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OFFICIAL REPORT
(HANSARD)

Wednesday, January 30, 2002

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Wednesday, January 30, 2002

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 Peterborough.

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

STATEMENTS BY MEMBERS

[*English*]

BRAIN TUMOUR FOUNDATION

Mr. Joe Fontana (London North Centre, Lib.): Mr. Speaker, I would like to acknowledge that this year is the 20th anniversary of the Brain Tumour Foundation of Canada.

Each year approximately 10,000 Canadians are diagnosed with a brain tumour. Brain tumours are the second leading cause of cancer death for children and young adults. They are one of the fastest growing causes of cancer death in the elderly. In fact, two of my good friends, David Murray and Emilio Grimaldi, passed away from brain tumours.

This national non-profit organization has grown from a very humble beginning in London, Ontario to become a leader with supporters in many parts of the country. It provides support services to several thousands of those affected by brain tumours. To celebrate its anniversary the Brain Tumour Foundation of Canada is launching today its virtual support centre website, one more way to connect more patients, families and friends for hope, information and support.

I congratulate all of those people associated with the Brain Tumour Foundation for their hard work and contribution to our nation.

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CANADIAN WHEAT BOARD

Mr. David Anderson (Cypress Hills—Grasslands, Canadian Alliance): Mr Speaker, it is the end of January and the audit of the financial transactions and operations of the Canadian Wheat Board by the Auditor General of Canada is to be completed any day.

It comes as no surprise that the audit report may never be made public. Only the minister responsible for the Canadian Wheat Board and it's board of directors will be given a copy. It is up to them whether to release the audit publicly. If the Canadian Wheat Board wants to be accountable to western Canadian farmers, it must finally lift the veil of secrecy surrounding its operations and release the entire audit of the Canadian Wheat Board.

However, even this will do nothing to free farmers from the CWB's restrictive and expensive bureaucracy. Until farmers actually have the freedom to market and process their own grain, they will be unable to develop and strengthen their own communities.

I challenge the minister responsible for the Canadian Wheat Board to take the unusual step of actually showing initiative by not only releasing the complete audit but also releasing western Canadian producers from an outdated, costly and mandatory grain marketing system.

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TONY SEURET

Mr. Joe Comuzzi (Thunder Bay—Superior North, Lib.): Mr. Speaker, in this House we pay tribute to outstanding individuals who make great contributions to our communities and to our lives. One of those people is Tony Seuret of Thunder Bay.

He excelled in education, starting as a professor at Lakehead University, becoming chair of the school of business and eventually being honoured by a fellowship from the university.

After leaving the academic field, he served in broadcasting with distinction at Thunder Bay television and CKPR radio for 25 years during the formidable years of communications.

In the community, Tony has served the Economic Developers Council of Ontario and in every area that has benefited the people of Thunder Bay and northwestern Ontario. Tony Seuret is retiring tomorrow. We wish him and Ann all of the very best.

Mr. Speaker, I have given him a message on your behalf that his contribution should not stop and that he should play a very active role in the community in the future.

[*Translation*]

ARTHRITIS

Mr. Claude Duplain (Portneuf, Lib.): Mr. Speaker,Yesterday, the Arthritis Society was proud to unveil the first ever Canadian Arthritis Bill of Rights. This bill enshrines the basic rights and responsibilities for Canadian arthritis patients, from the right to timely and accurate diagnosis of the disease to the right to quicker access to new medications.

The purpose of this initiative is to raise public awareness of the problems relating to arthritis and to mobilize arthritis patients.

It is estimated that 85% of Canadians are likely to be affected by arthritis before the age of 70. Arthritis is also responsible for 25% of long term disability cases in Canada.

Now that they have this Canadian bill of rights, arthritis patients have a legitimate platform from which to demand their right to be heard.

* * *

● (1405)

[*English*]

HOCKEY

Mr. Andy Savoy (Tobique—Mactaquac, Lib.): Mr. Speaker, the first ever World Pond Hockey Championships were held January 19 and 20 in Plaster Rock, New Brunswick. I congratulate the organizers, Jackie Hebert, Danny Braun and Tom Chamberlain for their efforts.

Drawing media attention and interest from hockey enthusiasts around the globe, this 38 team tournament raised $5,000 to help fund a new local arena. Played on a postcard perfect lake, the puck party typified Canadian winter at its best, reviving fond memories of open air matches from childhood.

Behind the scenes was a small army of volunteers who spent every night leading up to the tournament shovelling snow and preparing the ice surfaces. Already teams from as far away as Finland are inquiring about next year's championships. The tournament is a shining example of community spirit and Canada's passion for our national sport.

I extend congratulations to everyone involved. I am confident that the World Pond Hockey Championships will become a tradition on the Tobique.

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[*Translation*]

SHIPBUILDING

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, the federal government's trade negotiations with the European Free Trade Association are at risk of destroying what remains of our shipbuilding industry.

Canada intends to resume the negotiations broken off in the year 2000, with a view to withdrawing certain duties, the repercussions of which might be fatal to our shipbuilding industry.

Yet, less than a year ago, the government was claiming it wanted to revive domestic shipbuilding. In the absence of any real business support policy, it indicated some good intentions, stating that no tariffs would be eliminated without prior consultation of the stakeholders.

If the Minister for International Trade takes the trouble to carry out that consultation, he will see that a number of them have concerns about countries such as Norway having access to our markets, and thus totally annihilating any hopes the thousands of Quebec and Canadian shipyard workers might have of getting back to work.

Does the Minister of International Trade want to close down these last shipyards in Quebec and in Canada?

* * *

[*English*]

PHILIPPINES

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I know that I speak for all members of parliament when I say that we value the warm and cordial relationship we enjoy with the Philippines as a nation and that we are proud to host the president of the Philippines, Gloria Arroyo, in our country this week.

I can also say without any fear of contradiction that we value the substantial contributions made by Filipino people who have chosen to make Canada their home. I need only point to the hon. Minister of Veterans Affairs by way of an example, or my friend and colleague the president of the Philippine Association of Manitoba, Mr. Lito Taruc, who joins us here today.

In recognition of the special relationship between our two countries I urge the Canadian government to give Filipino immigrants the respect they deserve in ways such as recognizing their professional credentials, especially those of domestic workers in the live-in caregiver program.

I further urge the government to ensure that Canadian companies doing business in the Philippines conduct themselves as good corporate citizens and that mining companies like Placer Dome are held accountable for the environmental degradation resulting from its activities on the Boac river.

To my friends in the Filipino community I say *mabuhay.*

* * *

AGA KHAN

Mr. John Godfrey (Don Valley West, Lib.): Mr. Speaker, to my friends in the Ismaili community I say *Ya Ali Madad.*

I ask the House to join me in extending a warm welcome to their leader, His Highness the Aga Khan. The Aga Khan succeeded his grandfather as Imam of the Shia Imami Ismaili muslims in 1957. As a religious leader he has promoted a view of Islam as a faith that teaches compassion, tolerance and upholds human dignity.

In keeping with this vision, the Aga Khan has led the creation of the Aga Khan Development Network. This group of institutions has made a significant contribution to peace, stability and social development in poor regions across Asia and Africa. It works to improve living conditions for all people without regard to religion or origin.

The Aga Khan Foundation in Canada was established in 1980. It is a non-profit organization that seeks ways to improve education, health care and rural income around the world.

I am sure that my colleagues in the House will join me in extending the best wishes to His Highness the Aga Khan. *Ya Ali Madad*.

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● (1410)

TRADE

Mr. Bill Casey (Cumberland—Colchester, PC/DR): Mr. Speaker, the Department of International Trade has created a great deal of confusion with the sudden interest in negotiating a free trade deal with Norway, Switzerland, Iceland and Liechtenstein. If this deal is completed the Atlantic Canadian shipbuilding industry and the offshore gas and oil industry will face unfair competition from Norway which already has excess capacity in ships and shipbuilding facilities.

Although the deal came out of nowhere and caught the industry completely by surprise, we now know that 15 MPs from Norway are coming to Ottawa next week and that the king of Norway will make a state visit to Canada in May.

I hope that this flurry of trade talks is not just an effort to provide the Prime Minister with a photo-op signing a trade deal with the king. This photo-op will cost hundreds of valuable jobs in Atlantic Canada in the very industry that the Government of Canada said would be for the benefit of Atlantic Canada.

This deal should be shelved and the Prime Minister should go find another photo-op with the king.

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LIBYA

Mr. Gurmant Grewal (Surrey Central, Canadian Alliance): Mr. Speaker, I protest the government's stance on Libya, a country that stands accused of sponsoring terrorism.

On a recent visit to the rogue state the Secretary of State for Asia-Pacific said that the September 11 events show that we are more interrelated than ever. Canada's normalization of diplomatic relations with Tripoli supposedly recognizes improvements in Colonel Qadhafi's actions since the war on terrorism began. Far from seeing it as a step toward improvement, many see this as supporting terror.

Is it the policy of the government to reward countries like Libya by forgetting its role in supporting the Pan Am bombing of the 1980s or of supplying weapons to the IRA? The government must know that whatever blood Libya has on its hands is bound to rub off on us if we get too close.

Does the government stand shoulder to shoulder with terrorist sponsors like Libya and Tamil Tigers or with our allies against terror? The government cannot have it both ways.

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VINKO PULJIC

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I call upon all members of the House to join me in welcoming to Canada Cardinal Vinko Puljic, Archbishop of Sarajevo, Bosnia—Herzegovina. Born in Banja Luka, Bosnia, he became archbishop of Sarajevo in 1981 and cardinal in 1994. Cardinal Puljic's archdiocese once included half a million Croatian Catholics. However as a result of the war that engulfed the region, only some 125,000 remain there.

Since the signing of the Dayton peace accords he has worked tirelessly to encourage the United Nations and the U.S. government to take decisive and credible action to prevent further fragmentation and violence in the region. For his outspoken efforts for a just and peaceful solution to the conflict in Bosnia-Herzegovina and his opposition to partitioning of the country along ethnic and religious lines, Cardinal Puljic received the 1998 Notre Dame award for international humanitarian service.

I applaud Cardinal Puljic for his ongoing peace building efforts in Bosnia-Herzegovina and I wish him success as he discusses circumstances there with Canadian parliamentarians.

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[*Translation*]

QUEBEC ECONOMY

Ms. Pauline Picard (Drummond, BQ): Mr. Speaker, according to a new international study by KPMG, Montreal is still the best major city in which to locate a business, and the City of Quebec comes a solid second after Edmonton among cities with under two million inhabitants.

This is proof positive, if any is still needed, of the quality of Quebec's tax system, one of the most original and obviously one of the most effective in the world.

Even more noteworthy than its tax system is the productivity of Quebec's labour force. During the last ten years, it has increased by over 25%, twice the average for OECD countries. The result has been a more than 30% increase in the collective wealth of Quebecers in the space of ten years.

These economic successes have not lessened the desire to share. Quebec is still one of the most caring societies. According to Statistics Canada, Quebec has the best distribution of wealth in North America.

I congratulate Quebecers on this decade of success.

[*English*]

RYAN HRELJAC

Mr. Joe Jordan (Leeds—Grenville, Lib.): Mr. Speaker, in 1998 Ryan Hreljac, at the age of six, discovered that poor water caused devastating health problems and death to many people in Africa and began a safe water initiative that has generated global results. Through his efforts Ryan has demonstrated the importance of managing our own water in North America responsively and effectively.

Ryan's initiative began by raising $75 to build a well, money he brought to WaterCan, an organization dedicated to raising awareness and providing clean water to developing countries. To date Ryan Hreljac, who is in Ottawa today, has completed more than 125 speaking engagements to over 25,000 people and through CIDA's matching funds program, he has raised over half a million dollars for water and sanitation projects in developing countries.

Ryan Hreljac from Kemptville, Ontario, is proof that young people truly can make a difference in this world.

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● (1415)

NATIONAL DEFENCE

Mr. Peter Goldring (Edmonton Centre-East, Canadian Alliance): Mr. Speaker, the Minister of National Defence is miscommunicating important information to the Prime Minister on several issues. The shameful 30 year old Liberal lightning procurement odyssey to replace the ancient Sea King helicopters continues.

Does the Prime Minister know just how bad it really is? He tells the Prime Minister that we will get a new helicopter. Does he tell him though that it will not have a searchlight, cargo hook or navigation systems for Allied exercises? Does he tell him that operational standards have been lowered even below that of the 40 year old Sea King?

Liberal interference is watering down and dumbing down military requirements. We have a 30 year politically challenged odyssey of Liberal ineptness and a 30 year Liberal legacy of military cutbacks. A multipurpose long range military helicopter needed for the 1990s will now be a cut rate Liberal chopper for 2010.

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HERB GRAY

Right Hon. Joe Clark (Calgary Centre, PC/DR): Mr. Speaker, I rise today to thank and pay tribute to a distinguished Canadian, a man who has been regarded as the dean of the House of Commons. I am of course speaking about the Right Honourable Herb Gray.

On behalf of this parliament and this country, I want to thank him for his devotion to Canada and for his almost 40 years of service in this House.

We often disagreed. That is in the nature of democracy. But all of us recognize his skill, his dedication and the courage with which he fought for his convictions.

[*Translation*]

First elected in 1963, Mr. Gray won 13 elections during his political career. There is not a member of this House who does not know what a feat this represents.

[*English*]

Mr. Gray was effective in both government and opposition. He was at the steady centre of his party, in good times and in turbulence. He will be best remembered by this House for his role as Deputy Prime Minister. Day after day he parried questions from this side of the House with skill, humour and consistent obfuscation that earned him the nickname “the Gray fog”.

We salute the right honourable member. We wish him the best of success in his position as co-chairperson of the International Joint Commission.

ORAL QUESTION PERIOD

[*English*]

CANADA CUSTOMS AND REVENUE AGENCY

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, yesterday the government refused to say whether it would make Canadian taxpayers pay for the $3.3 billion mistake or take it out of health care transfers to the provinces.

Now the provinces have made it clear that they have no intention of paying for the government's incompetence.

Once again, who will pay for this $3.3 billion boondoggle: the overburdened Canadian taxpayer or the struggling provincial health care systems?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, government auditors discovered that there was an overpayment made over a long period of time to the provinces. Usually adjustments are needed in circumstances like that every year. For many years because of the reports we have been receiving on income tax levels and so on, we have to make further payments to the provinces. In other circumstances they have to make payments to the Canadian government.

At this time the Minister of Finance and the Minister of National Revenue are in communication with their counterparts at the provincial level to look at the problem. It is this government that discovered a mistake that has existed for 30 years.

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, tomorrow the Minister of Finance and the Governor of the Bank of Canada will be tripping the light fantastic in New York telling investors to boost our weak Canadian dollar. I can just imagine their pitch: Invest in Canada before we blow $1 billion in HRDC grants. Lose $3 billion in accounting and have the second highest debt load of the G-7. If people liked Enron, they will love Canada. What a pitch.

How does blowing $3 billion on shoddy accounting create investor confidence in Canada?

● (1420)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the people in New York will be very happy when we tell them that the Leader of the Opposition was a member of a government that created a huge deficit of $42 billion that has now been eliminated. They will be happy to know that when the Conservatives and the Leader of the Opposition were the government, Canada had 11.5% unemployment and that is now down to 7%. They will also know that interest rates were 11.5% and now they are below 5%. We have a lot of good stories to tell them now that Canada has a good government. It is no longer the Conservatives, the party which the Leader of the Opposition served in the past.

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, I hate to disappoint the Prime Minister but I was never part of that government. I was part of a government in British Columbia that never had a deficit and had the lowest unemployment rates.

Yesterday international stock markets nose-dived because of fears of shoddy corporate accounting. The government seems to have subcontracted its accounting to Enron whose standards are more like Ken Lay than Ken Dye.

What will the government do to assure Canadians and foreign investors that the government will clean up its incompetent accounting practices?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, now we have good accounting procedures because we discovered a mistake that existed under previous auditors general. It is a success.

As far as the career of the hon. member is concerned, he was a member of the Progressive Conservative Party but he is the one who runs from one party to another all the time.

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, yesterday the finance minister said that the government's $3.3 billion mistake could cause the equalization formula to be changed. In other words, not only would the provinces that received overpayments be gouged by the government, but the have-not provinces that receive equalization will get hit too.

Will the finance minister assure the House that he will not claw back money from Canada's poorest provinces to pay for the government's $3.3 billion mistake?

Hon. Elinor Caplan (Minister of National Revenue, Lib.): Mr. Speaker, as I said to the House yesterday and I say again today, we fixed the problem from the year 2000 and forward. We have good data from 1993 to 1999.

The member opposite would be correct to criticize us if we said that we were going to make policy decisions or give finance the information it needs if we did not have all of the information. We are doing the work. We are gathering all of the information back to 1972 with the provinces, with the auditor general and with provincial auditors. Once we have all of that information, then we can make decisions about—

The Speaker: The hon. member for Calgary Southeast.

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, my question was not for the revenue minister. It is not about the administrative error, it is about the policy correction.

The finance minister said yesterday that he may change the equalization formula which has been affected by this $3.3 billion mistake. We want to hear clearly as a matter of policy from the Minister of Finance, will the poorest provinces be hit in terms of a change to their equalization entitlement as a result of this $3.3 billion mistake? We want to hear from the finance minister.

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, what I did yesterday was to simply point out the linking between certain transfers to the provinces.

The Minister of National Revenue has spoken exactly the way that the situation should develop. She is in the process of ascertaining the facts, as is the auditor general. When we have those facts we will make the decisions that are required. We will do so in conjunction with discussions with the provinces.

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[*Translation*]

YOUNG OFFENDERS

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, as a responsible person, the Minister of Justice should have taken the time to meet with Quebec stakeholders involved in the rehabilitation of young offenders, before dealing with this bill.

But, after being in office for just two weeks, the minister claims to know everything, is going ahead with his bill, and is even arrogant to the point of wanting to explain the impact of the legislation to people who, in Quebec, took 30 years to set up a system that works well.

Out of respect for all the work done in Quebec, could the Minister of Justice pledge to meet Quebec stakeholders before the debate on this bill is concluded?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, in recent days I had the opportunity to recognize that, in the past, all the provinces worked with the same legislation. I also had the opportunity to state that Quebec implemented good solutions with regard to a justice system that is very forward looking.

What I am saying in the House is that it is now time to take action and to go ahead with a reform that has been pending in parliament for several months.

Also, there have been been 160 amendments to the bill, so that we can have an adequate system that is sufficiently—

● (1425)

The Speaker: The hon. member for Laurier—Sainte-Marie.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, this minister has denied Quebec's distinct character in this area. All the stakeholders in Quebec, who are much more familiar with the issue than the minister is, are condemning him for trying to standardize everything.

Would the minister be prepared to let the Quebec system continue to operate the way it has been by specifying in the act that Quebec can continue to do things like before? It is not enough to say so, he must include it in the legislation.

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, that is not at all my way of looking at Canada's justice system. This is essentially a matter of principle.

Bill C-7, which is pending and which is coming back before the House of Commons, is a good piece of legislation that will promote rehabilitation. It will also provide diversion methods, because the system is overjudicialized.

As far as I am concerned, this is a matter of principle. And if I believe in the values set out in this bill, I also believe that they apply to all of Canada.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, the Minister of Justice decided to bring the controversial young offenders bill back to the House today, thereby dismissing out of hand the consensus in Quebec.

How can the Minister of Justice, who believes that he has learned all there is to know about youth justice in 15 days, ignore the fact that his bill requires that sentences and procedures be standardized, thereby destroying the rehabilitaion oriented focus of the Quebec system, which made it so successful?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, indeed, Bill C-7 is a bill that places the emphasis on diversion, on rehabilitation. I answered earlier that Quebec had found very avant-garde solutions. Bill C-7 makes certain provisions.

Also, Bill C-7 is flexible enough to allow all of the provinces to adapt. It is, in fact, a reform. Reforms always cause a bit of a stir. This is why I am saying that now is the time to proceed, to act and move forward with the implementation of this bill.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, at least the previous Minister of Justice had as an excuse the fact that she came from Alberta. But does the current Minister of Justice, who is a Quebecer, not realize that judges, lawyers, social stakeholders, the police, basically everyone involved in the system in Quebec, reject his bill, as Quebec's national assembly has done on two occasions.

