only in a small number of cases that young offenders make their way into the ordinary criminal courts, which are provincially run. It is rarer still that they would find their way into a federal penitentiary, where anyone sentenced to two years or more would be confined. Most youth who get into trouble with the law are dealt with by provincial authorities.

I heard members opposite go through all of the old paradigms and clichés. They have referred to the absence of accountability. They have stated how bad and ineffective the Young Offenders Act is and that it lacks accountability.

● (1630)

Each one of us has an ugly case we can cite. We have all bumped into a policeman somewhere across the country who has said ''My hands are tied. We could not do anything. He was a young offender''.

Well, to be sure that policemen had responded to the complaint, had made an arrest, had laid a charge, had appeared as a witness, if he or she was a witness, and saw the conviction, I do not call that having one's hands tied. I do not call that doing nothing. I do not call that zero response. That is precisely how we respond to anyone who is charged with a criminal offence.

I have often heard members in the opposition suggest that the Young Offenders Act is the cause of the crime. They have said that it is the Young Offenders Act which is at fault. Rarely do they point the finger at all of the other causes of crime.

Everyone in the House knows that the criminal code is not the cause of crime. It is not the criminal code that is the cause of a bank robbery. It is not the Young Offenders Act that is the cause of a crime. The Food and Drug Act is not the cause of drug smuggling.

The Young Offenders Act is not the cause of the crime that is committed. There are other causes out there. From time to time, I think some of us simply want to shoot the messenger, not understanding what the messenger is and not understanding the process.

The theme in the criminal code, the theme in youth justice is intervention, societal sanction for anti-social criminal acts committed by an adult or youth. The Young Offenders Act, the Juvenile Delinquents Act and this new youth criminal justice act provide appropriate levels and intensity of intervention when crimes are committed.

We all recognize that crime rates are now dropping. This may make the invective a little less sharp, but this is recognized as a good thing. Who gets the credit? It is certainly not the government members and it is certainly not the opposition members. Crime rates drop because the causes of crime drop. They are demographic, economic and administrative. We can always give some credit to our police forces that good job.

I want to address the level of intervention and also the intensity of that intervention in the youth criminal justice act. It is a combination of society's response under the criminal code and under the youth criminal justice act.

The youth criminal justice act, as does the current act which we hope will be replaced, provides different classes and different intensities of intervention based on the seriousness of the crime and the age of the offender. Most people would accept that a minor criminal offence committed by a 13 year old could be dealt with differently than the same relatively minor criminal offence committed by a 16 year old.

Under the new act, as generally the old act attempted to do, the higher the age of the convicted young person and the more serious crime that he or she is convicted of the more intense the intervention will be. There are all levels of intervention. Hopefully, the first thing is getting caught and having to deal with a parent or two. However, if by some misfortune a parent was not there for some of our youth, they would still have to deal with the police, the court and a judge.

● (1635)

The act provides flexibility. I think it is worth noting for our provinces that for the more serious crimes, the level of intervention is dictated by the attorney general of a province. The scheme of intervention is arranged by the attorney general not by the Government of Canada. That allows provincial flexibility in addressing this type of youth crime.

Two or three provinces do have successful regimes of Young Offenders Act intervention now. Quebec has been mentioned here as one province that does. The act is not intended to interfere with that.

The objective in these amendments is to provide an act for Canadian youth that provides a firm intervention, including hard time if it is appropriate. This will be in the hands of a judge so that the youth will not, hopefully, continue in a life of crime and can become a contributing member of our Canadian society.

[*Translation*]

Mr. Stéphan Tremblay (Lac-Saint-Jean, BQ): Madam Speaker, it is a pleasure to address today such an important issue.

A renowned geneticist, Albert Jacquard, once said that a prison in a city means that there is something wrong in that city.

Today, we are dealing with a somewhat special kind of crime, youth crime. I think we all want to reduce crime in our communities. Obviously, this is a worthy and desirable goal. However, I do have some misgivings and some concerns about the measures to reduce crime.

We are dealing today with Bill C-3, which proposes a system I cannot agree with. Previously, when young offenders were arrested, they got some kind of special treatment. Instead of sending offenders under 18 years of age directly to prison, we directed them towards different facilities, in the hope that they would be able to get back on to the right track.

What this bill says is that we want to treat young offenders more harshly, to treat them as adults, depending, of course, on the seriousness of the crime. Yet we have to understand what impact that could have. I know there are hon. members here in this House, or members of their family, who have been victims of crime. And I know how frustrated or vindictive they must feel.

When we see these deplorable crimes reported on the front page of the newspaper, we have every right to think that it does not make sense and that something must be done. I agree, except that the easy way to solve this problem is to say that these young criminals must pay. They must pay like adults do and must be held responsible. There is certainly some logic in thinking this way, but actually it is false, and the statistics are there to prove it. Instead of talking about harsher sentences for young offenders, we should be talking about the root cause of crime.

Next week, we will be celebrating—although it will not really be a celebration—the tenth anniversary of the House's resolve to

eliminate child poverty by the year 2000. Child poverty has nearly doubled since the House expressed that resolve. Why I am saying that? Because sometimes, and very often in disadvantaged areas, young people are unable to benefit from the physical and moral support of their father and mother. These young people are more likely than others to become juvenile delinquents.

I think there is a connection between the increase in poverty and the increase in crime. It may be the most important factor, and what we really should be discussing today are issues related to the root cause of crime. Unfortunately, we are not doing that because the minister has introduced a bill which will provide for harsher sentences, which I think will in no way benefit society.

• (1640)

If we lock up a young offender with other criminals, we are sending him to a school for crimes. He will be with individuals, young people and criminals, who are already frustrated with society, and who do not necessarily feel like respecting it. It is a little bit like sending him to a school for crimes.

I would rather we talked about alternatives to the prison system instead of contemplating putting a bandage on a wound. Yes, there is a wound; yes, crime is a problem. But let us see how we can heal the wound rather than putting a bandage on it, hoping it will solve the problem. I cannot support this approach.

What I am saying today is not born out of emotion, it is borne out by facts. My colleagues mentioned it before me: in Quebec we have had, and still have, a more preventative way of dealing with young offenders, in order to rehabilitate them. It works. The numbers are there to prove it. We have them. We can prove, based on statistics, that our way is better. I do not like to quantify human behaviour, but in this case, it clearly shows that the approach of Quebec is the best in Canada.

The bill that is before us today would have us believe that we should set all that aside, that its way of doing things is the right way. Unfortunately, its approach, which owes something to the Reform Party, is going to become law.

I believe it is deplorable, especially since in Quebec there is a consensus against this bill. If the federation were as flexible as some people claim, we, in Quebec, could say: if you want to try this approach, go ahead. But we, in Quebec, have our own approach, we believe in it and we want to carry on and even improve it, and we would like to have the opportunity and the freedom to maintain our approach toward crime.

