CANADA

House of Commons Debates

VOLUME 137 • NUMBER 013 • 1st SESSION • 37th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Wednesday, February 14, 2001

Speaker: The Honourable Peter Milliken

CONTENTS

(Table of Contents appears at back of this issue.)

HOUSE OF COMMONS

Wednesday, February 14, 2001

The House met at 2 p.m.

Prayers

● (1400)

[*English*]

The Speaker: As is our practice on Wednesday we will now sing O Canada, and we will be led by the hon. member for Sackville—Musquodoboit Valley—Eastern Shore.

[*Editor's Note: Members sang the national anthem*]

STATEMENTS BY MEMBERS

[*English*]

CURLING

Mr. Joe McGuire (Egmont, Lib.): Mr. Speaker, it was a great weekend for female athletes from Prince Edward Island. Lorie Kane winning on the LPGA tour is becoming a regular occurrence, including her most recent win last Saturday after setting a tournament record in Hawaii with an 11 under par. Lorie has become the best female golfer in the world today.

However, history was made last weekend when Summerside native Suzanne Gaudet led her team to victory at the Canadian Junior Women's Curling Championships. It was the first time an Island team has secured the junior women's title.

I should like to take this moment to congratulate skip Suzanne Gaudet, mate Stefanie Richard, second Robyn MacPhee, lead Kelly Higgins, and coach Paul Power.

They have brought credit to their community and their province with their performance and their grace under pressure. I wish them all the luck as they represent Canada at the 2001 World Junior Curling Championships from March 15 to March 25 in Ogden, Utah, where all of Canada will be cheering them on to win the gold medal.

SUZANNE WILSON

Mr. Ted White (North Vancouver, Canadian Alliance): Mr. Speaker, I rise to congratulate North Vancouver resident Suzanne Wilson on the completion of her millennium photo project, Your House/Our Home.

Here is something that will shock the Liberals: she completed her project without using a single cent of taxpayer dollars. It was done entirely with her own money and donations from supporters.

In Suzanne's own words ''The purpose of my year 2000 photo project, Your House/Our Home, is to leave a photographic and written record of the homes of families of the city of North Vancouver in the year 2000''.

In this she has succeeded. Her more than 2,000 photographs and stories stand as a testament to individual initiative and creativity. I am proud to be recognizing her today in this House.

Suzanne's exhibit gets my vote as the best millennium project in Canada, way ahead of the concrete dinosaurs, herb gardens and papier mâché pigeons that were approved for funding by the Liberal government's millennium bureau in 1999 and 2000.

* * *

● (1405)

CANADIAN FLAG

Mr. Alex Shepherd (Durham, Lib.): Mr. Speaker, everyone knows that today is Valentine's Day, but I rise today to reflect on another truly loved symbol of Canada and Canadians, our Canadian flag. Tomorrow marks the 36th anniversary of the first day that the flag became our country's distinctly Canadian national symbol.

Much more than a piece of coloured cloth, it is the symbol of a nation that is recognized around the world. It was 36 years ago tomorrow that the flag was raised over this building and became our official symbol for a great nation.

A number of years ago I promoted flag day with a number of our elementary schools to provide young Canadians with the opportunity to better understand the significance of our flag. I am happy to say that this initial undertaking has taken root and is now an annual tradition for me.

Tomorrow I will celebrate this day with the staff and students of the Good Shepherd Catholic Elementary School and the Gordon B. Attersley Public School in my riding. I hope all Canadians can and will take a few minutes tomorrow to reflect on our flag, which is the embodiment of our common heritage.

* * *

MARKHAM

Mr. John McCallum (Markham, Lib.): Mr. Speaker, I would thank the citizens of Markham for according me such a splendid electoral victory over the Canadian Alliance on November 27 and for giving me the opportunity to work on their behalf in years to come.

I will work with others to preserve and promote Markham's position as Canada's high tech capital which, roughly translated, means, look out Ottawa. I will also work with others to alleviate problems relating to immigration and transportation gridlock.

More than half of the people of Markham are new Canadians and the town enjoys a very rapid population growth. As a result, we have many citizenship celebrations. I will be going to one such celebration tomorrow, and I look forward to many more in years to come.

* * *

[*Translation*]

REGIONAL ECONOMIC DEVELOPMENT

Mr. Georges Farrah (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok, Lib.): Mr. Speaker, on February 5, the Minister of National Revenue and Secretary of State for the Economic Development Agency of Canada announced that our government will be investing in 11 projects in Gaspé and Îles-de-la-Madeleine.

This injection of close to $2 million in the regional economy will result in overall investments of some $7 million. In addition, our government's action will make it possible to create and maintain some one hundred jobs in Gaspé and the Islands.

These contributions are a concrete example of our government's commitment to the people of Gaspé and Îles-de—la-Madeleine. They are a clear illustration of our desire to provide the proper support for economic recovery in these regions.

* * *

[*English*]

HEATING FUEL REBATE

Mr. Philip Mayfield (Cariboo—Chilcotin, Canadian Alliance): Mr. Speaker, the government's attempt to buy popularity with Canadians by issuing energy rebate cheques has been an abysmal failure. All Canadians are directly affected by high energy costs, but only a handful are eligible for the newest Liberal slush fund. It is totally irresponsible to issue rebate cheques to prisoners and the dead while hard pressed millions are left out in the cold.

What are the priorities of the government? While Canadians freeze, hepatitis C victims still await money promised them by the government; our brave merchant marines have waited decades for compensation and routinely turn to food banks to survive; and farm families are being driven from the land by a lack of fair government compensation.

However there is one quick solution to high home heating costs: remove the GST from all home heating fuels and give all Canadians a break this winter. Home heating, like food and clothing, is essential to all.

I urge the government to stop buying votes and start providing legitimate government services to desperate Canadians.

* * *

CARDIOVASCULAR DISEASE

Mrs. Sue Barnes (London West, Lib.): Mr. Speaker, cardiovascular diseases impose a devastating burden upon Canadians, accounting for 37% of all deaths annually and placing a significant hardship and a diminished quality of life on those who survive and live with these conditions.

The cost of cardiovascular diseases due to direct health care expenditures, disability, work loss and premature death is estimated to be over $20 billion annually to the Canadian economy.

The Heart and Stroke Foundation of Canada and the Canadian Cardiovascular Society are calling for us to look at a concerted strategy to address such common debilitating conditions as heart disease and stroke. This strategy would be a first step toward the creation of a common and integrated nationwide approach to the prevention and the tracking of these chronic conditions.

I applaud the energy and the efforts of these fine organizations and urge all my colleagues in parliament to look at their documentation and support this very fine effort.

* * *

● (1410)

[*Translation*]

YOUNG OFFENDERS ACT

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, today is the day we celebrate love, and last night I had a lovely dream. I dreamed of Cupid. In this strange dream, he wanted to give me chocolates.

He could not afford to, however, overtaxed as he was with the GST and an insidious tax on employment.

Then he wanted to express his love, but his ability to express himself was limited by a gag and by this arrogant bill.

He persisted, however, and wanted to shout his love out loud. Brave fellow, his heart full of hope, he succeeded in doing so. He managed to get it out, but there was no one in the unilingual capital who could understand him.

Poor depressed Cupid, away he went. It seems that he was then arrested for carrying a bow and arrows when he got stuck in a traffic jam on one of the bridges. Now he could go to jail, though he is just a kid. Fortunately, that is when I woke up.

When I got to the office this morning, the second reading of Bill C-7 was announced. I felt like crying.

* * *

[*English*]

NIAGARA CENTRE

Mr. Tony Tirabassi (Niagara Centre, Lib.): Mr. Speaker, I rise today to offer my congratulations to my colleagues on their successful election or re-election to the House. I am looking forward to working with all members in this 37th parliament.

I wish to thank the citizens of my constituency for placing their stamp of approval on my candidacy on November 27. I give special thanks to my family, friends and supporters in my home town of Thorold for the dedication afforded to me over 15 years as a city councillor. Their past renewed confidence has allowed me to gain the experience and political footing required to begin my service to the larger constituency of Niagara Centre.

The government has brought forward an agenda that speaks to the issues. I intend to dissect from that agenda those issues of interest to my constituents, which in turn will allow me an opportunity to evolve a national perspective so that all Canadians may be the benefactors of my work and decisions.

* * *

TRADE

Mr. Gary Lunn (Saanich—Gulf Islands, Canadian Alliance): Mr. Speaker, yesterday Canada sent a team of scientists to Brazil to determine if there is any justification for banning Brazilian beef. I have no doubt that this is not about beef but about the illegal subsidies which the Brazilian government has provided to its aircraft manufacturer, Embraer.

The Government of Canada has been granted the right to impose countermeasures against Brazil but Canada refuses to act. Yet it insists on hiding behind the veil of mad cow disease, forcing Mexico and the U.S. also to ban Brazilian beef, which they object to.

If the government continues in this vein, it will permanently damage our reputation as a fair trader. To accuse another country of mad cow disease without any justification could only be characterized as being deceitful, dishonest and a cheat. I ask the government to table today all documents that it relied on to accuse Brazil of the threat of mad cow disease.

I am afraid our trading partners are beginning to think it is the Canadian government that has mad cow disease.

* * *

HAZEL MCCALLION

Mr. Steve Mahoney (Mississauga West, Lib.): Mr. Speaker, Hazel McCallion, the mayor of Mississauga, turns 80 years young today.

Hazel, born on the Gaspé coast, worked in business for 20 years and entered politics in 1967. Living in Streetsville with her beloved Sam, she became chair of the planning board, deputy reeve and then reeve. In 1970 she was elected mayor of Streetsville.

In 1974 the region of Peel and the city of Mississauga were created. Hazel fought this tenaciously and tried to retain the identity of Streetsville. She lost the battle but won the war. Streetsville lives as a vibrant part of Mississauga.

In 1978 she was elected mayor of Mississauga. We all came to appreciate and respect her dedication and incredible work ethic.

Tonight Mississauga will throw its biggest birthday party ever, a tribute to a woman who loves her people and her city, a party thrown by the thousands of people who truly love her. I wish Hazel a happy birthday and many, many more.

* * *

BLACK HISTORY MONTH

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, in 1996 parliament declared February Black History Month. I am honoured as member of parliament for the Prestons and Cherrybrook to salute the contributions black Nova Scotians have made to the country.

Since the first black loyalists arrived to eke out a living on our rocky shores, black Nova Scotians have battled and still battle racism, poverty, injustice and ignorance in their struggle to raise families and build strong communities.

On behalf of the House I salute the many souls past and present who have tirelessly led the way: artists such as Sylvia Hamilton, Jerimiah Sparks and Walter Borden; the Happy Quilters of Cherrybrook; the Nova Scotia Mass Choir; teachers such as Ruth Johnson; religious leaders like Donald Skier and William P. Oliver; politicians such as Gordon Earle, Wayne Adams and Yvonne Atwell;

athletes like George Dixon, Ray Downey and Kirk Johnson; and civil rights activists such as Rocky Jones and Calvin Ruck.

● (1415)

Black Nova Scotians have much to teach all Canadians about the importance of family and faith as we move forward to create a better world.

* * *

[*Translation*]

LIBERAL GOVERNMENT

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, I offer the House a variation on a theme by Jacques Brel:

Insufficient is love
As something to share
When patronage tales
Are afloat in the air

Insufficient is love
From the Liberal side
When stories of scandals
Float in with the tide

Insufficient is love
When promises die
While taxes like GST
Climb to the sky

Insufficient is love
When the help you would bring
Concerns only bridges
Not one other thing

Insufficient is love
When Heritage flags
Are plastered about
The better to brag

Insufficient is love
When you turn a deaf ear
And gags are the order
Our pleas not to hear

But love will create
Our own promised land
The future is ours
Let us just take a stand

* * *

VALENTINE'S DAY

Ms. Diane St-Jacques (Shefford, Lib.): Mr. Speaker, today is Valentine's Day, a day to celebrate love in all its forms, a day when one realizes that love is something vital to every human being.

I would like this day to include those to whom life has been less kind. I would like us to give a special thought to those who are alone and have no one with whom to share their love, to children living in violence and deprived of tenderness, hugs and affection, to our seniors, who are too often forgotten and left on their own.

Let us make this a day of peace and love. Let us send our wishes Canada-wide in the hope that Cupid's arrow will bring all Canadians closer together.

* * *

[*English*]

SHIPBUILDING

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, during last fall's election the Minister of Industry campaigned throughout Atlantic Canada making a personal commitment to shipyard workers in Saint John, Halifax, Dartmouth and St. John's, Newfoundland, that he would bring in a shipbuilding report by the middle of January 2001.

Sadly the minister has chosen to delay the release of the report on shipbuilding. Government sources close to the minister have confirmed that the report has been completed and it sits on the minister's desk. Why has the minister not released the report? Why will the Minister of Industry not table the report in the House today?

Why does the government continue to ignore the serious problems facing our shipbuilding industry? Why does it insist on prolonging the hardships being endured by our shipyard workers and their families?

ORAL QUESTION PERIOD

[*English*]

GRANTS AND CONTRIBUTIONS

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, the official opposition believes that Canadians want governments to be above suspicion but not above the law, and so as the Shawinigan file continues to grow we continue to demand accountability.

Members will remember Mr. Claude Gauthier as the man who bought the piece of land from the Prime Minister back in 1996 and then donated $10,000 to his 1997 election campaign. He was also the gentleman who got the $6 million government contract, even though he was not qualified, and another $1 million from the transitional jobs fund. Now it turns out that Mr. Gauthier also lucked into $9 million worth of immigrant investor funds after the Prime Minister met with those investors.

Why would the Prime Minister not be concerned about this conflict of interest?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the hon. member is quite wrong in his assertions when he alleges a conflict of interest. I repeat that the immigrant investor program in the province of Quebec is a Quebec provincial program and is managed by the province. It makes its decisions on people who are entitled to offer immigrant investor funds. The rules of the flow of

funds are according to the rules of the Quebec provincial government. The Prime Minister has nothing to do with those matters and has had nothing to do with those matters.

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, he does not agree with either the ethics counsellor or the auditor general. I want to remind him that Claude Gauthier bought the land from the Prime Minister that helped boost the value of his shares in the neighbouring golf course. He then donated $10,000 to the Prime Minister's election campaign. During that same period of time, Mr. Gauthier received $7 million from federal government programs, nearly all of which the auditor general says he was not entitled to.

How many millions need to go to Mr. Gauthier before the solicitor general will call for an independent inquiry into this?

● (1420)

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I want to again point out that what the Leader of the Opposition says about the views of the ethics counsellor are totally inaccurate with respect to this matter.

In an interview the ethics counsellor made speculative comments about a hypothetical situation. At the same time, he insisted that he had not changed his original decision from last November. He reiterated in January that the Prime Minister was operating within the rules and that he had not broken any conflict of interest rules. The ethics counsellor has maintained this position and the Leader of the Opposition ought to admit that.

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, the Deputy Prime Minister deals with material that may be up to four years old. It is the ethics counsellor who finds the Gauthier case questionable. It is the auditor general who has brought questions about receiving these funds. It is the ethics counsellor and the auditor general. Why will they not deal with this basic question of conflict of interest?

It is very clear that as the items continue to pile up on this file the questions continue to pile up. I would like to know if there is actually some other information that the Prime Minister is aware of that he does not want us to know about, and that is really the reason he will not allow the solicitor general to move ahead with an independent investigation.

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the short answer is, absolutely not. The Prime Minister acted correctly and ethically. That was the finding of the ethics counsellor, which he has reiterated over and over again.

The Leader of the Opposition ought to tell us why he is raising these matters. Is it because he does not want Canadians to know that he really believes we are doing a great job on the economy, a great job on health and a great job on the needs of children? Why does the Leader of the Opposition not tell us that we deserve a valentine instead of raising these misleading and false assertions?

Miss Deborah Grey (Edmonton North, Canadian Alliance): Mr. Speaker, what a farce.

The Prime Minister benefited from the sale of the land adjacent to the golf course which—

Some hon. members: Oh, oh.

The Speaker: Order, please. Obviously the excitement of receiving valentines has struck home. The hon. member for Edmonton North has the floor and every member will want to hear her.

Miss Deborah Grey: The Prime Minister benefited from that very sale of the land that was adjacent to the golf course which added value to the shares that he was trying to sell in the golf course itself. The Deputy Prime Minister tries to fog that over, not to mention the $10,000 political benefit.

I am sure Mr. Gauthier is good to know but it is obvious that the Prime Minister is better to know. Mr. Gauthier got $7 million from federal programs and another $9 million from investor immigrant funds. The benefit to him is obvious. Why is it not obvious to the Prime Minister that he is afraid of this independent investigation?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, there was already an investigation by the ethics counsellor who found that the Prime Minister had acted within the rules. If anybody else wants to carry out an investigation, they have the independent authority to do that. It is not a matter of direction one way or another by the Prime Minister or the solicitor general.

The facts are that the Prime Minister had no interest in the golf course at the time of the land purchase. I have been advised that Mr. Gauthier competed for a CIDA contract and won it because he had the lowest bid. Why does the Alliance Party refuse to admit this simple fact?

Miss Deborah Grey (Edmonton North, Canadian Alliance): Mr. Speaker, we will not admit it because we know it is simply not true. It is not true and there is no way that the Deputy Prime Minister can defend that.

Conflict of interest guidelines are to prevent the appearance of conflicts, not just to prevent them from actually happening. He can talk all he likes around the bush about it but it simply will not add up. The relationship between Claude Gauthier and the Prime Minister has a very bad appearance.

If these dealings are as innocent as the Deputy Prime Minister claims daily, then why will the government not just call for an independent investigation and clear the air?

Hon. Maria Minna (Minister for International Cooperation, Lib.): Mr. Speaker, the hon. member keeps talking about the CIDA project. First, seven companies sent bids to the president and that company's bid was 30% below the bids by the other companies. It was a straightforward bidding process.

● (1425)

[*Translation*]

TELEFILM CANADA

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, Telefilm Canada's new feature film policy is aimed primarily at increasing the market share of Canadian films from 1% to 5%. This policy ignores the Quebec reality, since the share of producers and films there is already 6.5%. This then is a Canadian problem to which a Canadian solution is being applied, without regard to the industry in Quebec.

I would ask the Minister of Canadian Heritage if she is aware that Telefilm's new policy achieves only one objective, that of penalizing those who are already successful, Quebec producers?

[*English*]

Ms. Sarmite Bulte (Parliamentary Secretary to Minister of Canadian Heritage, Lib.): Mr. Speaker, I am delighted to say that the new Canadian feature film policy is designed to promote the quality, diversity and accessibility of Canadian feature films to all Canadians.

Currently Telefilm is continuing its consultations with all of its stakeholders and expects to announce new guidelines by the end of February.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, what concerns me about this diversity criterion is that Canadian films are going to be required to produce receipts of $240,000, whereas Quebec films will have to produce $455,000 to meet the same criteria.

I would ask the minister how she will explain to producers of Quebec films that they will have to meet criteria that are twice as high, when they operate in a market three times smaller?

[*English*]

Ms. Sarmite Bulte (Parliamentary Secretary to Minister of Canadian Heritage, Lib.): Mr. Speaker, as the hon. leader of the Bloc knows, the Canadian television film policy was brought together after consultations with many of our Canadian film producers, including Quebec producers.

Last week when members of the Canadian Film and Television Production Association met here they applauded the minister on her new consultations with Telefilm.

[*Translation*]

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, the situation the film industry assistance fund is likely to create will most certainly be prejudicial to Quebec producers, because they will be set receipts objectives that are much higher than elsewhere in Canada.

Is Telefilm Canada's program in its present form not likely to make Quebec producers the victims of their own success?

[*English*]

Ms. Sarmite Bulte (Parliamentary Secretary to Minister of Canadian Heritage, Lib.): Mr. Speaker, I believe the hon. member has not heard my response previously.