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, it is important to understand that Bill C-7 is a reincarnation of other bills. Let us take the previous version, Bill C-3.

Indeed, many people provided input on Bill C-3, with the result that more than 160 amendments were made to it. A great number of the requests made by all the different stakeholders have been met by Bill C-7, which is, once again, a flexible piece of legislation.

Bill C-7 no longer allows for referrals to adult court, this is a fact. It is also a fact that it will divert—

The Speaker: The hon. member for Halifax.

* * *

FOREIGN AFFAIRS

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, this government is not answering questions on the JTF2 affair.

This is incredible. It took eight days for the Prime Minister to be informed on what our soldiers were doing. The Americans knew before our own government did.

My question is a simple one. How many prisoners have the Canadian soldiers taken and how many arrests have they been involved in?

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, there is only the one occasion where arrests have occurred. I must point out that the JTF2 does operate in a covert fashion and for purposes of its operational security and the security of this personnel, we cannot give details as indeed do the other countries that are involved in special operations.

● (1430)

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, it is absolutely against the law for Canadian troops to use or even participate in planning for the use of landmines. To do so is to put our soldiers at risk of criminal prosecution.

Could the defence minister assure us that American forces in Afghanistan are not using landmines? Do Canadian terms of engagement explicitly prohibit our soldiers from using or being associated in any way with the use of anti-personnel landmines?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the only involvement that Canadian soldiers could have with anti-personnel landmines is removing them. They are certainly not involved in putting them in place. That would be against Canadian law. Our troops abide by Canadian law.

There is nothing in Canadian law though that prevents the Canadians from working with the Americans even though they may have a different law and a different policy but, quite clearly, our troops follow Canadian law.

Right Hon. Joe Clark (Calgary Centre, PC/DR): Mr. Speaker, it is pretty clear that the Minister of National Defence does not know what rules would apply to the prisoners Canadians take in Afghanistan but those Canadian soldiers could be taken prisoner too.

If the minister does not know what rules apply to the prisoners we take, how do we know what rules would protect Canadians who might be taken prisoner in Afghanistan? What guarantees can the minister give Canadians today about the treatment of our troops who might be taken prisoner in Afghanistan?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, it has been said time and time again but the right hon. member in his preamble does not seem to get it right.

We operate under the Geneva conventions. We operate under the law of armed conflict. We ensure that people are treated as prisoner of war status while they are in our possession. We transfer them to an allied country in accordance with the law of armed conflict in the Geneva conventions.

If any of our people, hopefully never, but if any of our people were taken we would expect and demand that they be treated under the same Geneva conventions.

Right Hon. Joe Clark (Calgary Centre, PC/DR): Mr. Speaker, let us pursue that. The minister said in the debate the other night that prisoners taken in Afghanistan "have the right to a competent tribunal to determine their status and they have the right to be treated fairly and consistent with the Geneva conventions".

Canada has now captured prisoners. Will the minister tell the House precisely what tribunal will determine their status and precisely what rules that tribunal will apply? Does he know the name of the tribunal? Does he know the rules that will apply? Would he tell the House of Commons?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, those prisoners are in the possession of the United States military. The United States has said through presidential order that in fact it will operate military commissions. This is in accordance with the international law. It is in accordance with what has been done previously, for example in the Nuremberg trials at the end of the second world war.

Those are the kinds of provisions that are being worked on now and we intend to monitor them closely. We want to make sure there are fair trials for anyone who is brought before a military commission.

Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance): Mr. Speaker, we know that United States troops use anti-personnel landmines to defend themselves. The minister has just given a non-answer. It says explicitly in our laws in Canada that Canadian troops are prohibited from using landmines or participating in joint operations where landmines are used.

The official opposition has obtained a memo signed by General Maurice Baril which says "Were Canadian forces personnel to engage in such activities, they would be liable to criminal prosecution under Canadian law".

Will the Minister of National Defence assure the House with absolute certainty that no Canadian soldier will face prosecution because of—

The Speaker: The hon. Minister of National Defence.

Hon. Art Eggleton (Minister of National Defence, Lib.): I can give that assurance, Mr. Speaker, because our people are well prepared and well trained. They have rules of engagement. They understand the laws of Canada. They know in fact that they cannot be involved in any landmines. That is against Canadian law.

However it does not mean they cannot work with the United States regardless of it having another position. That would not lead to any prosecution of Canadian troops because they would be following Canadian law at all times.

Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance): Mr. Speaker, the minister's picture is not next to prepared in the dictionary. Our Canadian soldiers are being sent to the Afghan desert in forest coloured uniforms and they will not be the only ones working in the dark.

The defence minister is in the dark when it comes to the activities of the JTF2. The officer in charge of those troops, which will be deployed in two days, said today that they were still in the dark about the rules of engagement and the rules for handling prisoners. The Prime Minister is being kept in the dark by the minister.

When will the Prime Minister step up and turn on the lights as far as this deployment is concerned? Canadian people want to know.

● (1435)

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the rules of engagement were approved yesterday. They are now being dispersed to the troops. Furthermore, they have been training on draft rules of engagement since October. Since they were stood up in November to be prepared within 48 hours, they have been working on the possibility of a mission in Afghanistan, initially on the possibility of one in Kabul, but in the last weeks they have clearly been working on rules of engagement that are relevant to this current mission.

Those rules of engagement, after the reconnaissance mission of two weeks ago, have now been finalized and distributed to the troops.

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[*Translation*]

YOUNG OFFENDERS

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, all those who have anything to do with young offenders in Quebec, regardless of their political allegiance, are in agreement: Quebec must be allowed to opt out of the federal young offenders legislation so that it can hang on to the gains it has made over more than 30 years.

Why does the Minister of Justice feel that respecting what Quebec has achieved over 30 years in connection with young offenders poses a threat to Canadian unity?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I think that is going too far. Obviously, they think they have found a weak point here and they are once again trying to exploit it for the sole purpose of advancing their own political doctrine to the detriment of young offenders. I find this extremely unfortunate.

What must be understood is that the enforcement of the existing legislation in Quebec has actually been successful. What we are saying, after many months of discussion and more than 160 amendments is that, with Bill C-7, the approach can in fact be just as flexible and the system's emphasis on diversion maintained.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, by taking this approach, what the Minister of Justice does not realize is that he is sacrificing 30 years of efforts in Quebec to build a system for young offenders, in order to advance his own political career.

Why is the minister, who comes from Quebec, suddenly turning such a deaf ear to the cries from all stakeholders regarding the protection of young offenders, just because he wants to deliver the goods to his Prime Minister? That is the question.

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, obviously I will not be replying to some of the comments made.

I will focus essentially on the bill—

Some hon. members: Oh, oh.

Hon. Martin Cauchon: Please allow me to finish. They are trying to oppose a bill that would make diversion possible. They are trying to oppose a bill whose primary focus is rehabilitation. They are trying to oppose a bill that will now prevent referral to an adult court, which is becoming increasingly frequent in Quebec. I find this quite appalling.

In conclusion, it is not the bill which is before the House but an amendment concerning aboriginal youth. I would like—

The Speaker: The hon. member for Langley—Abbotsford.

* * *

[*English*]

JUSTICE

Mr. Randy White (Langley—Abbotsford, Canadian Alliance): Mr. Speaker, last March the government along with all opposition parties committed to establish a national sex offender registry by January 30, 2002. That is today. To develop such a program, the government only had to do two things: develop software and table enabling legislation to implement the registry.

Why has no software been developed? Why has the government not even drafted legislation, much less tabled it in the House?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, I think my hon. colleague is well aware we have one of the most efficient databases in this country called CPIC. He is also well aware that this is done in co-operation with the provinces and territories.

We had a meeting last September and another meeting last month. We have a working group working on it. We have committed $2 million to $3 million to ensure that offenders are searchable by addresses. This was requested by the provinces and the territories.

We are working with the provinces and the territories to ensure we continue to have the best database system in the world.

Mr. Randy White (Langley—Abbotsford, Canadian Alliance): Mr. Speaker, that is just so much hogwash. Despite the federal government, Ontario has implemented a sex offender registry. Let us see what the officer in charge said: "CPIC does not provide jurisdictional searches, radius searches, searches by physical description or the ability to take photographs. These are the key cornerstones of investigative value and they are missing".

How can the government commit to all the parties in this House and all Canadians to develop a national sex offender registry and not even make a decent attempt to do it?

● (1440)

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, my hon. colleague is well aware that we are working with the provinces and territories to come up with an even more efficient system. That is why the changes were made so that we could search by addresses. We will continue to work with the provinces and territories to ensure we continue to have the best database system in the world.

* * *

[*Translation*]

FOREIGN AFFAIRS

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, on the issue of Taliban fighters taken prisoner by Canadian forces, the Prime Minister's explanations do not hold water.

How could he say in the House on Monday that an agreement had been reached between Canada and the United States regarding the treatment of prisoners, when that very same day, President Bush said that he was still thinking about it?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, it has always been agreed, with the Americans and with other countries involved in Afghanistan, that the operation would be carried out pursuant to the Geneva convention and international law, and, for each country, in a manner consistent with their own domestic laws.

That is the agreement. As I see it, the United States must respect the Geneva convention and international law. That is our understanding. If they change their position, we will respond. But for now, that is the position of all of the countries involved in Afghanistan.

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, on January 17, in committee, the Minister of Defence said that there was no agreement. The *Globe and Mail* photo was taken on January 21.

Will the minister tell us when this agreement was signed and tell us what it contains?

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the United States has said from the beginning that it will abide by international law. It has clearly said that detainees will be treated in accordance to and consistent with the Geneva conventions. There has been British inspection and Red Cross inspection to ensure that these people are being treated humanely.

What needs to be resolved is the question of the status determination tribunals. The Americans contend that all the people they are holding are unlawful combatants.

* * *

JUSTICE

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, last March the House of Commons unanimously voted to institute a national sex offender registry. Even the solicitor general voted for this.

The time is up for this minister. Rather than taking the necessary steps to protect children, what does he do? He transfers Karl Toft, a notorious child molester to a minimum security prison so he has more access to children on release programs.

Why does the solicitor general continue to fail to protect children?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, my hon. colleague is fully aware that the government put $115 million into CPIC to ensure that we had the best database in the world. My hon. colleague is also well aware CPIC is the envy of all police forces around the world.

Last September we put $2 million to $3 million in to ensure that offenders could be searched by offences and addresses. We also co-operate with the provinces and territories.

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, this is a minister who cannot even keep a sex offender in jail to serve his time. The RCMP commissioner has advised the justice committee that law enforcement lacks the resources and the legislation to create an effective sex offender registry. Provincial governments have consistently asked this minister to provide leadership on this issue.

Why does the minister continue to ignore the order of this House, and indeed the recommendations of the province, to get this matter on the road?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, my hon. colleague is well aware that we have a national registry that contains all offences. He is also fully aware that to have a successful sex offender registry, or any other registry, we must have the co-operation of the provinces and territories. That is what we are doing and that is what we will continue to do.

* * *

● (1445)

[*Translation*]

IMMIGRATION

Mr. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, could the Minister of Citizenship and Immigration tell the House what the Government of Canada intends to do on the issue of returning people to Zimbabwe?

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, in light of the current situation, this being a sensitive issue involving individuals and our relations with Zimbabwe, I have asked my department to conduct an indepth review of the situation.

For that reason, I wish to inform the House that any procedure involving a person who should be returned to Zimbabwe is temporarily suspended until I get more information on the situation.

* * *

[*English*]

HEALTH

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, Health Canada plans to close the Dartmouth Analytical Service Laboratory in Dartmouth. The new health minister knows full well the importance of physical and expert evidence in the prosecution of drug cases and the importance of quick turnaround time for testing in a major port like Halifax where cargoes are held until tests are complete. The police say we need the local labs and all levels of government say we need our labs.

Will she keep this lab open so police and prosecutors in Atlantic Canada have timely access to the experts and evidence they need?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, let me reassure the hon. member that at this point no final decision has been made in relation to any of the labs we operate across Canada.

I think the hon. member is probably aware that we have had an expert, Dr. J. Mayer, review the operation of our DAS system and we are reviewing his recommendations. Our goal is to ensure the highest quality and most efficient drug analysis service to Canadians.

* * *

NATIONAL SECURITY

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, my question is for the solicitor general. Just after the House recessed for Christmas, there was an announcement about an expanded presence of the FBI in Canada.

Given not just legitimate concerns about security, but also legitimate anxiety on the part of a great many Canadians about Canadian sovereignty at this time when we are more worried about security, could the solicitor general tell the House just exactly what kind of an expanded presence this is for the FBI? What is the role of the FBI in Canada? Has it been given any new powers? Surely this is the kind of information that the minister should be making available to the House of Commons.

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, my hon. colleague is likely well aware that we send RCMP and security intelligence officers to the FBI and the FBI sends its people to Canada to work with the RCMP.

What has made Canada one of the safest countries in the world, if not the safest country, is that we co-operate with all police forces and security intelligence agencies around the world. We have done that and we will continue to do that.

* * *

FOREIGN AFFAIRS

Mrs. Elsie Wayne (Saint John, PC/DR): Mr. Speaker, my question is for the Minister of National Defence. When Canadian Forces personnel took prisoners in Bosnia, they sent a significant incident report to the National Defence Headquarters Operation Centre within 24 hours. We have been informed that this procedure is still in place. According to this, the minister would have been aware within 24 hours that Canadians had taken al-Qaeda prisoners.

Why did the minister not inform the Prime Minister about this immediately? Why did he wait eight days?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, I was first informed about the detention of prisoners and the mission within 24 hours of when it actually occurred. At that point in time, I was travelling in Mexico City on government business. I waited until my return so I could further explore the full extent of the mission that was involved.

Upon receiving all the necessary information, and particularly last Friday seeing for the first time the photograph which turned out to be related to that mission, I then informed the Prime Minister and cabinet on Tuesday morning.

Mrs. Elsie Wayne (Saint John, PC/DR): Mr. Speaker, apparently Mexico does not have any phones because he could have picked up the phone and called the Prime Minister.

Things do not add up here. We are supposed to have 50 Canadians at central command headquarters in Florida agreeing to Canadian participation in missions. Who do they report to?

Is the Minister of National Defence not the Minister of National Defence they report to, national defence headquarters or is it Donald Rumsfeld at the Pentagon? Will the minister table today the significant incident report of eight or so days ago that states Canadians took prisoners?

● (1450)

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, I receive briefings on a daily basis. Much of the information comes from the command centre in Tampa, Florida through Commodore Thiffault and his staff. It goes to the chief of defence staff and then it comes to me that same day.

The chain of command has acted properly. They have acted quickly and efficiently in providing all information.

[*Translation*]

IMMIGRATION

Mr. Rahim Jaffer (Edmonton—Strathcona, Canadian Alliance): Mr. Speaker, the daily *La Presse* reports that our embassy in Tunisia is delivering visas to young Tunisians without even having met them. No security checks or financial audits are conducted.

Could the minister confirm whether these allegations are true?

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I thank the hon. member for his question. As I said yesterday, I have requested a report from the deputy minister.

This being said, the hon. member should know that the project in question was launched in early 1999 and ended on August 31, 2000. Therefore, this project no longer exists.

[*English*]

Mr. Rahim Jaffer (Edmonton—Strathcona, Canadian Alliance): Mr. Speaker, it is completely unacceptable to Canadians that every time there is a problem with security the government wants to study the problem. Canadians demand more from the government. The government has failed them.

Canadians believe that people coming to Canada with visas have been thoroughly screened. The reports out of Tunisia raise many questions. With over 700,000 people a year travelling to Canada on visas, Canadians want to know if this minister knows how many visa applications have been thoroughly screened.

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I am very disappointed. What kind of state does he want to live in? Does he want a police state? Does he want us to follow everybody? I think we have acted in good faith.

What the member should do is make sure that when people are here they are welcomed. We are putting in place some resources to make sure that everything is kosher.

I will not accept that statement saying that everybody is coming in and maybe some terrorists. It is a disgrace to say that kind of thing.

* * *

[*Translation*]

OFFICIAL LANGUAGES

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, yesterday the minister responsible for official languages said, "The government will continue to analyze carefully any situation and support linguistic minority communities when necessary".

The minister can quote whatever part of his speech suits him, but will he acknowledge that the real message he is continuing to send to the francophone communities is "If you made less fuss, you would get more money for other things"?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Of course not, Mr. Speaker. Moreover, I defy the hon. member to quote a single passage of my speech in which I am supposed to have said that the government intended to pull out of its court ordered responsibilities in respect of language or anything else.

On the contrary, I have indicated that the Government of Canada, like all governments in this country, should follow the liberal and dynamic approach clearly indicated in the jurisprudence on language rights.

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, the minister has just become another member of the "I never said that" club.

He can say whatever he wants but can he deny that he is involved in a shameful blackmailing of the francophone communities in Canada by telling them "Quit making a fuss and you will get more money"?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, I have issued a challenge to the hon. member, with no response. This just proves he is trying to put words in my mouth.

* * *

[*English*]

IMMIGRATION

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, a former immigration official has said that department higher ups overruled frontline workers who wanted to detain 150 young Tunisian men who arrived in Canada a year and a half ago. He said "after interrogating them and discovering that they were not real tourists, we wanted to detain them, but the bosses said no, let them go, so we let them go".

Why is the department not listening to frontline immigration officials who are clearly more concerned about public security than this minister?

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, let me be clear. I am the minister for immigration not minister of immigration. What we have to send as a message here is that before saying anything I will check the facts. I asked my deputy minister to give me some facts, some reports. When the facts are ready, do not worry, I will tell the House what happened.

● (1455)

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, how much time does the minister need? This happened a year and a half ago. Surely someone in his department must know about it. If they do not, it is time for a housecleaning.

Why is this minister covering up an issue? Why is he stonewalling on an issue that is vital to our national security?

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I can tell the member that I will not use that kind of water to make that kind of cleaning.

The one thing that is clear is that we have improved the system. We made sure that we put in more resources. However, I will not make any statement after reading a piece of paper like they are doing when they are preparing for question period. When I am ready I will give the facts .

* * *

AIRLINE SECURITY

Ms. Nancy Karetak-Lindell (Nunavut, Lib.): Mr. Speaker, we all understand the requirement for increased security at airports as a result of the tragedy of September 11. We also understand that these measures will be paid through an air security charge. However, it is very difficult to ask northern travellers to bear the cost of services not available in all but one of the Arctic airports in my riding.

How will the Minister of Finance protect northerners from these added costs? Is he prepared to reconsider the charges in the north?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, on behalf of my colleague, the Minister of Transport, and myself, I would first like to congratulate the member for Nunavut and the entire northern caucus for their very hard work on this issue.

In that context, I am very pleased to confirm that the charge will not be applied to direct flights to or from the smaller and remote airports that make up the vast majority of the airports in the north.

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, let me tell the transport minister about the $24 fee at a big airport, Pearson airport.

In Ontario, 57% of the price of a pack of cigarettes is taxes. This is a deliberate government policy designed to discourage smoking. With the new $24 air travel security fee, 59% of the ticket on some flights will be taxes, fees and charges.

If a 57% tax stops people from smoking, what will a 59% tax do to people trying to fly?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, there is no doubt that September 11 changed a number of things. As a result of that, the government brought down a national security package totalling $7.5 billion. It is understandable that the vast majority of that should be paid for by the general taxpaying public in the country.

However, in the case of the air security charge, it should be borne by those who are the primary users of that service, and that is what we have in fact done.

[*Translation*]

EMPLOYMENT INSURANCE

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, the softwood lumber crisis and the economic downturn are having the predictable impact at employment centres. The demand has jumped 15% to 17% in the Saguenay—Lac-Saint-Jean, in the eastern townships, in Shawinigan and in central and eastern Quebec.

Last fall the Minister of Human Resources Development had plenty of time to allocate the necessary resources to meet this demand but she did not act.

Will she reassure us today that unemployed people will be receiving their cheques on time in order to provide for their families?

[*English*]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, ensuring that those who are eligible for employment insurance have access to their benefits in a timely fashion has to be a priority for the government. That is why in response to the softening of the economy and post-September 11 we increased staff, reallocated staff and increased overtime specifically to deal with the increase in employment insurance claims.