This is why I seek unanimous consent so that Quebec can opt out of this measure and continue to ensure its criminals are dealt with the same way as today.

I seek the unanimous consent of the House.

The Acting Speaker (Mr. McClelland): Unfortunately, I did not understand the question.

Mr. Stéphan Tremblay: Mr. Speaker, what I was saying is Quebec's approach is original. It works, and the numbers are there to prove it, and it seems to me that Quebec ought to be able to continue with this approach. If the rest of Canada wants to deal more severely with its young offenders, so be it. It does not bother me. What I want, and this is why I seek the unanimous consent of the House, is for Quebec to be allowed to continue to proceed in its own way, and the rest of Canada to do as it pleases.

[*English*]

The Acting Speaker (Mr. McClelland): The hon. member for Lac-Saint-Jean has put a question to the House requesting unanimous consent. Is there unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

[*Translation*]

Mr. Stephan Tremblay: Mr. Speaker, is that what they call flexible federalism? If I were a federalist, I would consider flexibility as an asset, because each province could have its own system and become a testing ground of sorts.

But this bill is all for standardization, and it will eliminate good programs. What a disgrace, in my opinion.

Do you think a 14 year old who never reads a paper and does not know what is going on in politics will say to himself before committing any crime that, with Bill C-3, if he commit a crimes, he will spend more time in prison? Let us get real. It will not change anything.

• (1645)

Very often, young criminals are economically disadvantaged, they are less educated and are not too well informed. Do you think stiffer legislation will have an impact?

Studies in the U.S. confirm this. Stiffer legislation does not reduce the crime rate. I am all the more troubled by this because I am the youngest member in the House. If we do not deal with our young criminals the way we should and if we send them to the school for crime, we will be turning them into real criminals. Since they are young, we will have to put up with them for many more years to come, and fighting against crime will cost us even more.

I think this bill goes against common sense. I cannot overstate how much it goes against common sense. I would like to ask the members in the House to take note of the numbers, of the

consensus and of a way of doing things that has been proven to work. This bill does not make any sense.

If the rest of Canada wishes to do as it pleases, if it believes that there is a better way, let it do so, I have nothing against that. But I cannot accept the rejection of a way of doing things that has been proven successful. It is not perfect, of course, and we are trying to improve it, but I think the rest of Canada should have followed this example.

Unfortunately, I have the impression that, for political reasons, the justice minister only wishes to show us that she is backing down, or that this is the Liberals' balanced approach. Maybe she wants to show us, like Reform, that the Liberals can give a little to the left, a little to the right, I do not know. I do not know what is going on in the minister's head, but I find it unfortunate, and I am disappointed.

[*English*]

Mr. Dale Johnston (Wetaskiwin, Ref.): Mr. Speaker, it is a real opportunity for me to be able to speak to the youth criminal justice act. We can only hope there is some justice in this act.

I do not think there is any justice when on a regular basis the House leader of the government leaps to his feet and moves closure on absolutely anything he chooses. Here we have another bill that is at least 190 or 200 pages long. We have had up to this point less than five hours of debate on it, and the House leader comes into the House and says that there is important stuff on the agenda. We have yet to see any of this important stuff. We have all looked over the agenda, the order paper and the Projected Order of Business, and none of it seems that crunchy.

One would think that an amendment to the youth criminal justice act would be worthy of more than six or seven hours of debate. There are 301 members in the House. How is it possible for this bill to be adequately debated at second reading in less than seven hours?

The short answer is that it is absolutely not possible. It is just another one of the government's absolutely arrogant, terrible, miserable ways. I am searching for a word because I am trying to keep within parliamentary language. It simply says that it has the majority and will use closure whenever it wants.

There was a time when closure was only brought to bear under the most dire of circumstances. It was something that had never been used in the House. For years and years and years closure was not a tool. We have to thank Pierre Elliott Trudeau for the unabashed use of closure. He used to say ''It is 3 o'clock on Wednesday. I think we will call closure. Why not? We will call closure''. He did not need any more reason than that and the Liberal House leader today does not seem to need any more reason than that.

• (1650)

The member for Scarborough—Rouge River in his speech talked about how we must prevent youth crime and how penalizing young people was not the answer. Let us go along with the assumption that people should be held accountable for their actions. That is on the basis that I want the House to think about the remarks I will make on behalf of one of my constituents.

About four years ago I was going through downtown Leduc and I stopped in a little shop called Crafts and More. I went in and introduced myself as the member of parliament for Wetaskiwin and met a very nice lady named Donna Rowe. She said ''Am I ever surprised to see you. You are the first federal politician who has come to see me in my shop. As a matter of fact your visit is quite timely because I have a story to tell you''.

This is Donna Rowe's story. I want the House to bear in mind that Donna Rowe is not talking about penalizing anyone. She is talking about one of the other words in the bill and that is justice. She is on a search for justice.

Two young people in their early teens who were known to the police—in other words they had records—broke into her late model, half-ton truck with a camper on top. It was custom painted to match her trailer. It was used in her business and was her sole vehicle. It was also used as a family vehicle. It was an essential part of her life.

These two young people cannot be named because they were under the age of 18 and therefore apparently not responsible for any action they took. We might think that is a fairly bold statement, but as the House hears what I have to say I believe I will bear that out.

They took her vehicle. That can come about in a lot of different ways. They were not, by the way, but let us suppose they were barefoot, there was snow on the ground, the vehicle was running, the door was open, and it was nice and warm in the truck.

No, they smashed the window. They got in. They hot-wired the truck. They got it running. They drove it until it would not drive any more. Then they got out of it. They kicked everything off it that they could: the mirrors, the lights, the windshield, the windows, the dials and the dash. They ripped everything off it that they could. Then they found a knife and slashed the seats and tried to set the truck on fire.

It was just a couple of kids out having some fund, I guess, before they went to choir practice, scouts or whatever. They were nice young guys but they were known to the police. They did have records, but we cannot mention that because they were under 18 and therefore not accountable, I guess, for the things they do.

Mrs. Rowe was devastated. She felt violated. She felt as though her security had been breached. She felt terribly inconvenienced, but she said ''Thank heaven we have insurance''. She went to the

insurance agent who said the truck was unfixable. It was an absolute total wreck and a write-off. The agent then asked how much she would take as a payout and offered to pay her out on it.

She knew she had to do something, that she had to replace it because she needed a vehicle. She received a payout from the insurance. What do we suppose happened to her insurance premiums? Did they go down because she had tough luck and had fallen on hard times? Hardly. They went through the roof because she made a claim.

She told the insurance company that she did not cause the claim. Her vehicle was stolen. They said ''We don't give a rat's patootie''. It considered it a claim. A claim is a claim is a claim. She was treated the same way as if she were drunk and wrapped her truck around a telephone pole. Her rates would go up. She said she had no control over the situation. They broke into her vehicle, stole her vehicle and drove off.