The minister is continuing her consultations. Telefilm is continuing its consultations with all film producers across Canada, including the producers from Quebec. The guidelines will be announced at the end of the month.

[*Translation*]

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, indeed, it appears that the head of Telefilm is open to the idea of giving consideration to Quebec's situation and proposing a program more suited to the context.

I therefore ask the minister if she intends to support the approach of head of Telefilm Canada, rather than keep a system that is considerably more demanding of Quebec producers?

[*English*]

Ms. Sarmite Bulte (Parliamentary Secretary to Minister of Canadian Heritage, Lib.): Mr. Speaker, I will repeat again what I said previously. When we have concluded all of our consultations the policy will be presented.

* * *

TRADE

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, the supreme court of British Columbia is about to hear an appeal of a NAFTA decision that awarded Metalclad Corporation $17 million in damages.

Why? Because NAFTA upheld Metalclad's insistence on setting up a toxic waste sight against the wishes of local citizens and their democratically elected government. Canada will be an intervener in the precedent setting case.

Whose side will the government support, the polluters or the citizens and their right to a healthy environment?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, as always we will strive to protect the best interests of all Canadians.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, the city of Vancouver recently called on the federal government unanimously to refuse to sign any trade deals that include investor state provisions similar to NAFTA's chapter 11.

The government is intent on expanding NAFTA to the entire western hemisphere. The trade minister hints at concerns about investor state provisions, but hinting will not provide a lot of protection to our citizens.

● (1430)

Will the minister make the commitment today that the government will not under any circumstances sign on to the FTAA or any trade deal that favours corporations over citizens?

Mr. Pat O'Brien (Parliamentary Secretary to Minister for International Trade, Lib.): Mr. Speaker, the minister has repeatedly made very clear that Canada is in full support of an open and transparent process.

We have received a number of written submissions from NGOs. We continue to receive daily submissions from various stakeholder groups and Canadians in response to our website. Canada will ensure that our position is only taken after full consultation with all Canadians.

Mr. John Herron (Fundy—Royal, PC): Mr. Speaker, Canadian potash exports to Brazil are worth $210 million annually. Health Canada officials have publicly stated that there is no scientific justification for banning Brazilian beef.

Brazilian longshoremen have said that beginning tomorrow they will stop unloading Canadian ships, despite the fact that we have potash on the water as we speak. Why is the government willing to jeopardize the potash industries from Sussex, New Brunswick, to Lanigan, Saskatchewan?

Mr. Pat O'Brien (Parliamentary Secretary to Minister for International Trade, Lib.): Mr. Speaker, clearly this issue is a matter of food safety for Canadians. It is not related to our dispute with Brazil.

We would find it most regrettable if certain Brazilian companies, prior to receiving the report from our experts currently in Brazil, would threaten to boycott Canadian products.

* * *

FOREIGN AFFAIRS

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, after many mixed messages from the Russian foreign affairs department it indicated that after 10 days there would be a decision whether Andrei Knyazev would be prosecuted for his role in the fatal accident in Ottawa.

That time has now expired. Will the Minister of Foreign Affairs tell us whether Mr. Knyazev will be prosecuted in Russia for his actions?

Hon. John Manley (Minister of Foreign Affairs, Lib.): Mr. Speaker, I understand that the time estimate given was 10 working days. That time has not expired yet. I still have every reason to have confidence in the assurances that were given to me by the Russian government and its representative in Canada.

* * *

ETHICS COUNSELLOR

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, the ethics counsellor has called the Prime Minister's ownership in the golf course a bad debt and admitted that the Prime Minister faced a possible loss.

A financial loss is something that the Prime Minister wants to avoid. Did the Prime Minister avoid a financial loss by getting benefits for the Auberge Grand-Mère?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, no.

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, the ethics counsellor also said of the Prime Minister that the question at the end of the day was whether he would be fully reimbursed or whether he would just have to settle for something. A benefit is not only a financial gain; a benefit is also escaping a financial loss.

It is clear that the Prime Minister avoided losing his shirt on the golf course by keeping the Auberge Grand-Mère afloat. If he can explain his actions, why is he opposed to an independent investigation?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, it is my understanding that the ethics counsellor consulted with the trustee and legal adviser to the Prime Minister. As I understand it, what was done to settle the debt in question was done in full consultation and with the agreement of the ethics counsellor.

The hon. member's premise, as always, is totally wrong. He should do the House and the Canadian people a favour and withdraw his insinuations. Why not raise some questions of real interest to Canadians? Why is he not concerned about health? Why is he not concerned about our legal system? That does not matter to the opposition any more.

* * *

[*Translation*]

BUDGET SURPLUSES

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, nine months into the financial year, the government surplus is said to be 59% higher than last year at the same time.

● (1435)

What is rather embarrassing is that this figure was released just as the government is about to pass the bill that will allow it to get its hands on the employment insurance fund without being ac-

countable to anyone. Under this bill, merely 8% of what the government took from the unemployed will be given back to them.

How can the Minister of Human Resources Development accept that one third of the government surplus, which is in excess of $17 billion, comes from the employment insurance fund?

Hon. Jim Peterson (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, thanks to our fiscal policies, we will enjoy a large surplus. That is obvious. I want to congratulate all those Canadians who made a contribution.

As we have always said, premiums and costs were reduced, but we increased benefits. We are very proud of these results.

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, does the government not feel embarrassed to use 43 cents of each dollar paid into the employment insurance plan by employees and employers to pay off Canada's debt?

Does it not find it despicable to use an insurance paid by contributors to pay down the accumulated debt, when more than half of the unemployed do not even qualify for benefits?

Hon. Jim Peterson (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, before this year, the reductions in the tax burden of employers and employees totalled $6.4 billion. This year, these reductions have increased by a further $1.2 billion. That is very good.

* * *

[*English*]

ETHICS COUNSELLOR

Mr. Randy White (Langley—Abbotsford, Canadian Alliance): Mr. Speaker, yesterday the Deputy Prime Minister told the House that it was okay, in fact it was even justifiable for the Prime Minister to breach a code of ethics or have a conflict of interest because he was re-elected.

My question is of interest to Canadians. Why does the Prime Minister seem to be the only person in our nation who is above an ethics code, above conflict of interest rules, or even possibly above the law?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the hon. member has totally misstated what I said. I absolutely did not say what he has asserted, and he should withdraw that. If he does not withdraw it, it undermines and taints everything else he says in the House now and so long as he is here, which will not be all that long.

The Prime Minister is living within the code of conduct. That was confirmed by the ethics counsellor and that is the fact of the matter.

Mr. Randy White (Langley—Abbotsford, Canadian Alliance): Mr. Speaker, it could only come from over there. I see the Prime Minister is in China now expressing his disdain for its ethics in its justice system, but back at home in our country we are told he is above his own code of ethics. How does the Prime Minister justify not practising in Canada what he is preaching in China?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the hon. member is wrong. The Prime Minister is not living outside his own code of ethics. He is living within that code of ethics, as confirmed by the ethics counsellor.

We should be proud of our Prime Minister speaking up in China for human rights, instead of spouting the kind of nonsense the Alliance member is trying to abuse the House with today.

* * *

[*Translation*]

SUMMIT OF THE AMERICAS

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, despite what the Deputy Prime Minister would have us think, the Bloc Quebecois represents the views shared by all Quebecers with respect to the free trade area of the Americas.

In a unanimous—and I emphasize the term ''unanimous''—report, the institutions committee of the Quebec National Assembly is calling on the Government of Canada to periodically report on the progress of negotiations in the sectoral working groups.

How does the government think that Quebecers and Canadians can form an opinion on the validity of the Canadian positions if they do not know what is on the table, if they have not seen the basic texts being negotiated?

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, it must be four or five times now that I have offered the member and his colleagues a briefing session on the Summit of the Americas, so that they will be better informed before asking such questions.

• (1440)

The offer still stands. We are prepared to brief him, if he wants. We are prepared to give briefing sessions as soon as possible, for the member's benefit.

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, I have already told the House that what we need are not briefing sessions, but the basic texts. That having been said, the institutions committee of the Quebec National Assembly is asking ''That the final accord of the free trade area of the Americas be submitted to the elected bodies of Canada before being ratified by the federal government''.

Will the government promise, as the U.S congress has done, that the final accord of the free trade area of the Americas will be debated and voted on in the House?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, according to our information, as soon as our documents are finished they are published on the Internet. They are in the public domain, and we will continue with this open policy.

* * *

[*English*]

GRANTS AND CONTRIBUTIONS

Mr. Grant Hill (Macleod, Canadian Alliance): Mr. Speaker, the Deputy Prime Minister again today said that the province of Quebec administered the investor immigration fund.

What he failed to mention was that the province of Quebec had nothing to do with where those funds went. That responsibility was in the hands of brokers who met with the Prime Minister just days before millions of dollars started to flow to Shawinigan. How is it that the Deputy Prime Minister cannot see this as a conflict of interest?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I do not know why the hon. member cannot see that the brokers carry out their activities under the rules set by the province of Quebec in its immigrant investor program.

The Prime Minister said very clearly that he never discussed any project or proposal under the Quebec immigrant investor program with any of the brokers in question.

Mr. Grant Hill (Macleod, Canadian Alliance): Mr. Speaker, the Prime Minister said very clearly that the shares were in a blind trust back in 1993. We now know that those shares were in his hands in 1996. They were in his possession; they were his shares in 1996.

Is it not true that the only blind trust here is Liberal blind trust in a Prime Minister on unethical grounds?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, when I listen and look at the hon. member I know the basis for the quotation ''None are so blind as those who cannot see''.

He cannot see that the Prime Minister did not own the shares at the relevant time in 1996. The ethics counsellor confirmed to the industry committee of the House that the Prime Minister did not own those shares.

If the hon. member wants to maintain the respect of the House, he should withdraw his unwarranted and inaccurate assertion in this regard.

[*Translation*]

GAMES OF LA FRANCOPHONIE

Mr. Dominic LeBlanc (Beauséjour—Petitcodiac, Lib.): Mr. Speaker, what is the reaction of the minister responsible for the IV Games of la Francophonie, which are to be held in Ottawa-Hull, to yesterday's statement by the Bloc Quebecois to the effect that Franco-Ontarians are not worthy to host those games next summer?

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, I find it most regrettable that a statement was made by a Bloc Quebecois MP yesterday, claiming that our minority status here in Ottawa does not give us the right, as francophones in this country, to host the Games of La Francophonie. We are full-fledged citizens, regardless of what the Bloc wants to make us out to be.

* * *

[*English*]

FOREIGN AFFAIRS

Mr. Svend Robinson (Burnaby—Douglas, NDP): Mr. Speaker, my question is for the Minister of Foreign Affairs. It concerns the greatest possible threat to human rights, and that is nuclear war.

The Chinese government has strongly condemned the proposed U.S. national missile defence system that would breach the ABM treaty, destroy the non-proliferation treaty and ignite a new global arms race.

Did the Prime Minister in his meeting yesterday with the Chinese leadership make it very clear that Canada also opposes the destructive new star wars scheme and that Canada will not participate in any way in this scheme? If not, why not? When will Canada finally get off the fence and say no to the national missile defence system?

● (1445)

Hon. John Manley (Minister of Foreign Affairs, Lib.): Mr. Speaker, as far as I can tell, the New Democratic Party says no to everything with the United States except possibly for trade in automobiles.

That being said, I think it is fair for us to say that it is as appropriate to give the United States, as it has asked us to do, the time to define what the project is that is being described as national missile defence—it has indicated that it has not done that yet—and the time it has asked for to take up what its plans are, not only with its allies but with the Russians and the Chinese. It has recognized with us that it is overall global security that we want to achieve, not just continental security.

CANADA ELECTIONS ACT

Hon. Lorne Nystrom (Regina—Qu'Appelle, NDP): Mr. Speaker, my question is for the government House leader. In the November election there were problems with thousands of people being left off the voters' list across the country. I think this is a problem that all members of parliament agree on.

In light of that I would like to ask the minister whether or not he is willing to bring in amendments to the Canada Elections Act to deal with these problems to ensure that no Canadian citizen will be denied his or her democratic right in a future election campaign.

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I thank the hon. member for this excellent question. Many Canadians, particularly candidates and eventually members of parliament, were quite rightly upset because too many Canadians were left off the voters' list.

Once the chief electoral officer tables his report in the House, the report will be sent to the parliamentary committee. I have asked the chair of the committee personally that this be one of the items studied to see how we can improve the list. I agree with the hon. member who raised the question.

* * *

BUSINESS DEVELOPMENT BANK OF CANADA

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, a moment ago the Deputy Prime Minister spoke about retaining the respect of the House. One way in which he could do that is to lay upon the table facts which would help the House come to a judgment about the Prime Minister's activities.

Will the Deputy Prime Minister table the recommendations of all executive searches performed over the last four years for the Business Development Bank by the firm Spencer Stuart Canada?

Hon. Brian Tobin (Minister of Industry, Lib.): Mr. Speaker, we seem to have a competition today between which of the leaders, the leader of the Alliance or the leader of the Conservatives, will be the real leader of the opposition.

One leader is best known for his wetsuit and the other is just all wet. He asked questions two days ago about this issue and discovered there were not two search teams but ten search teams.

The leader of the Conservative Party continues to make allegations which are unsubstantiated. Whether he is fishing, playing hockey or simply fooling around, it is time to get serious and real on this important question.

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, the questions keep getting asked and the answers keep being avoided. The government owes it to the people of Canada and to the Parliament of Canada to lay facts on the table about the behaviour of the Prime Minister.

Let me quote the Prime Minister's speech in 1994 in which he said ''I promised Canadians we would provide an open and accountable government, and we have''.

Will the Deputy Prime Minister, in the interests of open and accountable government, table all documents relating to the transaction between the Prime Minister and the Akimbo Development Corporation respecting shares in the Grand-Mère Golf Club?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the simple fact is that the Prime Minister sold his shares before becoming Prime Minister.

I am advised that all relevant documentation has been reviewed by the ethics counsellor who told the industry committee of the House on May 6, 1999, that he had seen the agreement of sale. He described it as follows: ''It is unambiguous in language. It is fairly simple. There is no basis for anybody trying to say that there was an option aspect to it. It was a sale and it was an unsecured sale. I know the Prime Minister does not own the shares and has not owned the shares since November 1, 1993, which from my point of view is the only—''

The Speaker: The hon. member for Lanark—Carleton.

* * *

ETHICS COUNSELLOR

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance): Mr. Speaker, several days ago the ethics counsellor stated that the Prime Minister's shares in the Shawinigan golf course were not in a blind trust.

Why then did the industry minister publicly state that those shares were in a blind trust?

Hon. Brian Tobin (Minister of Industry, Lib.): Mr. Speaker, in a scrum outside the House I made reference to the shares being in a blind trust and then within two sentences corrected myself and referred to assets being looked after by trustees.

● (1450)

With reference to the request for information to be tabled, the leader of the Conservative Party knows much of that information is subject to the provisions of the Privacy Act. He also knows that if I were to table that information, I would have to tender my resignation 10 seconds later.

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance): Mr. Speaker, Canadians want to make sure that government appointments and government programs are equally available to all Canadians in all provinces.

Does the industry minister consider it fair or ethical that the Prime Minister could interfere with the Business Development

Bank, with the immigrant investor fund or with any other organization to direct funds for his personal benefit?

Hon. Brian Tobin (Minister of Industry, Lib.): Mr. Speaker, I would not consider it fair and I am happy to report that it did not happen. Those are the facts.

What is happening here on the basis of no evidence and no new information is a systematic attempt to use parliament through allegations and through smear to injure the character of somebody who has served the House and the country for 38 years. That is what is happening here. Members opposite know it and we know it on this side of the House as well.

* * *

[*Translation*]

OFFICIAL LANGUAGES

Mr. Yves Rocheleau (Trois-Rivières, BQ): Mr. Speaker, my question is for the Minister of Foreign Affairs.

A visit to the websites of the diplomatic missions in Ottawa reveals that 75% of them have no French content, while the remaining 25% contain less French than English.

Is the minister aware that this situation does not reflect the reality of Canada's two official languages?

Hon. John Manley (Minister of Foreign Affairs, Lib.): Mr. Speaker, as the hon. member is well aware, not long ago the website with the most French content in the world was the SchoolNet site. He will therefore accept that I am extremely aware of the importance of our bilingual reality. We are going to ensure that both languages are equally represented on the website.

Mr. Yves Rocheleau (Trois-Rivières, BQ): Mr. Speaker, I would remind the minister that my question related to the embassies located here in Ottawa.

In the same vein, can the minister tell us whether he intends to suggest to the embassies that they use both of Canada's official languages, thus enabling Quebecers and the francophones of Canada to communicate with embassies in their own language?

Hon. John Manley (Minister of Foreign Affairs, Lib.): Absolutely, Mr. Speaker.

* * *

[*English*]

ETHICS COUNSELLOR

Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance): Mr. Speaker, yesterday the Deputy Prime Minister may recall saying ''The Prime Minister did not own shares at any relevant time''. This is just wrong.

Canadians know that the Prime Minister owned shares at the time when he met with immigrant investors. Canadians know that he owned the shares at the time he recruited funding support from the president of the Business Development Bank.

My question is for the Deputy Prime Minister. If these are not relevant times, what are?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the hon. member is as out to lunch in the Alliance Party as he was in the Conservative Party.

He is quite wrong in saying that the Prime Minister solicited investor funds or solicited funds from the Business Development Bank. This was confirmed by the ethics counsellor. What I said yesterday is correct and what he says today is wrong.

Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance): Mr. Speaker, let us see if it is as foggy over the Grand Banks. Last week we asked about the Prime Minister's stake in the hotel Grand-Mère and the industry minister replied, and I quote from *Hansard*, ''There were no private benefits by the Prime Minister whatsoever''.

That statement counters the ethics counsellor's own words. It serves to heighten the suspicion of the Canadian people about the Prime Minister, his leader. Why does he not clear the air today and clarify the erroneous statements that he made in the House last week?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I ask the hon. member why he does not clarify and withdraw the erroneous statements on which he bases his question.

The ethics counsellor did not find what the hon. member asserts. The ethics counsellor found that the Prime Minister acted perfectly correctly and perfectly properly.

* * *

● (1455)

FOREIGN AFFAIRS

Mr. Bryon Wilfert (Oak Ridges, Lib.): Mr. Speaker, my question is for the Minister of Foreign Affairs. Recently Canada established diplomatic relations with North Korea. The regime in Pyongyang is signalling its interest in modernizing its economy with the latest technology.

Given the fact that North Korea's missile and nuclear program has contributed to uncertainty in the region and that it has withdrawn from the International Atomic Energy Agency, how will Canada approach engagement with this regime in terms of trade, regional security issues. and the need to encourage and promote North Korea into rejoining the atomic energy agency?

Hon. John Manley (Minister of Foreign Affairs, Lib.): Mr. Speaker, first let me say that I think all members of the House

recognize that President Kim Dae-jung of South Korea won the Nobel Peace Prize for his efforts in opening up the Korean peninsula and building peace there, very deservedly so.

Canada has followed his encouragement in establishing diplomatic relations with the north. That provides us with an increased opportunity to work with the North Koreans in advancing Canadian values, including democratic rights, human rights, economic development and trade issues.

On the specific matter of the International Atomic Energy Agency, Canada annually co-ordinates a resolution before the agency at an annual meeting concerning North Korea. We will continue to do so.

* * *

ABORIGINAL AFFAIRS

Mr. Andy Burton (Skeena, Canadian Alliance): Mr. Speaker, my question is for the Minister of Indian Affairs and Northern Development. The Morricetown Band Council in my riding receives nominal roll funding from his department to pay for its students enrolled in School District No. 54.