In the province of Quebec, where we had a backlog of over 8,000 at the end of September, we have now reduced it to just over 1,700. By the middle of the month we anticipate having the backlog cleared.

* * *

FOREIGN AFFAIRS

Miss Deborah Grey (Edmonton North, PC/DR): Mr. Speaker, the defence minister admitted a few moments ago in the House version three of this whole prisoner of war story. He said that within 24 hours he learned of what actually happened with our JTF2 task force.

The scary part here is that this story has changed daily. Evidently the Prime Minister said that he did not know for one full week about this going on.

There are different stories here and the question is this. Did the Prime Minister know about it and, if so, why are so many different stories being told?

● (1500)

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, I said quite clearly yesterday that I saw the photograph for the first time on Friday. I also made it clear that I was checking for further information because I had been away at the time on government business and had just returned.

It was also quite clear that they were operating within policy. Government policy is something that had been fully discussed with respect to the fact that international law must be followed by our troops. Canadian law must be followed by our troops.

As I indicated to the committees on foreign affairs and defence two weeks ago, any detainees would be handed over to the United States in accordance with the Geneva Convention.

RESEARCH AND DEVELOPMENT

Ms. Judy Sgro (York West, Lib.): Mr. Speaker, my question is for the Minister of HRDC.

The government indicated in its December 2001 budget and in its throne speech its commitment to promoting the social development agenda in Canada.

Since our government recognizes the importance of social research and developing social policies, what is the government planning to do to ensure that this research is promoted throughout Canada and the world?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, good public policy is based on sound research. That is why I am glad that this week my department is sponsoring a national convention of researchers, public policy-makers and practitioners who are interested in issues that touch the lives of Canadians: children and their families; the issues of inclusion, skills and lifelong learning.

I anticipate positive results from this conference that will help us all improve the quality of life of all Canadians.

* * *

TRANSPORTATION

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, my question is for the Minister of Transport and again it is on the $24 security fee.

The transport committee released a report entitled "Building a Transportation Security Culture: Aviation as the Starting Point", and in it, recommendation 14 states:

> All stakeholders including airports, air carriers, airline passengers and/or residents of Canada contribute to the cost of improved aviation security.

This recommendation was supported unanimously at committee, including by the minister's own parliamentary secretary. Why would he ask the transport committee to come up with recommendations if he is going to ignore them, and not only ignore them but knife taxpayers to boot?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the fact is that this is an air security charge to be paid for by the users of the airlines. That is where the bulk of the $2.2 billion will be required. The Canadian taxpayer is generally absorbing the bulk of the security package that we put forth.

This has been generally very well received. It is an understandable and fair approach to the security package.

* * *

PRESENCE IN GALLERY

The Speaker: I would like to draw to the attention of hon. members the presence in the gallery of Her Excellency Ingela Thalén, Minister of Social Security of Sweden.

Some hon. members: Hear, hear.

BOARD OF INTERNAL ECONOMY

The Speaker: I have the honour to inform the House that Mr. Randy White, of the electoral district of Langley—Abbotsford, has been appointed member of the Board of Internal Economy in place of Mr. John Reynolds, member for the electoral district of West Vancouver—Sunshine Coast.

* * *

BUSINESS OF THE HOUSE

Hon. Ralph Goodale (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, there have been discussions among the various parties in the House and I believe you would find the House in agreement that we immediately put to the House the motion to concur in the notice of ways and means that was tabled yesterday.

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

WAYS AND MEANS

MOTION NO. 14

Mr. John McCallum (Secretary of State (International Financial Institutions), Lib.) moved that a ways and means motion to implement certain provisions of the budget, tabled in parliament on December 10, 2001, be concurred in.

The Speaker: Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

And more than five members having risen:

The Speaker: Call in the members.

[*Translation*]

* * *

● (1515)

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

Government Orders

(Division No. 218)

YEAS

Members

Adams	Alcock
Allard	Anderson (Victoria)
Assad	Assadourian
Augustine	Bagnell
Baker	Barnes
Beaumier	Bélair
Bellemare	Bennett
Bertrand	Binet
Blondin-Andrew	Bonin
Boudria	Bradshaw
Brown	Bryden
Bulte	Byrne
Calder	Cannis
Caplan	Carignan
Carroll	Castonguay
Catterall	Cauchon
Chamberlain	Charbonneau
Chrétien	Coderre
Collenette	Comuzzi
Copps	Cotler
Cullen	Cuzner
Dhaliwal	Dion
Discepola	Dromisky
Drouin	Duplain
Eggleton	Farrah
Finlay	Folco
Fontana	Gallaway
Godfrey	Goodale
Grose	Guarnieri
Harb	Harvard
Harvey	Hubbard
Ianno	Jackson
Jennings	Jordan
Karetak-Lindell	Keyes
Kilger (Stormont—Dundas—Charlottenburgh)	Kilgour (Edmonton Southeast)
Knutson	Lastewka
Lavigne	Lee
Leung	Lincoln
Longfield	MacAulay
Macklin	Mahoney
Malhi	Maloney
Manley	Marcil
Martin (LaSalle—Émard)	Matthews
McCallum	McCormick
McGuire	McKay (Scarborough East)
McLellan	McTeague
Mitchell	Murphy
Myers	Neville
Normand	O'Brien (London—Fanshawe)
O'Reilly	Owen
Pagtakhan	Paradis
Parrish	Peric
Pettigrew	Phinney
Pickard (Chatham—Kent Essex)	Pratt
Proulx	Provenzano
Reed (Halton)	Regan
Richardson	Robillard
Saada	Savoy
Scherrer	Scott
Sgro	Speller
St-Julien	St. Denis
Steckle	Stewart
Szabo	Telegdi
Thibeault (Saint-Lambert)	Tirabassi
Tonks	Torsney
Ur	Valeri
Vanclief	Volpe
Wappel	Whelan
Wilfert	Wood– — 138

NAYS

Members

Abbott	Anders
Anderson (Cypress Hills—Grasslands)	Asselin
Bailey	Bellehumeur
Bergeron	Blaikie

Borotsik	Bourgeois
Breitkreuz	Brien
Brison	Cadman
Cardin	Casey
Casson	Chatters
Clark	Crête
Dalphond-Guiral	Davies
Desjarlais	Desrochers
Doyle	Dubé
Duceppe	Duncan
Elley	Epp
Forseth	Fournier
Gagnon (Québec)	Gallant
Gauthier	Girard-Bujold
Goldring	Grewal
Grey (Edmonton North)	Guay
Guimond	Hanger
Hearn	Hill (Prince George—Peace River)
Hilstrom	Hinton
Jaffer	Johnston
Keddy (South Shore)	Kenney (Calgary Southeast)
Laframboise	Lalonde
Lanctôt	Lebel
Lill	Lunn (Saanich—Gulf Islands)
Lunney (Nanaimo—Alberni)	MacKay (Pictou—Antigonish—Guysborough)
Mark	Martin (Winnipeg Centre)
McDonough	McNally
Ménard	Meredith
Merrifield	Moore
Nystrom	Pallister
Pankiw	Perron
Picard (Drummond)	Plamondon
Proctor	Reid (Lanark—Carleton)
Reynolds	Ritz
Rocheleau	Roy
Sauvageau	Schmidt
Skelton	Solberg
Spencer	St-Hilaire
Stoffer	Strahl
Thompson (New Brunswick Southwest)	Toews
Tremblay (Rimouski-Neigette-et-la Mitis)	Venne
Wasylycia-Leis	Wayne
White (Langley—Abbotsford)	White (North Vancouver)
Williams	Yelich– — 96

PAIRED

Members

Bachand (Saint-Jean)	Bakopanos
Bevilacqua	Bigras
Caccia	DeVillers
Gagnon (Champlain)	Graham
Loubier	Marceau
Paquette	Patry
Price	Tremblay (Lac-Saint-Jean—Saguenay)– — 14

The Speaker: I declare the motion carried.

ROUTINE PROCEEDINGS

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

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

* * *

INTERPARLIAMENTARY DELEGATIONS

Mrs. Carolyn Parrish (Mississauga Centre, Lib.): Mr. Speaker, pursuant to Standing Order 34(1) I have the honour to present to the House, in both official languages, the 10th report of the Canadian NATO Parliamentary Association which represented Canada at the meeting of the subcommittee on future security and defence capabilities of the NATO Parliamentary Assembly held in Romania and Bulgaria from December 9 to December 13, 2001.

* * *

● (1520)

CRIMINAL CODE

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR) moved for leave to introduce Bill C-424, an act to amend the Criminal Code (breach of a conditional sentence order).

He said: Mr. Speaker, I thank and congratulate my colleague from Prince George—Peace River who has a longstanding interest in the issue as well.

The criminal code amendment would in essence bring greater consistency and a clear distinction to the current parameters of the usage of conditional sentences. Upon the breach of a conditional sentence which is very much an exception or a last chance afforded to an offender, the amendment would in essence result in the immediate revocation of the conditional sentence and the serving of the remainder of the sentence in custody within the parameters of the sentence that was meted out.

The adoption of the criminal code amendment would result in a more fair and equitable system of justice as well as send out an important message under our sentencing principle of general and specific deterrence.

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

* * *

CRIMINAL CODE

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR) moved for leave to introduce Bill C-425, an act to amend the Criminal Code (keeping child pornography in manner that is not reasonably secure from access by others).

He said: Mr. Speaker, I again thank my colleague for his seconding of the amendment.

The intention of the bill flows from the consequences of the Sharpe decision which in essence allowed for a very slim and narrow definition of what would otherwise be deemed criminal possession of child pornography.

The amendment would control access to child pornography. It would create an offence for individuals who are, for reasons known only to them, in possession of such material and who recklessly make it available in any way, shape or form to another individual.

The bill is aimed at putting a reverse onus on individuals to prove they have been reasonable in the control and access of such material which is certainly distasteful to most Canadians. It applies at all times when the person is accessing the material.

The bill is aimed at giving a clear definition to what the supreme court in its wisdom handed down in the Sharpe decision.

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

* * *

CRIMINAL CODE

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance) moved for leave to introduce Bill C-426,an act to amend the Criminal Code (destruction or desecration of national flag).

He said: Mr. Speaker, if there ever was a time in the history of our country when we want to protect the image and the symbol of this country it is now. People in all provinces represented across the House need to be made aware that on a continual basis our flag is destroyed and desecrated without any lawful punishment whatsoever.

This amendment to the criminal code would make it very clear to those who desecrate and destroy our flag that there are punitive measures for doing so. Individuals doing so will stand trial under the criminal code because this would make that act punishable by law.

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

* * *

● (1525)

PETITIONS

STEM CELL RESEARCH

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I rise to present a petition from citizens of the Peterborough area who are concerned about stem cell research. They point out that it is unethical to harm or destroy some human beings in order to benefit others.

The petitioners also point out that adult stem cell research holds enormous potential. They know that the Canadian Institutes for Health Research is developing recommendations on how current Canadian research and funding policies can be applied to stem cell research.

The petitioners call upon parliament to ban human embryo research and direct the Canadian Institutes of Health Research to support and fund only promising, ethical research that does not involve the destruction of human life.

CO-OPERATIVE HOUSING

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I present a petition from citizens of the Peterborough area, many of whom, but not all, live in co-op housing and are concerned about the condition of co-op housing in British Columbia.

The petitioners point out that there are more than 50 federally funded housing co-ops in British Columbia that are suffering the devastating effects of premature building envelope failure. They point out that the survival of these co-ops is at risk if these damages are not repaired.

These citizens call upon parliament to direct the minister responsible for the Canada Mortgage and Housing Corporation to take such action and provide such additional resources as are necessary to achieve the full and timely resolution of the crisis in co-operative housing in British Columbia.

[*Translation*]

WORLD PEACE

Mrs. Suzanne Tremblay (Rimouski—Neigette-et-la Mitis, BQ): Mr. Speaker, I am tabling a petition on behalf of over 800 of my fellow citizens. This petition was signed following the events of September 11.

The petitioners sympathize with the thousands of victims, but they are deeply concerned by the turn of events. They are asking the Canadian government to base its actions on the search for peace, to act with wisdom and serenity, to reflect on the causes of violence and to take the necessary measures in order to bring peace throughout the world.

[*English*]

WOOD PRODUCTS

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, on behalf of hundreds of constituents in Nova Scotia it brings me great pleasure to present a petition relating to chromated copper arsenate, which is used in pressure treated wood. The petitioners pray that parliament will immediately ban the use of these compounds in pressure treated wood and other wood products.

MARITIME HERITAGE

Mr. Gerald Keddy (South Shore, PC/DR): Mr. Speaker, I rise to present a petition on behalf of the citizens of South Shore asking that the schooner *Blue Nose*, which has been depicted on the Canadian dime since 1937, with the sole exception, of course, of the year 1967, be reinstated and put back on the dime.

The intent of the petition is that the *Blue Nose* has certainly always been an icon of Canadian pride and a reflection of our Maritime heritage and the time is past due that it be put back on the dime.

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 constituents living in Grand Bend, Forest and Bedford in the riding of Lambton—Kent—Middlesex who call upon parliament to protect the health of seniors and children and the environment by banning the gas additive MMT.

The use of MMT in gasoline results in significantly higher smog producing hydrocarbon emissions and enhances global warming.

CAPITAL PUNISHMENT

Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.): Mr. Speaker, I have a second petition, pursuant to Standing Order 36, from constituents living in the riding of Lambton—Kent—Middlesex in the town of Strathroy who have signed a petition asking the Government of Canada to reinstate capital punishment.

The petitioners state that they are reaffirming the basic principles of criminal justice as given to them in God's word, thus making a richly blessed country safer.

Routine Proceedings

QUESTIONS ON THE ORDER PAPER

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the following questions will be answered today: Nos. 85 and 92.

[*Text*]

Question No. 85—**Mr. Ted White**:

With respect to a recent publication of Western Economic Diversification Canada, Access West, which states that small business in Western Canada provided an average of 2,130,900 jobs per year from 1996 to 1999: (*a*) how many copies of the document were mailed to households in Western Canada; (*b*) what was the cost of producing and mailing them; (*c*) how many staff are employed at the "Over 100 Points of Service" referred to in the document; (*d*) how many staff are employed at the Francophone offices; (*e*) how many of the small business jobs in Western Canada referred to in the document were created through the efforts of Western Economic Diversification Canada; and (*f*) were the jobs at Western Economic Diversification Canada included in the 2,130,900 total?

Mr. Stephen Owen (Secretary of State (Western Economic Diversification) (Indian Affairs and Northern Development), Lib.): (a) Approximately 935,000 copies of this particular issue of Access West were distributed, but as a newspaper insert, 6.8¢ per copy, in western Canada;

(b) $238,326 total; production $173,439; distribution $64,887; GST not included;

(c) Approximately 961 individuals work on a full or part time basis at the 102 points of services. Of these 961 positions, only slightly more than half, 55%, are funded by Western Economic Diversification.

Western Canada Business Service Network—Staffing Summary

	WEI		CFDC		CBSC		Francophone Offices		
	WD Funded	Other	WD Funded	Other	WD Funded	Other	WD Funded	Other	
MB	11	0	64	20	10	9	7	20	141
SK	10	0	56	7	4.9	4	7	18	106.9
AB	8	0	121	114	11.5	11.5	5	10	281
BC	15.5	0	185	188	8	11	8	17	432.5
Subtotals	44.5	0	426	329	34.4	35.5	27	65	961.4

Totals	44.5		755	69.9	92	
WD % age	100		56.4	49.2	29.3	

WD Funded	531.9	55.33
Other	429.5	44.67
Grand Totals	961.4	100%

(d) the four francophone offices employ 92 individuals; 65 of these 92 positions are funded through other sources; 27 are funded by Western Economic Diversification.

(e) Job creation is not a primary objective of the department's activities, however WD support the federal government's agenda on job creation through a number of programs and services delivered directly or through partners. And while many of the programs and services delivered by WD help increase employment, they do not allow for tracking job creation.

(f) No. WD is not a small business.

Question No. 92—**Ms. Libby Davies**:

With regard to the agreement the Vancouver Port Authority has to construct a concrete batch plant on the Sterling site: (*a*) what are the terms of the lease agreement for the site; (*b*) what is the current market value of the site in terms of rents and length of lease; (*c*) how does that compare to similar property in Vancouver; and (*d*) has the site been offered to users of the port under similar terms and conditions?

Hon. David Collenette (Minister of Transport, Lib.): The Vancouver Port authority, VPA, is responsible for managing the commercial operations of the port, including leasing arrangements, with a view to the best interests of the port authority.

According to the VPA, the application by Lafarge to develop a marine bulk loading facility and integrated concrete batch plant on the site remains under review.

[*English*]

* * *

● (1530)

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if Question No. 94 could be made an order for return, the return would be tabled immediately.

The Speaker: Is that agreed?

Some hon. members: Agreed.

[*Text*]

Question No. 94—**Mr. Peter Goldring**:

For the wholly owned subsidiary of the Canada Lands Company Ltd., located at 200 King Street West in Toronto, can the government provide a list of federal surplus properties disposed of by year and federal constituency since January 1, 1993, including the description of each property, the date each property was put on the market and the date of sale, the asking/proposed and the final selling price of each property, the name and address of each buyer and the process by which it was sold (e. g. sealed bids, noncompetitive, sole source, etc.)?

Return tabled.

[*English*]

Mr. Geoff Regan: Mr. Speaker, would you be so kind as to call Starred Questions Nos. 81 and 82.

[*Text*]

*Question No. 81—**Mr. Guy St-Julien**:

Can Natural Resources Canada provide a breakdown by province of each of the department's votes in the 2001-02 Main Estimates, for each of the following industrial sectors: (*a*) energy; (*b*) forests; (*c*) minerals; (*d*) metals; and (*e*) geomatics?

*Question No. 82—**Mr. Guy St-Julien**:

Can Natural Resources Canada provide a breakdown by province of each of the department's votes in the 2001-02 Supplementary Estimates (A), for each of the following industrial sectors: (*a*) energy; (*b*) forests; (*c*) minerals; (*d*) metals; and (*e*) geomatics?

[*English*]

Mr. Geoff Regan: I ask that the answers to Starred Questions Nos. 81 and 82 be made orders for return. These returns would be tabled immediately.

The Speaker: Is that agreed?

Some hon. members: Agreed.

(Returns tabled)

Mr. Geoff Regan: I ask, Mr. Speaker, that the remaining questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

[*Translation*]

* * *

[*English*]

MOTIONS FOR PAPERS

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, would you be so kind as to call Notice of Motion for the Production of Papers No. P-34 in the name of the hon. member for Sackville—Musquodoboit Valley—Eastern Shore.

Motion No. P-34

That an Order of the House do issue for copies of all documentation, including reports, minutes of meetings, notes, e-mail, memos and correspondence since 1994 within Environment Canada pertaining to the Tulsequah Chief Mine.

Mr. Geoff Regan: Mr. Speaker, the documents requested are of a voluminous character which would require an inordinate cost and length of time to prepare. I would refer you to citation 446(2)(*g*) of Beauchesne's, and I would therefore ask the hon. member to withdraw his motion.

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): No, Mr. Speaker, I do not accept the government's answer in that regard. I ask that Motion No. P-34 be transferred for debate in the House of Commons.

Motion transferred for debate

Mr. Geoff Regan: Mr. Speaker, I would ask that all other Notices of Motions for the Production of Papers be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*Translation*]

YOUTH CRIMINAL JUSTICE ACT

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.) moved the second reading of, and concurrence in, amendment made by the Senate to Bill C-7, an act in respect of criminal justice for young persons and to amend and repeal other acts.

He said: Mr. Speaker, I am pleased to take part in this debate today. I hope that, following the vote on the Senate amendment, we will finally start the implementation phase of the youth criminal justice bill and we will all be able to appreciate the merits of Bill C-7.

[*English*]

As I just noted, after careful study and reflection the Senate adopted one amendment to Bill C-7, the youth criminal justice act, before it passed third reading in the Senate on December 18, 2001.

The House of Commons now has an opportunity to consider and vote on this amendment which relates to the serious problem of the overrepresentation of aboriginal youth in custody. Canada generally incarcerates youth at higher rates than all other western countries and its incarceration rate for aboriginal youth is even worse. The overrepresentation of aboriginal people in custody was an issue identified in the Speech from the Throne and is one that the government is committed to address. I therefore urge members to give serious consideration to voting in favour of the amendment.