● (1655)

What did Donna Rowe want from this situation? Did she want to have these guys flogged in front of the post office on payday? No. She wanted some justice and accountability. Were either of those young people asked to pay restitution to her so she could replace her vehicle? No. As a matter of fact her lawyer said that he did not even feel they owed her an apology.

No apology was needed, I guess because they were young people. The judge gave each of them one year of open custody and one year of probation. What is the difference? What is open custody? Does that mean that they cannot steal cars on Tuesdays and Thursdays? What does it mean? Neither one of them got any time. They made no restitution. They made no apology. They were not penalized in any way. They had open custody: ''Away you go, see you next week'' or whatever.

All Mrs. Rowe wanted was some justice and accountability. She felt that the justice system completely let her down, and she will forever and ever.

What is there in the bill to allay the fears of Mrs. Rowe and people like her? I know of a lot of other instances. It is a shame that I have such a short time to talk about them because a lot of other people have come to me with very similar stories. It is not about punitive action taken against people. It is about their doing something for the victims.

Is this a victimless crime? Absolutely not. Mrs. Rowe was a victim and she did not get any justice.

Mr. John Bryden (Wentworth—Burlington, Lib.): Mr. Speaker, I was not really intending to speak in this particular debate, but I am one of those on this side who happens to be doing his House duty today. I have taken the opportunity as a result of that to look at this legislation and to give it particular attention.

There is an area of the legislation that especially interests me because of my background. I am a former journalist, and actually a police reporter at one time, and I spent a portion of my youth covering crime for newspapers. Any legislation has its flaws and has its merits. I do think that this bill, when it comes to the question of the publication of the names of young offenders, has taken a few positive steps in the direction of expanding the publication of these names, not as far as I would like it to go but it has still advanced the cause.

A lot of people will say or wonder why it should be an issue, the publication of the names of young offenders. The thought in the original Young Offenders Act was that young people, because we wanted to give them every opportunity to be rehabilitated, should have the full protection or as much protection as possible from publicity so that they would have every chance of putting their lives together as adults and to become good citizens.

But this universal ban on the publication of the names of young offenders—and the ban comes with teeth; the newspapers and the television stations that would dare publish these names can be subject to severe penalty if they do so—has come with some costs. One of those costs is that sometimes when young offenders who are well known to be repeat offenders and violent offenders were at large in the community, there was still no effective way to alert the community that these dangerous young people were in the community.

Indeed, there is an instance in my own riding of the local newspaper, the Hamilton *Spectator*, that dared a few months ago to run a picture of a dangerous young offender who had escaped custody. The newspaper took it upon itself to actually run that photograph to alert the community that this young person was at large. There is an ongoing controversy in the community right now as to whether the newspaper really overstepped the bounds. I have to say that on the face of it, the newspaper broke the law, but I think the newspaper has a legitimate argument that it broke the law in the public interest and we cannot go around breaking laws so the law must be changed.

● (1700)

I think, Mr. Speaker, one of the very positive attributes of this bill when it comes to the provisions for the publication of names is that it does provide in clause 109(4) if the police officer concerned or a youth justice court determines that a young offender at large is dangerous to the community or is in a state of escaping custody, then the youth justice judge or peace officer can seek an order to release the name and presumably, the photograph of the young offender to the media.

I submit to you, Mr. Speaker, that this is a very obvious and very necessary provision in this legislation. It is a very positive step indeed. I am sure my home newspaper will feel vindicated that the legislation is moving in precisely the direction that the newspaper determined was in the interests of the community to go. I have to

give credit to the newspaper even though I cannot countenance breaking laws. At least the newspaper showed a lot of courage to look after the community interests and published the picture of what appears to be a very dangerous young person.

On the other hand, Mr. Speaker, this legislation also takes a step backward, in my view, when it comes to the issue of the publication of the names and identities of people who are young offenders. Previous to this legislation, or as it exists now before this legislation passes, we have provision for a young person who is facing charges on a very serious crime, murder or other serious crimes. We can transfer that young person to adult court to be tried as an adult. This legislation changes that around and says that particular young person can remain in youth court and be tried for adult sentencing. If you understand, Mr. Speaker, the young person charged with, say, first degree murder who could face a life sentence, instead of going to adult court would stay in youth court and if convicted, would face that adult sentence which could involve life imprisonment.

The problem in that is that under the current system, if that young person being tried for a major crime is transferred to adult court, that court proceeding is done in the open. The media would be able to follow that trial from its beginning to its conclusion. If there was a conviction, we would be able to see the history. It is very important that the public would have had the opportunity to see through the media the progress of that trial leading to a very serious sentence.

Unfortunately, at least in my view, in trying to make the system work better, and I accept that the government is trying to do something positive here, but in moving it back to youth court, the government is providing for publication of the identity of a young offender convicted of a very serious offence, an adult offence with an adult sentence, only after the conviction and only on sentencing.

I suggest to you, Mr. Speaker, that I think that the government has to look at that clause very carefully. I am not one who actually likes very often to cite the charter, but I have a genuine concern that when one is on trial for one's life, whether one is 16 or 60, that trial should be an open process. All the way along it should be an open process. Unfortunately the act as amended with this provision of moving serious offences from adult court back to youth court makes somewhat of a mistake. I do hope that the justice committee, when it reviews this legislation, gives serious consideration to that one particular clause.

● (1705)

Just another thing, Mr. Speaker. There is another clause here that spells out that young people who are victims of the crime committed by the young offender are not allowed to have their identities released either and nothing should be done to identify those young people.

We have a funny situation where the Reform Party, with all due respect, is constantly talking about how we must pay attention to the victims of crime. Here we have a case where, and I acknowledge that it is a very difficult issue for the government, if the victims of the crime are young people, they cannot have the satisfaction of being known to be the victims of the crime, because if they are known to be the victims of the crime, then we have the possibility that the young offender could be identified. Again, this is sort of the judgment of Solomon. We want to protect the identity of the young offender, yet we take away something from the victim of the young offender's crime. Again, I think that is something that needs to be at least debated in committee.

Finally, there is one general shortcoming that the bill does not address on the issue of the identification of young offenders. It is something that in my own experience I would like to see changed. I do not think perhaps I could persuade the justice committee to change it now. I really do think that we should have considered in the legislation the possibility of publicizing the identities of young offenders who have been convicted of summary offences.

Members opposite were talking on several occasions about young people doing vandalism and this kind of thing and getting away with it. They get a slap on the wrist or whatever in the court systems, and there seems to be no decent control on these people who do these petty crimes. Indeed, I think there is a great problem in our schools for young people who resort to acts that would be considered crimes of the type that would be dealt with by summary conviction. These are lesser crimes we might say, minor assaults and that kind of thing.