That money has been transferred to the band from the department, and yet the band refused to pay its commitment of over three-quarters of a million dollars owed to the school board.

Why has the minister or his officials not intervened in this case and forced the band council to meet its commitments instead of withholding federal money meant to pay schooling costs?

Hon. Robert Nault (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I do not know the particulars of the case, but I will tell the member that the policy of the Government of Canada, as it relates to Indian affairs and the agreement we have with the province of British Columbia, is that if a first nation does not pay its tuition agreement to a board the Government of Canada through the department of Indian affairs will intervene to see that money is paid.

At this point there may be some particulars of the case which would not enable us to resolve that issue at this point. I will take that under advisement and get back to the hon. member.

Mr. Andy Burton (Skeena, Canadian Alliance): Mr. Speaker, the minister should know. We have tried to contact his department in Vancouver with no response or no resolution. My concern is for the education of the 120 children of the Morricetown band affected by this and for the huge shortfall the school board is encountering.

If the minister cannot force the band council to use its federal funding earmarked for education to pay its schooling commitments, why give the band council responsibility for the money in the first place? Where is the accountability?

Hon. Robert Nault (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, without knowing the details of the case I just want to make it very clear to the member and his party opposite that we well know, because we listened to this during the last campaign, they take the view automatically that somehow a first nation is wrong, no matter what occurs across the country. Without looking at the details that party believes that first nation people cannot run their own affairs.

Sometimes when those funds are held back by the first nation band council it is because the board itself is not meeting its commitment to those children.

* * *

[*Translation*]

ORGANIZED CRIME

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, far from abating, the war between motorcycle gangs is entering a new phase. Yesterday's shooting in the middle of the autoroute is a very clear sign that these gangs will do anything to achieve their ends.

The minister has said that she intended to table anti-gang legislation quickly. Could she, who seems more inclined to put young people rather than the real criminals in prison, tell us when exactly she intends to table anti-gang legislation so that Canada may have a real law?

[*English*]

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, as the hon. member is fully aware, the solicitor general and I have been consulting with provincial and territorial counterparts. We have been consulting with the Royal Canadian Mounted Police.

As the solicitor general and I have made plain, we will be bringing forward a package of amendments to the criminal code as well as resource and enforcement measures as soon as our consultations are concluded.

* * *

VETERANS AFFAIRS

Ms. Paddy Torsney (Burlington, Lib.): Mr. Speaker, yesterday's Ottawa *Sun* reported that Mr. Norman Ryan, a veteran of the second world war, only recently received his medals from Veterans Affairs Canada, some 55 years after the war's end.

● (1500)

Would the Minister of Veterans Affairs tell the House why this veteran had to wait so long and how we could make sure others are not caught in this situation?

Hon. Ronald Duhamel (Minister of Veterans Affairs and Secretary of State (Western Economic Diversification) (Francophonie), Lib.): Mr. Speaker, this is an unfortunate situation. Obviously Veterans Affairs Canada wants to make sure that veterans who have merited decorations and medals receive them as quickly as possible.

Sometimes we do not have the forwarding address of a veteran, but I want to give this assurance: every time we get a request we will follow up immediately. I would invite all veterans who have not received their decorations or their medals to contact Veterans Affairs Canada and we will make sure they get them immediately.

* * *

HEALTH

Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance): Mr. Speaker, even the government's own scientists have claimed that there is no threat to the health of Canadians from Brazilian beef. This is about political interference, not food safety.

Years of effort to have world trade decisions based on science and not politics is flying out the window. Did the minister of agriculture approve of this reckless action before it happened or was it the idea of so-called Captain Canada, otherwise known as our industry minister? Who was it?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the hon. member should get his facts straight. The two people who spoke out on this matter were in a department of government that was not dealing with it. It was not part of their files and quite frankly they had no business speaking out on a file in which they were not involved.

The decision was made based on our concern, obviously not the concern of those on the other side, for the health of the people of Canada. We will stick by that decision and we will conduct a risk assessment as necessary.

* * *

VETERANS AFFAIRS

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, my question is for the veterans affairs minister. Merchant mariners in Canada have been fighting for over 55 years for proper compensation. In fact prior to the last election the government tried to ram through a bill, but it died on the order paper.

Could the Minister of Veterans Affairs tell the House and all Canadians, especially our beloved merchant mariners, when they could expect to see the final instalment of their compensation, which is so duly owed to those brave men and women?

Hon. Ronald Duhamel (Minister of Veterans Affairs and Secretary of State (Western Economic Diversification) (Francophonie), Lib.): Mr. Speaker, over 14,000 applications have been received and processed. Roughly one-half or a little fewer than 7,000 cheques have been sent out as the first payment.

We will review roughly 2,500 applications. Once we know what the numbers are, we will then know how much we need in order to make a second payment. It is at that point in time that I promise to go back to see if there is any more money.

* * *

PRESENCE IN GALLERY

The Speaker: I draw the attention of hon. members to the presence in the gallery of Her Excellency Karen Moustgaard Jespersen, Minister of the Interior of Denmark.

Some hon. members: Hear, hear.

* * *

POINTS OF ORDER

ORAL QUESTION PERIOD

Mr. Chuck Strahl (Fraser Valley, Canadian Alliance): Mr. Speaker, during question period today the Minister of Industry referred to a document he had in his hands that contained the names of the executive search firms retained by the Business Development Bank.

He again went on to say that the search firms had been referred to in the questions that had been asked over the last couple of days about who had done what searches on behalf of the bank to fill those executive positions.

I would ask if the minister would table those lists for us today.

Hon. Brian Tobin (Minister of Industry, Lib.): Mr. Speaker, as the list of names has already been made available to the media, I would be very happy to make it available to the House.

[*Translation*]

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, something I consider very serious happened in question period.

The member for Beauséjour—Petitcodiac, in putting a question to the government House leader, the member for Glengarry—Prescott—Russell, knowingly altered remarks I had made in this House yesterday, remarks I could read back to you in their entirety, if I may, since they were made pursuant to Standing Order 31.

I will then insist that these remarks, in which I am made to say that the region did not deserve to hold the Games of La Francophonie, be withdrawn from *Hansard*. I also insist on an apology from the two members who interpreted remarks I never made.

● (1505)

Here is the statement that I made yesterday under Standing Order 31:

> In 2001 Canada will be hosting the IVth Games of la Francophonie. They will be held in Ottawa, the capital and a unilingual English city.

This is true. These games will be held in Hull and also in Ottawa, which is unilingual.

> First, according to Statistics Canada, 91% of the population of the city of Ottawa speak English only—

This is from Statistics Canada. Furthermore, again according to Statistics Canada, less than 10% of the population of the city of Ottawa is francophone.

Some hon. members: Oh, oh.

The Speaker: Order, please. Obviously, there is a disagreement concerning the facts in this case, but the hon. member raised a point of order. I wonder what part of the standing orders is at issue here. I still have not figured it out.

Mr. Benoît Sauvageau: Mr. Speaker, what is at issue here is simply that the House was misled by members who attributed to me comments that I never made by targeting the statement that I made under Standing Order 31, which is found on page 598 of yesterday's *Hansard*, dated Tuesday, February 13, 2001.

Mr. Speaker, you will be able to see that what was said in the House was inaccurate and that my integrity and honesty have been impugned. I ask these two members of parliament to withdraw their comments and to apologize.

The Speaker: The hon. member has made his point. Unfortunately, in the House there are often times when one member quotes another but not fully. We had several examples during Oral Question Period today. Often, in questions and answers, different portions of the same letter or article are quoted.

I do not consider it a point of order when a member makes a statement in the House concerning something that was said elsewhere or even here in the House. There may be disagreement among the members concerning the interpretation of remarks but it is not up to the Speaker to rule that this is a point of order or to require members to rephrase.

If the two members who spoke on this topic wish to withdraw what they said, that is a decision for them to make, but this is not, in my view, a point of order.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, while I bow to the wisdom of your ruling, I would just like to raise one point not mentioned by my colleague.

The member for Beauséjour—Petitcodiac attributed to my colleague something he never said, to the effect that the francophones in Ottawa were unworthy of hosting the Games of la Francophonie.

Mr. Speaker, this is an extremely serious accusation which could mislead all those now listening, and which did not arise from anything my colleague said but solely from the desire of the member and of the government House leader to twist our words, to make us look bad to francophones in the rest of Canada, when it is absolutely false, unfair and wrong, and they must apologize.

The Speaker: The Speaker does not recall a reference to a particular member during the question or during the answer.

I will look at the blues today, and if I have anything to add, I will get back to the House tomorrow or the next day.

* * *

PRIVILEGE

PROCEDURE AND HOUSE AFFAIRS—SPEAKER'S RULING

The Speaker: Since a few members have indicated to me that the ruling I delivered yesterday on the question of privilege raised by the member for Sarnia—Lambton had led to some confusion, I wish to provide clarification immediately.

[*English*]

At page 609 of *Debates* I stated:

> In addressing this most unfortunate situation the board has been guided by the usual principles of human resource management—

● (1510)

The text should go on to read:

> —and in seeking a solution the administration of the House has made every effort to reach a fair and equitable settlement with the parties.

I thank hon. members for their attention.

ROUTINE PROCEEDINGS

[*English*]

SUSTAINABLE DEVELOPMENT

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, pursuant to subsection 24(2) of the Auditor General Act, I have the honour to present 28 sustainable development strategies, in both official languages, on behalf of the government.

These strategies are one of the means through which departments and agencies of government are taking decisive action to ensure that the environment, the economy and society are consid-

ered in policy and program decisions in an integrated manner. This is a clear demonstration of the government's strong support for the advancement of sustainable development in Canada and abroad.

In the spirit of sustainable development I have decided not to have paper distribution of these strategies to members of the House and senators unless requested. Members and senators will receive an information pamphlet on how to obtain them from the Internet if they need that assistance or, if they wish, they may ask for a hard copy.

* * *

INTERPARLIAMENTARY DELEGATIONS

Ms. Sarmite Bulte (Parliamentary Secretary to Minister of Canadian Heritage, Lib.): Mr. Speaker, pursuant to Standing Order 34, I have the honour to present to the House reports from the Canadian branch of the Commonwealth Parliamentary Association concerning the 46th Commonwealth Parliamentary Conference, which was held in London and Edinburgh from September 20 to September 29; the 12th Commonwealth Parliamentary Seminar, which was held in Bermuda from October 14 to October 22; and the 23rd Canadian Regional Seminar which was held in Halifax, Nova Scotia, from October 19 to October 26, 2000.

* * *

MARRIAGE (PROHIBITED DEGREES) ACT

Mr. Svend Robinson (Burnaby—Douglas, NDP) moved for leave to introduce Bill C-264, an act to amend the Marriage (Prohibited Degrees) Act (marriage between persons of the same sex).

He said: Mr. Speaker, today being Valentine's Day, the day that we celebrate love and romance, it is timely that I table the bill that would amend federal law to clearly recognize same sex marriages, the right of gay and lesbian people to marry their partners if they choose to do so.

The bill reflects the inclusive spirit of the charter of rights as well as recent Supreme Court of Canada rulings, and celebrates the diversity of Canadian families. It in no way threatens traditional heterosexual marriage or religious traditions. Rather, it acknowledges that our relationships as gay and lesbian people are just as strong, just as loving, just as committed as any others. Canada should follow the lead of the Netherlands in recognizing same sex civil marriages.

Finally, Mr. Speaker, I hope you will indulge me on this special Valentine's Day by allowing me to wish Happy Valentine's Day to my partner Max across the land in Burnaby, British Columbia.

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

* * *

A DAY FOR HEARTS

Mr. Greg Thompson (New Brunswick Southwest, PC) moved for leave to introduce Bill C-265, an act establishing A Day for Hearts: Congenital Heart Defect Awareness Day.

He said: Mr. Speaker, it being St. Valentine's Day, I think it is most appropriate to introduce the bill today. A Day for Hearts is the short title. The purpose of the bill is to raise awareness. Hopefully that will focus on the problem of congenital heart disease, which affects approximately 4,200 newborn children every year, one in every one hundred children born.

The purpose of the bill is to raise awareness. Throughout Canada in each and every year beginning in the year 2002, the 14th day of February shall be known under the name of A Day for Hearts: Congenital Heart Defect Awareness Day.

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

* * *

● (1515)

CANADA MARRIAGE ACT

Mr. Jim Pankiw (Saskatoon—Humboldt, Canadian Alliance) moved for leave to introduce Bill C-266, an act to amend the Marriage (Prohibited Degrees) Act in order to protect the legal definition of marriage by invoking section 33 of the Canadian Charter of Rights and Freedoms.

He said: Mr. Speaker, today being St. Valentine's Day, it is my pleasure to introduce a bill to amend the Marriage (Prohibited Degrees) Act in order to protect the legal definition of marriage by invoking section 33 of the Canadian Charter of Rights and Freedoms.

The bill is consistent with a motion passed by the House on June 8, 1999, confirming the definition of marriage as a union of a man and woman, although not consistent with official NDP policy, nor the publicly stated policy of the member for Burnaby—Douglas, nor in fact the leader of the New Democratic Party.

It is my hope that the bill will eventually be voted on and passed in the House in order to entrench in law the definition of marriage.

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

[*Translation*]

PEST CONTROL ACT

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.) moved for leave to introduce Bill C-267, an act to prohibit the use of chemical pesticides for non-essential purposes.

She said: Mr. Speaker, the purpose of this bill, titled an act to prohibit the use of chemical pesticides for non-essential purposes, is to place a moratorium on the cosmetic use of chemical pesticides in the home and garden and on recreational facilities, until scientific evidence that shows such use is safe has been presented to parliament and concurred in by a parliamentary committee.

[*English*]

The bill aims to shift the dangerous burden of proof. As things actually stand, the public good bears the burden of proof. We abundantly spray the pesticides in our yards and playgrounds, which are chemicals designed to kill. Yet, we have no evidence, scientific or medical, that accurately demonstrates their safety. Thus we spray these pesticides at the expense of the health of Canadians.

The bill would reverse this situation by requiring proof of pesticide safety, which would have to be submitted to parliament and approved in committee before allowing their use.

[*Translation*]

I strongly urge this House to consider this bill, the basic purpose of which is to put the health of Canadians before anything else.

[*English*]

Let us, as parliamentarians, give a valentine to all Canadians by adopting the bill.

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

* * *

● (1520)

CANADA WELL-BEING MEASUREMENT ACT

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.) moved for leave to introduce Bill C-268, an act to develop and provide for the publication of measures to inform Canadians about the health and well-being of people, communities and ecosystems in Canada.

She said: Mr. Speaker, I am happy to rise today on St. Valentine's Day to present to the House a bill entitled the Canada well-being measurement act. The greatest testimony to love is giving the next generation the protection, education and the necessary assets so that it may take its flight into the world.

[*Translation*]

It is significant, therefore, that the Canada well-being measurement bill is being introduced in the House on Valentine's Day.

The purpose of the bill is to expand the way we measure the well-being of the country, so that it will encompass social, economic and environmental factors. These factors affect the health of Canada's people, communities and ecosystems.

[*English*]

Such factors will increase awareness of challenges and successes facing our country and will thereby enable the people of Canada and the House to steer more carefully toward a secure and satisfying future.

[*Translation*]

I offer this bill as a Valentine's Day gift to our beloved young people and to all future generations.

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

* * *

[*English*]

PETITIONS

RU-486

Mr. Janko Perić (Cambridge, Lib.): Mr. Speaker, pursuant to Standing Order 36, I have the privilege to present to the House a petition from close to 500 concerned citizens in my riding of Cambridge.

They wish to draw to the attention of the House that the chemical RU-486 kills the human fetus in the first two months of pregnancy and is now being tested in Canada. There are a number of dangerous side effects to this drug and it poses a serious threat to the health of the mother.

The petitioners pray and request that the Parliament of Canada not introduce changes to the current legislation or protocol that would allow the RU-486 method of abortion to be licensed in Canada.

I wish a happy Valentine's Day to my wife, my daughter and my granddaughter.

PESTICIDES

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, once again it is my honour to table two petitions in the House calling for a moratorium on the cosmetic use of pesticides, one of which was actually taken by an elector in my riding.

As with my private member's bill, the issue of the non-essential use of pesticides, or what we like to call cosmetic use of pesticides, is a significant danger to the health of Canadians.

We do not have the science or the medical proof to show that it is not dangerous. We are putting our children's lives and pregnant mothers in danger. We are calling for a moratorium on the cosmetic use of pesticides.

It is with great honour that I table these two petitions that support my private member's bill. I call on the House to adopt the legislation and to do it quickly.

GASOLINE ADDITIVES

Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.): Mr. Speaker, pursuant to Standing Order 36, I am honoured to present a petition on behalf of the citizens of Grand Bend in the London area.

They urge the government to eliminate the gas additive MMT, as it has a negative impact both on the health of people and on our ecosystem at large.

* * *

● (1525)

QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

* * *

MOTIONS FOR PAPERS

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I ask that all Notices of Motions for the Production of Papers be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

YOUTH CRIMINAL JUSTICE ACT

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.) moved that Bill C-7, 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.

She said: Mr. Speaker, on February 5, 2001, I introduced into the House the government's proposed youth criminal justice act. Those who have been following the issue will be well aware of the extensive groundwork that supports this initiative.

The government's commitment to reforming the youth justice system is longstanding and firm. We reiterated our intention during the last election campaign and again most recently in the Speech from the Throne.

Bill C-7 has benefited from the extensive review accorded its previous incarnations, Bill C-68 and Bill C-3. Consultations before the Standing Committee on Justice and Legal Affairs were exhaustive. As Minister of Justice, I heard from the provinces and the territories. I have met with and listened to individuals and groups who work in the youth justice system.

Bill C-7 retains the overall direction and all key elements but includes amendments from the consultation process which will reduce complexity, provide greater clarity and improve flexibility for the provinces.

[*Translation*]

We have examined all of the recommendations in great detail over the past months. We compared certain recommendations relating to the provinces' capacity to administer the youth justice system better.

[*English*]

I will not accept the rhetoric from the benches opposite and elsewhere that this piece of legislation is too tough or that it is not tough enough. Those who seek to reduce the discussion of youth justice to such a simplistic paradigm feed misconception.

Canadians want a system that prevents crime by addressing the circumstances underlying a young person's offending behaviour, that rehabilitates young people who commit offences and safely reintegrates them into the community, and ensures that a young person is subject to meaningful and appropriate consequences for his or her offending behaviour. Canadians across the country know that this is the most effective way to achieve the long term protection of society. Bill C-7 constructs a youth justice system which will do just that.

It is also abundantly clear that Canadians are committed to supporting children and youth. They are firm in their belief that as a society we must do everything we can to help young people avoid crime in the first place and to get their lives back on track if they do run afoul of the law.

I will take this opportunity to outline the approach of the proposed youth criminal justice system and why it will be a marked improvement over the current system. With 16 years of the Young

Offenders Act under our belts, experience has demonstrated what measures are most effective and where the system needs to be improved.

Let me now address why we believe new youth justice legislation is necessary. Some of the key weaknesses of the YOA are, first, the YOA does not reflect a coherent youth justice philosophy. Its principles are unclear and conflicting and do not effectively guide decision makers in the youth justice system.

● (1530)

Unlike the YOA, the proposed youth criminal justice act provides guidance on the priority that should be given to key principles. For example, the new legislation makes clear that the nature of the system's response to a youth's offending behaviour should reflect the needs and individual circumstances of the youth. However, the needs or social welfare problems of a young person should not result in longer or more severe penalties than those which are fair and proportionate to the seriousness of the offence committed.

Other principles of the youth criminal justice act emphasize that the objectives of the youth system are to prevent crime, rehabilitate and reintegrate young persons into society, and ensure meaningful consequences for offences committed by young people. Pursuing and achieving these objectives is the best way to protect society.