[*Translation*]

The amendment proposed by the Senate adds a sentencing principle that is essentially the same as the one in paragraph 718.2(*e*) of the criminal code. The courts will be equired to take into consideration alternatives to incarceration for all young offenders, aboriginals in particular.

This amendment is in line with the current provisions of the bill, which provide that incarceration should only be imposed as a last resort and that measures should be proportionate and appropriate to the needs of young people, in particular those of young aboriginals. The amendment also reflects the content of a provision that is already included in the criminal code in the case of adults.

It is disturbing to see such a large number of young aboriginals in detention centres. While some young aboriginals do commit serious and violent offences that may justify the imposition of stiff penalties, detention is often imposed, even for less serious offences.

● (1535)

[*English*]

Some theorize that the current system uses custody as an alternative means of addressing social or medical problems and not because the seriousness of the offence requires it. If a youth comes from a dysfunctional family or problem community, some may feel that custody will give the youth needed structure and support. If a youth has a medical condition, some may believe that a secure, structured environment is warranted. Using the criminal law power to address social and medical conditions results in a young person being punished because of his or her needs. This is simply not fair. Needs should be addressed when the youth is subject to a youth justice sentence, but they should not be the reason for more intrusive or longer sentences than the offence requires.

[*Translation*]

The sentencing principles stated in the legislation correct this situation. The principle of proportionate accountability sets the limit of a measure taken under criminal law. Within that limit, every effort will be made to meet the needs of young people. Other responsible authorities, including child protection services and children's mental health services, should be involved in the whole process, on a long term basis if necessary.

The sentencing principles and the amendment proposed by the Senate also promote the imposition of community-based sentences, while reserving incarceration for those who commit the most serious offences. Studies show that the most effective sentences to change a person's behaviour are community-based, particularly when both the family and the community are involved.

The declaration of principle in the Youth Criminal Justice Act already expressly recognizes the needs of young aboriginals. This recognition will impact on how the provisions of the act will be applied to young aboriginals.

[*English*]

Bill C-7 provides the legislative framework to promote constructive approaches to very difficult youth crime problems. For example, the legislation permits key decision makers in the system, like police officers, judges and correctional workers, to hold conferences to support them in making decisions.

Conferences can take many forms, but they often embrace restorative justice concepts and encourage the offender to meet with the victim, family members and community members. The youth is no longer a passive observer but hears first hand how his or her behaviour has harmed others and the community. This helps to teach young people about the consequences of their behaviour. They are participants in determining how to carry out their measure of accountability for their wrong in a way that makes sense to the victim, the community and themselves. Conferencing may have a particular resonance in some aboriginal communities because it is consistent with some traditional practices.

[*Translation*]

The amendment proposed by the Senate and the new act will provide a framework that will promote a fairer justice system that will be better suited to young aboriginals' needs.

We should accept this amendment and implement Bill C-7.

[*English*]

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, I am pleased to rise today to address the Senate amendments to Bill C-7, the youth criminal justice act. Before I do so I also want to welcome the minister to his new and demanding post. I wish him every success in the difficult decisions that he will be making over the next few months or years.

I believe it is necessary to review some of the reasons I believe the legislation will fail. Indeed Bill C-7 will fail for reasons that are well known to most members of the House, many of whom share this view.

The attorney general of Ontario recently wrote a letter to the minister articulating his numerous concerns with both the ideological issues and the practical difficulties the legislation presents, as have countless witnesses before the Standing Committee on Justice and Human Rights that examined the bill in painstaking detail.

Indeed the new youth justice legislation contains little, if anything, that will address the ineffectiveness of the Young Offenders Act. In some ways indeed it is less preferable or less desirable than the old act. It is certainly more cumbersome and certainly more administratively complex.

Furthermore, the new legislation will be extremely costly to the provinces and cumbersome to administer. One of the greatest causes of concern for me is that of funding. It is well known that when the Young Offenders Act first came into force the government of the day committed itself to a 50:50 cost sharing arrangement with the provinces. By now that percentage has dropped to at best 25%, leaving 75% of the financial responsibilities to the provinces.

The previous justice minister indicated that the federal government would throw in an additional $207 million over three years to help with the implementation of the new act. However preliminary estimates from the provinces indicate that the initial implementation cost will exceed $100 million per province. This does not even include the ongoing additional costs that will be incurred by the provinces in administering the new act.

It is abundantly clear that not only will the children suffer but the provinces will be required to increase legal aid budgets, another program where the federal Liberal government has avoided its responsibility.

Although the government may have consulted with provincial governments on the new legislation, it is debatable whether or not the federal government listened. Indeed looking at the bill it is clear that it has not listened.

A number of representatives of provincial governments who gave testimony at committee stated their concerns about Bill C-7, as no doubt they were aware their time was being spent in vain.

Furthermore, there has been a deliberate exclusion of provincial attorneys general in respect of the development of the provisions of the bill and a stubborn refusal to consider any suggestions for amending its provisions. The provinces are not even constitutionally obligated to take on the cost of the legislation, never mind to administer or to enforce it.

I would not be greatly surprised if a provincial government took this matter to court in order to determine its constitutional responsibility to have anything to do with the legislation. Indeed the government could find the law back on its own lap to administer by itself because of its refusal to co-operate with the other federal partners.

While the federal Liberal government has given up on co-operative federalism and continues to implement its policies on to the provinces through government by ransom, it is to the credit of the provinces that they continue to take efforts to ensure that co-operative federalism remains alive.

While funding is one of the most serious concerns I have with the bill, many other issues of importance have been ignored by the government.

● (1540)

My view of the issue of notification is that school teachers 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 the community. On this and many other areas of the bill the balance in the legislation favours the rights of the dangerous criminal over the rights of victims and potential victims.

I have met with representatives from the school boards. They certainly impressed upon me the need for school authorities to be informed if there are, for example, dangerous individuals attending school. They are not asking for a broad publication of the names of these offenders but simply that the school authorities need to know.

This amendment would not only provide for safer learning environments. It would also enable schools to direct necessary attention to those young persons who are in the process of attempting to rehabilitate themselves back into society.

The school boards quite rightly believe that they have an important role to play in the youth justice system, particularly in terms of alternative measures, prevention, rehabilitation and reintegration. They want to be real and effective partners with our government in the process of keeping our young people safe and secure and helping those needing real assistance.

I have also maintained an opposition to restricting the application of the legislation to children 12 years of age and over. The theory of referring children under 12 years of age to the child welfare system may at first blush seem reasonable, but through my experience as a prosecutor in Manitoba, and indeed as the minister of justice in Manitoba, I realized that the child welfare system simply was not equipped to deal with children whose criminal conduct brings them to the attention of the authorities. It does not have the appropriate resources to deal with these children, and many of them are violent and dangerous.

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 under which I prosecuted, at least it 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.

By the time many seriously disturbed children reach the age of 12, anti-social and indeed criminal patterns of behaviour already have been established. The Young Offenders Act only succeeded in breeding a younger, more anti-social lawbreaker.

Furthermore, by refusing to extend even the rehabilitative powers of the youth court to children under the age of 12 the federal Liberals are in fact trying to dump 100% of the costs on to the provinces in respect of these children. Every time a Liberal minister gets up and says they are doing this in order to protect children under 12, the truth is that what they are trying to do is evade any financial responsibility for those children. They are dumping those costs on to the provinces.

They are not even keeping up with their responsibilities as a partner in terms of the 50:50 financial relationship that was first in place when the Young Offenders Act came into effect. It has gone down to 25% for those children over 12, with the provinces carrying 75% of the costs of the children over 12 and 100% of the costs of the children under 12. That is the real agenda. It has nothing to do with wanting to have a more caring, compassionate and understanding system for children under 12.

The government realizes that the child welfare system is simply not a system that is flexible enough to deal with these children.

● (1545)

Again, all we are doing is creating younger, more anti-social criminals by the time they reach the age of 12. That is unfortunate. That is doing a disservice to the people of Canada and indeed to the children themselves.

As I have said in the past I do not believe that the government's policy has anything 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.

Another issue that I feel strongly about is the matter of extrajudicial measures. The bill would allow access to alternative measures by violent offenders and would minimize the supervisory authority of the courts. While alternative measures are often appropriate they need to be administered in an appropriate and structured context. The bill would do nothing in that respect. The court system 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.

Into the context of a flawed, administratively cumbersome, expensive piece of legislation that will fail, that will not do the job for children and for the society that the minister claims it will, a new amendment has been brought here by the Senate.

To address the amendment to the youth criminal justice act I want the record to show that I am opposed to it. I will indicate the reasons. The amendment states that for sentencing purposes:

> All available sanctions other than custody that are reasonable in the circumstances should be considered for all young persons—

That means any circumstance can be considered and every sanction can be considered other than custody. There is nothing inappropriate about that. We want to see custody as a last resort, or it should at least be the appropriate response. This part of the amendment is reasonable.

However the second part of the amendment requires youth court judges to pay particular attention to the circumstances of aboriginal youth at their time of sentencing, similar to subsection 718.2(e) of the criminal code. I cannot support that.

Despite the fact that Canadians pride themselves as being a nation which judges people on the basis of their actions and not on the colour of their skin, subsection 718.2(e) of the Criminal Code of Canada states that a court imposing a prison sentence shall take into consideration all available sanctions other than imprisonment, with particular attention to the circumstances of aboriginal offenders.

The Canadian senators have proposed that the new youth criminal justice act which is to replace the Young Offenders Act should also adopt this racial consideration into youth sentencing guidelines.

The Liberal government created this law in 1995 in an effort to reduce the high number of aboriginals in Canadian prisons. The law was upheld and declared to be constitutional by the Supreme Court of Canada in the case of an aboriginal woman who stabbed her husband to death. The woman served six months for that crime. Yet the court still criticized the trial judge for not adequately considering her aboriginal ancestry when sentenced.

Proponents of this law claim that Canada's justice system is racist and biased against aboriginals and therefore we must work toward a separate justice system.

● (1550)

Those who make these arguments have overlooked the fact that many of the violent crimes committed by aboriginals are perpetrated against other aboriginals. This is a particularly horrific example but in 1997, three aboriginal men raped an intoxicated aboriginal woman in Yukon. They each were sentenced to only 20 months in jail instead of the three to five years each in a federal penitentiary that the crown prosecutor had recommended. The judge cited reasons of cultural considerations when handing down the lesser sentence, cultural considerations for three men who had brutally raped an aboriginal woman.

Needless to say, sexual assault, murder, robbery and other violent crimes are as traumatic to an aboriginal person as they are to any other Canadian.

If parliamentarians claim to serve the interests of the aboriginal community by ensuring that aboriginal criminals do not face the full consequences of their actions against their own people, then they are surely misguided. Overly lenient sentences for aboriginal criminals demean the life and the liberty of the aboriginal victim. That is what is not being stated here. We are saying that the aboriginal criminal deserves a break, but who do they get that break in respect of? They get that break on the back of the aboriginal victim. No one has said a word about the victim.

What has been proposed is a racist solution that does not address the root causes of the problem. The solution is not to statutorily recognize racism or to excuse criminal conduct on the basis of race. A separate justice system or a justice system that determines sentences on the basis of race will do nothing to solve the underlying problems that lead to a high criminal rate among many aboriginals in some parts of Canada.

Furthermore, this distinction is fundamentally unjust to the aboriginals who may be the victims of crime. This is a clear example of the rights of a criminal taking precedence over the interests and the rights of the victim.

This is a disturbing trend. This is the beginning of an institutionalized distinction between people on the basis of race. This is wrong. I was proud of Canada when it stood up against apartheid in South Africa. We could not tolerate distinctions in law based on race and here we are, self-righteous parliamentarians creating distinctions on the basis of race. This is disgusting.

I for one will not vote for a provision that creates a different class of criminal on the basis of race. I for one will not vote for a provision that demeans aboriginal victims as this provision does. There are enough provisions in the criminal code today that permit the courts to take into account all circumstances, that look at the social background and ask, did the individual have a chance? Are there other things to be done?

What about sophisticated urban aboriginals educated in a large city in Canada? There are many of them rising to take their rightful place as equals in our society. What about them? Are they allowed to escape responsibility for criminal actions on the basis of these kinds of provisions?

● (1555)

This is a misguided attempt to solve a problem that is much more complex. This country has never agreed in the course of my lifetime that racial statutory distinctions can be justified. How dare we go back in time and start classifying people on the basis of race? We as parliamentarians are doing it. We are asking the courts to carry out our dirty work, courts which are there to protect equality and ensure that justice is blind to social conditions or racial attributes which have no relevance to a crime.

I am proud to stand here today and say that I will not vote for this racist provision. I will continue to provide the courts with the flexibility they need to make decisions, not on the basis of who I am as a person, but on the basis of what my actions are and the personal responsibility that I bear for my actions. I do not think that the aboriginal people of this country want anything different.

This is an insult. It speaks of the old reserve system. What it says is that aboriginal people are just wards of the crown, that they are less than a Canadian citizen and that a paternalistic attitude must be taken toward them because they are of a different race.

That is wrong. The House should be the guardian of equality of all Canadians regardless of race, ethnicity, language and culture. This House needs to work to ensure that aboriginal people are entitled to the same democratic rights and freedoms as all other Canadians. If there are circumstances in a particular case that indicate mitigation by the courts is in order, the courts have that power. The courts do not need racism to propagate rights and freedoms. This is antithetical to the principles that the House and certainly the government should stand for.

This is a disappointment. Let the record show it is for those reasons that I cannot support the bill generally or this amendment in particular, an amendment which puts the rights of criminals ahead of the interests of victims and institutionalizes racism in this bill, the youth criminal justice act.

● (1600)

[*Translation*]

The Deputy Speaker: We will now proceed to the next stage; members will speak for 20 minutes, followed by 10 minutes for questions and comments.

The hon. member for Berthier—Montcalm.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, my comments will be based on disappointment. I would even say that I am dismayed by the attitude of the Minister of Justice in the young offenders file. The Minister of Justice comes from Quebec, so he should know what we do differently in Quebec and he should know that the statements made this week are absolutely awful.

Maybe it is because of my age, but I feel he could have acted differently. Maybe I am politically naive, but I am still appalled to see that politics can bring people to make such gigantic blunders. This is not a partisan issue about Tories, Liberals, the Parti Quebecois, sovereignists, federalists or anything of the sort. It is about a system yielding good results, a system that we, Quebecers, must try to safeguard as much as possible.

Earlier, I even heard the Minister of Justice say that he was happy to table the Senate amendment, which will, to some extent, lead to Bill C-7 being enacted, because the House will undoubtedly pass the bill when it is called upon to vote.

The member for Outremont in Quebec, now Minister of Justice, has no qualms about acting in collusion with his government to dismantle a system that works well and has proven more than adequate.

If the justice minister had been in that portfolio for 10 years, if he were well acquainted with the youth justice system, if he had a great expertise in that area, I might think that perhaps we are mistaken, that perhaps the Quebec coalition for youth justice is wrong. However, he has been the Minister of Justice for 15 days only. It is impossible that he could be more qualified, more knowledgeable and better advised than some people in Quebec who have devoted their life to building a system, to developing a special approach to dealing with delinquent youth.

He had been barely appointed minister that he was stating from on high that, in the area of youth offenders, there was no distinct status for Quebec. Even worse, he added that those were myths circulated by Quebec stakeholders, by the Bloc, but also by all the politicians and the stakeholders who know the issue related to the Young Offenders Act.

I understood a little earlier, listening to his remarks, that the minister, first, does not understand the Quebec approach and, even worse, does not understand the legislation; he does not understand Bill C-7.

From on high, as the Minister of Justice, he said that this bill was a major cornerstone. In order to make us accept that we must absolutely vote on the amendment and implement Bill C-7, he said that sentences would be determined proportionally to youth needs. I noted that, because it was too much to swallow.

● (1605)

According to the minister, Bill C-7 is a good bill because it is going to have sentencing that is tailored to the young offender's needs. I invite him to consult clause 38, which I shall take the time to read, because it is rather long. Clause 38(2)(*c*) reads as follows:

> 38.(2)(*c*) the sentence must be proportionate—

This is correct, so far.

> —to the seriousness of the offence and the degree of responsibility of the young person for that offence;

If the minister understood his own bill, he would never have said such a thing. What he has just said about taking the young offender's needs into consideration in determining the sentence, is done when the present Young Offender's Act is applied properly, the legislation which the minister himself, judging from his actions, wants to do away with. That is one of the aberrant statements the minister has just made.

He spoke of diversion, as if it were something new, and of extrajudicial measures. These already exist. The only thing that is new is what they are called. Now they are “extrajudicial measures” while in the present Young Offenders Act they are “alternative measures”. The bottom line is the same but the means of getting there is very different.

At present, the alternative measures are determined according to the young person's needs. Now, with Bill C-7, the severity of the offence will be looked at in order to determine the extrajudicial measures. This makes a big difference. A justice minister who comes from Quebec should understand that and should above all oppose such a change.

This would be somewhat understandable from his predecessor, the previous minister of justice, who had very little grasp of French. It is no criticism of her but this may have made it harder to communicate with the stakeholders in Quebec, to go to speak with them, to grasp the problem and how things worked there.

The current Minister of Justice is a Quebecer, and a lawyer. He certainly knows people working in the field. He should have checked things out and consulted people before going ahead as he has.

He has also touched upon, despite the brevity of his speech, the role of the family, and it will have a role with Bill C-7. The Young Offenders Act is one of the instances where parents really have a role to play, if the parents are still in the child's life.

It must be really understood that, if a youth is having problems, quite often one of these problems is his family. His father or mother has a drug problem, is involved in prostitution or is a member of the organized crime. I am not saying this is widespread, but a part of the problem is the family.

At present, with the Young Offenders Act, we are able to respond quickly and take the youth out of his environment, if that is the problem. But with Bill C-7, we are being deprived of this rapid response tool, supposedly because youths have rights. Yes, they have rights but it is rather odd that this statement should come from a minister who, with Bill C-7, categorically denies some rights recognized by the UN convention on the rights of the child. All the experts are saying that the bill is contrary to this convention, which was signed by Canada. Indeed, this is a very major argument raised by the Government of Quebec in its legal challenge to Bill C-7.

At present, the family has an important role to play. I am well acquainted with some cases where parents, for various reasons, did not anticipate what would happen, that their child, because of societal pressure, his school, his environment or his friends, would commit some offence. The parents were there and supervised their child as the law allows them to do. At present, this youth is an anonymous citizen.

● (1610)

I toured all of Quebec and had consultations with many agencies. I met with many parents who have had problems with their teenagers and knew all about the Young Offenders Act. After reading Bill C-7, which I had sent them, they told me "Mr. Bellehumeur, it is easy to understand the Young Offenders Act, but nobody understands Bill C-7. Parents will have to rely on lawyers".

Parents are losing to the legal professional what little role they could play under the Young Offenders Act. Do not tell me this will help the family unit. I think the Minister of Justice does not have a good grasp of the situation at all.

I had a conversation with the Minister of Justice after his appointment and I got the impression that he wanted to have consultations, because Bill C-7 has been around for a long time. I thought he wanted to consult personally, like any new minister would with a bill such as this one. I even suggested he meet with Mrs. Cécile Toutant of Institut Pinel, which deals with the most desperate cases, with the teenagers who have committed the worst crimes, crimes like murder. He would have realized that the approach used with them has a rate of success of nearly 100%.

We have to understand what goes through the mind of a young offender. We have to understand his circumstances and his case before passing judgment. With the series of automatic sentences in Bill C-7, young offenders are judged by the public even before they are tried in court. This does not help.

I also invited the minister to come and see for himself, perhaps even with the members of the justice committee, if he is reticent about coming alone, to have an official meeting with the coordinating justice of the youth division of the court of Quebec, Justice Michel Jasmin, not to name names, who does wonderful work and who offered to give the parliamentary committee a tour of the court house to show us to what extent it really is a small business operation.

Young offenders are received in the ground floor where there is a youth centre with specialists. Then he would have shown us the administrative centre and the court, to see how young people are treated, from A to Z, in order to witness the speed of the process, because time is of essence in treating a young person. He was ready to have us, as well as the Minister of Justice, pay him a visit in order to help him understand.