I would suggest that the real control on doing this kind of thing, as it was when I was young, is the danger that one's name would appear in the local weekly newspaper and one's parents would find out.

I think this is something that we should look at again and consider. It is not just a matter of banning the publication of serious offences. We should also consider the possibility that maybe we should allow the publication of identity for minor offences.

[*Translation*]

Mr. René Canuel (Matapédia—Matane, BQ): Mr. Speaker, my hon. colleagues all started by saying that it was a pleasure for them to speak on this bill today. Personally, I regret having to address this issue.

The House should never have had a debate on Bill C-3, and the justice minister is well aware of that. Over and over again, we have seen that it is not the Young Offenders Act but rather its implementation that leaves to be desired. Those who implement it appropriately succeed where others fail. Nevertheless, the Liberal government is being stubborn and is about to reform the spirit of this legislation.

Personally, before the bill was ever introduced, I would have liked the House to address some very basic issues. How is it that a 12, 13, 14 or 18 year old can become an offender? We never asked ourselves that question. We do not need to be a psychologist or a psychiatrist to answer that question.

These young people have gone through something that makes them feel unloved. They end up in a gang and seek some kind of recognition.

Even in grade school, some fourth or fifth graders show signs of being—and I hate the word—bad seeds and on their way to becoming offenders. And nothing is done about it. If we had the decency to take care of those young people, they would never end up in court.

● (1710)

Cuts in transfers to the provinces for education penalize teachers. They do not have the time to take care of their students and some of them see themselves as mere numbers in the system.

The Young Offenders Act was passed in 1982 and came into effect in 1984. It did not come up overnight. It is the result of several decades of thinking. In fact, one has to go back to 1857 to find the first measures giving special status to minor offenders. In 1908, we established the first youth justice system. The Juvenile Delinquents Act was designed to put young people back on the right track by minimizing their responsibility.

In Quebec, we have successful legislation and it is in our province that the delinquency rate is the lowest. When a young person is punished and sent to prison, the older inmates will show him ways to commit crimes with minimum consequences.

In the early 1970s, Quebec adopted two social measures that proved very useful with respect to the Young Offenders Act: legal aid and social services reform. In 1974, the first set of measures aimed at solving problems outside the judicial system was implemented. Now, the federal government wants to give the act more teeth.

I heard our friends in the Reform Party say that the names of young offenders should be published in newspaper or mentioned on the radio. Going to that kind of extreme is unworthy of responsible citizens. As I said earlier, responsibility starts in elementary school.

It is reported that 1.5 million children do not eat their fill. This year, in Quebec, there was a campaign to buy pencils for pupils in elementary schools. Some parents cannot afford to buy pencils. This is serious. Some children have nothing to eat for lunch. They see their schoolmates go to the cafeteria and take money out of their pocket to buy fruit and chocolate while they have nothing to eat. I do not know how that would make us feel. I do not know if we would not feel rebellious.

The government is saying, ''Let us have stricter laws. Let us send them to jail and it will solve the problem. They will have time to think in jail''. We should ask ourselves what kind of thinking one can do in jail, other than becoming tougher and trying to find ways of getting out of there.

Of course, there is help available in our prisons. There are highly qualified people who try to help, but when someone is seething with revolt, it takes more than six months or a year to get over it. It takes years and, during those years, someone has to be close by, I would say every day. When a tree is sick, what do we do? We put a protective coating on it. When a young tree is not growing straight, what do we do? We do not stick it in the garage. We leave it outside and stake it.

We should do the same thing with young people, that is give them support instead of locking them up.

● (1715)

The Acting Speaker (Mr. McClelland): It being 5.15 p.m., pursuant to order made earlier today, all questions necessary to dispose of the second reading stage of Bill C-3 are deemed put, a recorded division deemed requested and deferred until Tuesday, November 23, 1999, at the expiry of the time provided for government orders.

[*English*]

Mr. Derek Lee: Mr. Speaker, I rise on a point of order. Given the wording of the House order, I think you would ordinarily find consent in the House to see the clock as 5.30 p.m. when Private Members' Business would commence. However, we would not commence Private Members' Business until the member was here.

I would ask that we suspend to the call of the Chair. It would not be later than when the hon. member, who is prepared to proceed, enters the House.

Mr. Speaker, may I simply leave the matter in your hands? I suggest we see the clock as 5.30 p.m.

[*Translation*]

Mr. René Laurin: Mr. Speaker, I rise on a point of order. I do not know exactly which procedure to use, but I suggest to the House that instead of pretending it is already 5.30 p.m., we have 15 more minutes to continue the debate on Bill C-3. This way, members who have not had the chance to speak could do so until 5.30 p.m., since we have the time. And when 5.30 p.m. comes, we will not have to fib, it will be the truth.

[*English*]

The Acting Speaker (Mr. McClelland): The member for Joliette has made a suggestion which makes great sense. However,

the order that we adopted earlier today specifically said that the debate would be concluded at 5.15 p.m., which we have done. The debate was concluded at 5.15 p.m. in order to provide for 15 minute bells, but the vote was deferred until some other time.

Since the 15 minutes was not used for bells, the suggestion by the member for Joliette just plain makes sense. Unfortunately, we have already gone past that point.

[*Translation*]

Mr. René Laurin: Mr. Speaker, I submit the following for your consideration: could you ask for unanimous consent to continue the debate until 5.30 p.m., before disposing of the suggestion made by my colleague?

[*English*]

The Acting Speaker (Mr. McClelland): Yes, except that we have already put the question and have disposed of the debate. Had that been done earlier through unanimous consent, we could have done it. However, the horse has already left the stable so we cannot.

Is there unanimous consent to see the clock as 5.30 p.m.?

Some hon. members: Agreed.

The Acting Speaker (Mr. McClelland): It being 5.30 p.m., the House will not proceed to the consideration of Private Members' Business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

• (1720)

[*English*]

CRIMINAL CODE

Mr. Maurice Vellacott (Wanuskewin, Ref.) moved that Bill C-207, an act to amend the Criminal Code to prohibit coercion in medical procedures that offend a person's religion or belief that human life is inviolable, be read the second time and referred to a committee.

He said: Madam Speaker, I am pleased to speak today to Bill C-207, an act to amend the Criminal Code to prohibit coercion in medical procedures.

The summary of the bill reads:

> This enactment protect the right of health care practitioners and other persons to refuse, without fear of reprisal or other discriminatory coercion, to participate in medical procedures that offend a tenet of their religion, or their belief that human life if inviolable.

The purpose of the bill is to ensure that health care providers, particularly nurses, will not be forced to participate against their will in such things as abortion procedures or acts of euthanasia. The bill does not prohibit abortion itself, but makes it illegal to force another person to participate in an abortion procedure against their will.

