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OFFICIAL REPORT
(HANSARD)

Thursday, January 31, 2002

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Thursday, January 31, 2002

The House met at 10 a.m.

Prayers

● (1000)

[*English*]

The Speaker: The Chair has notice of a question of privilege. I recognize first the hon. member for Portage—Lisgar.

* * *

PRIVILEGE

MINISTER OF NATIONAL DEFENCE

Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance): Mr. Speaker, I rise today under the provisions of Standing Order 48. I regret that I must bring this matter to your attention today.

It has been demonstrated that the Minister of National Defence has deliberately misled the House. *Hansard* has recorded his misleading statement. The Canadian Broadcasting Corporation has picked up the admission of that misleading statement while the minister was scrummed outside the House after question period yesterday. I have that tape, Mr. Speaker, and I will submit it to you.

The minister has not apologized to the House for his misleading statements nor has he made any attempt to clear the record in this place. I view this conduct to be inconsistent with the standards that the House and the public expect from its members. Accordingly, the Minister of National Defence is in contempt of the House.

On Tuesday, January 29, 2002, the Minister of National Defence, in response to a question in the House, stated that he learned about the involvement of Canadian troops taking prisoners in Afghanistan on Friday, January 25, 2002. The minister said at that time:

> Mr. Speaker, I first became aware of the possibility on Friday. It required further examination to determine whether in fact Canadians were involved. I informed the Prime Minister and my colleagues in cabinet this morning to that effect.

Yesterday, in response to a follow up question, the minister said, and I quote:

> Mr. Speaker, I was first informed about the detention of prisoners and the mission within 24 hours of when it actually occurred.

Mr. Speaker, if the minister knew within 24 hours, then the minister learned of the incident on Monday, January 21 or, at the latest, on Tuesday, January 22.

After question period, during the scrum outside the Chamber, the minister admitted that he indeed misled the House. He said that he regretted giving the House false information. As I said earlier, I have the tape and can make it available.

On page 111 of the 22nd edition of Erskine May it states:

> The Commons may treat the making of a deliberately misleading statement as a contempt.

On page 141 of the 19th edition of Erskine May it states:

> Conspiracy to deceive either House or any committees of either House will also be treated as a breach of privilege.

At page 234 of the second edition of Joseph Maingot's *Parliamentary Privilege in Canada*, it explains that in order for the Speaker to find a prima facie case in a matter involving a deliberate misleading statement, there must be "an admission by someone in authority, such as a minister of the crown or an officer of a department".

Mr. Speaker, we have two contradictory statements by the minister recorded in *Hansard.* One was made on Tuesday, January 29 and one was made on Wednesday, January 30. We have videotape showing the minister admitting to misleading the House in regard to these statements.

The evidence that I have presented is prima facie. The records of the House as well as the video records of the media confirm that the minister knowingly misled the House.

Mr. Speaker, if you find this to be a prima facie question of privilege, I am prepared to move the appropriate motion.

● (1005)

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR): Mr. Speaker, I rise in support of my friend on this question of privilege. I believe you will find that there is ample evidence before the House that in the vernacular there has been a clear departure from accuracy and precision in matters of grave importance that have come before the House.

In a time of war members on behalf of their constituent Canadians have a right to expect clear and concise information from ministers of the government. I would argue that in all matters the truth should be laid bare before the House. Surely there are times when the country might accept that for the protection of life and limb certain information must be kept secret, but this is not the case in this instance.

We have before us an after the fact reporting of events in a way that is inconsistent and contradictory. This leaves doubts in the minds of many including perhaps and more important, I would argue, members of our military at a time when they require and rightly fully demand unfettered laser precision instructions and interpretation from their government and from the minister.

This involves neither ignorance nor maladministration. It involves a deliberate passing of misinformation to members of the House of Commons. My friend has recited the facts as they appear in *Hansard*.

I will review them. On Tuesday we had the minister of defence clearly indicating in response to a question from the Bloc Quebecois when he first knew of the taking of prisoners by Canadian troops. As reported in *Hansard*:

> Mr. Speaker, I first became aware of the possibility on Friday.

That was January 25.

> It required further examination to determine whether in fact Canadians were involved. I informed the Prime Minister and my colleagues in cabinet this morning to that effect.

Yesterday, Wednesday—

The Speaker: Order, please. We do not need to go through all the facts several times here. We have heard them from the hon. member for Portage—Lisgar.

I would appreciate it if the hon. member for Pictou—Antigonish—Guysborough would add anything new to what has been stated on this point, but I do not think we need to go through the whole thing two or three times.