I also asked him to meet with Jean Trépannier, a specialist who is widely known, who is called upon by other universities across Canada to explain his approach with youth. There is Jean Trépannier, but there are also a number of other university professors, and I do not know of one that supports Bill C-7.

There are also the legal centres, defence lawyers, crown attorneys. He should also meet with the government of Quebec. He should consult, because the previous minister did not consult with the ministers either, on the drafting of Bill C-7. What he refers to as a consultation was more him saying "here is the bill, but you will not have any say in it". That is not what can be described as a consultation.

The minister was required to consult. He cannot bring back Bill C-7, as he is doing, without consulting, without checking anything, and saying whatever he wants, because that is what he has been doing since he became Minister of Justice on the issue of young offenders. He is saying any old thing. This is so obvious that a newspaper headline today reads "The more things change...", which would no doubt have ended "the more they stay the same".

It says:

> Just after being sworn in, the new Minister of Justice... is prepared to do anything to impose himself, even if it means making some outrageous remarks in the process.

The article then mentions some of the comments made by the minister and refutes them.

● (1615)

It refutes, among other things, the minister's comments on charging. Everyone surely knows, except the Minister of Justice, that fewer charges are laid in Quebec than in the rest of Canada. The article says:

> In the rest of the country, 4.9% of young people are charged, compared to 2.7% in Quebec. The percentage of young people committed to custody is also lower and, more often than not, young people are registered in rehabilitation programs that allow them some freedom.

During a television program on RDI, the minister said that youth centres were jails. This is how he understands the system. It is very insulting for those who have been working in youth centres for 30 years, those who spent their professional lives building a Quebec way of doing things that has proven successful. It is very insulting and the Minister of Justice should even apologize for having said that.

The journalist makes that comment, sets the record straight and concludes by saying:

> By accusing his Quebec critics of preserving myths regarding the bill, the Minister of Justice—

He comes from Quebec, but he is currently in Ottawa.

> —is showing his ignorance of the system put in place in Quebec.

As we can see, it is not just the Bloc Quebecois that saw through the minister's ploy; others did too.

On several occasions during this same television broadcast, he was asked "Why are you saying that this is the right solution and that the way Quebec is enforcing it is the right way? Why is it that nobody in Quebec supports you? Why is it that nobody in Quebec agrees with the changes you want to make in the young offenders system?"

Whether they are judges, lawyers, specialists, psychologists, or social stakeholders, there is nobody who wants the minister's changes. He was unable to answer because nobody supports him. Nobody in Quebec wants these changes.

Today, we have an amendment from the Senate for the purpose of recognizing the specificity of aboriginals. The minister seems to be saying that this is the discovery of the year. The government has found the secret. As it now stands, the Young Offenders Act recognizes the specificity of aboriginals. It also recognizes the specificity of all young persons. We are talking about needs. Furthermore, aboriginals have said that they do not want Bill C-7, even with its few amendments.

Having said that, I would move an amendment to the motion before us. I move:

> That the motion be amended by deleting all the words after the word "That" and substituting the following:"the amendment made by the Senate to Bill C-7, An Act in respect of criminal justice for young persons and to amend and repeal other Acts, be not now read a second time and concurred in, since it does not in any way take into consideration the distinct character of Quebec and the Quebec model for implementation of the Young Offenders Act.".

With such an amendment, we should have the agreement of the federal Minister of Justice, who is a Quebecer. He is here to defend Quebec, not to defend the government and the Prime Minister.

● (1620)

The Deputy Speaker: The amendment is in order.

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, first I want to congratulate my colleague on his eloquent speech on the subject of young offenders. He has a lot of expertise in that area and I think that he has a good knowledge of the situation, having met with the people, the various coalitions and all stakeholder groups.

The Minister of Justice, who has held that position for two weeks only—and who happens to be a Quebecer—says that he is going to explain his bill to Quebecers, to those people who had the chance to study the bill long before he did. But the bill is not his. It comes from his predecessor. All stakeholders have said, almost unanimously, that the bill was complicated and that it would not give us a system that works as well as the one we have now under the Young Offenders Act.

The minister said that he was going to demonstrate that this bill will be even more interesting. And yet, the consensus is telling him not the change the current legislation because it is working well.

I would like to ask a question of the justice critic of the Bloc Quebecois. The implementation costs of Bill C-7 will certainly run in the hundreds of millions of dollars. I would like him to tell us what we could do now with such huge sums with the Young Offenders Act.

● (1625)

Mr. Michel Bellehumeur: Mr. Speaker, I do not know the exact figure but I think it is around $1 billion over five years, or something like that. The House will agree that the then minister said that she would put hundreds of millions of dollars into implementing Bill C-7.

When this amount was broken down, we realized that there was not much left for those who were going to implement the new legislation. One thing is certain and that is that the problem was examined very closely in Quebec in the 1990s. A very important report, the Jasmin report, was produced. This report concluded that the problem, if there were one in the other provinces, but also in Quebec, was not due to the legislation but to its application.

Although there were a series of social programs at the time, starting in 1990, different departments took a very different approach to young offenders. This is why, since 1990, with Quebec dollars, we have been able to build or finalize the model now used in Quebec.

If there is a problem in the other provinces it is not because of the legislation but because of how it is applied. There is nothing surprising about that because the money the federal government gives the other provinces, particularly English Canada in the past, was invested in bricks and mortar instead of in social programs.

Right now, if the new minister still has these millions available, changing the legislation is not what is going to solve the problem. The money needs to go to the provinces if there is to be a better application of the Young Offenders Act. We in Quebec are not any better than anyone else. If our results are better it is because we are investing the time and the energy and, most important of all, we are implementing the legislation properly.

If the government has any spare money for the application of the new legislation, or the Young Offenders Act, it should hand it over to the provinces in the assurance that the provinces will have a better understanding and, especially, a better perception of the Young Offenders Act because this act will give results.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR): Mr. Speaker, I would like to congratulate my colleague from the Bloc Quebecois. I know he has worked hard on this issue, on this bill, and that he understands the current situation in Quebec very well.

[*English*]

My question to my friend arises from some of the arguments he put forward with respect to the implementation of the new bill.

I would be the first to acknowledge that his province of Quebec has done very well what this new bill seeks to do. The philosophy behind the bill is obviously to put greater emphasis on early intervention and rehabilitative efforts in the earliest possible instance when it comes to young people who are about to journey down the wrong path of criminal involvement.

The premise of his argument as to why Quebec should be given special status or its own separate justice system seems to stem from the fact that the bill is trying to enforce what his province has done very well. I would submit that what we see happening around the country is an effort by other provinces to perhaps emulate in a more significant way what Quebec has done. What is needed is leadership and resources to create these programs; the social emphasis my friend speaks of which exists in his province and which perhaps has not been followed to the tee in other English provinces.

Is it not possible under the old act for the rest of Canada to continue to work within the current confines of the Young Offenders Act, to learn from his province and to emulate to a larger degree what Quebecers are currently doing in the justice system?

● (1630)

[*Translation*]

Mr. Michel Bellehumeur: Mr. Speaker, I am not sure I fully understood the question.

I believe that it is wrong to say that Bill C-7 allows for early intervention. Yes, but that can be negative, given the experience in Quebec. Let me explain.

Thanks to Quebec's social system, the youth centres and the ministry of social affairs are able to intervene very quickly, with today's Young Offenders Act. We would rather deal with a young person that has a small problem than deal with a 17 year old with an extremely serious delinquency problem that cannot be turned around.

Intervention is already being done very quickly and it could not be done any quicker. Perhaps, with additional money, the net would be tighter and we could catch all of the problems, but we could not intervene any quicker.

Bill C-7 does the opposite. With its whole series of different levels of intervention, a young person could slip through more easily if the has only committed petty crimes. But petty crimes, if they are not immediately caught, become serious crimes. All of the social workers, all psychologists, all professors and criminologists say the same thing, the greater the crime, the more difficult it is to treat; that is the first thing.

Second, it is also wrong to say that Bill C-7 attempts to implement what is being done in Quebec. The Quebec model was created with the Young Offenders Act by investing money and because there was the political will to do so, by looking at what the police can do, what schools can do, what parents can do as well. We looked at all of this. Naturally, we looked at the legal aspect, enforcing the legislation. We managed to come up with our own way of doing things today, with the Young Offenders Act.

Out west, if they have not had the same success, or if they have a different way of doing things, it is not the act that needs changing; they should come to Quebec to see how it works. What works for Quebec is not all bad; others can copy it, we do not have a copyright on the system.

As Justice Jasmin said to the Standing Committee on Justice on several occasions, Quebecers are always happy to show other provinces or countries how we treat young offenders and how we have produced such good results when it comes to crime, rehabilitation and reintegration.

Europe sees Quebec as a model for the treatment of young offenders, but bringing in Bill C-7 will put an end to that.

The hon. member's response is that the shortcomings in the bill were not what prevented us from having the Quebec model, but rather shortcomings in its enforcement. WIth the hundreds of millions of dollars the minister seems to have available for implementation, they would be as capable of success as Quebec, provided the funds were invested in the right places, in the social area, as is done in Quebec.

[*English*]

The Acting Speaker (Mr. Bélair): It is my duty pursuant to Standing Order 38 to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for South Surrey—White Rock—Langley, National Security.

● (1635)

Mr. Dick Proctor (Palliser, NDP): Mr. Speaker, I would like to begin by sincerely congratulating the critic for the Bloc Quebecois for the fight that he has made on the bill. Formerly it was Bill C-68 and then I believe it was Bill C-3 and Bill C-7.

As members know, I do not serve on the justice committee, but from a distance I know some of the work the member has put into the legislation to try to point out to the justice committee and to other members the shortcomings of the bill before us. At the same time he has tried to point out what seems to have worked well in Quebec and the puzzlement as to why the Young Offenders Act, which was passed some time ago, has not worked as well in the rest of Canada.

We have to acknowledge what has happened. It is unfortunate that even at this eleventh hour we are not making terribly significant changes and have only one amendment before us.

The amendment simply suggests that when all other available sanctions than custody are being considered for young offenders, “particular attention should be paid to the circumstances of aboriginal young people”.

Generally the amendment fits well with the position that we have taken on the legislation in all its incarnations.

When the legislation was first in this current parliament, as well as previous ones, the NDP caucus took the position that one thing the youth criminal justice system regime should be was more responsive to the situation that young offenders actually found themselves in. We hope that the amendment before us today will provide for greater latitude in sentencing aboriginal young offenders by allowing them to receive alternative sentences that may have more to do with restorative justice and other aboriginal principles involving their communities.

We have contacted the Assembly of First Nations and it is generally supportive of the amendment. However, it feels that little is likely to come of an amendment with wording that consists of a should rather than a more forceful direction. I would draw that wording to the attention of the justice critic for the Alliance who spoke about his concerns with that legislation. Obviously the Assembly of First Nations would feel that a shall would be more appropriate and that a should gives an undue degree of discretion.

The Assembly of First Nations also has concerns with the legislation in general in terms of its flexibility and discretion around sentencing. The assembly finds that when sentences are discretionary for aboriginal youth that those aboriginal youth tend to be more harshly penalized for their actions than non-aboriginal youth.

The AFN position fits in well with what we have said about the legislation in the past, that the problems of youth justice have much more to do with economic and social deficiencies than inequalities. We feel that one problem with the legislation is it makes the regime more complex and institutionalizes this flexibility and discretion. We feel these issues would be better resolved with more community policing and a closer relationship between young offenders and police officers, as well as other justice providers in their communities.

Various provincial governments, including NDP governments in Manitoba and Saskatchewan, have been concerned that while this legislation is more complex and changes the system for young offenders, there are not enough resources being provided to the provinces that would have to implement the legislation to make these changes truly effective. To that extent I concur and listen closely to the justice critic for the Canadian Alliance Party who obviously has firsthand knowledge in this area as a former minister of justice in the province of Manitoba.

● (1640)

The NDP does support the amendment without reservation. However we believe it is too flawed to support without addressing the concerns I mentioned about community policing, the new complexities of the legislation, and especially the fact that under the legislation young offenders would have to prove they should not be sent to adult court rather than the crown having to prove they should. It is a reverse onus with which we do not agree.

I do not intend to speak to the bill very long. As I said, I am not the justice critic for our caucus. However before I take my seat I want to report to the House that during our break over Christmas and the new year I held some meetings in small towns in my riding of Palliser. I was frankly surprised by the number of people who came out to talk about their concerns about justice and young offenders. These are towns in rural parts of Saskatchewan that tend to be populated by older Canadians.

As I indicated, these people are apprehensive about what is happening in their communities. They tend to believe, rightly or wrongly, that the people perpetrating the burglaries, crimes, car thefts, et cetera are not from their own small communities but from larger centres. They believe most kids either in their communities or elsewhere are law-abiding but that there are a few who are not. They say the police seem unable to apprehend them and when they do the justice system seems to break down.

By the same token there are encouraging signs that we are intervening earlier. Earlier this month I had the opportunity to visit an inner-city school in Regina, the Kitchener Community School, where there is a new head start program and early intervention. These are some of the things that will help in the years to come.

Based on the meetings I held while touring my constituency I have no doubt the Canadian public will be watching the changes brought forward in the youth justice bill very closely and with great interest.

* * *

[*Translation*]

POINTS OF ORDER

SENATE AMENDMENT

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I rise on a point of order. I would just like a clarification, which the Table can perhaps provide me with.

We understand that this is a motion relating to an amendment originating in the Senate. When we look at the Senate's amendment, we note a difference between the French and the English versions.

I would like a clarification, because in the French text in clause 38, page 38, the replacement for line 27 reads as follows:

> Toutes les sanctions applicables, à l'exception du placement sous garde qui sont justifiées dans les circonstances, doivent faire l'objet d'un examen, —

This is a kind of order, an obligation. Reference to the English text finds the expression should be, a suggestion. The form is conditional. This makes a very big difference in application. This being criminal law, there must really be great precision. I would like clarification on this, because it will affect the vote later on.

Is it the shall of the French or the should be of the English, a kind of suggestion in conditional form, that should prevail?

The Acting Speaker (Mr. Bélair): I believe the hon. member is correct. We will, however, check with the Senate people to see whether this is a transcription or a translation error.

We will get back to the House on this a little later.

● (1645)

[*English*]

YOUTH CRIMINAL JUSTICE ACT

The House resumed consideration of the motion in relation to the amendment made by the Senate to Bill C-7, an Act in respect of criminal justice for young persons and to amend and repeal other acts, and of the amendment.

Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance): Mr. Speaker, I have a quick comment and a question. In the province of Manitoba and the city of Winnipeg statistics have come out that say 26 motor vehicles per day are stolen. I suspect Regina has somewhat similar stats. Could the hon. member relate what he sees in Regina?

When the perpetrators are caught, either in the vehicle or through other investigative measures, it is found that the majority of them are young offenders. Many of the stolen vehicles end up wrecked or damaged, either by themselves or by running into other vehicles or people's property while in the possession of the young offenders who stole them.

Could the hon. member relate to us the situation in Saskatchewan to give us a feeling for the bigger part of the country? Does he believe the government's bill would do anything concrete to help the provinces solve the problem of juvenile theft of motor vehicles?

Mr. Dick Proctor: Mr. Speaker, I thank the hon. member for Selkirk—Interlake for his question.

The question regarding car theft, particularly in the city of Regina. Members who are not from Saskatchewan may know the rate is high and has remained high for some time. Not being a psychologist I do not know what would make a person, young or old, want to steal a car and drive it around for a while then deliberately drive it into a tree, a creek or something of that sort and total the vehicle. However it is happening.

I touched on community policing. This is one of the things I picked up on in my meetings. There are large areas on the prairies that are not populated where one goes some distance between communities. The feeling is that there are not enough police in those communities to apprehend people either before they commit crimes or after the fact.

The provincial governments in both Manitoba and Saskatchewan are aware of the situation. The justice critic for the hon. member's party was lamenting the fact that there are insufficient resources. A lot of this is being downloaded to the provinces to pay for the additional policing that seems to be required.

In terms of whether the legislation would work or make a difference, that remains to be seen. Based on my first hand observations Canadians will be watching extremely closely as to whether it is more effective than the legislation it is replacing.

Mr. David Anderson (Cypress Hills—Grasslands, Canadian Alliance): Mr. Speaker, I take issue with the member for Palliser's comment that a lack of police is the issue in our part of the world which is southern Saskatchewan.

A report in a newspaper in Regina a month or so ago mentioned that most of the cars are being stolen by a small group of individuals and that some of them had stolen over 100 vehicles. It said there was one young fellow whose goal was to reach 250 vehicles before he turned 16. It sounded like he was well on his way to doing that.

Could the hon. member tell me what he would suggest we do with these people who continually flout the law, have no interest in abiding by it and do not seem to be punished by it at all?

Mr. Dick Proctor: Mr. Speaker, I do not know. I am not in the justice system. I do not know of the report the hon. member for Cypress Hills—Grasslands refers to.

When the Young Offenders Act seemed to be heated up significantly a year and a half ago I spent a day in youth court in Regina. The most impressive thing I came away with from that experience was the fact that there were so few legal aid lawyers there to deal with the cases. Cases were being continually set over and remanded for another date. Nothing seemed to get accomplished during the day I observed the youth criminal justice system.

We need to look at the system. We need to look at intervention such as that raised by the justice critic for the Bloc Quebecois. We need to look at the way we go about finding out what is happening to people whose goal is to steal 250 cars if that in fact is the case. Is anyone sitting down with them? Is anyone putting them face to face with victims to explain the hurt and damage that has gone on? Is anyone trying to involve them in community development and community work to repay society for the damage they have caused?

We will have to see whether the new bill works or not. I am skeptical but we will wait and see.

● (1650)

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR): Mr. Speaker, I am always pleased to rise in the Chamber on behalf of the constituents of Pictou—Antigonish—Guysborough, my colleagues in the Conservative coalition and to simply be able to address the House, particularly on such an important bill as this.

The debate today centres around an amendment to the new youth criminal justice act that will replace the Young Offenders Act. Arguably one of the most important tasks that we could undertake in this place is to put in place a more effective and more accountable system of criminal justice for youth.

The act in its entirety will replace the Young Offenders Act at great cost to the country in terms of delay, in terms of implementation and certainly in terms of cost to young people. The country will quickly come to understand that the bill is virtually unenforceable in its complexity and in its costs associated with setting up these new programs.

Throughout the deliberations at committee, where we heard from numerous witnesses from all aspects of the youth criminal justice system, one of the statements that was most telling, and which has stayed with me to this very day, came from a very senior judge who had spent a great portion of his life on the bench dealing with the enforcement of the Young Offenders Act. He told members of the committee that he had read the bill no less than five times and was not able to comprehend fully what the bill was seeking to achieve.

I can only equate that level of complexity with the Income Tax Act in terms of new provisions, convoluted references and cross sections.

I have many friends in the practice of law, many of them practising criminal law specifically and spending a great deal of time in youth court which preoccupies, unfortunately, a great deal of the time that is set aside for hearings. They have indicated to me that, as lawyers, they are happy about the new legislation because of the new appeals and the new work that will result for the legal community. I say that in seriousness, with no degree of sarcasm. The bill would be a make work program for lawyers.

I want to take a moment to congratulate the new Minister of Justice. I am quick to note that he has inherited the bill as did his predecessor. The new minister, sadly, seems to have adopted the approach that we will fast track the bill, get it through parliament as quickly as possible and then wash our hands of it.

That is very unfortunate because although the amendment, which I will speak to in more detail in a moment, is very much an attempt to improve upon what I would call a bad bill, it does not address the overwhelming need to look at the convoluted, costly, cumbersome nature of the legislation that is being thrust upon the provinces.

My grandfather had an expression that aptly sums up what is happening with the amendment. It is an attempt to improve a bad situation. He used to say that we can sometimes come across a good stick of hardwood in a manure pile. This is an amendment that will improve upon a bill but the bill itself is so flawed in its entirety that it is difficult to even recognize the merit of what will occur.

As legislators we have to be very adamant about recognizing that no bill will satisfy everyone. As a former crown attorney who worked with the current Young Offenders Act and has some working knowledge of the previous Juvenile Delinquents Act, I never thought I would come to the conclusion that the old Young Offenders Act would be better than anything that we could come up with in a serious, studied and informed way.