There are legislative protections for health care workers already existing in many jurisdictions, including 45 out of 50 states in the U.S. But, incredibly, in Canada we do not yet have any legislative protections in either provincial or federal law.

This is tragic, because the need is great. There have been clear violations of the basic human rights and labour rights of nurses working in our country. Many have been denied employment. We have had conversations with and correspondence from different ones. They have been denied a promotion or have been dismissed for refusing to participate in abortion procedures. Other nurses, fearing the loss of a job and possibly a career, have violated their consciences in order to keep their jobs. This has created a great deal of psychological pain, since they entered that profession out of a desire to help and to heal, but now find themselves coerced into inflicting what their hearts tell them is the ultimate form of harm.

This situation facing nurses is described quite well by the organization called Nurses for Life. At least five things need to be kept in mind when considering the plight which a number of nurses in our country today find themselves in.

First, we need to keep in mind that although it is sometimes claimed that abortion is strictly a private matter between a pregnant women and her physician, nurses know that it is never the case. Doctors do not function without nurses who are intimate participants in assisting the doctor.

I just had a little baby boy who was born last Sunday evening. The doctor came in at the last moment. It was the nurses, those wonderful, gallant health care workers, who were there throughout, helping and assisting my wife until the birth. The doctor finally came in at the very last moment. We know the nurses are the ones who are intimately involved, as they are at the abortion stage.

The problem is that while doctors are free to perform or not perform abortions, and while pregnant women in our country are free to undergo or not to undergo an abortion, nurses have not been given the same freedom to choose whether or not they want to participate in this procedure. That is wrong.

Second, unlike doctors, we need to keep in mind that nurses are employees of hospitals. Their employment and their income is therefore dependent on their remaining in the good graces of hospital administrators in a way that doctors' employment and income is not.

Third, we need to keep in mind that even in the rare instances where nurses' employers accommodate their conscience right,

these respect-for-life nurses can be singled out as non-conformists, who are not ''team players''. This greatly inhibits their chance of promotion.

Fourth, it is becoming increasingly difficult for nurses to choose areas of practice in which they can avoid the problem of assisting in abortions, since the procedures are often performed more increasingly in wards other than obstetrics and gynaecology.

These concerns express the frustrations of hundreds of nurses across the country who have been unjustly coerced in one way or another. We have had contact with a number of them. Most of their stories have never gained the light of public attention. Some have, of course. One notable example involves the mistreatment of nurses at the Markham Stouffville Hospital in the Toronto area in Ontario. Eight nurses were dismissed from the hospital in 1994 because they would not assist in abortions. They took their complaint to the Ontario Human Rights Commission and waited five long years for a hearing, during which time one of those nurses died. At the last moment, right before the hearing that was scheduled for this year, the hospital agreed to settle. In addition to providing financial compensation to those nurses, this much delayed justice, the hospital also agreed to draft a strong policy statement protecting the conscience and the labour rights of nurses still at the hospital.

• (1725)

The situation pro-life nurses face in the workplace is clearly unacceptable. There is evidence at every turn that nurses are, or ought to be, entitled to legal protections. There is precedent for that.

First, section 2 of the charter of rights and freedoms guarantees freedom of conscience and religion.

Second, these freedoms are also listed in the Canadian Human Rights Act and in provincial human rights legislation.

Third, there is precedent in the fact that case law in both charter cases and in human rights cases overwhelmingly supports the protection of freedom of conscience and religion in our wonderful country of Canada. The nature of the various rulings in those cases indicate that if every unlawfully dismissed nurse were to lodge a formal complaint against her former employer, the employers would probably lose. However, why would we want to put those nurses through that stress, through the great cost and through the time before they get some justice for the situation?

Four, another precedent in terms of legal protection for them is the Code of Ethics of the Canadian Medical Association which clearly acknowledges the principle that health care workers possess—in this case it is doctors—conscience rights. It states that physicians are ''to inform the patient when their personal morality would influence the recommendation or practice of any medical procedure that the patient needs or wants''. The wording clearly implies that while doctors must inform their patients of their personal convictions, they in no way have to abandon those convictions. In the matter of abortion, for example, doctors are required neither to perform abortions nor even to refer clients to abortionists. Therefore, doctors have that protection.

Fifth, as a precedent, medical facilities have acknowledged that nurses possess conscience rights. It is kind of scattered, sporadic and piecemeal in the country. I have already mentioned the Markham Stouffville Hospital in the Toronto area, which is the most recent example of a hospital drafting and implementing a policy statement to protect nurses.

The first key statement in its policy reads ''All nurses with a religious objection to performing, or participating in, first trimester termination of pregnancy will be exempt''. Subsequent clauses repeat that affirmation for second and third trimester abortions. The only exception made to this policy is when a pregnancy accident has put the mother's life in danger.

Even with this kind of clarity from the charter, from human rights acts, from the Canadian Medical Association and the policy statements of selected hospitals, nurses' rights are still being violated to this day. Why is this? Why have these laws and policy statements not been sufficient? There are reasons why they are not sufficient.

I will begin with the charter. The charter cannot protect nurses from coercion in the workplace because it simply was not designed for that purpose. The charter can only be used to attack laws that are inconsistent with charter rights and says that the current violation of nurses' conscience rights is not being driven by any specific provincial or federal law. There is nothing to attack by means of the charter. The charter is therefore unable to help nurses in their present plight.

If the charter is of little help, what about human rights acts and commissions? Unfortunately, they are also insufficient. Human rights commissions attempt to remedy injustices after the fact, usually years after the fact. They are ineffective at preventing people from losing their jobs. In addition, they only address abuses that are brought forward by people with above average initiative who are familiar with their legal rights and are persistent, are like bulldogs, are obsessed and obstinate about getting some justice for this situation. As a result, many people would grow faint-hearted and not pursue it and injustices would go completely unnoticed.

On the whole, human rights commissions, because they are slow and reactive, are unable to provide nurses with the immediate proactive protections that they need to stay employed.

Last, we should consider the effectiveness of hospital policy statements. The problem here is that so few hospitals or health districts have such statements. I have mentioned the success story at the Markham Stouffville Hospital. However, we need to keep in

mind that hospital adopted that policy only when it was on the brink of a hearing before the Ontario Human Rights Commission. It did the right thing, finally, but very reluctantly. Without pressure it would never have acted.

• (1730)

That is why separate and explicit conscience legislation for health care workers is needed. I believe it is the responsibility of the federal government. We need legislation such as Bill C-207.

The bill is limited in scope but it would provide some relief to nurses from the immediate threat they are facing today. In the future we will need more comprehensive legislation than this bill. I want to elaborate on that important point using the U.S. experience as an instructive example.