I have heard the offending statements. If he has something else that he felt was offensive, I would be happy to hear it and any argument he may have on those facts; but having heard them, I do not think we need them repeated.

Mr. Peter MacKay: Mr. Speaker, with respect to precedent I also refer the Chair, again with respect to the trust that ministers should have in information placed before them, to *The Question of Confidence in Responsible Government* by Eugene Forsey and G. C. Eglington. I am sure the Chair is familiar with this publication. It was used extensively by the McGrath commission. At page 19 it reads:

> The cornerstone of our constitution is the Sovereign whose government is carried on in Her several realms.

It goes on further to say:

> —government is a trust which the Sovereign discharges; it is a trust that cannot be thrown up or ignored in some nihilistic whim.

In the same publication, speaking of responsibilities of ministers, the authors write:

> It entails frankness and openness with the sovereign or her personal representative and a proper respect for the royal or vice regal right to warn and advise.

This pertains directly to the information that members of parliament should expect in all statements and information passed by ministers to the House of Commons.

The Chair would surely be familiar with the phrase that trust is the coin of the realm. In all frankness I would submit that based on the behaviour of the minister of defence the House cannot trust the minister. The chief of defence staff cannot trust the minister.

In Erskine May, 22nd edition, under the section of misconduct of members of the House or officers it states at page 111:

> The Commons may treat the making of a deliberately misleading statement as a contempt. In 1963 the House resolved that in making a personal statement which contained words which he later admitted not to be true, a former Member had been guilty of a grave contempt.

I encourage the Chair to take into the context of this matter not only the statements that were made in the House but statements that were made in the foyer just outside the House in referencing this entire matter.

Finally, I refer to Beauchesne's *Parliamentary Rules & Forms*, sixth edition. At page 25 under section 92, interfering with members, it states:

> A valid claim of privilege in respect to interference with a Member must relate to the Member's parliamentary duties—

I would suggest in the strongest possible terms that members of the House of Commons must be able to rely on the information they receive in response to questions placed to ministers. This goes to the very cut and thrust of the responsibilities of members of the House of Commons. A high standard has to be met and that standard has not been met by the minister of defence.

In support of my colleague from Portage—Lisgar, I am sure the Chair will want to examine the matter with the gravest seriousness. I encourage you, Mr. Speaker, to find that there has been a breach of privilege and refer this matter to the Standing Committee on Procedure and House Affairs.

● (1010)

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, I totally agree with the reasons stated by my two colleagues. I would say that I might feel more concerned than anybody else because the answers that were provided to me on Tuesday did not reflect the reality, according to the minister's own statement a few hours and a few days later and according to the Prime Minister's answers.

However, Mr. Speaker, so that we can get to the bottom of this sad affair and sad behaviour, I am asking you to delay your ruling for a few days so that we can question, here in the House, all the people involved in this matter. Our duty is to determine what went on. Right now, I am not at all convinced that the minister is the only one who misled the House. I wonder whether the minister was the only one who acted wrongly, consciously and deliberately, or rather whether he was not acting like someone protecting others.

Is he the only one responsible for this ludicrous situation or is he being a good trooper, covering for others? This is what we have to determine.

I find that not only the minister's answers but also those of the Prime Minister seem wrong. They do not seem to reflect reality. I feel that there is a cover-up here, and that is disturbing.

I respectfully ask you to consider the good reasons stated by my two colleagues but also to delay your ruling so that we can continue to question the minister and those who were in collusion with him in this matter.

● (1015)

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, I would like to raise a point which was omitted but which is quite important, I think.

[*English*]

According to Marleau and Montpetit at page 433, generally in a case such as this one:

> —the Speaker has ruled that the matter is a disagreement among Members over the facts surrounding the issue. As such, these matters are more a question of debate and do not constitute a breach of the rules or of privilege.

It cites rulings of March 4, 1988; February 12, 1992; March 27, 1992; and October 6, 1994.

However this case is different. It is not a case of disagreement. The facts are that the minister told the House he knew on Friday that the Canadian forces were involved in arrests in Afghanistan. The fact is that he has since told the House that he actually knew last Monday.

[*Translation*]

This is becoming a question of privilege that differs totally from the situation where some members think one way and other members think another. The facts are there.

Mr. Speaker, I think it is your responsibility to look into this and to hand down a ruling on the issue. I join with my colleagues in requesting that this problem be referred to the Standing Committee on Procedure and House Affairs to have it dealt with.

Furthermore, I ask the minister to give the House and the committee all documents pertaining to this matter, so that all the facts can be considered.