The youth justice system must reflect the fact that young persons lack the maturity of adults. This includes an emphasis on rehabilitation and reintegration and holding them accountable in a manner consistent with their reduced level of maturity. Interventions with young persons must be fair and proportionate, encourage the repair of harm done, and involve parents and others in the young person's rehabilitation and reintegration.

As we also know, the existing YOA has resulted in the highest youth incarceration rate in the western world, including our neighbours to the south, the United States. Young persons in Canada often receive harsher custodial sentences than adults receive for the same type of offence. Almost 80% of custodial sentences are for non-violent offences. Many non-violent first offenders found guilty of less serious offences such as minor theft are sentenced to custody.

The proposed youth criminal justice act is intended to reduce the unacceptably high level of youth incarceration that has occurred under the Young Offenders Act. The preamble to the new legislation states clearly that the youth justice system should reserve its most serious interventions for the most serious crimes and thereby reduce its over-reliance on incarceration.

In contrast to the YOA, the new legislation provides that custody is to be reserved primarily for violent offenders and serious repeat offenders. The new youth justice legislation recognizes that non-custodial sentences can often provide more meaningful consequences and be more effective in rehabilitating young persons.

We also believe that the Young Offenders Act has resulted in the overuse of the court for minor cases that can be better dealt with outside the court. The effect is often court delay and an inability of the courts to focus on more serious cases.

Experience in Canada and other countries has shown that measures outside the court process can provide effective and timely responses to less serious youth crime. Although the YOA permits the use of alternative measures, over 15 years of experience under the YOA indicates that it does not provide enough legislative direction regarding their use.

The proposed youth criminal justice act is intended to enable the courts to focus on serious youth crimes by increasing the use of effective and timely non-court responses to less serious offences. These extra-judicial measures provide meaningful consequences such as requiring the young person to repair the harm to the victim. They also enable early intervention with young people as well as the opportunity for the broader community to play an important role in developing community based responses to youth crime.

Some of the provisions in the new youth justice legislation that encourage the use of extra-judicial measures in appropriate less serious cases include: a presumption that extra-judicial measures should be used with first time non-violent offenders and specific authority for police and prosecutors to use a range of extra-judicial measures, informal warnings, police cautions, crown cautions and referral to community programs.

In addition, the existing YOA has resulted in disparities and unfairness in youth sentencing. Sentences under the YOA often do not reflect the seriousness of the offence. There is often significant disparity between what similarly situated youth receive for similar offences.

● (1535)

As I mentioned earlier, youth often receive more severe penalties than adults receive for the same type of offence. Some young persons are sentenced on the basis of their needs or social welfare problems and receive longer or more severe penalties than that which would be fair and proportionate to the seriousness of the offence committed.

To reverse the current unfairness the new law provides that the consequences imposed on a young person must not be greater than those which would be appropriate for an adult in similar circumstances. The new sentencing provisions also emphasize that every sentence must focus on rehabilitating and reintegrating the young person into the community. This requires that the needs of the young person be addressed within the timeframe stipulated by the courts.

Also, the existing Young Offenders Act fails to ensure effective reintegration of a young person after being released from custody. A weakness of the existing legislation is that a young person can be

released from custody with no required supervision and support to assist that young person in making the transition back to his or her community. The new legislation includes provisions to assist the young person's reintegration into the community.

The new youth justice legislation requires that all periods of custody be followed by a period of supervision and support in the community. At the time of sentencing the judge will state in open court the portion of time that is to be served in custody and the portion to be served in the community. Breaching conditions of the community supervision could result in the young person being returned to custody.

Further, the existing Young Offenders Act process for transfer to the adult system has resulted in unfairness, complexity and unacceptable delay. The current process violates basic fairness by providing that a young person be transferred to an adult court before being found guilty of any offence. It has also resulted in wide differences among provinces in the number of transfers of young persons to the adult system.

For example, in 1998-99 Manitoba led the country in transfers, transferring 29 youths to adult court. Quebec was second, transferring 23 young persons to adult court, while Ontario transferred only six people to adult court in the same year.

The new youth justice legislation contains significant changes that address the unfairness of the current transfer process including the elimination of the transfer process. Instead, the youth court has the authority to impose an adult sentence in certain circumstances. The hearing on the appropriateness of an adult sentence will take place only after the youth has actually been found guilty. The assurance is that should a young person receive an adult sentence, it is to be presumed that if the young person is under 18 he or she will serve the adult sentence in a youth facility.

The existing Young Offenders Act also fails to make a clear distinction between serious violent offences and less serious offences. This is a basic theme that underlies many of the other problems with the YOA such as the high rate of youth incarceration and the overuse of the court for less serious offences. When a youth justice system fails to clearly differentiate between serious violent offences and less serious offences, it is not surprising that public confidence in the system is weakened.

The proposed youth justice legislation consistently makes this important distinction at key points throughout the legislation. It is reflected in the fundamental principles in the preamble and declaration of principles, the front end options, the sentencing principles, the rules on adult sentencing and the provisions regarding release from custody.

Unlike the existing Young Offenders Act, a basic policy direction of the new legislation is that serious violent offences are to be treated seriously and less serious offences are to be dealt with through less intrusive yet still meaningful consequences.

Also, the existing Young Offenders Act fails to recognize the concerns and interests of victims in an adequate way. In contrast to the existing legislation, the proposed youth justice legislation recognizes the concerns and interests of victims and clarifies the role of victims in the youth justice process.

● (1540)

The following are key provisions in the legislation. The principles of the act specifically provide that victims are to be treated with courtesy, compassion, and respect for their dignity and privacy. They also should be given information about the proceedings and an opportunity to participate and be heard if they so choose.

Victims have a right of access to youth court records and may be given access to other records. The victim's role in community based approaches such as conferences is encouraged. If a young person is dealt with by an extra-judicial sanction, the victim of the offence has a right to be informed of how the offence has been dealt with.

In developing new youth justice legislation it is important to recognize the limits of legislation and to have reasonable expectations about what legislation can accomplish. That is why the new youth justice legislation is only one part of the government's much broader approach to youth crime and the renewal of Canada's youth justice system.

Increased federal funding, crime prevention efforts, effective programs, innovative approaches and research are all part of the broader strategy for the fair and effective renewal of Canada's youth justice system. This legislation is the first step in the renewal of that system.

Partnerships with other sectors such as education, child welfare and mental health, improvements to aboriginal communities, and appropriate implementation by provinces and territories will be equally important in achieving the goals of the youth justice legislation. The government is committed to ensuring that Canadians are well served by their youth justice system.

In conclusion I encourage all colleagues on both sides of the House to support Bill C-7 as an integral part of our initiative to ensure that all Canadians, especially young Canadians, have a fair, effective and just youth justice system.

Mr. Myron Thompson: Mr. Speaker, I rise on a point of order. It is seldom that we have ministers before the House making presentations such as the one we heard today. I think it would be in order for us to seek unanimous consent to be able to ask questions of the minister.

The Speaker: It is certainly in order to ask. Is there unanimous consent to permit a period of questions to the minister?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, I am pleased to participate in the debate on Bill C-7, the bill that has been introduced by the Minister of Justice to replace the Young Offenders Act. None other than the current Minister of Justice has characterized the Young Offenders Act as ''easily the most unpopular piece of federal legislation''.

Although the government makes much of the fact that the violent youth crime rate appears to have dropped to some small degree over the last two years, the Canadian public has not been fooled. The violent youth crime rate is still over 300% greater than it was three decades ago.

In addition, it is my experience that citizens, embittered and disillusioned with the failure of the Young Offenders Act to address their serious concerns in respect to crime, have in many cases simply stopped reporting crime. Is it any surprise then that the figures may have shown a small drop in the crime rate over the last two years?

According to this type of measurement and statistical analysis, I am only surprised that the government has not been funding more studies on how to encourage citizens to stop reporting crimes. According to this type of Liberal thought process, the crime rate would be reduced to zero if they could only figure out how to stop people from reporting crime to police.

Although the suggestion may seem ridiculous, it is a type of thought process the Liberals often employ. During the recent election, for example, when the Prime Minister announced that the 65 cent dollar was good for Canadian farmers because it created markets for their products, one farmer in my constituency told me that if that were the case maybe we should have a 10 cent dollar because it would make our economy six times as strong.

Another farmer said that it did not matter what the dollar was at if it cost $120 Canadian to get an acre of land ready and he could only get $60 Canadian when he sold the produce from that acre. Furthermore, the Prime Minister failed to consider that much of the machinery and other supplies that the farmers purchase come from the United States. A 65 cent Canadian dollar does not help with those purchases. Liberal economics are great if one could only figure out a way to ignore reality.

● (1545)

The same is true of Liberal criminal justice policy. How could it be that the Young Offenders Act, the object of so much study and consultation prior to its implementation, turned into such a failure? Committees across Canada considered how to replace the Juvenile Delinquents Act. Experts in the social sciences, law enforcement officials, prosecutors and ordinary citizens turned out at these committee hearings to provide input into an act that was to replace the Juvenile Delinquents Act, an act that had been on the books since approximately 1908.

As a prosecutor from Brandon, Manitoba responsible for prosecutions in the youth court in the western judicial district of Manitoba, I participated in those hearings about creating a new act. I recall making a presentation before the committee in Winnipeg, chaired I seem to recall, by the now retired former Chief Judge Harold Gyles. Although I had only recently graduated from law school, it was apparent to me that the Juvenile Delinquents Act, and indeed the proposed Young Offenders Act, was seriously flawed and that all we were doing was breeding successive generations of criminals.

Unless serious steps were taken to break this cycle, the new act which would become the Young Offenders Act would be doomed to failure.

The Young Offenders Act seemed to be on the right track but at its onset there were a number of problems already apparent. Perhaps the greatest of these had to do with the failure to make any provisions for the youth under the age of 12. The Young Offenders Act prohibits any legal proceedings against youth under the age of 12.

The theory seemed sound: refer under 12 year old children to the child welfare system to be dealt with there. The problem was that the child welfare system was not, and still is not, equipped to deal with children whose criminal conduct brought them to the attention of the authorities. In fact, what happened was the child welfare authorities did not have the appropriate resources or legal authority to deal with these children, many of them violent and seriously disturbed. This is especially true with those children that we have now come to know as children suffering from fetal alcohol syndrome.

With the bar against being able to proceed against children to bring them to youth court under the age of 12, these children who were 9, 10 and 11 years old slipped between the cracks of a child welfare system that was unable to deal with their serious problems and a Young Offenders Act that prohibited a court from offering them any help.

I do not speak of these matters simply as a matter of hearsay. I was not only involved as a prosecutor in youth court during the late 1970s, but during the first half of the 1980s. For five or six years some of my responsibilities on behalf of the attorney general of Manitoba involved acting on behalf of the director of child welfare in northern Manitoba, primarily in the Thompson area where I had the privilege of working with many fine child care workers and judges who did their best in very difficult circumstances.

One such judge was Judge Kimmelman who spent many years on circuit in the north, both as a youth court judge dealing with matters under the Young Offenders Act and as a family court judge dealing with matters under the Child Welfare Act. People like Judge Kimmelman are to be commended. However despite the very novel and inventive procedures and dispositions that they utilized, the legal tools and resources that they were provided with were simply not sufficient.

The failures of the Juvenile Delinquents Act were simply continued under the new Young Offenders Act.

● (1550)

Under the Young Offenders Act children are falling between the cracks of the child welfare system and the young offender system. Children under the age of 12 fail to receive help, either through the courts or through the child welfare system. For all the shortcomings of the old Juvenile Delinquents Act, it still provided for a measure of accountability for youth under the age of 12 so that they could be helped or dealt with by the courts.

The Young Offenders Act provides no such alternative with the result that by the time many seriously disturbed children reach the age of 12 anti-social and, indeed, criminal patterns and conduct have already been established. The Young Offenders Act only succeeded in breeding a younger, more anti-social lawbreaker. The time spent in youth court between ages 12 and 18 was spent honing the skills that many children first put to use when they were under age 12. By the time these youth reach 18 and sometimes much earlier, the only alternative, regrettably, is a much harsher and punitive adult system. By the misguided desire to help these children by shielding them from responsibility and accountability, we have only succeeded in ensuring a pattern of criminal behaviour.

It was not that the Young Offenders Act did not spout the appropriate rhetoric about rehabilitation, deterrence and denunciation, principles that all of us would agree are necessary for the success of any criminal justice system, it was simply that the act was substantially flawed from its inception. Furthermore, in dealing with the Young Offenders Act, and now dealing with this new bill, there is no practical commitment by the Liberal government to follow through with the implementation of the programs that are required in order to ensure that the rhetoric is carried out.

When the Young Offenders Act first came in, the government of the day committed itself to a 50:50 cost sharing arrangement with the provinces. The federal government soon abandoned its commitment to this partnership. As a consequence, the federal Liberal government has become at best a 25% financial partner offloading the lion's share of the financial and social responsibility on to the provinces that now shoulder on average 75% of the costs of running this program.

This is a strange state of affairs. One can understand, from a constitutional point of view, why the federal government has abandoned its financial commitment to medicare where it also used to be a 50% partner. However, in the case of medicare it is clear that it at least has the excuse that medicare is a provincial constitutional responsibility.

In the case of medicare, the federal government has simply involved itself in an area of provincial constitutional authority, and as my colleagues in the Bloc or others would say improperly so, by virtue of its spending power. However, in the area of youth crime this is clearly a matter of federal constitutional authority.

The provinces are involved in the programming and prosecutions under the Young Offenders Act, as they are in the prosecution of the criminal code, by virtue of their consent. I believe they provide this consent as an example of co-operative federalism, recognizing that in many cases provinces and local administration of these programs is important to their success.

Given that youth crime is a federal area of responsibility, it is curious that the federal Liberal government would announce that it is not prepared to contribute at least half of the funding for the operation of this program.

● (1555)

Very recently the Minister of Justice said that the federal government would not match the provincial contribution on a 50:50 basis because she said that the federal government could not afford the cost of the new programs she is implementing under her act. Instead, she indicated that the federal government would simply throw in an additional $207 million over three years to help with the implementation of the new act. Yet, even though she says that she does not have the money to carry out federal constitutional responsibilities, she expects the provinces to come up with the money for her plan.

Preliminary estimates from the province indicate that the initial implementation costs will exceed $100 million. This does not include the ongoing additional costs that will be incurred by the provinces in administering the new act. It is clear that the $207 million new dollars over three years that the federal Liberals have put on the table will barely cover the first three years of additional new costs and will do nothing to meet the ongoing costs to the provinces after these first three years.

When this funding dries up after three years, the federal Liberal government will become much less than a 25% partner in this federal program, leaving the provinces to pick up the additional costs on an ongoing basis.

In this financial context, and that is why I spent the time to develop this context, it is clear what the real reason is for the

Liberal government to exercise jurisdiction in respect to children under the age of 12. By refusing to extend even the rehabilitative powers of the youth court to children under the age of 12, the federal Liberals are attempting to dump 100% of the costs on to the provinces in respect to these children. This has nothing to do with protecting children from the punitive powers of the court. It is simply a cynical device to ensure that the federal government can escape any financial responsibility for children under the age of 12.

If in fact the government is truly concerned that children under the age of 12 not be incarcerated, it need simply deny the judges the power to impose custodial sentences to those under the age of 12 while allowing the judges to retain the power to implement the rehabilitative measures available under the act to other children. However, the government has chosen not to do so because it is simply looking for a way to escape its financial and constitutional responsibilities.

Given the cynical attempt to escape financial responsibility, not only in respect to children under the age of 12 years but in respect to a fair division of the cost regarding children over the age of 12, I am surprised that the provinces have not simply advised the federal Liberal government that they refuse their consent to administer and prosecute this legislation and that they will no longer accept the delegation of this responsibility, financial or otherwise.

There is no constitutional obligation for any of the provinces to shoulder this responsibility. If the minister takes issue with my opinion that in a federal state one level of government cannot ask another level of government to shoulder its financial responsibilities without that government's consent, I would invite her to speak to her lawyers and indeed refer the matter to the courts on a reference.

I am only surprised that no province has indicated its intention to take this matter to its court of appeal given the lack of financial commitment to the legislation and its programs by the Liberal government. It demonstrates that while the federal Liberal government has given up on co-operative federalism and continues to implement its policies onto the provinces through government by ransom, it is to the credit of the provinces that they continue to make efforts to ensure that co-operative federalism remains alive, albeit on a life-support system.

● (1600)

As indicated earlier, it is not that Bill C-7 does not pay appropriate lip service to the principles required by any modern justice system. One simply needs to read the introductory preamble to the bill to see that it says all the right things. Indeed, as a judge recently stated ''The bill attempts to be all things to all people''. Unfortunately, the grandiose introduction is simply a cover for another effort that is doomed to failure.

In attempting to be all things to all people, the Liberals have produced a bill that is costly, complex and cumbersome. It will serve only the interests of those who wish to profit from legal litigation involving the children of Canada. Not only will the children suffer, but also the provinces will be required to increase legal aid budgets, another program where the federal Liberals are diligently seeking to avoid their fiscal responsibility.

Although other members will no doubt wish to examine and comment on specific provisions of the bill, I also want to comment on some of these provisions, even briefly, in addition to the comments I have already made.

The first issue I wish to discuss in this context is the reluctance of the minister to provide for publication of names of young offenders who live in anonymity in the community. While all of us agree that the principles of rehabilitation and deterrence do not always require the disclosure of a young offender's identity to the public, it is clear that the very restrictive disclosure provisions often serve the interests of youthful criminal predators living in our community.

Seniors, schoolteachers and administrators, parents of vulnerable children, and the vulnerable children themselves have a legitimate and compelling interest in knowing who the dangerous youthful predators are in their community. Yet the provisions of the bill restrict to an unwarranted degree the ability to notify the public of this danger. The balance in the legislation favours the rights of the dangerous criminal over the rights of victims and potential victims.

Moving on to another point, in Manitoba, for example, we have an extensive system of alternative measures to deal with young offenders. During my time as provincial justice minister I was proud to develop and expand many of these initiatives. Provided that the type of offender who participated in these measures was carefully controlled and provided that the court always retained overall authority and jurisdiction, these measures could be extremely successful in providing appropriate support to young offenders.

For the most part these measures were implemented through the participation of police officers, probation officers and youth justice committees. However, it was apparent after many years of experience that violent repeat offenders would not be appropriate candidates for any type of extrajudicial measure.

Bill C-7 ignores the profitable experience of provinces like Manitoba with extensive extrajudicial measures. Instead, the bill ignores this experience by allowing access to alternative measures by violent offenders and minimizing the supervisory authority of the courts. While alternative measures are often appropriate, they need to be administered in an appropriate context.

It should be the court system that should direct if alternative measures are to be implemented. In any event, the court should always be involved when considering such measures in the case of

violent repeat offenders so that it can be satisfied that the public will be protected.

The last provision I wish to specifically comment on is the provision that would provide for the early release of offenders from custodial institutions despite the fact that they may still present a danger to the public. While it is commendable that youth in custody are rewarded for good behaviour, the Canadian Alliance Party has grave concerns over trying to emulate the failing adult federal parole system.

● (1605)

Early release must be contingent upon the demonstration of good behaviour and the satisfaction of the custodial authorities that the offender has been rehabilitated before there can be any consideration of early release.

As a country and as a people, we have only a short period of time to work with these youths while they are under the jurisdiction of the act, and every effort must be made to rehabilitate where rehabilitation is still feasible. Mandatory parole should not be an option where the youth is not rehabilitated and there is still time left on a court imposed sentence.

In conclusion, our party still has grave concerns about the bill. Not only has there been a lack of consultation and, indeed, a deliberate exclusion of provincial attorneys general in respect of the development of the provisions of the bill, not only has there been a failure by the Liberal government to provide adequate funding for its legislation, there has also been a stubborn refusal to consider any suggestions for amending its provisions.