The conscience laws in the United States are uneven and create only a patchwork of protection for health care workers. Of the 45 state laws currently in place, some apply only to abortion while others apply to additional procedures. Some laws apply only to individuals while others apply to institutions as well. Some laws provide substantive protection while others provide only a legal cause of action for the individual.

The main reason for this unevenness is that the U.S. legislators, like legislators in other jurisdictions, have had as their goal the remedying of specific concrete threats to conscience rights as they have arisen. As we so often do, they have legislated in a reactive mode. Of particular note are the conscience laws passed in many states between 1973 and 1982. They were good but they were in reaction to other supreme court rulings at that time.

This legislating in a reactive mode has meant that in the U.S. there has not been a comprehensive, well thought out, well designed legal approach to protecting the freedoms of conscience and religion in the field of health care. Most conscience clause statutes protect the right to refuse to participate in only one or two procedures. These laws do not deal with emerging ethical issues like those relating to physician assisted suicide, fertility treatments or medical experimentation.

We ultimately need a comprehensive approach that will be able to address these rapid changes in technology. Some supporters of abortion on demand have scoffed at the idea of conscience rights as though it were merely a concern of pro-lifers. But as science marches on and as it marches forward, a surprising thing is going to happen. Mark my words. More and more people working in the health care field are going to find themselves facing troubling ethical decisions. Nursing ethicist Patricia Wall of McMaster University was right when she cautioned that ethical problems faced by health care workers are bound to snowball. They very well will.

In the area of reproductive technologies alone, increasingly sophisticated scientific developments may eventually offend even the most laissez-faire physicians. Without proper legislation there may come a day when no physician feels free from coercion to violate his or her conscience. If the health care customer is always right, then physicians and other health care workers will be forced to follow the dictates of those customers. It will not be what the doctor has ordered that will be important, but what the customer has ordered.

We need an approach that will bring together ethicists, scientists, attorneys, politicians, physicians, nurses, administrators, religious leaders and others able to contribute to the construction of a comprehensive approach.

My question would be: Why is the Liberal government not doing anything proactively to address this need for comprehensive legislation? Why is it that we cannot get a basic elementary bill like Bill C-207 passed in the Canadian House of Commons?

The Liberal government will not allow a vote on this bill so it will not become law. It is tragic. It went before a committee. One hundred MPs from all parties signed a petition to have this bill debated. I am confident the bill would have passed with a free vote in the House of Commons.

I would like to express my appreciation to those nurses who wrote to me and with whom I had conversations in support of my efforts to present this bill in the House. To them I express my sincere hope that future developments, social, political and technological, will one day refocus public attention on this issue of conscience rights for health care workers and that justice will eventually emerge for those presently being abused by medical employers with government approval.

[*Translation*]

Mr. Yvon Charbonneau (Parliamentary Secretary to Minister of Health, Lib.): Madam Speaker, Bill C-207, introduced by the member for Wanuskewin, says much about health and some of the realities facing health care practitioners.

• (1735)

At first blush, one might think that this is a matter for the Minister of Health, but there is much more to the bill than that.

The bill also refers to the justice field and must also take into consideration the context of federal-provincial relations. In the many debates on this topic, it is often forgotten that the federal government, the provinces and the territories have a long tradition of working very closing together when it comes to the health care sector.

For example, there is the social union agreement signed at least one year ago by the federal government, nine provinces and three territories. This agreement is one of the very important results of this co-operation. And, as it says in the preamble to the framework agreement:

The following agreement is based upon a mutual respect between orders of government and a willingness to work more closely together to meet the needs of Canadians.

[*English*]

It is critical for the federal government to acknowledge that the regulation of health care professions and the development of employment standards for health care professions are areas of provincial and territorial jurisdiction. Why is this important as far as Bill C-207 is concerned? This bill deals with education and employment standards in health care. By law and according to the federal-provincial-territorial framework, these are areas of provincial and territorial responsibility. It therefore follows that to attempt to trump provincial and territorial jurisdiction through the creative use of the criminal code runs against all legal and policy protocols in health.

[*Translation*]

The purpose of Bill C-207 is to amend the criminal code in order to provide better protection to health care practitioners against any reprisals resulting from their decision not to perform certain medical procedures for religious or ethical reasons.

The bill proposes that the following three situations be considered offences: an employer who refuses to employ a health care practitioner and dismisses him for religious or ethical reasons; a health care educator who refuses to admit such a person to courses in a field of health care; and an officer of a professional association who takes similar action.

I would like to point out that Health Canada does not have a mandate to intervene in any case that is exclusively provincial or territorial. Health professionals are subject to private provincial or territorial legislation which has been passed to enable them to self-regulate the delivery of their professional services.

Moreover, the majority of these professionals are required to adhere to a code of ethics adapted to their profession. Such matters do not fall under Health Canada's jurisdiction, or that of the federal government.

The objective of the Canada Health Act is not to direct or control professionals, their employers or those training them, but to ensure that the Canadian public has reasonable access to insured and medically required services.

In addition to the provincial laws, each administration is protected by provincial and territorial human rights legislation, which not only constitutes a dissuasive element with respect to discrimination or reprisals, but also represents a suitable way of handling the type of violation we are talking about.

[*English*]

A further consideration that is important when reviewing Bill C-207 is the appropriate application of the criminal code. The criminal code is the ultimate statement of our fundamental values expressed as prohibitions.

[*Translation*]

In general, therefore, it ought to be used as a last resort, not the first one, when legal sanctions affecting the health field are involved. There are other legislative vehicles at both levels of jurisdiction that are appropriate for lesser offences.

● (1740)

Even when there is clearly a serious offence involved, the federal government has tended to use the criminal law power expressed in health legislation in preference to the criminal code for health matters.

[*English*]

Even if the contents of Bill C-207 were to fall within federal jurisdiction, which they do not, the criminal code would not be a suitable legal vehicle for regulating the performance or not of work related tasks on a day to day basis.

[*Translation*]

To conclude, I would strongly encourage all those with an interest in the issues raised by Bill C-207 to make a serious study of these issues in relation to compliance with the established jurisdictions over these matters. It will then be seen that the criminal code is not suitable to the issues raised, in particular the ones raised by Bill C-207.

A debate is also required on the ethics of health care delivery, which might yield some pertinent legal elements. Such a debate, however, would also have to take into consideration and respect areas of provincial jurisdiction, provincial legislation, and federal-provincial agreements in this area.

[*English*]

In closing, while the hon. member's bill does indeed deal with an important and sensitive matter, it remains an issue that falls outside the jurisdiction of Health Canada and the federal government.

Mr. Greg Thompson (New Brunswick Southwest, PC): Madam Speaker, with due respect I wish to move that this debate now cease. The member moving the motion is not in the House, nor is any member of his party. Therefore I move:

That this debate now cease.