Right Hon. Joe Clark (Calgary Centre, PC/DR): Mr. Speaker, as the *Bloc québécois* leader said, other ministers could be implicated in this matter. The House must look into this. However, the situation is clear: Friday, the Minister of National Defence said one thing in the House and, later on, he said another thing altogether. It is obvious that he was not telling the truth in the House.

However, our country is facing very unusual and exceptional circumstances. We are involved in an armed conflict. Canadian troops are now in Afghanistan. They have to be able to rely on the support of a minister who is both strong and in command here at home. However, they cannot trust the current minister. He waited eight days to tell anyone that Canadian troops had captured some prisoners.

Our troops must know that the information concerning to their activities is in fact transmitted to senior members of government, since the knowledge—

The Speaker: Order, please. I am seeking help with the point of procedure now before the House concerning the connection between the Canadian Forces and the minister. It is not important for the point of procedure being discussed today.

I trust the hon. member will discuss only this point of procedure, and nothing else. If he has something more to say on this score, I will hear him.

Right Hon. Joe Clark: Mr. Speaker, I totally accept your instructions. However, I would like to raise the following point. What we have here is a situation where our troops are engaged in a conflict where they are at risk. This situation is absolutely abnormal for the House of Commons.

The House of Commons should always be able to count on the whole truth on the part of a minister. However, in time of crisis, it is all the more important. That is all I wanted to add to the debate at this time.

[*English*]

The Speaker: I think I have heard enough on this matter. I listened to the right hon. member because he is a former minister. Every party has had an opportunity to say something except the minister. I think it is time to hear the minister.

Is there some additional information on this? Very briefly, the hon. member for Lakeland.

● (1020)

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, it is important to point out the gravity of the situation and the way it has cast negative aspersions on our troops. Today is a day we should be congratulating the JTF2 for the great work they have done for the country. Instead we have this fiasco.

The Speaker: I am trying to deal with the procedural point. I think we are ready to hear from the minister on this now.

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, let me first of all say that at no time have I intended to mislead the House. I have the highest respect for the House and its members and I have always operated in a very straightforward fashion.

The question I answered on Tuesday from the Leader of the Bloc Quebecois I answered in the context of a photograph I had seen on Friday for the first time. When I saw the photograph for the first time I did not connect it with a briefing I had received the previous Monday and the operation our troops had been involved in the day before.

I do receive daily briefings on a number of matters. I was in Mexico City on that day on a bilateral visit with our counterparts in the Mexican government. I was briefed on that occasion. I did not instantly go to phone the Prime Minister. He and I had discussed the matter the week before at a joint meeting of the foreign affairs and SCONDVA committees. We had discussed it in terms of the policy issue and how we would conduct ourselves should we get into a situation involving the taking of prisoners. It is based on the longstanding procedure of following international and Canadian law and the turning over of troops to our allies, in this case the United States, as I clearly indicated when I appeared before the foreign affairs and defence committees.

Furthermore, I waited until I returned home to seek further clarity on a number of aspects of this. There was at the same time a growing controversy about how the United States was handling the prisoners and determining their status. I returned home on Thursday night to Ottawa. On Friday afternoon for the first time I saw a photograph which at first I thought was not connected to what I had been briefed on earlier in the week. Subsequently in discussions with the chief of defence staff and deputy chief of defence staff I learned it was indeed connected. I want to make it clear that they have been absolutely excellent in their briefing of me and in providing me the information in a timely and concise fashion.

Subsequently through further discussion with them I realized there was a connection between the photograph and the briefing on Monday. However the photograph brought to me a new clarity and understanding about the mission they had briefed me on previously, so when I got up in the House and responded to the matter on Friday I believed I was seeing something that was new and in a different context from the briefing I had received earlier in the week.

It was in that light that I gave the answer I did on Tuesday to the question from the leader of the Bloc Quebecois. Subsequently on Wednesday I made it quite clear that I had received appropriate briefings from the chief of defence staff the previous week.

Again, at no time did I intend to mislead the House. I was answering with what I believed to be the correct information, and I will continue to conduct myself in that fashion in the House.

The Speaker: There are two members rising. I am prepared to take this matter under advisement and consider it. I do not want to get into an argument here. I want to hear only something on procedure if that is what is coming up. Otherwise I am not going to hear any more.

The hon. member for Laurier—Sainte-Marie.

[*Translation*]

Mr. Gilles Duceppe: Mr. Speaker, the minister did not speak about procedure; he spoke about the answer he gave me Tuesday, a wrong answer.