A few minutes ago, the Minister of Justice continued to defend the bill on the simplistic basis that some members say it is too tough while members of the Canadian Alliance think it is not tough enough. Therefore she reasons that the bill must be just right.

This is not a story about the three bears tasting porridge. The bill impacts on the safety and quality of life of millions of Canadians. As such, it requires greater justification from the minister than the political equivalent of Goldilocks and the three bears.

The real question that needs to be answered is not whether the legislation is too soft or too tough. The real question is whether the legislation will be effective in meeting key goals of rehabilitation, deterrence and denunciation of crime.

For the reasons that I have outlined, and for additional reasons that my colleagues in the Alliance will raise in their comments, this bill will not be effective in meeting these key and crucial goals.

In my opinion, the failure to consult provincial authorities in a meaningful way and the failure of the federal Liberals to provide appropriate funding will be the key reasons for the failure of the bill. Unless the concerns of the provinces are considered and the appropriate financial agreements are in place, the bill will quickly find its way to being characterized in the not so distant future, perhaps by the same Minister of Justice, as easily the most unpopular piece of federal legislation.

While popularity is not always the hallmark of great legislation, the dangers that the bill presents will give rise to far greater concerns than whether it is popular or not. I believe these concerns will impact adversely on the safety of our citizens and, indeed, on the rehabilitation of our youthful offenders.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I am going to try yet again, and perhaps with examples, to convince the Minister of Justice that she is off track with her bill, seeming in a way to want to criminalize young people in difficulty with the law.

Quite honestly, I listened very carefully to the minister's speech and equally attentively to the member of the Canadian Alliance representing the riding of Provencher.

● (1610)

It seems to me that everyone in the House should see very clearly that there are two faces to Canada. There are two visions completely opposed. In a matter such as that of young offenders, it is obvious.

If I understand what the member of the Canadian Alliance had to say, the bill does not go far enough. There are shortcomings and things that do not work. We should be far more severe with young people involved in crime. We should even lower the age of responsibility below the age of 12. We should make changes to try to get better control over these young people. There is the whole issue of the victim. It must be made more complex.

For the Bloc Quebecois and, quite honestly, for the vast majority of Quebecers—I know that these days the expression consensus is a bit overworked—if there is one subject of real consensus, it is the treatment of young offenders.

Regardless of political stripe in Quebec—this is even more true in the national assembly—Péquistes, members of the Action Démocratique or Liberals, the members of the national assembly unanimously passed a resolution calling on the minister to suspend consideration of Bill C-3, now C-7—and I will come back to this shortly—in order to visit the provinces, look at the issue and see what does not work.

In Quebec, in short, the Young Offenders Act is properly applied with good results. I will come back to this in a bit. After checking

with the Quebec departments of justice and public security and other agencies in Quebec, the minister decided not to travel throughout the country to see what was going on in the provinces, and particularly in Quebec.

Some department officials met with the members of the coalition and the agencies that enforce the Young Offenders Act on a daily basis, but the minister did not go to Quebec to see what was going on over there and to find out why Quebec was getting such remarkable results. Why was there a consensus in Quebec? It was to tell the minister ''We do not want the YOA to be amended or repealed because it is working for us. The problem, if there is one, is not with the legislation but rather with the way it is enforced in other provinces''.

The minister did not come to Quebec but the officials she sent were there to do a sales job. They were not proposing a social vision, an educational approach or a rehabilitation program but rather a product. They were simply trying to sell a product. I will come back to that later on because there are limits to what one can say and what one can try to sell to Quebecers on such an important issue.

Of course there are times in the House when we are tempted to play politics. We are in politics, not in religion. However, on this issue I have never tried to influence groups and get them to take part in our political games. They have always been free to do whatever they wanted to do and to say whatever they felt like saying. These agencies held press conferences and wrote to newspapers. I never tried to apply pressure as the Department of Justice is trying to do now and tried to do in September, October and November.

Indeed, people in the Department of Justice were not involved in the election campaign. They were out in the field, and they even promised money to certain organizations. There is nothing they did not try to do to convince certain members of the coalition, certain groups that work with the Young Offenders Act on a daily basis, to support the minister's amendments.

Right now, I think the minister and the people in her department have failed. Time will tell. As for me, my opinion has not changed with regard to these bills, whether it is Bill C-68, Bill C-3 or Bill C-7.

● (1615)

When a bill is ill conceived from the very beginning, one can try to improve it by whatever means, but it will still remain an ill-conceived bill. Such is the case with Bill C-7.

The bill proposed by the minister is based on false premises. Alliance and Liberal members saw an opportunity to play politics at the expense of young people with delinquency problems that are sometimes serious. Using certain complicitous tabloids and certain ads, they managed to make a big fuss about certain crimes of a rather vicious nature, I agree, but nevertheless extremely rare.

It goes without saying that the idea of a grandson hitting his grandmother to get a few dollars is unbearable. However beyond the specific and individual incidents covered by the media, the facts are actually very different.

Juvenile crime has been in constant decline for a number of years. According to the data compiled by the Department of Justice, last year in the year 2000, the juvenile crime rate was the lowest of the past 20 years. Just since 1997, youth crimes—and these figures are taken from reports published by the Department of Justice—involving homicides have dropped by 9%.

Do not try to tell us, as the member for Provencher seems to be doing, that these figures have been fudged because the crimes were not reported. We are talking about confirmed homicides. Files were opened and police investigations were conducted. The figures show that since 1997 homicides committed by young offenders have dropped by 9%.

There has also been an 8% drop in robberies and a 1% drop in sexual assaults. Some might say that a 1% drop is not much, but at least the number of these crimes has been going down over the past four or five years. As for crimes in general, the drop is around 1.2%.

What is most striking when we look at these statistics is that since 1997 the juvenile crime rate in Quebec has dropped by 23%. I agree that this is not enough but it is a significant reduction.

Quebec—and I am using the data published by the Department of Justice—has the lowest crime rate in Canada. In Quebec, the recidivism rate is the lowest in Canada. The number of cases where a file is referred to the court and young criminals are remanded in custody is also the lowest in Canada. The former minister of justice and now Minister of Health even said once that Quebec was a model for the way it implements the Young Offenders Act.

The then minister of justice even said that since Quebec was enforcing the Young Offenders Act properly, and the financial programs linked to the Young Offenders Act did not favour the approach taken by Quebec, Quebec was in fact being penalized. As a result of Quebec enforcing the act properly, the federal government now owes Quebec about $850 million in constant dollars of 1997.

● (1620)

The federal program linked to the act is built in such a way that it encourages erecting concrete walls, putting bars in windows and imprisoning young offenders, instead of rehabilitating them and ensuring their reintegration.

Quebec was simply implementing the policy statement in section 3 of the Young Offenders Act, which put the emphasis on the needs of young people. It said that we had to focus on the

rehabilitation and reintegration of young people in order to protect society in the long run. This is what we have been doing for years.

In Quebec because we abide by and enforce the law correctly and efficiently, we are being penalized in terms of the distribution of funding for the enforcement of an act that was not passed by Quebec but by the federal government.

To justify the Liberal government's approach, to justify the position adopted by the Liberal minister who is a member from western Canada, a member from Alberta, a province where the Canadian Alliance is known to be strong—bearing in mind that, based on its own statistics, her department recognized that there was no need to amend the Young Offenders Act because it was not the act, but its enforcement that was the problem—to justify those amendments, they went on a crusade a long time ago.

There is misinformation. The original premises are wrong. The wrong data are knowingly being used. Department of Justice officials, among others, have suggested in press conferences that things are worse than they really are. There is an attempt to lead people away from a clear understanding of the act, which needs to be enforced. Some figures are even being fiddled with, and I will explain what I mean.

I am very saddened to see that the Minister of Justice herself is using these figures when she knows very well that they have no value. Then there is the poll carried out by the Department of Justice. This poll was authorized by the Liberals and paid for with our taxes, and public servants did a sales job on it.

Mr. Speaker, you might tell me that I do not have as much experience as you, as I have only been a member of parliament since 1993, but I have always held federal public servants in high esteem. I have always greatly respected them for the non-partisan nature of their work.

Overall, until seeing what is going on within the Department of Justice, I was generally very satisfied with the work being done by the public servants. However, as far as justice is concerned, particularly in the area of young offenders, their work is no longer fair-minded, it is totally partisan.

As far as Yolande Viau is concerned—I am taking the time to give her name, and have no qualms about doing so, since I have laid a very formal complaint with her superior, but what she was doing was supposedly normal—when she tells us about the poll, when she says that 58% of Quebecers agree with the federal approach, she is lying. It is not honest to say that.

If the poll is examined in any sort of detail and with any sort of honesty and informed knowledge, one realizes that the department, and Ms. Viau in particular, cannot reach those conclusions. Why? Because according to the same poll only 10% of Quebecers can give at least three of the amendments to the Young Offenders Act. There cannot, therefore, be more than 10% who approve of such a law.

● (1625)

Closer scrutiny of the poll reveals that 10% of Quebecers are opposed to the minister's bill. Are these the same 10% who can list at least three components of the bill? Are they opposed because the more they are familiar with it, the more they oppose it? No doubt.

This, however, is an indication of the unacceptable lack of rigour in a department like the Department of Justice, particularly in connection with an issue that affects young offenders, young people in trouble with the law.

I would hope that Ms. Viau and the Minister of Justice will not use this sort of tactic again. It is my opinion that Ms. Viau is playing politics in her interpretation of these figures, that she is selling her line, some sort of commodity, in this case, a bill.

In addition, she said when she met the press ''Go ask the Commission des droits de la personne et des droits de la jeunesse du Québec about whether they are as good as all that in applying the law''. Yes, because they had financial problems, but that is a whole other matter.

If Ms. Viau had any intellectual honesty she would have taken the brief submitted by the Commission des droits de la personne et des droits de la jeunesse, when its representatives testified before the committee, and she would have seen what the commission had to say on this with respect to the Young Offenders Act.

For the benefit of Ms. Viau and the minister, I will quote from what the commission said in its brief to the committee:

> By focusing the new legislation on the seriousness of the offence, the implication is, necessarily, that the present law does not significantly respond to juvenile delinquency, especially when the offence is of a greater objective gravity.

Further on, it reads:

> The imbalance created by new legislation based solely on the principles of public protection and the responsibility of the young offender compromises all the work done to date with young people in difficulty.

That is the true message of the commission. I am not distorting the facts. I am just quoting from a brief the Commission des droits de la personne et des droits de la jeunesse has submitted to the Standing Committee on Justice and Human Rights, which examined the bill.

If I may briefly outline the background, this is not the first time the minister tries to impose her views through a bill such as this one.

Bill C-68 was introduced on March 11, 1999, as everybody will recall. Then we had Bill C-3, which was introduced and read for the first time on October 14, 2000. The purpose has always been the same, that is to make the Young Offenders Act tougher and to

revoke a piece of legislation that is very effective in Quebec, for the sake of heeding just English speaking Canada's views.

The minister then realized her bill was severely flawed and did not make sense. She tabled 172 amendments in the House. About 60 witnesses, half of them from Quebec, appeared before the committee dealing with the bill.

Witnesses from Quebec submitted to the Standing Committee on Justice and Human Rights at least 15 briefs. Not a single witness from Quebec supported the justice minister's position. Not a single group mentioned that the minister was right to revoke and throw away an effective piece of legislation like the one on young offenders.

● (1630)

Of course we had witnesses from western Canada who came to tell us that we should lower the age even more and that we should even let children in diapers have criminal records. I exaggerate but not much considering what I heard during the committee hearings. This is not the solution.

The debate went on for several months. I tried by all kinds of means, including endless speeches, to convince the minister. Many editorials and articles were written on the subject in Quebec and in English Canada. If I had the time I would like to read them. Lawyers, practitioners, experts, professors, criminologists, psychologists and all kinds of people came to tell the minister that she had it all wrong.

After the last federal election the minister introduced a brand new bill, Bill C-7. It has a new number but it is not new at all since it is a carbon copy of old Bill C-3. The 172 amendments moved by the government have simply been incorporated into the bill.

A bill that has so many flaws cannot be corrected by way of amendments. What we need to do is scrap it and draft a brand new bill. While that is being done, the minister should travel around and consult the people who work with young offenders, with young people in trouble with the law.

The minister would see that she is going the wrong way. I will surely have an opportunity later on to give specific examples. Whenever she has the chance, the minister says ''The hon. member from the Bloc Quebecois never gives any specific examples''. However, I gave her several examples. Over the course of 27 hours of debates, in the speeches I made in committee, I gave several examples showing that the new bill would make it impossible to keep the approach taken in Quebec with young people in trouble with the law.

I asked questions in the House. Yes, we have time constraints and we cannot get into details but the examples I gave showed that with the changes put forward by the minister it would no longer be possible to take the educational and rehabilitative approach developed in Quebec over the last 20 years.

It is wrong to claim that there is some flexibility. Too much in the bill is automatic to give provinces a minimum of flexibility. The minister does not seem to understand or, rather, she does not want to understand that. I think this is a better explanation.

What is the approach in Quebec? Are there any members in the House who are at least aware of what it is? One might say that it is based on rehabilitation and reintegration.

In every case, the young person is given priority. Each case is considered individually. In each case, we look at what we should give the young person in question to rehabilitate him as quickly as possible. There is a reason for this, since in section 3 of the Young Offenders Act, the declaration of principle clearly states that young persons are not adults and that they must be treated accordingly. Indeed, young persons are human beings in training. They cannot be treated as if they were adults, even in very serious cases.

Yes, there are hopeless cases. Yes, there are cases where a young offender is a bum and will remain a bum.

● (1635)

In some murder cases, the young offender does not deserve the same treatment as the one used for rehabilitating young people. However the current Young Offenders Act does allow the provinces to decide to have a young person tried in adult court. This is not hypocritical, this is clear. We know where we are going. It is true that we apply this in Quebec.

Perhaps we may contradict the minister's numbers, because according to the Department of Justice in Quebec City it is not true that 23 cases were referred last year. I am convinced that more cases are referred in Quebec than in Ontario but perhaps not 23.

Why are more cases referred in Quebec? Simply because there is a difference in treatment in Quebec. A young person who under the referral principle is tried in adult court and sentenced will not end up in the same place as a young person who is treated as such. However, in the western provinces, whether a young offender is dealt with under the law as a young person or as an adult in adult court, he will often end up in the same place and get the same treatment, that is no treatment at all.

In Quebec there is a difference. We invest in a young person who has a chance of being rehabilitated. In Quebec the repeat offender rate is the lowest in Canada because we enforce the law. We do what the law allows us to do. We apply the statement of principles that puts the emphasis on the young person's needs. This statement of principles was interpreted by the higher courts and it took about

15 years for the Supreme Court of Canada to hand down a clear ruling on what a young offender is entitled to.

It took 15 years to assess what the real needs of young people are. Everything that has been accomplished so far is being thrown out today. The intent of the law is being completely changed. From now on the young offenders' needs, the underlying principle of the Young Offenders Act, will no longer be the guiding principle in interpreting the act, in guiding youth court judges in sentencing young offenders, it will be the seriousness of the offence, as we said at the beginning.

This whole bill is focused on the seriousness of the offence. Even though there have been attempts to include all sorts of details and to use the word ''need'' in the bill, this in no way changes the fact that the courts will interpret it based on the principle of the seriousness of the offence. This runs counter to Quebec's approach, which is focused on the needs of the young offenders.

Moreover, in this new act the minister wants to impose on Quebec, which is all about the seriousness of the offence, there is a whole series of automatic sentences preventing those who want to hand down the appropriate sentence to young offenders from doing so. The young offenders will even have the right, not currently available to them, to avoid rehabilitation.

In many cases, if a young offender is given the choice between serving his time inside, as they say, or going to a rehab centre and working on his case, what will he choose? He will choose to serve his time. It is much easier to do two-thirds of an eight year prison sentence than to do eight months in a rehabilitation centre where one has to work with psychologists and other professionals who will ask questions and work hard to turn one into a responsible citizen who realizes what he has done.

It is much easier for a youth to do his time, read books and count the days left until his release than for him to try to find out what his problem is and why he acted the way he did.

● (1640)

Now that is exactly what the minister is handing to our youth on a silver platter and crown attorneys will no longer even have the opportunity to compel the young offender to go through all that.

The bill is unacceptable for several reasons. The youth justice system the minister is proposing looks increasingly like adult justice. This so-called youth criminal justice act, which will turn our youth into criminals, looks more and more like the criminal code.

If the application of the criminal code were a big success with adults, I might think that the government is trying to achieve the same results with young offenders but it is the opposite. The application of the criminal code is, in many respects, a disaster but the government wants to impose it on young offenders. Some expressions were changed but these were cosmetic changes.

Under Bill C-7, young offenders no longer face penalties. Instead, they are liable to face them. Bill C-7 now imposes sentences. The legislation no longer reprimands a young offender, it corrects his behaviour. It includes extrajudicial measures instead of extrajudicial sanctions. This is all very nice, and while it is good to include terminology that is less aggressive, the meaning of the act remains the same.

The minister says that she understood Quebec's demands, but she did not understand anything, in my opinion. We did not want changes to the wording or synonyms. We simply wanted the minister not to touch the act.

I mentioned that under the bill it is impossible to review each case based on its own merits. Certain types of crime are stereotyped and compartmentalized: this sentence applies to that crime and that sentence applies this other crime. Where is the flexibility that would allow Quebec to have its own approach?

All the experts and even lawyers agree that the bill will promote legal quibbling. Those who have been to the courthouse realize that there is no benefit in it.

It is an extremely complex bill that no one will understand. The bill took something out of the existing act, which was made for young people and also parents, since there are parents who take an active interest in what young people experiencing problems are doing. It is not just thugs who end up in court. It is not just young people without parents. A bill as complex as Bill C-7 will not be understood except by judges and lawyers who will have a field day.

The bill does not help the cause of justice for young people or the society.

I will give other examples and I hope some public servants are listening if the minister is not. With this bill Quebec will have to change its approach.

I spoke earlier about the whole philosophy underlying the bill and I want to come back to this briefly. The current Young Offenders Act talks about the needs of young persons. The basic principle of Bill C-7 is the seriousness of the offence committed by the young offender.

So far the precedents make the needs of the young offenders the first priority. The case law leans that way. It has established some models particular to Quebec on rehabilitation. The philosophy behind the bill is completely different. It deals with the seriousness

of the offence and hands down harsher sentences. Like it or not, the case law would change at the same time.

The principle of uniformity of sentencing was in Bill C-3. We are no longer talking about uniformity of sentencing but rather about similar sentences in a given region. What does a region correspond to in criminal law?

● (1645)

Is Quebec a region? Is Ontario a region? Are the maritimes a region? In any case, when lower courts interpret what the legislator meant with regard to the seriousness of the offence, it will go to the higher courts and on to the supreme court. When these cases come back before the lower courts, the case law will impact on Quebec if Bill C-7 is fully enforced.

I also said with regard to minor offences—because things are very compartmentalized in the bill—that at present when a young person is caught shoplifting or scribbling graffiti, the police open a file. That file is immediately referred to the crown attorney. He or she examines the reports contained in the file and may determine that the source of the problem is a street gang or perhaps the young person's parents. He or she takes appropriate action immediately to get that young person away from the situation causing the problem.

With Bill C-7, as introduced by the Minister of Justice, the crown attorney will never see the file and will certainly not be able to force that young person to enter a rehabilitation program. The reason for that is that the minister's bill provides for a whole series of successive measures.

If the first offence is a minor offence, like shoplifting, the police will only give a warning. If the same young person travels to the neighbouring town and is caught shoplifting again the same day, he or she will be given another warning. Where will that be recorded? If at some point the offences become more serious, for example large graffiti involving some violence, a cautionary letter will be sent to the parents. The crown attorney will never find out.