The Acting Speaker (Ms. Thibeault): The hon. member knows that the motion proposed is in order, but the Chair would need it in writing please now.

Mr. Greg Thompson: Madam Speaker, I notice the member is now back in the House. On that basis I am prepared to debate the bill.

I am disappointed that members of his own party, who feel very strongly about this, are not here to support the member. I know the member's intentions are good and I am going to mention some of them in my speech.

The bill was introduced in the first session of this parliament. At that time it was Bill C-461. It is a non-votable bill. It seeks to protect the right of health care practitioners and other persons to refuse without fear of reprisal or other discriminatory coercion to participate in medical procedures that offend a tenet of their religion or their belief that human life is inviolable. There is nothing wrong with that intention at all.

Prohibition of coercion by health care employers, educators and professional associations, if found guilty, they are to be on a summary conviction. I am not sure what this bill does but I want to remind the House that the criminal code already includes clauses for the protection of medical practitioners.

The point has to be taken as well in this debate that the Canadian Medical Association's own code of ethics as well as the physicians' charter both include stipulations that afford health care practitioners, and the important phrase is health care practitioners, the right to not perform procedures with which they disagree. That is already in their code and charter.

The preamble to the physicians' charter is important. This is what every doctor in the country lives by. The preamble states:

> The goal of Canadian physicians, in partnership with their patients, is to provide the best health care possible. This Charter expresses what Canadian physicians need to achieve this goal.
>
> It complements the Canadian Medical Association's policies and the Canadian Medical Association's Code of Ethics, which outlines the responsibilities of physicians to patients, society, the medical profession and themselves.

● (1745)

Through this preamble the physicians are reminded that although they have a tremendous duty to their patients, the medical community and the rest of society, they also are responsible to themselves, above all. That means that physicians are exempt—an important word—from performing procedures that go against their own personal values.

In addition to that—and this is important to remember—physicians can and often do refer patients to other doctors or health care practitioners in order for them to get the care they desire or deserve. A physician can refer to other physicians.

In section 2 of the physicians' charter, clause 7 states that physicians need to be able to practise medicine in accordance with professional and personal standards within the bounds of the Canadian Medical Association's code of ethics. Through this stipulation within the physicians' charter, health care providers have their rights and personal values protected. The key word is protected.

The charter deals with a quality of life for Canadian physicians. It states that physicians in this country have to be able to balance the demands of their profession with their own need for quality of life and personal health maintenance. Therefore, clause 18 within that section states that physicians need to be free from harassment, discrimination, intimidation or violence, both in training and in practising medicine.

Coercion, as mentioned in this bill, has already been dealt with through that section of the physicians' charter.

Mr. Maurice Vellacott: That is nurses.

Mr. Greg Thompson: Madam Speaker, the member will have a chance to conclude and continue the debate, so I would remind him to exercise the kind of restraint that most of us do during Private Member's Business.

I commend the member for his initiative, but as the government member stated, most of this falls under provincial jurisdiction.

I am really disappointed. I know the member believes firmly in this. That is his right. That is why he was sent to this House. But why would the Reform Party stay away in big numbers? There is not one single member of the Reform Party—

The Acting Speaker (Ms. Thibeault): I must remind the hon. member that we do not comment on the presence or absence of members in the House.

Mr. Greg Thompson: Madam Speaker, to phrase it another way, which may be parliamentary, there is not one single member of the official opposition here except the mover of the bill. That tells us something about his lack of support within his own party and it tells us a lot about that party and its commitment to this very issue.

Mr. Maurice Vellacott: Madam Speaker, I rise on a point of order. I would like to draw to the attention of people watching that I have received a lot of support from all members of the House.

An hon. member: That is not a point of order.

Mr. Maurice Vellacott: It is a point of order.

The Acting Speaker (Ms. Thibeault): It is not a point of order. Once again, I would ask all hon. members not to comment on the presence or absence of members in the House.

Mr. Greg Thompson: Madam Speaker, I apologize for referring to the absence of Reform members in the House.

● (1750)

Mr. Maurice Vellacott: Madam Speaker, I rise on a point of order. The comments of the member are very offensive when we

are dealing with something as serious as this. We have had members from all parties in the House support this.

The Acting Speaker (Ms. Thibeault): I am afraid the member is debating.

Mr. Greg Thompson: Madam Speaker, the member who put forward this bill is a member of the very party that denied us on opposition day the other day by simply denying unanimous consent to continue the debate.

I cannot believe that, again, he is the only member of his party here debating this very issue. Where are they? Back home? What is the problem? Why would they not—

The Acting Speaker (Ms. Thibeault): This will be the last point of order on this subject.

Mr. Maurice Vellacott: Madam Speaker, I have listened to the comments of the member and I think you should shut it down. He should finish his speech. We have had good support from all members—

The Acting Speaker (Ms. Thibeault): I would again warn the hon. member for New Brunswick Southwest.

Mr. Greg Thompson: Madam Speaker, I have nothing against the member in terms of his commitment to the issue, but the point that I have been attempting to make is that widespread support is needed on a bill which is before the House. I cannot see widespread support on the other side of the House. I cannot see widespread support on this side of the House. Basically, the problem is that it goes into what is generally considered to be provincial jurisdiction. On that basis alone I do not think he will get the kind of support he is seeking.

The preamble to the bill and some of the facts the member has presented to the House are open to debate in terms of the protection that health care workers, doctors and nurses, are afforded today through the charter of rights and through their individual rights as working Canadians. That is very much respected today and we want to see that kind of respect and defence of individual rights continue. I believe that under the current legislation that is happening.

Although his intentions are good, I do not believe that this bill will add anything to the debate. On that basis I will sit down and allow the sole member of the Reform Party to continue.

The Acting Speaker (Ms. Thibeault): I will recognize the hon. member who presented the bill for his five minute reply, which will end the debate.

Mr. Maurice Vellacott: Madam Speaker, I would like to begin by thanking members on the government side of the House who supported this bill. Although they are not here in body, I know they are here in spirit and they are supportive of it.

It is unfortunate in our present system that we have a scenario where private members' bills are slotted at the end of the day, late in the week, when individuals have to catch flights and things of that sort. These are individuals from the New Democratic Party, the Conservative Party and the Liberal Party. There were some 100 signatures collected in support of this bill. The bill also came in by way of the draw and that is why we are having this discussion today.

What I think is really quite questionable about our system is the fact that if we go into committee with a bill that has the support of at least a third of the members of the House, in principle the bill should come before the House. It should be voted on, it should be tweaked, it should be amended, it should be changed and improved.

I would certainly welcome the member from the Conservative Party who spoke previously for the contributions he would make there. He would listen to the various witnesses from Nurses for Life and various health care workers and he would find that we do not have protections in our country at this time for nurses, the men and women who serve alongside, but who are in a different position than physicians. Everything that he had to say concerned protections for, in his own words, physicians. Physicians are a lot different than nurses. That is the focus. That is the particular matter under discussion here today. I want to thank and encourage others who work in the health care profession and those who are in training institutions.