Upon arriving in Ottawa after being elected in 1997, I was convinced that through the work of the justice committee, through the input of the entire forces of the Department of Justice and all of the minions and lawyers who work in that department, surely we could come up with something better than the Young Offenders Act.

Well, much to my dismay, we have produced, after eight years of study under this Liberal administration, a bill that is terribly wrong and cumbersome.

● (1655)

The bill was intended to simplify and streamline a system so that young people, in particular, their parents and those who are tasked with the enforcement of youth criminal justice would be able to work in a more suitable and responsive fashion, in a way that would be quick to adapt to the changing times and the way in which young people find themselves facing tough decisions which lead to their involvement in the criminal justice system.

I would be quick to embrace the philosophy of the bill. The intent clearly is to somehow codify a system that would allow for early intervention which would allow for the proverbial pre-emptive strike in dealing with young people when they make those decisions that challenge the law. Yet, sadly, what we have done is put layers on top of layers and have created a system that will result in numerous delays and new court challenges.

This new approach that was supposed to achieve so much will have the polar opposite effect. It will result in these delays which follow that old legal maxim that justice delayed is justice denied. This system will not allow young people, and their parents in particular, to grasp what is happening.

Many who work in the system would certainly agree that accountability and responsibility are paramount to any youth justice system. What this does is separate that nexus of accountability.

When a person finds himself or herself charged with a criminal offence, he or she meets first with a lawyer, if possible. My friend from Palliser has identified a very important problem: the lack of resources for legal aid, for crown attorneys to deal with the volume of cases, for police, for social workers and even for judges. The system has ballooned. It has expanded.

This new, complex, convoluted system adds to that voluminous bureaucracy that is building like mould around our justice system and expanding like a snowball going downhill. We need to strip away, like old shingles, some of the buildup that has occurred over the years in the justice system and allow people to understand in a more fundamental way how the system works. Further to that, people need to have access to the system. They do not need to be given more sterile delays in the system.

Because of the lack of lawyers and the systemic delay that results from these new procedures, months, if not years, can go by from the time the charge is made to the time of conviction or acquittal. The system to transfer youth to adult court is more complex than it is to conduct a trial and secure a conviction or an acquittal, as the case may be. We seem to be in reverse when we look at the cause and effect of Bill C-7.

While there may be a number of improvements, when we spoke to police, as I mentioned, lawyers, judges and legislators from the provincial side, the negatives far outweigh the positives. I want to talk for a moment about the new responsibilities that will fall on police, on the law enforcement community.

What police are currently doing in exercising discretion under our current system is making judgment calls in the field. Very often, rather than charge a young person, they may decide to reprimand on the spot, to take them home, to enter into discussions with parents and to essentially do what police are supposed to do: exercise that proper discretion.

What we are doing here is trying to somehow codify this system of discretion, telling police that they can now issue warnings, that they can now issue cautions and that these have to be written up in a certain way. We are superimposing these responsibilities in an artificial way, telling police that they must be counsellors and caseworkers, and that they must document all of this, do the paperwork and spend less time out on the street and more time being administrators and paper shufflers.

This imposition, on top of the current responsibilities of law enforcement and the demands upon the men and women who are currently carrying out that important task, is, I suggest again, a great deal of delay and a great deal of unnecessary, unsubstantiated work that is currently outside the realm of police in terms of where they should be concentrating their efforts.

● (1700)

The police are extremely worried about having the ability now to use this information for a very important judicial exercise which is called a bail hearing. I pointed out to the minister, as well as to members of the justice committee, that under this new system of cautions and sanctions that the police can use, they will no longer be able to use the information they have gathered for the purpose of a bail hearing.

The purpose of a bail hearing, as the Speaker would know and other members are aware, is the ability that the system has to take young people out of society and incarcerate them if there is a judicial finding that they are about to commit a criminal offence or they are a risk of fleeing the jurisdiction. However it is very much integral to the system to be able to intervene quickly.

Under this new system, which is just perverse to me, they are told to gather information and then advised that they cannot use it in a bail hearing. It is absolutely unjustifiable that we would allow that system to remain.

There are a number of serious flaws in the bill but the amendment that has been proposed by the Senate does manage to shed light on a very serious problem that can be found not only in the youth system but the Canadian justice system at large.

Noting differences for differences' sake is unacceptable. What we see here is a recognition of the inherent differences that do exist, sadly, on native reserves in this country. My colleague from the NDP has alluded to the social and economic differences and that the consequences those have on young people are very acute. I have two reserves within my federal constituency at Pictou, Afton and Antigonish county. I think that around this country this is very much to our shame, and one of the inequities throughout our entire country with which we are still wrestling. It stands to reason that we are trying to in some way to recognize a problem. This is not tantamount to the solution, it is simply a reminder to those in the judiciary that this has to be taken note of.

If there is one positive that can come from this debate it may be that the amendment proposed by the Senate demonstrates that the societal differences between aboriginal and non-aboriginal youth are recognized. Justice should be blind to race, ethnicity and gender. In a perfect world we would not need the leviathan, but this is not a perfect world and those societal inequities remain and are evident today.

Clause 38 of the youth criminal justice act deems to lay out the purpose and principles of sentencing under clause 42. It states:

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

Yet in the bill sent to the Senate, a fundamental truth about our system was not addressed. It is currently the case in the adult system. Therefore to be consistent—and my friend from the Alliance party might say we are being consistently inconsistent, but I would submit that we have to be consistent between the youth and the adult system—we have to have similar protection under this new youth criminal act.

Statistics and studies have consistently shown that there are a disproportionate number of aboriginal youth incarcerated in our system. In keeping with the purpose and principle, the bill might ask what constitutes just sanctions. Specifically, while the amendment is a good first attempt at recognizing the inequities in the system, I submit that it does not go through sufficient explanation and direction.

As we examine the original Bill C-7, it becomes evident that clarity was not essential in the minds of the government when the bill was passed on to the Senate. Seasoned professionals have examined the legislation and today they are no further ahead than when they started. Several friends and colleagues have spent approximately three years examining the bill and are still at a loss on the overall effect it will have on our justice system.

● (1705)

The bill has, in essence, been more than that. It has been almost eight years in the making and it has gone through several incarnations, Bill C-68, which alludes to a whole other type of bill that we are aware of, Bill C-3 and now Bill C-7.

It is interesting to note that there were 160 amendments, demonstrating the flawed nature of the bill. It is too long, too complicated and too expensive. It is interesting to see it come back with rather minor yet albeit significant changes.

The justice committee could have heard more input on this particular issue, if there was any doubt left in the minds of some members of the House. However, the committee was not given that opportunity. It was brought directly back to parliament, again demonstrating the government's angst and anxiety over the bill and its attempt to get it through quickly.

In my mind, these changes were necessary and yet it speaks to the fundamental problems of a piece of legislation when in our haste to cater to pollsters the government overlooks such an important section as 718.2(e). There are many people in the country, including Joe Wamback from Ontario, who have expressed their desire to revisit the bill. Provincial attorneys general, those who work in the criminal justice system every day, have requested that the government at least revisit the implementation of the bill and give the provinces an opportunity to brace themselves financially, if nothing else, for the costs associated with its implementation. Yet this new minister appears to be charging ahead.

While the amendments of the upper Chamber should alleviate a constitutional challenge on the grounds of discrimination, the bill will most certainly be challenged on other grounds leading to incredible delays and backlogs in a system that is already on the verge of collapse.

The amendment states that all available sanctions other than custody that are reasonable in the circumstances should be considerable for all young persons with particular attention to the circumstances of aboriginal young persons. What could be more straightforward than that? Deliberate, informed debate on such a subject should and could continue. Broadening the spectrum for judges to enable to take this issue into account is a good in and of itself.

In response to comments made by the Canadian Alliance critic, I would reiterate that we take victims as we find them. I do not believe that there is a race or ethnicity issue associated with the particular clause. It is consistent with current criminal code provisions. It is not about specializing the interests of the accused or the victim. It is simply putting into legislation a recognition that the situation which aboriginal people find themselves in today is worthy of note in coming to a conclusion as to what the appropriate sentence is that is meted out by the sentencing judge.

Some have argued that this is in and of itself discriminatory to have a clause like this in the criminal code at all. Yet in our justice system we have to recognize that the courts have made an important pronouncement and it was alluded to. Queen v Gladue set out quite clearly that we can improve upon the situation of aboriginals in our legal system by this recognition of their circumstances. It is one of simple consultation and it allows judges to recognize what is inherent in the country today.

As Senator Pierre Claude Nolin of the other place pointed out, the framework of analysis outlined in section 718.2(e) must include systemic and background factors which explain why aboriginal offenders often appear before the courts. They include: poverty, level of education, drug or alcohol abuse, leaving the reserve and facing systemic prejudice, unemployment, domestic violence and direct or indirect discrimination.

The framework of analysis set out by the courts includes the type of sentencing procedures and sanctions which may be appropriate in the circumstances for the offender because of his or her particular aboriginal heritage or connection.

The inclusion of this clause in the code was necessary to deal with the overrepresentation of aboriginal people in prison and to encourage sentencing judges to have recourse to a restorative justice approach which is consistent with the theme and the philosophy of the bill.

● (1710)

I reiterate that the importance of the amendment is paramount to the fundamentals laid out within the entire document and I concur with hon. Senator Andreychuk who rose in support of the amendment put forth by a Liberal senator on the other side. She said:

> Too often in this place do we have to be prodded to raise issues concerning Aboriginal youth

I and the PC/DR coalition support wholeheartedly the amendment, however we take great issue with the problems found in the entire bill. We oppose the implementation and adaptation of the new youth criminal justice bill and will continue to do so for reasons that have been enunciated at length by others and myself.

Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance): Mr. Speaker, judges in the courts have made various rulings over the course of time that have changed our laws with regard to juveniles and others. We as a parliament and a country are in the position of trying to pass laws that make up for the problems caused by the courts. For example, juvenile offences have increased as the courts have made these changes.

Why do we end up in the eternal legislative process, that the Liberal government has instituted over the years, of having the courts interpret laws that are passed in parliament that are not explicit in their intent?

I was a police officer who enforced the Juvenile Delinquents Act. It actually worked better than the current young offender laws that we have now and probably worked better than what we are trying to pass in the House.

There is no doubt that in the mid-seventies the respect that juveniles had for people in official office such as mayors, reeves, policemen, pastors and others went down.

I would also make the observation that there is no point in dumping more money into legal aid because it is just like any other fund. The legal profession will expand the time and the charges to take up all the money put in and use it all up.

Mr. Peter MacKay: Mr. Speaker, I will respond to the first point the hon. member made with respect to the need to explain a system such as this. There should be an accompanying fund that sets out a manual or some sort of program to educate people because of the complex nature of the new bill.

With respect to his point on hiring more lawyers, what we have in the legal aid system is that much of the work is done on a certificate basis. The cases are farmed out. Sadly, a lot of senior lawyers, and perhaps more able, do not take those cases because the certificates allow for a cap on billing which is necessary. We may have to revisit the system or simply hire more lawyers within the legal aid system because they cannot keep up with the volume.

The hon. member is right to say it is not just a matter of pouring in more money. We must recognize the volume of work being done by lawyers, prosecutors and police. I acknowledge his understanding of the previous Juvenile Delinquents Act. As a police officer he would recall that there did appear to be a greater degree of accountability and responsibility. I would go so far as to say that there was more respect for the law, for police and for all the stakeholders involved in enforcing the law under that particular system. It was that act's simplicity and the way in which it was enforced that made it work in perhaps a more proficient way.

● (1715)

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, I commend my colleague from Pictou—Antigonish—Guysborough on his comments in regard to the way the old act worked and the feeling that it worked much better because of the convolution of the new act. He commented on judges and lawyers he knows and their thoughts on the bill and the previous act.

I was a school trustee for a number of years. In attending the Canadian national school board conference we had a couple of judges appear before us to give their comments on the Young Offenders Act. Many felt that the act that was in place previously was actually excellent. The problem was the lack of resources to ensure the type of rehabilitation that was intended.

That is one of the issues that comes before us with this bill. There would be increased costs that the provinces could not bear. It is an indication that the government's attitude toward the provinces is bad. It is also negligent for the federal government to give up its responsibility for the young people and to say that it is a provincial problem and not share the issue of dealing with the Young Offenders Act.

The member mentioned the Quebec system. I know my colleague from Selkirk—Interlake has some concerns that differ from a lot of us. Would the hon. member comment on the Quebec system and indicate why it seems to work a whole lot better?

Mr. Peter MacKay: Mr. Speaker, the issue with respect to teachers is a very good one. There must be a specific recognition in legislation that teachers need to be informed and included. The bill falls short in that respect.

There was an opportunity to ensure that teachers would be provided with, in particular, conditions of probation orders that were attached to a young person. There are often instances where young people find themselves in court for a criminal offence that occurred in a schoolyard and they are sentenced to go back to school. Sometimes the parameters of their probation orders are not made known to the principals and the teachers who are operating in the schools.

The second issue with respect to funding is critical. There is bridge funding in the amount of $207 million attached to the legislation which is supposed to help with the start up costs but as stated previously each province is estimating that up to $100 million per province would be necessary. So, $207 million spread among all the provinces and territories would come up far short. The critical issue would be the inability of the provinces to bear the costs of enforcement and implementation.

[*Translation*]

Finally, the 160 amendments to Bill C-7 proposed by the Liberal government did not convince Quebecers of the merits of the reform of our youth justice system. On the contrary.

When the committee of the other place studied the bill, most of the witnesses from Quebec said that the amendments were nothing but cosmetic amendments that did not change the principles and the contradictory provisions of Bill C-7.

Moreover, these amendments did not weaken the large consensus in Quebec that Quebec's approach to youth crime would be threatened should this bill be passed.

That approach, which is unique in Canada, is cited as an example all over the world. It has allowed Quebec to have the lowest youth crime rate and the lowest youth detention rate in the country. Unfortunately, these achievements are being threatened by the intransigence of the new Minister of Justice.

● (1720)

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, I just want to congratulate the member on the last part of his remarks where he talked about the consensus that exists in Quebec among all the experts in the field.

Members know that Quebec has developed a very effective model that is unique. The federal government will pass a bill that goes against the Quebec model, even though the minister is himself a Quebecer. I think it is totally irresponsible and unacceptable on his part.

However, I want to congratulate the member on his speech, in which he recognized the fact that Quebec has its own unique model.

[*English*]

Mr. Peter MacKay: Mr. Speaker, as I said earlier to the hon. member who represented the Bloc, I believe that the Quebec model is one that the rest of the country can certainly embrace and use to a larger degree.

It does demonstrate that there is flexibility under the current Young Offenders Act. Quebec has interpreted in a very open and intellectual way just how unique one can work within that system.

Under the old act, I would suggest that we could benefit by looking at Quebec, but certainly by putting in more resources, living up to our commitment as a federal government to the provinces to fund this important approach. We must give the system the money, the resources and the backup it needs to serve the interests of youth and the public at large.

Mr. Chuck Cadman (Surrey North, Canadian Alliance): Mr. Speaker, I will be splitting my time with my colleague from Kamloops, Thompson and Highland Valleys.

Last fall the House of Commons passed Bill C-7, the youth criminal justice act, at third reading stage. The bill has now been returned from the other place with an amendment which must now be considered by the House. The amendment came from the Liberals in the other place and the government is supporting it. I will oppose this amendment for reasons I will go into in a moment.

If memory serves me right, a similar amendment was proposed by the government at the justice committee during deliberations on Bill C-3, which of course died on the order paper at the last election call. Interestingly though, it was not in the bill when it was reintroduced as Bill C-7 but now it shows up from the other place.

This amendment would in part change the purpose and the principles of sentencing, requiring that "all available sanctions other than custody that are reasonable in the circumstances should be considered for all young persons". I take little issue with this. Of course we should consider all reasonable options before resorting to incarceration for many offences, especially minor first offences.

The second part of the amendment requires youth court judges to pay particular attention to the circumstances of aboriginal youth at the time of sentencing, similar to section 718.2(e) of the criminal code, which we opposed in the 35th parliament for similar reasons.

Personally, I do not believe that race has any place in criminal law sentencing provisions, be it adult or young offender. A sentencing judge is already required to consider "any other aggravating and mitigating circumstances related to the young person". These would normally include factors such as family and social circumstances, background and special needs, among other things.

Further to that, the bill's declaration of principles says in part:

> —measures taken against young persons who commit offences should...be meaningful for the individual young person given his or her needs and level of development and, where appropriate, involve the parents, the extended family, the community and social or other agencies in the young person's rehabilitation and reintegration, and...respect gender, ethnic, cultural and linguistic differences and respond to the needs of aboriginal young persons and of young persons with special requirements—

These requirements are already sufficient for a sentencing judge to give consideration to any young person. The operative word here is any. There is no reason whatsoever to bring a person's race into play. I believe that the injection of race specific wording in the criminal law is dangerous. Criminal law should be blind to race.

I think we have all heard comments about the aboriginal community being over-represented in our jails. I acknowledge that, but I do not for a moment believe they were incarcerated for being aboriginal. They are there because they have been convicted of committing a criminal offence. If, as it is sometimes argued, it is shown that bias against aboriginal offenders exists in the courts or in the system in general, then that is wrong and by all means it must be rectified.

Also I do suspect that in many cases incarceration is the only option available to the court due to the lack of resources and support mechanisms in the community. I think we all agree that those issues must be addressed and remedied. Equally as, if not more important, the substandard social and living conditions experienced by many aboriginals both on and off reserve must be rectified. That being said, I do not believe that the criminal law is the appropriate place to address those issues.

I have heard the point made that children coming to Canada from parts of the world where war, civil strife and violence are commonplace may be more predisposed to antisocial or criminal behaviour as teenagers or adults than are children born and raised in Canada. However at no time have I ever heard anyone suggest that those people representative of parts of Southeast Asia, the Balkans, or parts of Africa, to mention but a few, be singled out by race in the criminal code for special consideration. The courts consider their mitigating factors in the same way as any other offender, as I described earlier.

If our goal is to achieve the equality of all people, how can we justify race specific sanctions under the criminal law? Can we reasonably expect tolerance and respect when some offenders based solely on their racial origin are singled out for less punitive sanctions than offenders of all other racial origins, all other things, including circumstances of the offence being equal?

Imagine for one moment the well deserved hue and cry if we were to legislate the opposite, that individuals of one race be singled out for more punitive sanctions than all others.

● (1725)

I would like to quote Gail Sparrow, a former chief of the Musqueam Band in British Columbia. She was commenting on a case in which two Musqueam youths, one of whom was already on probation, were given conditional sentences for their involvement in a severe beating in Vancouver that put 17 year old Joel Libin into a coma and left him brain damaged.

Former Chief Sparrow said:

> The message for younger kids now is, "Hey, they got off, and I can get off too, because there's a special law for us". You're going to put the community at risk.

She went on to say that the sentences have left the Musqueam community angry:

> The undercurrent here is that people are afraid to speak up because of the repercussions. They're asking, "Why do we have a separate set of laws for us? Now my son will go and beat somebody up and think it's no big thing because it's home arrest". A lot of people didn't support that action. They're very upset.

Before some of my colleagues begin falling all over themselves to label me as a racist, anti-Indian and anything else that they can think of for opposing this amendment, I would remind them that the words I have just quoted were spoken by a former chief.

I oppose this amendment because it allows the criminal law to treat one specific group of people differently from all others based solely on their racial origin and nothing else. That is wrong.

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance): Mr. Speaker, I had the privilege to administer the Juvenile Delinquents Act and the Young Offenders Act in the community.

The point I want to make is the government has particularly failed to deliver on its promise to provide the social resources. When a young offender is being processed through court and being given a sentence, there is not the backup of sharing with the province to provide an appropriate social solution for offenders.

What is my colleague's experience in his community about the consequences of the Liberal government failing to deliver on its promises for funding under the current youth legislation?