The bill would prevent Quebec from doing the right thing at the right time. It is better to invest as soon as the first offence is committed, when it is not serious, than after three or four years of delinquency in a neighbourhood, a town or a region. If the minister's bill becomes law, the whole rehabilitative approach used in Quebec in cases involving minor offences would no longer be possible.

As for cases involving major crimes, the minister's approach is just as harmful. If young offenders are treated as adults, they will also have the same rights as adults. With the minister's new bill, a young person receiving an adult sentence of eight years in prison would get out after serving two-thirds of that sentence, whether he or she is rehabilitated or not.

The approach used in Quebec is to send these young people to a rehabilitation centre. When they get out, they are rehabilitated. Statistics show that the recidivism rate is less than 1%. Is this what the minister wants? Is the minister telling us the approach used in Quebec would be maintained with her bill? No, we would no longer be able to do that. The approach used in Quebec would no longer be possible.

Let us talk about the delays the minister's new bill would entail. We now have appearances in court and preliminary inquiries, and trials by judge and jury. Lots of things are fictitious in the bill. We are told that the youth justice court would deal with serious crime, but if one reads the bill one realizes that it is not the judges of the youth justice court who would hear these cases but judges of the superior court acting as judges of the youth justice court.

There are lots of fictitious things which the minister does not seem to grasp. In the end, the youth court would be influenced. There would be an influence on case law. There would be an influence on the Quebec approach, which has been very effective.

I will conclude. We have in the House right now Liberal members from Quebec, the Ministers responsible for International Trade, Treasury Board, Finance, National Revenue, and Intergovernmental Affairs. We also have the new member for Laval East, and the members for Brome-Missisquoi, Ahuntsic, and Gatineau. I hope they will stand up for Quebec and for the Quebec consensus on this bill, and I hope that they will talk some sense into the minister.

● (1650)

[*English*]

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, this is my first opportunity to participate in this debate in my new capacity as justice critic for the New Democratic Party. I listened intently to those who preceded me and I signal my intention to listen intently in committee and to try to learn as much as I can.

Even though I might not always agree, I would like to learn as much as I can from my colleagues on the committee who are more experienced than I. To that end I listened to the minister, to the member for Provencher, to the former minister of justice in my own province, and to my colleague from Quebec.

This is the third time the bill has been introduced in the House. It was at one point known as Bill C-68, then as Bill C-3, and now as Bill C-7. Noting that the bill has been before the House before, I would like to pay tribute to my predecessor as NDP justice critic, the former member for Sydney—Victoria, Mr. Peter Mancini. Unfortunately he was not re-elected and therefore could not continue as our justice critic. He had the opportunity to put forward

our party's position and he put it forward well the last time he spoke to the bill in the second reading context on October 21, 1999.

It is unfortunate that the bill has not gone ahead. As with various other projects of the Liberal government, a combination of government delay, lack of will and an opposition resistance that has its own merits, has meant that the government has not been able to act. We collectively have been unable to act to possibly improve the Young Offenders Act which we all know to be deficient.

We now have some 15 years of experience with the Young Offenders Act and it has not lived up to expectations. I am one of the few people in the House who was here when it was debated and brought in as a replacement for the former juvenile delinquents act. There was great expectation at that time that the Young Offenders Act would be a great improvement on the older legislation which I think went back to the turn of the century, if I remember correctly.

The fact that the Young Offenders Act has not worked out the way many people thought it would and the fact that we now have before us a new bill should perhaps give us pause and make us all a bit humble when we realize that the act did not work. Youth crime, even though it may have gone down in some respects in the past few years, is certainly up overall when we consider what the statistics would have looked like when the Young Offenders Act was brought in or prior to that.

● (1655)

If acts of parliament alone were enough the problem would have been solved by now, but we still have problems. The minister, by her own description, has tried to strike a balance between those who want her to be tougher and those who want her to seek more and better alternatives to incarceration, particularly with respect to young non-violent offenders in the first and hopefully last stages of their encounter with the criminal justice system.

In the coming days and weeks as we debate it further in the House and as we get into committee, I think the debate will be on whether it is true that the minister has struck an appropriate balance or whether she is, as the criticism has been levelled at her, trying to be all things to all people without really coming up with an effective piece of legislation. I will certainly be trying to make my own judgment in that respect in the context of our overall opposition to the bill, to which I will speak shortly.

The minister has said she has tried to make the bill more flexible, particularly in respect to the amendments that have been introduced since the last time it was before the House. I understand there has been some attempt to try and satisfy some of the concerns raised by the Bloc Quebecois as to the ability of the youth criminal justice system in Quebec to continue to do what it is doing now, which by all accounts is a comparatively successful attempt to deal with youth crime.

Some people have said, and I have no reason to doubt them, that Quebec is one of the few provinces that has been able to do with the Young Offenders Act what was intended when it was first brought in. Whether this is true or not, it is certainly the case if we look at rates of youth crime and the approach the province of Quebec is taking.

To give credit where credit is due, it is fair to say that Quebec is doing something right. It may not be reproducible in an uncritical way in every province because Quebec, after all, is a distinct society. It may be that things which are possible in Quebec are not as possible in other provinces, but certainly it would seem to me that we have much to learn from the approach taken in Quebec.

If the bill is not flexible enough at this point, if it can be demonstrated that it is so inflexible as to render impossible the ability of Quebec to keep doing the things it is doing right, then surely that is a criticism the minister should take seriously.

One of the inadequacies identified in the current Young Offenders Act has been what my predecessor referred to when he was speaking in the House as an absence of discretion. I will quote from Mr. Mancini who said on October 21, 1999:

> We know, and again I can give some evidence of my own, that in many cases what happened with the old Young Offenders Act is that there was an absence of discretion, that police officers, school teachers and people who routinely came in contact with young people ended up referring matters to the courts, even if they were the most simple matters where some cautioning or some exercise of discretion may well have dealt with the matters.
>
> I have seen in the courts young people coming in charged with damage to property because they got into an argument with a schoolmate over a school locker or where young people end up in court on trespassing charges because they walked across a neighbour's lawn. There is no need to clog the courts up with these kinds of offences when we have serious matters that have to go before the courts.

I think that is a particularly insightful criticism of the Young Offenders Act. I think it points to the heart of the matter when it comes to finding the right spirit in dealing with young people.

● (1700)

I am reminded, as I often am with justice matters, of a person in my family, my grandfather, Alex Taylor, who was the chief of police in Transcona for many years, and before that a constable. Subsequent to being the chief of police, he became a justice of the peace. Although he has been gone for 40 years, I still run into people on the doorstep who say ''your grandfather gave me a boot in the rear end once when I needed it'', or ''your grandfather took me home once when he could have taken me to jail'' or ''your grandfather put me in jail for the night when I needed a lesson''. This was long before there was a charter.

All these things demonstrate to me a certain amount of discretion, mercy and exercise of judgment when it comes to young people that sometimes can only be exercised by people who know

the community, or who know the family or who know that young person.

In that context, I make the argument for more and better community policing. Our young people should be policed by people who know them and who know their communities. They should not be policed in the impersonal way that they are now so often policed in our larger cities where police do not work in the communities they live in or where they are transferred all over the place and nobody knows anybody anymore.

It seems to me that this absence of discretion is a key element of what is wrong with the Young Offenders Act. However, there was another absence, and this is one that I like to also dwell on. There was an absence not just of discretion, but of resources to deal with the process that was set up by the Young Offenders Act. We see that same mistake repeated in the new youth criminal justice bill. This is one of our fundamental concerns.

As has been said by members who spoke earlier, the act is quite complex, cumbersome and lays new responsibilities down for the provinces. It introduces new layers at the same time it does a good thing by introducing discretion. It does not introduce the resources to make the exercise of that discretion happen in a way which would be both constructive and speedy.

One thing we all know, and I think all the literature agrees on, is that when it comes to young people, it is important that there be as short a time as possible between the action and the consequences. What the minister has done is create a process by virtue of the increased complexity of the process and the lack of resources committed to making that complexity work, if that is possible. By doing this, the minister may well have created a situation where the length of time between action and consequence has been stretched out even further. It would seem that this is indeed one of the key criticisms that will be brought to bear on this legislation.

The complexity was alluded to by the Alliance critic but probably not as explicitly as I would have expressed it. That might have to do with the fact that the Alliance critic is a lawyer. He alluded to the fact that this was going to be a field day for the litigious. I think what meant was that this could well be the biggest job creation program for lawyers that we have seen in a long time. However, it is not the first job creation program for lawyers that I have seen go through this place.

● (1705)

For example and as I understand it, the reverse onus provisions change the existing situation whereby the state now has to argue for youth between the ages of 14 and 17 to be brought before adult court. Under this new law it will be the youths themselves who will have to say why they should not be advanced. This is debatable in itself.

Leaving that aside for a moment, who is going to make these arguments on behalf of these 14 to 17 years olds? Are they going to make the arguments themselves? These arguments are going to have to be made either by the lawyers who their parents hire or, given the fact that a great percentage of the youths who get into such trouble do not have parents who can afford lawyers, it is going to mean a whole new dimension of legal aid and costs which have been put on the provinces without the added resources.

What we see is a pattern of downloading costs onto the provinces which is quite unacceptable. Unfortunately, it is part of pattern that we have seen not just in justice but in other areas, for instance medicare. The federal government wants to set the rules, but it allows its participation financially in the administration of those rules to constantly erode. At the moment the federal government is only participating to the tune of about 25%. That is high compared to health care which is 9% to 13%, depending on whose figures we believe.

There are other things that I could have spoken about, but time flies while having fun talking about the Young Offenders Act.

One of the things the bill does not do and I am glad that it does not do, and I want to put this on the record, is it does not deal with children under 12 in the context of the bill. That is a position taken by the federal NDP, which we continue to support. It does not mean there should not be a strategy for dealing with children under 12. One of the things that the Manitoba NDP government is looking at very seriously is how to deal with young offenders 10 and 11 years old, both in the context of what they do themselves and also what they are led to do by others who are using their young age to their advantage.

It was mentioned earlier that one of the virtues of the old piece of legislation, the Juvenile Delinquents Act, was that it dealt with children under the age of 12. We need to find, subsequent to this bill, a way for the federal and provincial levels to co-operate in facing up to the fact that we have a problem, in more cases than we would care to admit perhaps, with children at that very young level. We need co-ordinated federal-provincial strategy for dealing with that. It should be, at least as I see it at the moment, outside the ambit of the way we deal with 12 to 18 year olds.

I want to say that we support the release of names in some circumstances, but we believe that in this respect there should still be a role for judges in exercising discretion as to when and in what circumstances names should be released. The reason we have judges is to make these kinds of judgments. It is consistent with our overall argument that there ought to be more discretion built into the system not just for judges but also for police officers.

● (1710)

The rest of my speech will address the fact that not only do we need to be, in an appropriate sense, tough on crime, we also need to

be tough on the causes of crime. Had I another 20 minutes, I would certainly go into all the social and economic measures which I think would help to support families and to create and reinforce the kind of values in our society that would go a long way in preventing young offenders from offending in the first place.

The Deputy Speaker: I want to make sure people are in their usual seats, if they want to seek the floor. Is the member for Wild Rose in his usual seat?

Mr. Myron Thompson: That's what is says here.

The Deputy Speaker: Well, he is then in his proper seat. I just cannot seem to keep track of all the real estate movement that goes on in this place from time to time.

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, I have made a lot of mistakes in my life, but I have always managed to sit where I am supposed to.

I appreciate the comments from the hon. member for Winnipeg—Transcona. It is too bad that he did not have more time to speak on the causes. I am going to give him an opportunity to do so.

I know in his region in Winnipeg that a very serious problem is developing regarding gangs, particularly youth gangs. There is one particular gang that comes to mind. I think it is called The Deuce. What I know about these gangs is a number of adults are actually exploiting these children to benefit their own processes of drug dealing, prostitution or whatever it may be.

Personally, I am really sick of seeing pimps, who are pimping young girls even under 15 years of age, getting a slap on the wrist when they are picked up by the police and taken to court. I am also tired of drug dealers who are distributing to these young people and getting another slap on the wrist. They are exploiting our youth to unbelievable proportions.

I would like the hon. member to comment on that particular aspect. I know it is a serious problem in most of our major cities.

Mr. Bill Blaikie: Mr. Speaker, I would like to say that although the Chair may regard him that way, I have never regarded the hon. member for Wild Rose as a piece of real estate.

I acknowledge the concern that the hon. member has raised. It is a very real concern to the people of Winnipeg, and as he indicated, to people in other cities.

In Winnipeg we certainly have a problem with youth gangs. However, it is not just with youth gangs. Sometimes it is a mistake to assume that all these gangs are people who would fall within the age group of the Young Offenders Act. There are an awful lot of older adults involved in these gangs as well. These adults use young people to their advantage, people who are old enough to be covered by the act and people who are younger.

I said earlier, that the Manitoba NDP government is concerned with trying to find ways to deal with that issue. That is also why earlier in a previous parliament, I brought in a private member's bill dealing with anti-gang legislation. It seems to me that this is one of the things that we have to address. We of course know that our colleagues from Quebec are very concerned about that because of their own experience. It would seem to me that one of the things the government should look at is bringing in anti-gang legislation of some kind that would give it a better handle and a better instrument with which to deal with these problems.

Finally, I would like to say a bit of what I think about the conditions that sometimes lead to crime. We need to recognize the links between social conditions and crime, while at the same time creating a renewed sense of individual responsibility for one's actions. A deficient upbringing of one kind or another may be an explanation but in the end it is no excuse for morally reprehensible actions.

It is true that unemployment, inner city decay, drug addiction, child abuse, child poverty and an ever widening gap between the most and least prosperous in society create certain negative factors. However, it is also true that some of the most frightening and senseless acts of violence are committed by people who are not socially or environmentally deprived.

● (1715)

A very real problem is that too many Canadians are growing up in a moral vacuum, where the very notion of right and wrong seems to be called into question. This morally deprived environment, I believe, is partly the product of the violence and the shamelessness of modern TV programming and media advertising, but that is only part of the problem.

Our entire culture has become one which emphasizes the bottom line and self-interest over everything, so it is not that some of these kids who offend do not have values. They do. They have picked up the vulgar, materialistic and individualistic morals of the marketplace that they are bombarded with and they are applying them to every aspect of their lives. It is something we should all be concerned about.

Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance): Mr. Speaker, my question is for the member for Winnipeg—Transcona in regard to the statistics he is referring to. In particular, I heard in his speech and also in other speeches that the

province of Quebec has a very low rate of youth offences and youth crime.

I know from my 30 years in the Royal Canadian Mounted Police that I filled out statistics in the very forms that we are talking about here. I know that those statistics can be quite easily manipulated by the criteria and by the number of diversion programs where youths are pushed away from the statistics forms prior to them actually being recorded as having offended against the criminal code or some other issue. I would like the member to comment on that.

Also, I think the relationship in regard to youth crime being so low in Quebec is not accurate, because Quebec has a massive problem with organized crime. Organized crime is right down into the individual public schools and the junior highs and high schools in Quebec.

I do not have the statistics for this, but in my opinion youth crime is being grossly understated in the province of Quebec. I have given the reasons why I say that: because of the criteria that are given to the police to record the statistics and because of the fact that there is a massive organized crime problem in Quebec. In my experience, organized criminals start out as youth and move into assisting those who are at the middle levels of organized crime.

As a result, we have to be cautious in accepting that the programs and the diversion methods in the province of Quebec are those that should be applied to the whole country.

I would ask the member to comment on the points I have raised if in fact that is what he is advocating

Mr. Bill Blaikie: Mr. Speaker, I was simply reporting what I understand to be a consensus in terms of the analysis of what has happened in Quebec.

I certainly would not quarrel with the member and his contention that Quebec has an organized crime problem. Everyone acknowledges that, and so does the Bloc, but whether that in some way counters the other observation that is often made about Quebec, which is that in terms of its youth criminal justice system it has been doing something right, I do not necessarily see the connection. If the member has a study on that to show me, I would be willing to look at it, but at this point I would certainly tend to stand by what I had to say.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I will begin by congratulating my colleague for Winnipeg—Transcona and fellow House leader on his first speech on a justice bill as a new member of the justice committee.

I would certainly agree with your earlier assessment, Mr. Speaker. He has never been accused of being short in either stature or loquaciousness.

This is a very important piece of legislation that is before the House. It is a bill that has reappeared in a very similar fashion to that form which it took in the last parliament. This bill, I would suggest, is of such importance that I am hoping that both through the process that we are currently embarking on in the Chamber and in committee we will have ample opportunity to bring forward meaningful amendments.

● (1720)

All previous speakers have alluded as well to their party's position and their hope and desire that we will have an opportunity to improve upon this legislation.

I want to say right at the outset that the philosophy behind this bill and the attempt to focus and to front-end load efforts at early intervention and at preventative measures for youth who are embarking upon a potential life in crime, who are heading down the road of involvement in the criminal justice system, is the correct approach. To that end, the bill does try to steer the current justice system in that direction. The failings, however, become very obvious when one starts to examine the text of the bill itself.

First there is the simple physical appearance of the bill. It appears voluminous when compared to the existing legislation. It is in fact almost double the size of the current Young Offenders Act. The current Young Offenders Act has been much maligned and criticized in its 17 years. It is now maturing and is almost an adult now, under the old definition.

This particular bill in its current form is so complex, so convoluted and cumbersome that were it to be enacted in its current form, the delays, the interpretations, the legal jargon and the manipulations that would result would be astronomical.

As committee members during the previous parliament, we heard numerous opinions on how the bill would work in its practical application. We heard learned judges say they did not understand it. Judges with years of experience in interpreting the current act read the legislation and said they could not understand how it would work in application. That is frightening when the bill appears on the precipice of going into operation.

There are a number of other specific elements of the bill that I would like to address in my remarks, but I do also want to acknowledge the attempted changes put in place by the government and the Department of Justice. They do speak specifically to one of the issues that was identified, most obviously by the Bloc Quebecois. The changes speak to the issue of how justice is being administered currently in the province of Quebec.

[*Translation*]

I am very pleased with the present situation in the area of justice in Quebec. The situation in Quebec is clear. Quebec is ahead of the other provinces as far as its approach to justice is concerned.

[*English*]

It is a model as to how the past system can be worked in a very positive fashion because of the emphasis the province of Quebec puts on this proactive and forward looking attempt at identifying youth at risk early in the process.

Again, this is the failing of the bill, for the simple reason that unlike the way the current legislation is being administered in Quebec, this bill will create a false sense of security. The bill, while raising expectations that the emphasis will be there, does not provide the support. The bill does not put in place resources to allow this expectation to be fulfilled while downloading—the word used by my colleague from the NDP—the expectation that youth workers, police, judges, probation officers, all those involved in the administration at the front lines of justice, will be asked to intervene in a child's life at an early stage, which they are currently doing.

However, they will not be given that backup. They will not be provided with the resources, the time, the effort or the programs needed to administer the bill. That is almost worse. It is almost worse to raise expectations and then not provide the resources. That is the major failing of the bill itself, coupled with the complexity.

My friend and others in the Chamber have mentioned the discretion that is involved in the administration of this new legislation. There is nothing wrong with having a healthy degree of discretion, but the bill itself in many instances takes away the discretion and creates a new level of process, a new level of sentencing, for example, wherein the concept of early release, statutory release, which is one of the major failings of the current adult system, is now being interjected into our youth court system.

● (1725)

We in the previous parliament also looked at removing mandatory release from the current adult system, so it is ironic that the Department of Justice in its wisdom has come back and presented before the House a bill that puts in place a system that is highly questionable and arguably puts Canadians in danger. The department is putting this into the youth system.

It also puts in place a very interesting and, I would suggest, flawed process of identifying violent versus non-violent offences. There will be a sort of informal hearing to determine whether the case is going to be tried as a violent or non-violent offence. I would suggest that again this is a misplaced use of discretion.