• (1755)

I recall a day some months ago when I had an aboriginal girl come into my office. She was pretty emotionally shook up. She was coming to the completion of her term of study. She asked me ''What can I do in the situation I am caught in? I am supposed to do a study of certain modules or elect certain modules as I come to the end, and it appears—I do not know and I have to find out—that I have to be involved in an abortion procedure''. This was an aboriginal girl and from her background, whether religious or not, sanctity of life, respect for life, was important. She had the feeling that she would be coerced or forced into an abortion procedure or be denied completion of her program. I have talked to doctors and to others, and it seems that in some schools at least, students are forced to be involved in this as part of their training program.

As the member who spoke prior to me mentioned, it is not covered. We have too many nurses, too many individuals, who call and tell us that this is a problem. It is not something that we can simply leave. It would no longer be a problem if it were something the provinces could deal with. It needs the broader protection of the federal government. It should be in the criminal code, as we are suggesting.

If there are better ideas in terms of the protection of health care workers, we are certainly open to them, but nothing has been forthcoming so far. We would gladly do what we could in defence of and on behalf of good health care workers who dedicate their

lives to the profession or specialize in the area of bringing life into the world. They do not want to be involved in abortion procedures. It is not banning abortion; it is simply saying that others cannot be forced into being involved. It is saying that others cannot be forced into being involved in euthanasia. We hope to have a bill in place some day to deal with the reproductive technology that greatly troubles health care workers. It is ethically troubling for them.

Again, as I conclude my remarks, I want to thank members of the House who may even be viewing this in their offices or in their homes on CPAC, especially members from the government side of the House. Obviously they would not be the minority, but there are good members of that party which have given their support, as well as members of the Conservative Party. In fact it was the deputy House leader from the maritimes who seconded this bill. It was this member's own colleague.

I want to thank members of my party, a good number of them, maybe the most significant amount of those 100 signatures, as well as members from the NDP. This issue needs to be dealt with and we will do that in due course.

Mr. Greg Thompson: Madam Speaker, I rise on a point of order. I appreciate the thanks, but I would remind the member that his own caucus is missing this debate and I am very disappointed.

The Acting Speaker (Ms. Thibeault): I have been very patient with the member.

Would the hon. member for Wanuskewin like to complete his remarks?

Mr. Maurice Vellacott: Madam Speaker, I have completed my remarks. I simply want to assure members on all sides of the House who have these concerns at heart that we will continue to try to improve the bill in different ways such that it reflects and protects workers. It would appear at this point that our only recourse is to bring it into the criminal code so that there is broad, uniform protection across the country for health care workers.

The Acting Speaker (Ms. Thibeault): There being no further members rising for debate and the motion not being designated as a votable item, the time provided for the consideration of Private Members' Business has expired and the order is dropped from the order paper.

ADJOURNMENT PROCEEDINGS

[*English*]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

Adjournment Debate

BILL C-80

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Madam Speaker, I am very pleased to have this opportunity to address a matter that I raised in this House on October 18.

At that time I raised a question and brought a matter to the attention of the Minister of Health pertaining to the very serious and broad issue around food safety.

● (1800)

I specifically asked the government about its intentions with respect to Bill C-80, which was legislation tabled in parliament last spring but not dealt with before the summer recess.

In the interim a most unusual development occurred. The extraordinary public display of concern by 200 staff people in the Department of Health took place. Two hundred scientists in the health protection branch, knowledgeable about the area of food safety and food research, spoke up publicly. That is unheard of. For that large a group of employees within the government to go public with their concerns suggests to me and to members of my party that there is a very deep rooted serious problem within the Department of Health that has not been addressed and continues to fester and cause concerns for all Canadians.

Those scientists went public on September 30 of this year. They called upon the government to reverse its decision with respect Bill C-80 and with respect to the whole erosion of the food safety approach of the government. They were very clear about the problems associated with Bill C-80 and about a number of other developments that have raised serious concerns among Canadians regarding the quality and safety of our food.

Specifically they talked about aspects of the bill that need to be addressed by the government. For example, fundamental to their concerns is a matter pertaining to a conflict of interest in the inspection and surveillance of our food safety system.

The government has shifted responsibility from Health Canada to the Canadian Food Inspection Agency which is a step removed from direct accountability to parliament and involves a serious potential conflict of interest, being an agency that is responsible both for the promotion and marketing of food as well as for the inspection and safety of our food supply. They believe Bill C-80 will take us a step further in that direction.

They also raised concerns about the failure of the government, which is shown in Bill C-80 as it was tabled last spring, around ensuring that genetically engineered foods are safe. They suggest that the legislation will open the floodgates and allow for bio-technology to take place at a very rapid pace in the country without any kind of in-depth research being done to determine the long term impact on human health, on production patterns and on the environment.

They also believe that the bill will neutralize the Minister of Health and prevent him from carrying out his legislated statutory obligations under the Food and Drugs Act.

They have many other concerns, all of which I am sure the government is fully aware of. However, I want to use this opportunity today to ask: Given these concerns, will the government not just simply put Bill C-80 on hold but actually take it right off the agenda and look at restoring the teeth—

The Acting Speaker (Ms. Thibeault): I am afraid that hon. member's time time has run out.

[*Translation*]

Mr. Yvon Charbonneau (Parliamentary Secretary to Minister of Health, Lib.): Madam Speaker, the Minister of Health has taken the question raised by the member for Winnipeg North Centre very seriously. He also took very seriously the petition signed by over 200 employees of the food directorate, and told them that food safety is vital for the minister and the department.

The employees of the food directorate recently met with senior management, and the minister totally supports the dialogue that followed.

We feel as well that the recent appointments of Dr. Le Maguer, an internationally renowned scientist, to head the food directorate and of Dr. Mohamed Karmali, a former member of the science advisory board of Health Canada, as head of the Guelph laboratory and specialist in diseases of the digestive tract, signal clearly Health Canada's commitment to scientific excellence and to the renewal of the food surveillance program.

Allow me to reiterate the commitments made in the October 12 throne speech on strategic investments in health research and technology, and in the improvement of Health Canada's Canadian food safety program and the investments that will modernize our health protection activities to better mirror our changing world. These ongoing commitments to food safety justify the $65 million announced in the last federal budget.

• (1805)

When parliament established the Canadian Food Inspection Agency in 1997, it set up a review system under which the Minister of Health is responsible for developing policies and standards relating to food safety and nutrition, and for evaluating the effectiveness of the agency's activities in the area of food safety. Health Canada is very diligently fulfilling these commitments.

The Acting Speaker (Ms. Thibeault): The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 6.06 p.m.)

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