Mr. Chuck Cadman: Mr. Speaker, I do not think it has only affected my community. I certainly know what the problems are in the constituency of Surrey North and the city of Surrey. They are monumental. The costs of implementing and driving the youth justice system have risen. The funding is not there, but that is the case all across Canada. We heard from other members. I know our senior critic, the member for Provencher, has had personal experience of this, being a former attorney general. He has actually seen the problems. We have heard our colleague from Pictou—Antigonish—Guysborough refer to this.

Funding is the bottom line. It is easy for the Liberal government to offload it on the provinces and tell everybody what they should do, but it is not backing it up with the proper funding and resources.

● (1730)

[*Translation*]

The Acting Speaker (Mr. Bélair): It being 5.30 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[*Translation*]

SIR JOHN A. MACDONALD DAY AND SIR WILFRID LAURIER DAY ACT

The House proceeded to the consideration of Bill S-14, an act respecting Sir John A. Macdonald Day and Sir Wilfrid Laurier Day, as reported (without amendment) from the committee.

Mr. John Godfrey (Don Valley West, Lib.) moved that the bill be concurred in at report stage.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

Some hon. members: On division.

(Motion agreed to)

The Acting Speaker (Mr. Bélair): When shall the bill be read a third time? By leave, now?

Some hon. members: Agreed.

[*English*]

Mr. John Godfrey moved that the bill be read the third time and passed.

He said: Mr. Speaker, the perils of fame. This is the second time I have had the privilege to speak to the bill. I thought today I would locate our intention of passing a bill to honour the birthdays of Sir Wilfrid Laurier and Sir John A. Macdonald in the context of where we find ourselves as a country on this day, in the same month by the way in which Sir John A. was born so many years ago.

Ever since September 11 I think all of us in Canada have been reflecting more soberly and more thoughtfully on the nature of sovereignty, specifically our sovereignty.

What does it mean to be a sovereign country? In some ways sovereignty is the very reason that countries exist.

[*Translation*]

It is indeed their purpose.

[*English*]

Countries do not just come into being by accident and they do not survive by accident. They come into being as purposeful creations. They come into being as the product of intention and they maintain themselves purposefully and with intention.

What is significant about the two men whom the bill would honour is the thoughtfulness, intention and purpose they had in conceiving of Canada and, equally important, the action that was inspired by that intention and that purpose, because purpose by itself and intention by itself will lead to nothing. We must have intentional action.

In his book *Reflections of a Siamese Twin*, John Ralston Saul speaks of the history of Canada as a series of what he calls great "strategic acts", great decisions taken by the population as a whole, in that we want to change things, we want to be something.

Another way of describing these great strategic acts are national projects.

● (1735)

[*Translation*]

In French, this is called "projet de société".

[*English*]

These projects are something in which the whole of society is consciously and purposefully dedicated to some common end and some common goal. Surely the act of Confederation itself is the greatest of all strategic acts, which brings me, of course, to the principal author of Confederation in 1867, Sir John A. Macdonald. In the great book which Donald Creighton wrote about Macdonald, he describes the context of Canada. He says that Macdonald used to think of Canada as a problem in isolation. Here is what Creighton says:

> All too frequently the problem of governing a united yet divided province had been inextricably and yet distractingly connected with other puzzles—with the questions of western expansion, interprovincial union and external defence. In the past these complications had been intermittent; but now, as a result of the American Civil War, they threatened to become continuous. The peaceful relations between England and Canada on the one hand and the United States on the other might be endangered now at any moment and for years to come. The war might end in a division of the original republic and the independence of the Confederacy. It might end in a political turmoil throughout the entire continent, which would render meaningless all the old divisions and boundaries. These obvious threats to the independence and separateness, to the very existence, of British North America were a main consideration in the minds of Macdonald and his contemporaries; but there were other and more subtle ways in which the war [the civil war] influenced their speculations. It brought up for re-examination the whole question of political unions in general and federal unions in particular. It raised the still more fundamental problem of the validity of the democratic and republican form of government.

It is important to note, as Creighton says, that:

> Macdonald approached these matters with little prejudice against the United States and with a good deal of respect for the American character and American political experience.

However, as he said himself in 1861:

> It is the policy of the government to try to secure the union of the lower provinces of New Brunswick and Nova Scotia and perhaps Newfoundland, but when unhappily we see the fratricidal strife which rages across the line, we must take advantage of the faults and defects in their constitution. We must take care that we will not, like them, have a weak central government. We must have local governments for local purposes only, and not run the risk in this country, which we see on the other side of the frontier, of one part of the country destroying the other part.

So what we see is that events in the United States, the American civil war, created an environment in which it became necessary to create the Dominion of Canada to protect ourselves and our unique way of life in this country. This was the great vision of Macdonald, which came of course in a time of war, not completely unlike our own.

Macdonald saw Canada, as I think all of us do these days, as an alternative model of life in North America, an alternative vision, not a hostile one but one which draws its inspiration not only from the south but from the east and the west and indeed the north.

Macdonald, in his last election address, said the following in 1891, long after he had founded Canada:

> But if it should happen that we should be absorbed in the United States, the name of Canada would literally be forgotten; we should have the State of Ontario, the State of Quebec, the State of Nova Scotia and the State of New Brunswick. Every one of the provinces would be a state, but where is the grand, the glorious name of Canada? All I can say is that not with me, or not by the action of my friends, or not by the action of the people of Canada, will such a disaster come upon us.

● (1740)

Macdonald reminds us of the importance of attending to our sovereignty, of not taking Canada for granted, of not assuming that it will go on without change, without dedication, without transition and without the great strategic acts of which he spoke.

It was the creation of the Dominion of Canada that set the context for what were then some of Macdonald's greatest national projects. Two, of course, are outstanding. The national policy of the 1870s attempted a radical reorientation of the economic map by stressing the east-west connections in our country to try to offset the north-south pull. How current that sounds in the context of our trading relationship with the United States. How important to remember the offsets, the reorientation of the direction.

In the 1880s it was Macdonald and his government that ultimately brought about the creation of the trans-Canada railway, CPR, during our own small war, during the Metis rebellion. That was a great national project. It took the resources of an entire small, young country to build this mighty connecting link, the CPR.

Of course the story does not end there; it continued with Laurier. That is why it is so appropriate to honour both men when we do this: because it is a two part invention, if you like, Canada. Laurier brought with him another dimension, another aspect.

[*Translation*]

Laurier is the one who put more emphasis on the development of Canada in the west. His vision was the settlement of the prairies and the creation of two new provinces during the 20th century.

Laurier also had a new way of doing, looking at, and talking about things, a new model for Canada to succeed. Before him, Canada's image was mainly British. Laurier revealed a new face of Canada, and Canada is now a diverse country.

[*English*]

Bill S-14, this bill to honour these two great creators' birthdays, these two great initiators of Canadian sovereignty, these two men who should continue to inspire us in our time in the 21st century, reminds us of why we honour great men. It is not simply out of some kind of archaism. It is not some sort of historical nice thing to do. It is because they remind us of who we are as a people and of what our country is and, more important, of what our country can be. Think of the changes they themselves brought about to create the country we now call Canada. Let us find in their work the inspiration to be creators in our time of great strategic acts, of great national projects, to meet the challenges of our time to justify the existence of an independent and sovereign Canada.

As Laurier said about Macdonald after his death in 1891, and as we might well say of Laurier:

> His loss overwhelms us. [Macdonald's place in history] was so large and so absorbing that it is almost impossible to conceive that the politics of this country—the fate of this country—will continue without him.

Writes Laurier LaPierre “This was not the time for political partisanship; rather, it was the time to sink all differences” and, as he quotes Laurier, it was a time to:

> —remember only the great services he has performed for his country—to remember that his actions displayed unbounded fertility of resources, a high level of intellectual conception, and, above all, a far-reaching vision beyond the events of the day, and still higher, permeating the whole, a long road of patriotism, a devotion to Canada's welfare, Canada's advancement, and Canada's glory.

Mr. Jim Abbott (Kootenay—Columbia, Canadian Alliance): Mr. Speaker, it gives me a great deal of pleasure to speak to the bill. It is an important bill because it speaks to the history. I agree with my colleague that it also speaks to who we are.

I have done some research on the bill as it has come to the House many times. I have taken a look at the speeches of some of my colleagues, past and present, and recognize that there have been some very eloquent speeches. I believe the vast majority of members of the House across party lines are in favour of the bill because they have a larger vision of Canada, what it is, what it could be and what it should be.

I can understand the chagrin of the members of the Bloc Quebecois and I can understand its smaller vision of Canada because they do not see Canada as I and many of my colleagues in the House do.

There is a battle in Canada, a battle that ebbs and flows, for the larger vision of Canada and truly the Canadian Alliance and I represent that larger vision. There is also a battle about remembering our predecessors in the political realm because we become so partisan in debate.

As we look at honouring these two founding gentlemen of our country, it is understandable that we look at them through the prism of 100 years of history and what it has shown us about their vision. In the case of Macdonald it certainly is a 100 years and not quite in the case of Laurier.

It is important too that we not set today's standard of enlightenment against some of their specific pronouncements. I know some people who have a larger vision of Canada have been somewhat critical of some specific pronouncements, particularly those of Sir John A. because to put it mildly, he was very pithy.

I have some of his quotes. For example, as we know he enjoyed some liquor a lot of times. This is one of his cuter quotes. He said:

> Would you move away please your breath smells terrible...it smells like water.

He also had some rather pithy ways of looking at situations. For example, he said:

> A compliment is a statement of an agreeable truth; flattery is a statement of an agreeable untruth.

He also was very straightforward in his reaction with respect to the English and the French, similar to what we are faced with today. He said:

> Let us be English or let us be French, but above all let us be Canadians.

Sir John A. was my guy kind of guy.

Senator A.R. Dickey of Amherst, New Brunswick, was in conversation with Macdonald. Dickey said:

> No, I am still a Conservative and I shall support you whenever I think you are right.

Sir John A. said:

> That is no satisfaction. Anybody may support me when I am right. What I want is a man that will support me when I'm wrong.

He had a very simple way with words. For example, here is another quote from 1872. He said:

> Confederation is only yet the gristle, and it will require five years more before it hardens into bone.

Perhaps he was thinking forward to some of the commentators on the political situation in Canada today, and I say this with a little chagrin because it is not purely complimentary to the opposition, but in 1869 he said:

> Given a Government with a big surplus, and a big majority and a weak Opposition, you could debauch a committee of archangels.

He certainly had a way with words but his way with words was interesting in that it was so concise, so pithy and so earthy.

One of our former prime ministers, Mr. Borden, said of Sir Wilfrid Laurier the following:

> Looking dimly it may be through the mists I can even now discern the future greatness which I am sure will place this Canada of ours not only in the fore-front of the nations of the Empire, but in the fore-front of the nations of the world. This is our dearest wish, the wish cherished with equal fondness by Sir Wilfrid Laurier and myself with regard to the country which we are proud to assist in developing, and to whose future I am sure every loyal Canadian looks forward as hopefully and as devoutly as we do ourselves.

● (1745)

Sir Wilfrid Laurier in 1910 said:

> The more I advance in life—and I am no longer a young man—the more I thank Providence that my birth took place in this fair land of Canada. Canada has been modest in its history, although its history has been heroic in many ways. But its history, in my estimation, is only commencing. It is commencing in this century. The nineteenth century was the century of the United States. I think we can claim that it is Canada that shall fill the twentieth century. I cannot hope that I shall see much of the development which the future has in store for my country, but whenever my eyes shall close to the light it is my wish—nay, it is my hope—that they close upon a Canada united in all its elements, united in every particular, every element cherishing the tradition of its past, and all uniting in cherishing still more hope for the future.

Sir Wilfrid Laurier by contrast to Sir John A. was the more flamboyant and the more eloquent, yet both of them clearly had a total, absolute commitment to our great nation.

Before I use this last quote, I want to make a particular point about the larger vision that both men had. We have a tendency, and perhaps I have a tendency, of looking at the smaller vision. For example, who does have a vision of today? When we talk about a vision, we have to ensure that our vision for the politics of today is not that we set the bar so low that it is a foot under the ground.

We have debates about our finances. We have debates about criminal justice reform. We have debates about health. I suggest with respect that those are debates of a slightly smaller vision. The larger vision is how we govern ourselves, whether we will become involved in a true reform of this institution and whether we will become involved in a Senate reform.

We can do that if we individually and collectively work together, look at our history and realize what the larger vision was of the great people in our history. We must be very careful not to get away from that larger vision.

I quote from a speech delivered by Prime Minister Sir John A. Macdonald in reply to allegations concerning the Pacific railway charter. This was a point of tremendous pressure for Sir John A. This was one of the finest speeches he made and I would like to put it on record. He said:

> But sir, I commit myself, the government commits itself, to the hands of this house; and far beyond the house, it commits itself to the country at large. We have fought the battle of confederation. We have fought the battle of union. We have had party strife setting province against province; and more than all, we have had in the greatest province, the preponderating province of the Dominion, every prejudice and sectional feeling that could be arrayed against us. I have been the victim of that conduct to a great extent; but I have fought the battle of confederation, the battle of union, the battle of the Dominion of Canada. I throw myself upon this house; I throw myself upon this country; I throw myself upon posterity; and I believe that I know, that, notwithstanding the many failings in my life, I shall have the voice of this country, and this house, rallying around me. And, sir, if I am mistaken in that, I shall confidently appeal to a higher court—to the court of my own conscience, and to the court of posterity. I leave it with this house with every confidence. I am equal to either fortune. I can see past the decision of this House, either for or against me; but whether it be for or against me, I know—and this is no vain boast for me to say so, for even my enemies will admit that I am no boaster—that there does not exist in Canada a man who has given more of his time, more of his heart, more of his wealth or more of his intellect and power, such as they may be, for the good of this Dominion of Canada.

It is fitting that the House, these members, vote in favour of honouring these two gentlemen.

● (1750)

[*Translation*]

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, as I rise today to address the bill respecting Sir John A. Macdonald and Sir Wilfrid Laurier Day, I realize that, unfortunately, history is repeating itself, and this is not always for the better. Today we had a concrete example of what an elected representative from Quebec can do to further his political career in this Canadian parliament.

It is rather strange that a Liberal member of parliament would even consider tabling this bill in the House of Commons when two of his colleagues, the Minister of Intergovernmental Affairs and the Minister of Canadian Heritage, are unable to give their support to the Bloc Quebecois and to recognize the historical, sociological, cultural, social and humanitarian importance of the deportation of the Acadians.

We in the Bloc Quebecois were not afraid to point out that serious mistake, because we are not afraid to learn from history. The hon. member for Verchères—Les-Patriotes knows about this. Being himself an Acadian, he sponsored a bill to recognize the wrongs done to the Acadians. And what did the Liberal government members say? They said that it was the past and that we should not look back too far in history.

Today, we are asked to expressly recognize Sir John A. Macdonald and Sir Wilfrid Laurier's often roundabout way of doing things by designating an annual commemorative day to honour them. I strongly object to this. There are all kinds of reasons why it would not make sense for us, Bloc Quebecois members, to support this bill. Its very wording states that one of the reasons to commemorate the birth of Wilfrid Laurier is that he was a fervent promoter of national unity. What national unity are we talking about? We are talking about Canadian unity.

In the name of this sacrosanct national unity, they would have us believe that there is only one culture, only one way of defining ourselves as a people. This so-called national unity is the main obstacle to the full and harmonious development of Quebec. If, for our friends opposite, national unity is synonymous with preserving the existing federal system, this is not the Bloc Quebecois' objective.

National unity, as presented by too many members of this House, actually impedes Quebec's development. It is a waste of time and energy. But beyond our constitutional views, there are many reasons why the federal parliament should not commemorate the birth of these two historical figures.

First, we must avoid the pitfall of an official and politically oriented history and not let the Canadian government use history for political ends.

Who would be in charge of the pompous and tedious celebrations of these Sir Wilfrid Laurier and Sir John A. Macdonald days if not Canadian Heritage? Who else but this department, which ensures that everything it lays its hands on sends out a message of "Canadian" unity? There is more than one nation in Canada; there are in fact three. There is not one single Canadian history to recognize and to teach, but rather three national histories.

Le livre noir du Canada anglais by a Quebec author now well known, is very revealing in that regard. Each version of history emphasizes different aspects of the events and characters. Is that not meaningful? As evidence of this, on the same day we celebrate our gracious Queen on one side of the river and Dollard des Ormeaux on the other.

It is obvious that what unites us as a nation is not necessarily something that can unite the other nation. Yes, history is repeating itself. Will the things that history remembers about Sir Wilfrid Laurier, for example, be different according to the perceptions each nation has of this so-called national unity?

When a newly sworn minister from Quebec rushes to play down the widely expressed aspirations of Quebecers and refuses to recognize the distinct character of the Quebec nation in fields like the exemplary and inspiring Young Offenders Act, it is cause for concern.

● (1755)

This is a fine example of the actions of a disciple of Laurier. What entitles him to reject Quebec's expertise on young offenders? In another 100 years, will they be calling in this House for a day to commemorate the accomplishments of this young minister, with his aspirations of a brilliant future within this government? Will the bill that commemorates his political involvement reflect what Quebec wants?

Let us consider Confederation, which this bill claims is the great accomplishment of Sir John A. Macdonald. Everyone knows Macdonald would have preferred a legislative union that would have made Canada a unitary state. Consequently, he made sure the Canadian federation was a highly centralized one. In fact, like Macdonald, SIr Wilfrid Laurier rallied around the federal idea, as opposed to the confederal, which was how it was being passed off in order to attract the maritime provinces and to win over the strong misgivings of Quebec.

Besides, in spite of promises to the contrary, the British North America Act was never the subject of a referendum. Even though Quebecers supported Macdonald's party in the September 1867 election, it cannot be inferred that they had ratified his vision of Canada. Regardless of the truth, the newspaper *La Minerve*, a tool of propaganda—there was propaganda in those days too; it has been going a long time—had portrayed the partners in the Confederation as sovereign states delegating some of their rights and powers to a so-called central government.

What an appealing concept is a partnership between sovereign states. That is what Quebecers thought they had embarked upon. They had been deluded before and they were deluded once again by pre-referendum declarations of love coming from some parts of English Canada, declarations which, for that matter, were recently denounced by a *Toronto Star* journalist.

That journalist, a tireless and competent worker, Robert Mackenzie, had to take early retirement because, in a country that is said to enjoy such appealing freedom of the press, he had dared to say what he thought about the Toronto daily's political involvement in the great love-in demonstration held by English Canada in Montreal and because he had denounced the caricature of Bernard Landry that had been published in the Toronto daily where he was shown dressed up as bin Laden.

Clearly, in this great country, boastfully described by some as being the most tolerant on earth, there is still a lot of petty mindedness. It is certainly not Sir Wilfrid Laurier we should look to as a model for us. He was elected to defend the rights and interests of French Canadians, then once he was far away from his constituents, he turned around and praised the virtues of integration and unity to the detriment of the interests of his own people.

We saw yet another example of this today in the new Minister of Justice, a minister who hails from Quebec but who does not understand the aspirations of Quebecers. They want to honour the memory of these great Canadians from sea to sea by dedicating a day to them.

The Bloc Quebecois cannot support this. We cannot agree to this bill, but it is up to others to celebrate what they will.

● (1800)

[*English*]

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, I am pleased to join in the debate on the bill to recognize Macdonald and Laurier.

Colleagues of mine in the New Democratic Party caucus have stated that there is a need within Canada and within Canadian schools to encourage more respect both for the work a number of Canadians have done over the years and for Canadians in general. There is nothing wrong with being proud of who we are, the accomplishments we have made and our place in the world. We have done a fine job.

Macdonald and Laurier were instrumental in creating the Canada we know today, as were a lot other great men and women. Stanley Knowles, Tommy Douglas and Lester B. Pearson have all been credible politicians in their own right, people with social consciences who worked to improve our country and make it the Canada we so proudly speak of.

Last year or the year before, I brought forth a motion to have a Stanley Knowles day although it was deemed not votable. From my perspective no other individual committed himself so truly to Canada as we know it and to improving the lives of everyday people in our country.

I hope this is just a start. Should the bill pass I hope it is just the start of us taking the time to recognize great Canadians from the past. Because of our ties to American TV and radio stations we often hear in Canada about Martin Luther King Jr., the Kennedys, President's Day and numerous other days. Children in Canada often hear more about them than about Canadians who committed themselves to bettering our country.