There is also another interesting element of discretion, whereby police officers are going to be encouraged to use their discretion on the street in exercising justice, which they do every day. They are going to be encouraged to on occasion administer a couple of boots in the rear end, as was referenced in a story by the member from Winnipeg—Transcona about his grandfather, I believe, to a young person who may be involved in what we will call a minor mischief offence such as vandalism, we will say. I have a friend back in Nova Scotia, a defence lawyer from Antigonish named Hector MacIsaac, who calls this the Matt Dillon style of justice that police often administer, in their wisdom and with measured and tempered discretion.

The problem with this system is that, first, there is no tracking of the number of times a young person may be brought home, marched into a parent's living room and counselled by the officer.

Second, there is also no ability for the officers to do this under the current restraints that they are experiencing. We are now asking police officers to take the time to be youth workers, counsellors, in some cases surrogate parents, and to sit down and explain to the young person that this is unacceptable and potentially criminal behaviour. It is not that a lot of police officers are not currently trying to do this, but again it raises the bar of expectations and yet there is no delivery under this act to provide the backup and the resources.

The current system does not have any of these new, innovative and proactive provisions. It is being funded at less than 50% in many provinces right now, much less than the 50% which was the original intent of the Young Offenders Act. The original intention of parliament was that the federal government would pick up at least 50% of the administrative costs of youth justice. That is not happening, and in some provinces funding is abysmally low.

The consistency element of the act is also something that is extremely important. I agree that there has been an attempt by the minister in this current act to accommodate provinces like Quebec that want to have discretion. I know in that an ideal world the Bloc would like to be able to opt out completely, not only out of this bill but many other bills. However, having that type of discretion, where the sentencing range could be extraordinary if this were to be permitted, is extremely troublesome, I suggest, particularly in the context of youth. Consistency is extremely important for youth in the administration of justice. Consistency and a firm approach at times when they are needed are very important in sending that message to a young person.

Deterrence and denunciation are two words that are constantly left out of the discussion around this bill, yet they appear daily in courts throughout the land. Denouncing and deterring young people from repeating the behaviour, along with sending a message to like-minded youth, should very much be the intent of the bill. It is not verboten in any way, shape or form to have a message of specific or general deterrence. It is accepted practice. It is accepted

practice in the adult courts and in the language that is currently used in youth courts.

One of the other important contexts to keep in mind here is the delay that is involved in the administering of justice. Young people need to be held accountable in close proximity for the behaviour that is the subject of the criminal charges. Currently we see lengthy delays between the time of charge, arraignment and trial. The new legislation will expand that delay exponentially. It is accepted among practitioners, those on the frontlines, those who will be administering the bill, that this will create new loopholes. It was referred to as a make work program for lawyers.

● (1730)

I have a lot of friends in the legal community who are smiling with glee. They are counting their billable hours in anticipation of the legislation coming into effect. It will allow delays. There is an old saying that delay is the deadliest form of denial. It is particularly acute and exaggerated with a young person.

The consequences, if there are to be some after due process, must come in close proximity to the actions. To make an impression in a young person's mind, it is particularly important that delay be avoided when possible. That is not to say that cases should be rushed, but the streamlining and common sense approach in legislation like this is critical. It is critical for public confidence and for those administrators, whether they be lawyers, most importantly judges, police or probation officers, that the bill be understandable and that the public be able to decipher the legislation. That certainly is not achieved in the bill.

It reminds me in the broader context that perhaps we should have a separate committee in this place that would look at somehow making all legislation more understandable to those who would be most affected by it. That again is a major failing of the legislation.

Its complexity has been compared to the revenue act. One person said it was tougher than Chinese arithmetic. The bill has many cross-references and new sections. There are all sorts of ways to manoeuvre through the bill which will create endless delays and in many ways thwart the course of justice.

Statistics are often referred to in the debate about youth crime being up or youth crime being down. The most important verification of what is happening on the street is to talk to the police, the court workers and those on the frontlines who are administering the law. They will tell us that violent crime is up.

Violent crime, particularly that committed by young women, is on the rise. The use of weapons in violent crimes is increasing. That is a disturbing trend that is not directly addressed by the legislation. He concept of somehow defining violent versus non-violent versus serious violent offences blurs the entire issue, so much so that in one of the sections so-called simple assault is not deemed a violent offence. That is perverse.

Statistics Canada also highlights another weakness in the system. Based on August 2000 statistics, almost half of convicted youth in 1998-99 were merely placed on probation. Three-quarters of custodial sentences were for three months or less and 90% were for six months or less. Two per cent of convicted offenders got more than a year. Only .1% of youth crimes made it to adult court through the transfer provisions.

This puts it in a different context because much of the debate will get blurred in the rhetoric of whether it is a tougher or weaker bill. The statistics bear out that we are not currently throwing young people in jail at an alarming rate. That is not the intention of the legislation.

There has to be injected in all of this an element of accountability and protection of the public. These are two fundamental cornerstones of any justice system, particularly youth justice.

● (1735)

The element of accountability has often been lost. Currently the perception held by young people, and many who view the young offender system as not protecting them, is that it protects young people who are being brought into the system, as opposed to victims and those who have suffered at the hands of a young person who transgressed the law.

Repeat offences are a big problem when it comes to youth. I have seen many instances where it takes five, six, or seven court appearances before a young person is given a custodial sentence. In fact, 48% of those convicted had at least one previous conviction. There is very often a trend of escalating behaviour that leads to a life of crime. It demonstrates the point that early intervention and perhaps an attempt at restorative justice or alternative measures should be pursued, highlighting the need for resources.

Frontline victims groups and police officers are upset that the definition of common assault, as I have alluded to earlier, is not considered to be violent. There is another element in terms of who is covered by the act. There is a lot of distortion about the position of the Progressive Conservative Party and others who have taken a similar stance, that those under the age of 12 should be included in such a way that they could benefit from the provisions aimed at extricating a young person from a life of crime.

I certainly believe there is merit in having earlier intervention and the ability to avail a young person of programs aimed at drug dependency and at violent behaviour. Young people are often

victims and in homes where they have been subjected to terrible abuses.

Why should we not have a transfer provision that takes children at the age of 10 or 11 and puts them into a system where they could avail themselves of those programs; not to hammer them, not to throw them in jail with other young people where we know they are often able to learn from older youth about more sophisticated crime, but to get them into programs?

That discretion is there on the part of a judge. It is not intended to take young people and put them in an adult court system. We can currently take a youth and put him or her into an adult system. Why should we not be able to take children who have involved themselves in serious behaviour and put them into the youth system?

There are recent examples. An 11 year old boy in Edmonton walked into a bank in broad daylight and proceeded to rob it. Instances were reported of 12 and 13 year old girls in Calgary who beat an elderly woman in her own home. The 12 and 13 year olds were charged with robbery. Nothing could be done to the 11 year old.

Children under 12 and older youths are expected to be dealt with through provincially administered programs which are supposed to be receiving funding from the government. That funding level has not been met.

The front end preventive measures are very much a positive element of the bill. Other important changes could be made that will send the message of deterrence. They should be included in the bill and in the language of the text. The positive changes in this area of law and law enforcement are extremely important.

We are committed to working with all parties and all members of the committee to try to improve the youth court system; to try to build safer communities, which this entire process is supposed to be aimed at; and to try to give law enforcement agents, those who are to administer the law and the stakeholders the resources they need. We will be submitting those amendments at the committee stage where we will be speaking to them there.

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, I thank the member for his fine delivery. A common trend has developed across Canada which is generally called bullying by an older student or a bigger student on the playground or on the way from home. Often this is assault, but when I follow through on such cases the particular individual is never charged with assault.

At the present time the school, the staff and the principal are restricted in what they can and cannot do. This phenomenon is growing. It is a national phenomenon that we need to stop. I would like my learned friend to comment on that, because it does lead to more offences later on.

● (1740)

Mr. Peter MacKay: Mr. Speaker, I thank my friend from Souris—Moose Mountain for the question. The issue that he speaks to, assaults taking place on school grounds, is something that I have seen and is one that, sadly, I think we have all heard of. What often happens is that a judge, as part of the sentence, will put in a probation order that the young person who has engaged in the bullying behaviour must attend school, where he has been, in many cases, inciting problems and engaging in assaults against other people.

I am also concerned about the issue of swarming. I would very much like to see a specific section in our current criminal code that addresses swarming. This is extremely dangerous behaviour, where a gang mentality takes over. Young people lose their anonymity and light into an unsuspecting victim and assault them in a serious way. We have seen, in British Columbia, the sad case of Rena Virk. There are other examples where young people engage in these extremely horrific assaults of swarming. Jonathan Wamback is another tragic example. We would very much like to see the insertion of a specific code section that identifies this and has a specific, perhaps mandatory, minimum sentence that would be imposed for those who engage in swarming.

Mr. John Maloney (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the member opposite is critical of the period of supervision following a custodial sentence. Does he not feel that this is eminently more superior than the present system where, at the end of an individual's period of custody, the door is open and out he walks? Does he not feel that a period of supervision will assist the aims of rehabilitation and reintegration, especially when that period is not statutory and is set by the sentencing judge?

Mr. Peter MacKay: Mr. Speaker, the parliamentary secretary may have misinterpreted my position. I completely agree that supervision after release is fine. There is the ability of a judge to currently impose a period of incarceration and probation. It has to be considered as part of the entire sentence that is being meted out.

Certainly the issue of being released cold into the community is part of this broader issue of statutory release. However, that is one of the failings. We are setting young people up if we inject this current system that exists in the adult system into the youth court system.

I do agree that the probationary period, the supervision that occurs, is perhaps equally important in order to see that there is no recidivism, no sliding back into the criminal behaviour. That is why the following conditions are so important: must not associate; must refrain from the use of or possession of drugs and alcohol; must attend counselling; and must stay away from certain people,

including the victim. That is why those conditions are there. They are part of the whole rehabilitative process.

That is absolutely consistent with the Conservative Party's policy on this. We in no way, shape or form back away from the importance of rehabilitation and the importance of long term supervision for young people, if and when necessary.

Mr. Loyola Hearn (St. John's West, PC): Mr. Speaker, I have a question for my hon. colleague. We talk about addressing the needs of young people, more of whom seem to be getting involved in crime, particularly violent crime. Instead of addressing it through legislation, does he not think that one of the ways in which we could perhaps solve this problem, or at least partially solve the problem, is by addressing the educational, social and recreational needs of many of these people? I believe governments generally have abandoned our young people when it comes to leisure and recreational needs. I would like his comments on that.

● (1745)

Mr. Peter MacKay: Mr. Speaker, I thank my hon. friend and colleague from St. John's West. He raises a terrific point. This is part of the broader debate about what can be done on the preventive side of things.

He would be very quick to agree that youth programs, whether they be music programs or sport and recreation programs that he has referenced, are absolutely the direction we should be headed in when it comes to the administration of youth justice. This is where the emphasis should be. This is where the money should be spent.

The programs, if administered properly, will pay huge dividends in the future. The difficulty is that it is hard to gauge. It is hard to display in a statistical fashion the preventive approach. It is hard to say that if we spend the money now it will save *x* number of dollars in the future.

It is very clear that when young people have something to do and something to occupy their time they are not hanging out on street corners. They are not engaging in drug use. They are not breaking into the homes of the elderly. Those programs teach important values to young people. They teach them self-respect and respect for their community.

I could not agree more with my hon. friend that this is where we should focus much of the debate and much of our time, energy and resources, in the pursuit of a system for youth justice that works for the country.

[*Translation*]

Ms. Carole-Marie Allard (Laval East, Lib.): Mr. Speaker, I will be sharing my time with my colleague from Vancouver Quadra.

I am pleased to have the opportunity to speak to Bill C-7, the youth criminal justice act. Before I begin, I would like to congratulate my colleagues in the Quebec caucus for the great work they did in suggesting amendments to Bill C-3. It must be pointed out that thanks to their efforts and the valuable input from stakeholders we are able to introduce a bill which offers a balance between the need to protect society and the needs of adolescents, who will be responsible for the society of tomorrow.

I have looked at Bill C-7 using the eye's of a lawyer, one who has had experience in Young Offenders Act cases, and I find that it respects the rights of young people more and leaves more leeway for the frontline workers, including the police and community organizations involved in crime prevention in the regions.

The preamble of the bill sets out society's responsibility to address the developmental challenges and the needs of young persons and to guide them to adulthood. It also provides the need to prevent youth crime by addressing its underlying causes.

I was staggered to hear the Bloc Quebecois critic say that it was preferable to have an adolescent's record handled by the crown prosecutor. He said ''Mr. Speaker, currently, when an adolescent commits a minor offence, the matter is referred to the crown prosecutor, who determines whether the young person needs help. If so, the Quebec system rehabilitates him immediately''.

Why would a crown prosecutor be in a better position to decide the future of a young person than a neighbourhood police officer or a community agency long involved in the field? Why the outcry when clause 6 proposes letting the police decide whether ''to take no further action, warn the young person, administer a caution,—or, with the consent of the young person, refer the young person to a program or agency in the community that may assist the young person not to commit offences''.

What is the problem with wanting the young person to be treated in his community instead of sending him to detention when he commits a minor offence?

For the sceptics, I add that clause 7 of the bill gives the attorney general or any other minister the authority to establish a program authorizing the police to administer cautions to young persons instead of starting judicial proceedings.

● (1750)

In my riding of Laval East, the Centre Défi-jeunesse in Saint-François is set in a middle income community where the social structure is 91% focused on the family. Young people aged 13 to 18 represent 10% of the population and are especially hard hit since they have to deal with issues like welfare and single parent families or are trying to make it on their own on a low income.

The Centre Défi-jeunesse Saint-François was established in 1992, eight years ago already, to extend a helping hand to young people with emotional, social and relationship problems linked to their family, social or criminal situation or to their substance abuse.

The organization can rely on well-known supporters like the Saint-François police department, the CLSC des Milles-Îles, the Fleur Soleil school and the merchants of the Promenades de Saint-François shopping centre located nearby.

The organization recently launched a project called Défi sans violence, spearheaded by community police officers and nurses from the CLSC. They were able to reach 400 young people. It is because our government believes in prevention that it has provided almost $32 million to crime prevention programs, including more than $4 million in Quebec.

The Centre Défi-jeunesse just received $50,000 for its project called Rassembler les deux mondes. It would be able to send a facilitator to Iqualuit, the capital of Nunavut, to give workshops on violence and crime prevention in collaboration with organizations working in the field.

Others projects will be coming soon. I spoke to the director, Mrs. Talbot, who told me that thanks to that experience, young people have learned to work with police officers and now the rapport between the two groups is nothing short of extraordinary.

Under Bill C-7, it would no longer be possible to place in custody a first time young offender who commits a minor offence. Why should we absolutely incarcerate a young person who commits a minor offence? Do people realize what it means to have an open file in a youth court? Do they realize what it means for parents who have to parade before the court when there are other solutions? If this is what is currently going on in Quebec, let us debate the issue.

I know crown attorneys who work at the youth court. I would rather trust the police officer walking the beat in a neighbourhood because, in my opinion, he certainly has a better idea of what is going on than the crown attorney in his ivory tower at the courthouse, if only because the latter is often overburdened following all kinds of budget cuts.

I also think that we can better rehabilitate young offenders by putting them, as provided under clause 6, in the hands of stakeholders or experts in the community who know criminal gangs and street gangs in that area.

In this morning's edition of *Le Devoir*, the following title is eloquent:

> Baril passes harsh judgment on youth services.

The article mentions that:

> . . .the youth protection system is overjudicialized and suffers from continuous breaks in the delivery of services.

The picture is not rosy in the youth assistance network. Rehabilitation centres are constantly clogged up. The administrative component takes precedence over the clinical component and the legal component takes precedence over social law.

In October, Quebec's Commission des droits de la personne et de la jeunesse condemned the repressive nature of the living conditions imposed on young people in youth centres. Such is the situation of Quebec's network.

I would like our friends opposite to reflect on Quebec minister Gilles Baril's view on an approach that judicializes young people too quickly.

● (1755)

I would like the members opposite to think before they argue in favour of the status quo, giving as their reason that Quebec has a low crime rate. It is too simplistic to claim that because Quebec's crime rate is very low, the system is working well in Quebec. Some caution is in order.

Who is telling us that this reduction in violent crimes by young people in Quebec is not due to the work of our neighbourhood police, our community crime prevention organizations and our stakeholders, such as the Centre de défi-jeunesse de Saint-François, which has been working for eight years in the area of youth crime prevention?

What we must realize, and this is fundamental, is that the most prevalent crime among young people is theft. In the case of violent crimes, simple assault, the less serious kind, tops the list.

Who is telling us that we cannot attribute this drop in violence to the zero tolerance policy enforced by our police officers in Quebec, to the schools and to other stakeholders?

This is what the bar said in its brief on Bill C-3. It never said that crime was down because of the intervention of crown attorneys and the incarceration of young first time offenders.

What minister Baril revealed to Quebec was not just the reality of the situation, but I would add that the reality is worse still. If members were to take a stroll through the youth courts, they would see that the system is not working at all.

Members should ask young people how many times they have had to appear in court, how many times their case has been rescheduled because of the backlog, how many times they have had to miss school and their parents have had to miss work to appear before the youth court only to be told to come back another day.

In conclusion, I think—

The Deputy Speaker: I am sorry to interrupt the hon. member, but I attempted, through the means at my disposal, to indicate that

her time was almost up, and the fact is it has run now out. The hon. member for Berthier—Montcalm.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I find it most distressing that a Quebec MP should try to cast aspersions on the great success of Quebec's justice system for young people.

I find what she has had to say very dangerous. She has deliberately mixed up the jurisdiction over the administration of justice and the federal jurisdiction. I have never said that the Quebec system worked like a charm but I have said that it worked well.

An hon. member: Better.

Mr. Michel Bellehumeur: If there are administrative problems today in the youth centres, why is that? It is because at the present time the government over there owes $850 million for the application of the Young Offenders Act, as the former minister of justice even admitted.

Let the hon. member not try to preach to the government of Quebec. Let her look at what is going on within the Liberal government.

When she says she has practiced youth law, I would have some doubts about how effective she was judging by what she said here. She has just said that the Commission des services juridiques du Québec lied when it said it was opposed to the minister's bill.

What do the Conseil permanent de la jeunesse, the teaching federations, the school of criminology of the University of Montreal, legal community centres, defence lawyers, prosecutors, the Institut Pinel, the Association of Chiefs of Police, the Association des chefs de pompiers du Québec and many others I could name have to say? They say that the minister and the hon. member are mistaken in saying that the Young Offenders Act is a good law. They say Bill C-7 should never see the light of day. That is what Quebec says.

● (1800)

Quebec wants something very simple, and if the member really wants to defend Quebec, if she really wants to defend groups like Défi sans violence, if she really wants the bill passed quickly, she should put pressure on the minister to include the right for Quebec to opt out, no ifs, ands or buts, and the bill will be passed and in her hands in five minutes.

Ms. Carole-Marie Allard: Mr. Speaker, does the hon. member for Berthier—Montcalm realize that the bill would generate significant additional moneys for Quebec since the amounts given to that province for the administration of justice would finally be adjusted, rising from 17% to 23%?

Quebec would get $200 million out of the $951 million allocated to the youth justice system.

It is not me but Quebec minister Baril who said that changes are necessary to put the youth justice network back on track.

I do not understand why the opposition boasts about judicializing youth cases on the first offence and claims to be proud to do so. It is time someone stood up for young people.

Mr. Michel Bellehumeur: Mr. Speaker, I do not know whether she is doing it on purpose but the member is getting her facts mixed up.

Quebec has the highest rate of decriminalization for young offenders in all of Canada. Quebec has the lowest rate of incarceration in all of Canada. Quebec has the lowest crime rate in all of Canada. Quebec has the lowest recidivism rate in all of Canada.

My question is quite simple. Next time, before the member gives a speech, will she at least take the time not only to read the minister's bill and the ministerial briefing notes, but also briefs presented to the Standing Committee on Justice and Human Rights? She would realize that what she is saying is pure nonsense.

Ms. Carole-Marie Allard: Mr. Speaker, I can see my colleague is somewhat disturbed by my position. I think it is about time that it be known that when a crown prosecutor makes a decision regarding a young offender, he necessarily opens a file in youth court. What follows after that? It follows that the young offender must appear before the court, plead one way or another and so on.

Mr. Richard Marceau: No, this is not true.

Mr. Michel Bellehumeur: No, this is not true.

The Deputy Speaker: Order, please. I am sorry, but the time allotted for questions and comments has expired.

[*English*]

Mr. Stephen Owen (Vancouver Quadra, Lib.): Mr. Speaker, I would like to first address the constituents of Vancouver—Quadra who have entrusted with me the duty of coming to work with government on the important public policy issues to Canadians, as well as to work across party lines. That will be the spirit of my remarks today.

Vancouver—Quadra has unparalleled physical beauty, cultural diversity, prosperity, the greatest research university linking us to the new economy in Canada, as well as three major hospitals dealing with women's health, children's health and a teaching hospital. Of course it never rains in Vancouver either.

The issues of youth justice, protection of the public and the best interests of children and youth are immensely important to Canadians. Today, I would like to briefly address the principles behind Bill C-7, as well as the common cause that I see developing over the last 20 years toward dealing with this issue in a holistic and realistic way. These issues did not start with this debate or this bill.

These issues have been going on for at least 25 years, since I have been practising law.

The Berger royal commission on children in the 1970s in British Columbia identified unified family courts, the important configuration of the youth justice system with the child welfare system and the use of community accountability panels. We have been working across the country at different levels of success to try to apply these principles over time, but not with requisite success. In my respectful submission, we are reaching toward that situation with this bill, the capacity actually to move forward on the key principles that I think people throughout the House agree on.

● (1805)

The principle of prevention is absolutely critical. I would like to mention one aspect of prevention which is the root cause of youth crime. If we look at the root cause of poverty, the despair that it causes, the levels of despair in impoverished and many native communities, we understand that that despair underlies the overrepresentation of native people in the criminal justice system. The throne speech has directed its intention toward resolving that. The most serious indicator of despair in an impoverished community is the youth suicide rate. The bill together with youth social services must come together to deal with youth suicide.

Accountability is absolutely critical. However, it is critical that we target accountability so that we know where victim reconciliation or mediation, community accountability or community service can be most effective. As the member said earlier, it can be a much rougher time for people to face their own community, or the victim, or their own family or do community service immediately and directly related to what they were involved with.

Responsibility and accountability are also critically important. We have to distinguish punishment from the need to rehabilitate and reintegrate youth into our society. No matter how serious the crime, and there are very serious youth criminals as all members know, people will get out. We must not allow monsters back into our society. We must stress serious rehabilitation and reintegration. This bill addresses some of those issues.

Let me briefly address the issue of where there is a common cause. I heard it addressed across the spectrum today. We must address youth crime in terms of continuums along a number of dimensions. There is a dimension of age. There is a dimension of severity of crime. There is a dimension of social and mental health needs of that offender. There is a degree of common cause that I believe is developing.

For youths under 12 years old, there are differences being expressed in the House but the objectives are the same. It is to protect society as well as to ensure that the interests of the youth, their families and communities are looked after.

I read the debates of last year on the former bill. A member of the Canadian Alliance was debating the issue of youth under 12. I found some real reasoning in it and it was a good reason. I have not heard that today. It was bring young offenders perhaps into the purview of the courts so they can be protected from being victimized by elder criminals. By doing that, it would keep them away from the criminal element. That is a valid point of view. I do not think it is widely felt that children under 12 years old should be in the criminal justice system, but they must be dealt with through social services and child protection law. I note that the province of Manitoba is developing comprehensive criteria to deal with the issue.

Diversion of non-violent young offenders is absolutely critical. We have had over 20 years of experience in Canada with discretion being properly exercised in many areas, in pilot projects, by police officers involved in community policing and by prosecutors. The hon. member for Provencher mentioned that he was prosecuting under the Juvenile Delinquents Act in the seventies.

I was public defending at that time and I remember thinking that being a public defender was where a person could get in and do some justice. I quickly found out that the police and the prosecution in properly exercising their discretion had the greatest opportunity at an early stage, for non-violent and particularly young offenders, to do justice and make sure that there was accountability, that recidivism was stopped and that young offenders would get away from a history of crime.

If we are going to go to court, this new bill provides judges with a range of tools which are important, including making sure there is an interdisciplinary approach, ensuring that parents are brought to proceedings and take financial responsibility, if necessary.

● (1810)

If someone is to be sentenced, the provisions for adult sentencing for the most serious crimes or repeat offenders is entirely appropriate. It is well targeted at that specific need. If incarceration is necessary, let us have intensive rehabilitation services made available. If someone is to be released then intensive supervision provisions are absolutely essential.

Although over the last 20 years we have heard rhetoric at levels that would suggest a great division among the parties on critical issues that are important to Canadians, I think there is a great deal of common cause. These issues are absolutely critical to move forward with the bill, but the differences are more at the margins at this stage rather than in the fundamentals.

We have heard a particular issue of fundamental difference being expressed by the hon. member speaking for the Bloc and members of the Canadian Alliance with regard to lowering the age for

presumptive adult sentencing. That option and flexibility are open to the province of Quebec.

I would submit and respectfully say that we should get on with the bill. There is enough common cause. It is a critical issue and we should not waste more time. The bill builds on the experience of the last 20 years. It brings together a lot of very important and vital issues that have been raised on both sides of the House. Let us get on with it. The differences at the margins can properly be dealt with in implementation and not in delaying the passage of this important bill.

* * *

POINTS OF ORDER

STANDING COMMITTEE ON PROCEDURE AND HOUSE AFFAIRS

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I rise on a point of order. Yesterday, shortly after 10 o'clock, I tabled a notice of motion for concurrence in a committee report. I see from the notice paper today that the notice of motion is not shown on the order paper. The reason may relate to the fact that minutes before I tabled the notice I had also sought unanimous consent to have concurrence in the report and the Table may have confused the two.

I believe the Table does have the written notice of motion and I would ask that the order paper be corrected to show that the notice of motion was indeed introduced yesterday morning. That would allow the 48 hour notice period to run as of yesterday in the event that 48 hour period becomes relevant.

The Deputy Speaker: What we have here is a matter of business going back to yesterday, Tuesday, February 13. I believe I was in the chair at the time the hon. Parliamentary Secretary to the Leader of the Government in the House sought concurrence to this motion. Concurrence was denied.

Upon verification with our staff, we recognized that there had been an administrative error. In fact, notice of motion was given yesterday and should have been on the notice paper today. I would conclude that the government will be eligible to call on that motion tomorrow should it so choose. It is eligible for tomorrow.

If there are any questions, I will try to take them very quickly, but I hope I have made the matter as clear as we possibly can. I would not want anyone to be surprised if the government should choose tomorrow to exercise that option. It is eligible to it by way of an administrative error that we all regret. Those things do happen but not very often.

YOUTH CRIMINAL JUSTICE ACT

The House resumed consideration of the motion that Bill C-7, 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.

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, I have some relatives who are lawyers and a lot of friends who are lawyers. I have a lot of respect for lawyers.

● (1815)

The speaker from the Conservative Party talks about the complexity of the bill, the onerous wording, twice the wording of the present Young Offenders Act. He talks about how that is totally unacceptable and says that it is an extremely difficult bill to grasp. I think he is saying that even judges would have problems with it.

I find this amazing. When we start drafting bills and laws, we have lawyers writing the bills, lawyers prosecuting the law, lawyers defending the law, lawyers sitting on the bench deciding what to do with the law, and lawyers interpreting the law. In this particular bill we are going to have lawyers who are going to have to intervene for young offenders under 14 to prove reverse onus. We are going to have lawyer involvement to an unbelievable degree.

I have a feeling that there is something wrong with this picture. We have built a real legal industry under this kind of legislation, which does not make a lot of sense to normal people. Any normal person could not do this. I suggest to the House that it probably took 17 lawyers from Ottawa to write this bill and it is going to take 15 Philadelphia lawyers to interpret the darn thing.

Does the member not see something wrong with that picture? Lawyers, lawyers and lawyers, and we are trying to deal with youth crime and with what to do with our young people. What the government has done with the bill is to build an excellent avenue by which lawyers will fill their pockets once again. I do not see how it is going to make any difference to what is happening with youth crime.

Mr. Stephen Owen: Mr. Speaker, the complexity of the bill is necessary in order to provide the flexibility to target individual young offenders with the types of crimes they commit and the types of problems they have and give the best recourse to the community.

Police officers I have dealt with in community policing and people on youth justice committees will not have any difficulty seeing the value of having the referrals and having the ability to act under this bill.

I was somewhat amused to hear that the legal aid lawyers in New Brunswick were smiling at the prospect of providing defences

under this act. The legal aid tariff in New Brunswick must be a lot higher than it is in British Columbia if this is causing anyone to smile.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I thank the member for Vancouver Quadra for an interesting speech. If that was his maiden speech then I welcome him to the House and congratulate him. His reputation certainly precedes him. I am sure he will make a valuable contribution, especially in justice matters.

I was very pleased to hear him raise the issue of the overrepresentation of aboriginal people and aboriginal youth in the criminal justice system. In the riding of Winnipeg Centre this is a big issue. We have a great deal of what is called the youth gang problem. For any number of socioeconomic reasons we have a lot more people involved in that than other areas do.

The hon. member also mentioned aboriginal overrepresentation in the prisons. I was just reading in a book last night that at certain points in the last 15 or 20 years, in two of the women's prisons other than Kingston the aboriginal population was at 100%. Those places were full of aboriginal people.

The hon. member mentioned the Berger report. I am sure he has read the aboriginal justice inquiry from Manitoba. Could he tell us if he is satisfied that this bill incorporates the recommendations or the better qualities of those two reports in tone or in content?

Mr. Stephen Owen: Mr. Speaker, very briefly, dealing with the aboriginal justice report from Manitoba, I do not believe this does incorporate the recommendations in that report.

However, in terms of the difference between having a separate justice system for aboriginal people or rather a general justice system that is flexible enough to incorporate both appropriate traditional methods, whether for healing or sentencing, I believe the bill is going in the direction of the spirit of drawing on traditional practices that will strengthen our criminal justice and youth justice systems in order to incorporate what is useful, appropriate and effective in dealing with aboriginal offenders.

● (1820)

I hope that as we gain experience, better appreciate and help revive those traditional practices, we will appreciate across the country that they will enrich our general justice system.

Mr. Chuck Cadman (Surrey North, Canadian Alliance): Mr. Speaker, this being my first opportunity to rise on debate in this parliament, I would like to congratulate the Speaker and his colleagues on their ascension to their positions. For the first couple of weeks of this session, Mr. Speaker, I think you are probably going to have an interesting time.

I extend my gratitude to the constituents of Surrey North for sending me back here for a second term and also to my wife, Dona, and my daughter, Jodi, for their support. Especially on Valentine's Day, I would be remiss if I did not do that. I also have to extend my gratitude to our 55-pound puppy, and I use that term advisedly, who I am sure will waste no time in reclaiming my half of the bed for the next three years.

In all seriousness, it is unfortunate that I am once again speaking against the government's questionable youth justice proposals. As members know, I have spoken in this place a few times on this issue. I have sat through hours and hours of committee hearings and have been to many communities across this land. I have encouraged the government to have an open mind on the need for significant changes to the Young Offenders Act. The minister is even on record as stating that the Young Offenders Act is ''easily the most unpopular piece of federal legislation''.

It is unfortunate that Canadians do not have the opportunity to actually look at what the government is proposing with its youth criminal justice reforms. If they did, they would see that Bill C-7 is merely repackaging the Young Offenders Act, putting some political spin on it and selling it as a balanced and proper approach to misguided youth who manage to find themselves on the opposite side of our complicated laws.

If the truth be told, the new youth criminal justice act, Bill C-7, has all the traits of becoming an even more unpopular piece of federal legislation. Bill C-7 is virtually identical to the legislation the minister presented in the second session of the last parliament. All she has done is insert approximately 150 technical amendments to correct the mistakes, the typos and the errors in law of her previous version. In spite of approximately 150 substantive amendments from the opposition, there is absolutely no indication that the government even considered those proposals.

However, that does not surprise me. For almost five years now, the government has been going through the motions of appearing to be interested in hearing suggestions for improvement to the youth justice process. Other than a few relatively simple changes, the government has not indicated that it was even listening to all of those hundreds of requests for substantial change.

For almost five years now, we have heard that the federal government has not been meeting its financial obligations toward funding of youth justice. The government has announced that it is providing $206 million over the next three years, but that is merely to cover the initial costs of this new legislation. There has been nothing to cover the shortfall that has been going on for years.

One of the major problems with youth justice is the insufficiency of funding to cover training and rehabilitative costs. If the young people who get into trouble are not given any direction and assistance to change, is it any wonder many revert to their criminal tendencies? All we seem to do is investigate, prosecute, convict and punish these youths until they turn 18 and move on to similar

activities as adults. Only in that way do many of these youths disappear from the youth crime problem.

The situation is even more abysmal with those young persons aged 10 and 11. For years now, we have been seeing 10 year olds and 11 year olds involved in criminal activity. That was seldom, if ever, seen before. We have also seen that child welfare agencies are frequently incapable of dealing with many of these cases. I will not get into all of that because it is primarily a provincial and municipal matter, but child welfare was never ever set up to deal with criminal behaviour. It was set up for the protection of children, not the protection of our communities from the children.

As well, we have seen how the resources within child welfare have been stretched to the breaking point. There is no luxury of expending additional resources to ensure that the occasional child who has found himself or herself on the wrong side of the law gets proper advice and guidance to get back onto the straight and narrow. That is why the Canadian Alliance has been trying to influence the government into expanding the youth justice process to include 10 year olds and 11 year olds.

Judges have been dealing with young offenders for years. They have seen their workloads increase because individual cases are not properly addressed in the initial instance.

● (1825)

We are not saying that judges have to lock up 10 and 11 year olds, but we are saying that judges need to become involved in the interests of the young offender and of the community to ensure the proper scheme is set up to bring the young person back on track. We are saying we need to involve the judges to oversee the problem. Child welfare authorities do good work in many instances but they were never set up to deal with criminal behaviour. They do not have the experience or the resources.

I would be remiss if I did not mention my private member's initiative that has once again been incorporated into the legislation. One objective I had when I first came to this place was to bring forth legislation to have those who willfully fail to honour their court undertaking to properly supervise the release of a young person into their custody treated more seriously. The minister has continued to realize the importance of the proposal.

Our justice system comes under supreme scrutiny when parents or others undertake to the court to supervise a young person who is considered to be a danger or a risk to the community, only to then permit that young person to go unsupervised. Those who voluntarily agree to supervise and then wilfully fail to do so must be held accountable.

I will present a scenario to give listeners a chance to understand some of the concerns presented by the legislation. Let us take the case of a 14 year old youth who commits a sexual assault at knifepoint and whose victim is wounded or disfigured. The youth may face a presumptive offence under the legislation. As such, he may face an adult sentencing process as he has committed what appears to be one of the few offences listed as a presumptive, and he was 14 at the time of the crime.

However in the legislation there are few, if any, clear determinations. We would first have to determine whether the province in which the crime occurred had used its power under section 61 of the legislation to change the age of application of the presumptive offence. If it had been raised to 15 or 16, the young person would not necessarily receive adult sentencing. In effect, he would have been lucky because he committed the crime in the right province.

As well, the attorney general can under section 65 advise the court that it is not seeking an adult sentence, even in a case such as this. Furthermore the attorney general must provide notice to the court and to the young person before the commencement of trial that the adult sentence is being sought. Otherwise none would be considered.

If the young person is found guilty of the offence, section 62 states that an adult sentence shall be imposed if, and this is a mighty big if, the young person essentially agrees to accept the adult sentence or if the youth court justice is of the opinion that a youth sentence would not be adequate to hold the young person accountable.

When the court reviews that situation, either on its own or when the young person challenges the use of an adult sentence, the court must balance the proposed sentence with the contribution to the protection of society by having meaningful consequences with the interest of promotion of the young person's rehabilitation and reintegration into society, whatever that means.

As I read it, the court uses adult sentencing only as a last resort. It must first of all be satisfied that a youth sentence is insufficient. Then the youth court judge must balance the interests of the protection of society with the interests of the young person to be rehabilitated and reintegrated into the community.

As we can see with my example, the young attacker would receive an adult sentence only as a last resort. The court must seriously consider whether incarceration will affect the young person's rehabilitation and reintegration. Perhaps the court could decide that some form of intensive support and supervision program would suffice, with no incarceration. This is just one of the youth sentences available.

Similarly, we can use the example of the young person sexually assaulting with a knife. Even though I have explained how difficult and improbable it may be for him to receive an adult sentence with incarceration, let us suppose that an adult sentence was imposed.

We must remember that in our example there was wounding and disfigurement of the victim.

Will he be identified when he returns to the community, or will the community be completely unaware of the danger of a repeat or of a more serious offence?

If the young person received the adult sentence he may be identified pursuant to subsection 110(2)(a). I ask the House to notice that I still say may. Under subsection 75(3), the court may order a ban on publication of even this type of serious crime if the young person makes application for the ban and if the judge considers it important, taking into account the importance of rehabilitating the young person in the public interest.

Let us suppose we change the scenario to a less serious offence. Let us suppose the young offender does not actually use the knife; it has used it only as a threat. The offender will not likely face an aggravated sexual assault charge. There would be no presumptive offence. We then enter a whole new ball game, a ball game in which the law is written even more favourably in the interests of the offender and not of the victim or of protection of communities.

Unfortunately I do not have time to go through all the legal arguments, considerations and decisions by the attorney general. As has been said, the lawyers must be rubbing their hands with glee.

I hope I have provided listeners with just some of the concerns over the problems and complexity of the legislation. As I have stated, lawyers will be busy tying up the courts and the youth justice process as they debate the provisions.

A more serious question is: How can we expect our youth and other citizens to know what the law entails when it is written with so many exceptions and so much legal mumbo-jumbo?

As I stated at the start, when the legislation plays itself out Canadians will soon again become disenchanted and disappointed with the youth justice system. Surely we have a duty and a responsibility to do much better.

The Deputy Speaker: When the House resumes debate on the matter the Canadian Alliance Party will have a 10 minute slot left, at which point the hon. member for Wild Rose will have the floor.

It being 6.30 p.m. this House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24.

(The House adjourned at 6.30 p.m.)

CONTENTS

Wednesday, February 14, 2001

STATEMENTS BY MEMBERS

ORAL QUESTION PERIOD

ROUTINE PROCEEDINGS

GOVERNMENT ORDERS

MAIL POSTE
Canada Post Corporation/Société canadienne des postes
Postage paid Port payé
Lettermail Poste–lettre
03159442
Ottawa

If undelivered, return COVER ONLY to:
Canadian Government Publishing,
45 Sacré–Coeur Boulevard,
Hull, Québec, Canada, K1A 0S9

En cas de non–livraison,
retourner cette COUVERTURE SEULEMENT à:
Les Éditions du gouvernement du Canada,
45 boulevard Sacré–Coeur,
Hull, Québec, Canada, K1A 0S9

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

Also available on the Parliamentary Internet Parlementaire at the following address:
Aussi disponible sur le réseau électronique «Parliamentary Internet Parlementaire» à l'adresse suivante :
http://www.parl.gc.ca