It has been commented that there has been a failure in our school system to accurately reflect or teach Canadian history. For a number of years school textbooks reflected our country's origins from the British and Commonwealth aspect. We learned a lot about that and about other countries but not about Canada.

As someone who loved Canadian history and tried to read as much of it as I could, the books I read in school never told me the true story about Louis Riel. I never knew the true story about Macdonald's part in the Riel rebellion or the restrictions on the Metis people of Canada. I never knew Riel was an elected official who was denied his right to speak for the people he represented. I learned it from my own children's school books when they were studying it a number of years later. I thought we had come a long way and made real steps but I still do not think our history books accurately reflect what we should be teaching children in Canada.

I am from Manitoba and was born in Saskatchewan. Of crucial importance to our two provinces but also to the rest of Canada were the treaties. Just as important as the Treaty of Utrecht and British North America Act were Treaty No. 5, Treaty No. 3 and Treaty No. 1 which we signed with our first nations people and which have a direct impact on the people in our communities. I am happy that at least some first nation communities are getting more of the background of these treaties. However it is crucially important that we teach students throughout the country the implications of all the treaties because they are equally important.

I am pleased the bill has been put forward. I hope it passes because it is a recognition that there is much to be proud of in Canada. I might have differences with some of the things Macdonald and Laurier did, but I recognize that we are here today as a country because of the efforts of these two men and others. I hope we continue taking time to show respect for the great Canadians who have been instrumental in making our country the nation it is today.

● (1805)

Mrs. Elsie Wayne (Saint John, PC/DR): Madam Speaker, as a representative in the House of Commons of Canada's first incorporated city by royal charter it is truly an honour and a privilege for me to stand here this evening and welcome an opportunity to make an intervention at this last stage of the bill.

I hope the House will be willing to expedite passage of the bill today. Bill S-14 is about giving Canadians an excuse or an opportunity to learn more about their history.

When I was mayor of the city of Saint John I was asked by the prime minister of the day to sit on a committee known as the Citizens Forum on Canada's Future. I was asked to travel all across the nation to look at Canada as a whole and see how we could promote a united Canada.

What the hon. member from the NDP has said is what I found out at the time. It was a great shock, particularly when I went out west. Young people there did not know anything about New Brunswick, Nova Scotia, P.E.I. or Newfoundland. They did not know a lot about Quebec. It was a learning experience for me.

Bill S-14 is about giving Canadians an excuse or an opportunity to learn more about their history. Our story is a great one yet for many of our citizens it remains untold and unknown. We have more tools for learning and communication than at any time in human history, yet people today know less about the Canadian story than did the people of a generation ago.

Earlier this month the *Globe and Mail* began publishing an interesting series of articles written by our living prime ministers about other prime ministers. My leader the right hon. member for Calgary Centre has written about Prime Minister Diefenbaker with whom he worked and sat in the House. It was a great column that offered personal insight and a perspective of history.

● (1810)

Last saturday Brian Mulroney wrote about Sir Robert Borden, but it is the first in the series that I want to make reference to in this debate.

John Turner wrote about Sir John A. Macdonald on January 12. His central theme was that we should do more to commemorate Macdonald. He would go further than the bill. He wanted us to make January 11 a holiday to celebrate a national hero and he does make a strong case.

I urge hon. members to read John Turner's article in full because it is eloquently expressed and well reasoned. In support of his thesis he quotes the speech given on the death of Macdonald by the other prime minister referenced in the bill, Sir Wilfrid Laurier. He stated in the House of Commons:

> As to his statesmanship, it is written in the history of Canada. It may be said without any exaggeration whatever, that the life of Sir John Macdonald, from the time he entered Parliament, is the history of Canada.

The right hon. John Turner on Macdonald stated:

> Britain will never forget her Cromwell, her Pitt and her Disraeli. The hero whose name we add to our list of immortals, John Alexander Macdonald, had much of the force of an Oliver Cromwell, some of the compacting and conciliating tact of a William Pitt, the sagacity of a William Gladstone, and some of the shrewdness of a Benjamin Disraeli. To read the biography of John Alexander Macdonald is, essentially, to read a "New World biography".

The bill does not create a holiday. That may disappoint some, including Mr. Turner, but it does designate January 11 and November 20 as days to carry respectively the names of Macdonald and Laurier. That would give the Government of Canada, particularly the department of heritage as well as our schools and our media, opportunities to tell the great stories of these two great men and in doing so to make better known the story of this great nation of ours. Heritage Canada has a particular duty to protect our national patrimony but it is not alone.

I want to mention the fine work that is done at the Diefenbaker Centre in Saskatoon. Mr. Speaker, lest you think I am straying from the topic, I hasten to point out that the centre holds a number of items relating to Sir John A., including a very handsome desk. The Diefenbaker Centre contains a replica of the cabinet room and makes a part of these very parliament buildings accessible to young people in a way that is not available here in Ottawa.

Like many bodies that depend on endowments and income from interest on investments, the centre has been hard hit at this time by low interest rates. This is an important historical and political depository for all of Canada. I encourage the Heritage minister to take a personal look at the funding available to the Diefenbaker Centre. It is the final resting place for John and Olive Diefenbaker and it is an important part of the University of Saskatchewan. As we consider ways to commemorate our history, I urge the government to take an initiative to review the funding for the Diefenbaker Centre before valuable artifacts are lost.

Hon. members may think that I have gone off topic, but there is a link and it is a personal one. My cousin Gordon Fairweather was a member of the Diefenbaker government. John Diefenbaker met Sir Wilfrid Laurier. The most famous incident of a young John Diefenbaker selling a newspaper to Sir Wilfrid is commemorated by a charming statue in Saskatoon. John Diefenbaker met Sir Wilfrid and Sir Wilfrid met Sir John A. I hope that keeps me within the requirements of the relevancy rule in discussing the important work of the Diefenbaker Centre in Saskatoon.

Let me say a few words about Sir Wilfrid Laurier. He was a man who in his youth was a patriotic son of Quebec. He ended his long life with an international reputation as a son of the new Canada.

● (1815)

Professor Desmond Morton gave a charming three page note in support of the bill to the Standing Committee on Social Affairs, Science and Technology in the other place last April 25. I commend that document to the House. Professor Morton provides us with fascinating reasons to learn more about these two leaders. They were men of the dream that is Canada. He stated:

> I will say this, that we are all Canadians. Below the Island of Montreal, the water that comes from the north, from the Ottawa, unites with the waters that comes from the western lakes, but uniting they do not mix. There they run parallel, separate, distinguishable, and yet are one stream, flowing within the same banks, the mighty St. Lawrence and rolling on toward the sea, bearing the commerce of a nation upon its bosom—a perfect image of our nation. We may not assimilate, we may not blend, but for all that, we are still the component parts of the same country.

Sir Wilfrid has elegantly given us a daily reminder of the nature of our country as we look out on the waters of the Ottawa River from Parliament Hill. We have much to learn from Macdonald and Laurier. The bill, as Professor Morton stated, allows us to "find a little time each year to learn from their experiences."

We need to find ways to tell our story to our children and our grandchildren. Canadian history is more than the legends of politics or of government. By marking the anniversaries of Macdonald and Laurier we would go some way to highlight the history of Canada. There can never be a stated approved version of our history, but the state can facilitate the learning of its history. The bill would help do that.

I ask the House to support the passage of Bill S-14 and I thank the hon. member for bringing it forward.

Mr. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I rise to strongly support the official recognition of Sir John A. Macdonald Day and Sir Wilfrid Laurier Day.

I want to address the first half of my speech to the school children of Yukon. Other members may find it interesting because nothing I will say today has been said before in the House of Commons or in the other place in this debate.

Some might say that Macdonald and Laurier are obscure historical figures, irrelevant to the 21st century agenda of Canadians. Others might say it is odd for a member from Yukon to support a day in their honour because Yukon was not even created when Sir John A. Macdonald died, or a few years later when Sir Wilfrid Laurier became Prime Minister.

However I believe that these two creative and constructive statesmen made enormous contributions to Canada, contributions that Canadians can see and value every day, even or especially in a place like Yukon, so relatively recent and so far from the original heartland of Confederation.

When this important gesture of honouring Macdonald and Laurier was mentioned to a Yukon immigrant, that is, one from abroad and not from what we Yukoners like to call the "outside", she was astonished that Canada did not already recognize the seminal contributions of these two great figures. She had learned so much about them as she prepared to become a Canadian citizen, and assumed we had already given them this honour.

Let us consider a few of the decisive effects that Sir John A. Macdonald had on Yukon, effects that we feel to this day.

First, in 1871, he acquired Rupert's Land for Canada, a vast and largely uncharted territory that contained what we Yukoners today call our home.

Second, he created the Northwest Mounted Police in 1873. The Northwest Mounted Police and its successor, the RCMP, have played a glorious role in Yukon's history, ensuring that Yukon's early history was characterized by quiet and orderly development, not the chaos, mayhem and bloodshed that our friends in Alaska experienced all too often. Indeed, what image could be more Canadian than the Northwest Mounted Police constable with his dog team, bringing order and good government to the farthest reaches of Yukon?

Third, and most importantly, without Sir John's vision of Canada there would be no Yukon as we know it today. His grand concept of a transcontinental Canada created a strong and dynamic country, one that provided the political and economic structure that has allowed Yukon to develop into the unique and vibrant community it is today.

Sir John A. Macdonald bought the land, then Sir Wilfrid Laurier laid the foundations for Yukon over his four terms as prime minister and his impressive 45 years in the House of Commons.

In 1898, his Yukon Act created the Yukon Territory as a separate entity, as I noted on its anniversary in the House last June 13. The Yukon Act still serves as Yukon's constitution, with amendments such as the historic measures on devolution that I introduced last December in the House of Commons.

In 1898, Laurier created the Yukon field force, one of the first Canadian military forces, to assert Canadian sovereignty and add some military muscle to the Northwest Mounted Police. Today Alaskans are our great friends but at the time Yukoners appreciated having a line of Laurier's troopers with their new fangled machine guns guarding the passes to protect us from the notorious terrors like Soapy Smith and the Alaskan judge who went wrong, Arthur Noyes.

Laurier also presided over the tangled border dispute between Canada and Alaska. Any Canadian enjoying a hike in the Coastal Mountains on the west coast of Canada can thank Laurier's determination that much of this beautiful area is now Canadian.

Of course, we did not succeed in getting all the things that we thought were fair, but the shortcomings of imperial diplomacy were not Laurier's fault. In fact, he took the opportunity created by the Alaskan border controversy to take further concrete steps to define a foreign policy for Canada independent of England, something we are all proud of today.

Both Sir John A. and Sir Wilfrid Laurier fought great battles with those outside Canada for our independence and our freedom. Sir John A. Macdonald and Sir Wilfrid Laurier are not misty historical figures to Yukoners. Our laws and our customs and even the shape of our land are ours thanks to them.

● (1820)

I heartily support the bill and commend my colleague and mentor from Don Valley West for bringing it forward. I would like to thank the Yukon students for listening to this part of their history which is dedicated to them.

I say to my fellow Canadians, gens du pays, that what we have here are two great founders of our nation: one who tied this great land together with a ribbon of steel and the other who held it together with the persuasiveness of his silver tongued oratory.

[*Translation*]

And it is the progeny of that orator that gives me great pleasure in the House of Commons today: as I listen to the great, passionate speeches of my colleagues from Quebec from all sides of the House.

I implore my colleagues to not vote against this great spirit of Quebec by voting against this bill; do not vote against les Québécois, les Canadiens, by rejecting a favourite son, a boy from the village of Saint-Lin who became an orator of unparalleled eloquence in the history of this nation.

[*English*]

It has been said that we should support these two great leaders because they encapsulated much of what was Canada in four boxes: French, English, Protestant and Catholic.

However that is not what we celebrate. We celebrate that these two great men became larger than life by expanding and breaking the bounds of these boxes. They realized that Canada was far greater than the two provinces that they came from, Ontario and Quebec, far greater than two languages, far greater than two religions. It is the many cultures starting with the first nations, the many languages and the many religions which provide the diversity and the strength that make Canada the greatest nation in the world.

In closing, I personally would like to celebrate our two founders. Since they finished their work far too many women in the world have died in childbirth. My mother did not die in childbirth. Since they wove our colourful cultures together into the shimmering fabric of our nation far too many people in the world have starved to death. We did not starve to death.

Since they joined our great peoples with respect far too many children in the world have died for lack of medicine or vaccinations. That was not our fate. Since they made the great sacrifices they did to hold the nation together thousands of children around the world have died in conflict over language or religion but not in the land of Laurier and Macdonald.

In the land of Laurier and Macdonald a boy from a family without too many resources and whose grandparents came from the old country could be bestowed the great privilege of being one of 301 people to represent the greatest nation on earth.

● (1825)

[*Translation*]

Sir John A. Macdonald, Sir Wifrid Laurier, I remember.

[*English*]

Mr. Bryon Wilfert (Oak Ridges, Lib.): Mr. Speaker, in 1998 I had the privilege of putting forth Bill C-369 and Bill C-370 on this very subject. Unfortunately at that time it was deemed not a votable motion although I had the support of colleagues from other parties.

We can do nothing more important than recognize and promote our history. Two great Canadians, Sir John A. Macdonald and Sir Wilfrid Laurier, were both nation builders.

It is said that those who do not learn from history are doomed to repeat it. Clearly at the present time there is a lack of understanding and a lack of knowledge of the history of the country. In four provinces Canadian history is not a mandatory course in high school. By recognizing Laurier and Macdonald we are recognizing and promoting for Canadians a sense of who we are as a nation.

We live in an era when our children have little appreciation for our roots. Professor Granatstein in his work *Who Killed Canadian History* comments on the fact that the knowledge of the country is fast disappearing. We have a very rich and a very powerful history. As a former educator who used to teach Canadian history I believe very strongly that these two days of recognition are essential.

We are one of the few countries in the world that does not recognize the contributions of its founders or those who helped to contribute to the nation: Sir John A . Macdonald's great vision of building the country from sea to sea, Laurier's great vision of expanding the country, and the great immigration drive that came in the late 1890s and 1900s to western Canada.

We have precedents. We have other days of recognition such as National Flag Day on February 15 and National Aboriginal Day on June 21. We have built educational programs around them so that Canadians can appreciate their history.

It is extremely important that we pass the bill to honour not just these two men but to make a statement as parliamentarians of our belief in and support for our history. We will be judged by not only what we do about issues today but by how we treat and respect our past.

I realize that my time is short but I hope on another occasion to have an opportunity to speak at some length to the significant contributions of these two great Canadians.

● (1830)

[*Translation*]

The Acting Speaker (Mr. Bélair): The time provided for the consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedence on the order paper.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

NATIONAL SECURITY

Ms. Val Meredith (South Surrey—White Rock—Langley, PC/DR): Mr. Speaker, since September 11 the Canada-U.S. border has undergone a significant transition. Immediately after the terrorist attacks in New York City and Washington the U.S. customs service went into to its alert level 1, the highest level of security concern, and has remained there ever since.

This level of alert has resulted in lengthy lineups at border crossings across the continent. The two crossings in my constituency have been hit particularly hard. Southbound delays at the Peace Arch crossing have reached four hours, which had been previously the maximum delay during the peak summer hours.

The only reason these delays have not been even longer is that the level of cross-border traffic has been significantly reduced. In addition, the delays were shortened because American border agencies transferred personnel from the southern border to the northern border to add additional personnel. However in late December the United States customs service moved these people back to the southern border before they could be replaced by new employees or the national guard.

Things have not been any easier for the commercial traffic which is responsible for transporting all our exports down to the United States on which 80% of our economy is dependent.

With lengthy lineups at peak times they have missed deadlines, have had delayed deliveries and the occasional auto plant has shut down when the just in time deliveries have not made it at the necessary time.

While things have stabilized this has been in part due to two negative factors: the economic slowdown and the softwood lumber industry dispute which have resulted in significantly reduced traffic crossing the borders at the west coast.

Over the past four months various members of the government opposite have participated in numerous photo ops, signed a number of agreements and made countless proclamations about co-operation at the border. However there has not been one significant tangible result at the border as far as the lineups are concerned.

In its December budget the government announced a total of $1.2 billion in border initiatives, split almost equally between border security and facilitation and border infrastructure. It sounds great but when it is realized that this amount is over five years the actual annual increase is only $240 million a year.

Even prior to September 11 there was a need for massive infrastructure improvements at our border crossings. The government talks about expediting low risk travellers, but unless these individuals are provided with dedicated commuter lanes which allow them to forgo the long four hour lineups the program is useless, especially at the busiest crossings in Ontario that have bridges.

When we talk of the money that is to be allocated, what is needed is for one initiative that will separate low risk, pre-cleared travellers from cargo and others that need to be looked at more carefully.

I ask the parliamentary secretary when the government will have an initiative in place to expedite the cross-border travel of low risk, pre-cleared travellers.

● (1835)

Ms. Sophia Leung (Parliamentary Secretary to the Minister of National Revenue, Lib.): Mr. Speaker, the government understands the importance of trade and travel flowing freely across the Canada-U.S. border. We must ensure key industries in the Canadian economy continue to flourish in these difficult times.

As my hon. colleague knows, we have a dual mandate to ensure the safety and security of Canadians while keeping trade and travel moving across the border. She has indicated this repeatedly. There are some like her who have expressed concern about the volume of traffic at our major border crossings. That is why we have made a significant investment in border security and operations.

Last June we spent $11.5 million on additional contraband detection technology.

In October 2001 the Minister of National Revenue announced an investment of $11.9 million for new equipment and another $9 million for hiring additional customs inspectors.

In the December 2001 budget announcement $433 million was approved to enable the CCRA to ensure travel and trade are not impeded by the security Canadians expect.

In April 2000 we launched our customs action plan which outlined initiatives dedicated to improve border management.

In Bill S-23 we introduced amendments to the Customs Act that would give customs officers the authority to better carry out their duties.

The CCRA is dedicated to strengthening the programs we have and developing new ones so low risk businesses and travellers experience minimal delays at the border. We already have programs in place which streamline the movement of low risk highway travellers. Programs such as Nexus and Canpass allow pre-screened individuals to cross the border without speaking to a customs officer every time. Programs like these allow us to focus our energies on those who may pose a higher risk when crossing the border.

The key to our future programs is the pre-approval of low risk people and goods. Programs like customs self-assessment for businesses and the expedited passenger processing system for low risk air travellers will allow customs officers to make informed decisions prior to the arrival of goods and people. This will make it easier to facilitate the movement of legitimate travellers and goods and will allow customs officers to focus on areas that present a higher security risk. We are also exploring options for further joint initiatives like Nexus with U.S. border agencies.

The CCRA knows there is work to be done to improve border management. We are striving to provide Canadians with the best service possible. That is why we have made these investments in security and it is why we are working toward improvements.

Ms. Val Meredith: Mr. Speaker, it is quite clear to Canadians that the commitment the federal government has put into border security is not enough. It is clear that the Americans are putting national security at the top of their agenda. The president made that clear in his state of the union address last night. They will be putting billions of dollars into border security.

Americans have always been willing to co-operate with Canadians when we put initiatives on the table. They have shown this in the past with the free trade agreements and many other agreements like the Great Lakes Agreement. When Canadians put initiatives on the table the Americans are more than willing to consider co-operating with us.

Can the minister's representative tell us if the government will be proactive? The government has not shown that it will be proactive. Will it be proactive and put something on the table so the Americans have something on which they can co-operate with us, or will we be led into a program by the Americans without participating or being part of the planning?

Will the government consider the proposal put on the table by the coalition on November 1, a proposal which is proactive and would set up a program for getting pre-cleared travellers freely into the United States without having to sit in four, five or ten hour lineups?

● (1840)

Ms. Sophia Leung: Mr. Speaker, last month I attended a bi-national border seminar in Seattle where we met with our U.S. counterpart Senator Cantwell. I was one of the key speakers with her.

After the discussions I am pleased to announce that Canadian border management is way ahead of that of the U.S. We have legislation and funding and are setting up new programs. The U.S. is still working on legislation and its funding and programs are not there.

I am pleased to inform my colleagues that we are doing our best and are doing very well.

[*Translation*]

The Acting Speaker (Mr. Bélair): The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 6.42 p.m.)

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