The Speaker: The minister answered in connection with the process raised in the House by the hon. members for Portage—Lisgar and Pictou—Antigonish—Guysborough.

It is important that he be allowed to defend himself against allegations made by other members. That is all he did. But now is not the time to give answers on that. I ask hon. members to stick to the point of procedure.

● (1025)

Mr. Gilles Duceppe: Mr. Speaker, as an element of procedure, and also to provide clarification for your ruling, as the minister has I imagine, I will just point out that I made no mention whatsoever in the question I asked of any photo.

In order to provide the context as the minister has done, I too was in Mexico when the minister was there. He was surrounded by key members of his military staff, discussing continental defence in light of the September 11 events. Even with the slight jet lag from the time difference between Mexico and here, I was capable of differentiating in my question between a matter of fact and a photograph.

In order to put things clearly in context, I would point out to the Chair that there was a special debate Monday night. The minister was aware of all these facts and had had several days to reflect on his memory lapse. So, he either deliberately misled the House or he is totally clueless, and whichever is the case, these are not ministerial qualities.

[*English*]

Mr. Leon Benoit: Mr. Speaker, I want you to have the full information before you make a decision on the issue. I would like some clarification from the minister with respect to his comments. What does seeing the photographs have to do with the whole issue, other than that is what caused him to get caught in his deception?

Can the minister explain it? I do not understand and I am sure Canadians do not understand.

The Speaker: It is not a question period. This is a procedural argument. While I know we would like to ask questions of one another at this time, I am not sure it is entirely appropriate.

The time has come for me to take this matter under advisement. We have heard the arguments on both sides. I will get back to the House in due course. I thank in particular the hon. member for Portage—Lisgar and the hon. member for Pictou—Antigonish—Guysborough for their interventions.

[*Translation*]

I would also like to thank the hon. members for Laurier—Sainte-Marie, Acadie—Bathurst and Lakeland, as well as the minister. I appreciate all of the comments and will get back to the House shortly on this matter.

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 seven petitions.

* * *

CREDIT CARD CHARGE ADJUSTMENT ACT

Mr. Ted White (North Vancouver, Canadian Alliance) moved for leave to introduce Bill C-427, an act respecting the adjustment of credit card charges in cases where goods or services are not supplied or are defective.

He said: Mr. Speaker, in the United States it is law that when a credit card company signs on a new merchant it is deemed to be a contract with the merchant that shares in the profits of the corporation. The credit card company takes a commission for every sale the company makes. That means that in the United States under the law if the company providing the service fails to deliver, the credit card company has a responsibility to help get the money back for the credit card customer. That law does not exist in Canada.

If implemented, my private member's bill would create an even playing field in Canada by making our law compatible with that of the United States. If companies failed to deliver on goods and services that had been charged to a credit card, the credit card company would have some responsibility in regaining redress and a refund.

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

* * *

● (1030)

[*Translation*]

COMMITTEES OF THE HOUSE

HUMAN RESOURCES DEVELOPMENT

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ) moved:

That the third report of the Standing Committee on Human Resources Development and the Status of Persons with Disabilities, tabled on Thursday, May 31, 2001, be concurred in.

He said: Mr. Speaker, I thank you for giving me this opportunity to address this motion. It should be remembered that during the campaign leading to the general election in the fall of 2000, everyone had stressed the need for a thorough reform of the employment insurance program, to give it a human side, a side that would truly reflect its objectives as a social safety net, so as to allow people who are out of work to have sufficient income to find another job through the plan.

Accordingly, the Standing Committee on Human Resources Development and the Status of Persons with Disabilities prepared a unanimous report in which it proposed 17 changes to the employment insurance program. It is important to point out that members of parliament had decided, following the mandate given to them by voters, that it was necessary to propose these changes.

The committee that tabled this unanimous report included members from all parties, in particular Liberal members, who were sending a very clear message to the government on the need to make changes to the employment insurance program.

These members included, for example, the member for Peterborough, the member for Shefford, in Quebec, the members for Whitby—Ajax, Egmont, in Prince Edward Island, Winnipeg South Centre, York South—Weston, and also members like the hon. member for Madawaska—Restigouche, whose riding is adjacent to mine but in New Brunswick and who is also facing a very difficult situation on this issue. There was also the member for Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok who, throughout the election campaign, kept saying "I will work very hard to bring about changes to the employment insurance program; if no changes are made, I will have to disown my government". He has yet to do so. I believe that all these people acted in good faith when they proposed these unanimous changes to the employment insurance program.

Unfortunately, in the fall, after the regulatory period of 150 days, the minister decided to dismiss out of hand all these recommendations. They no longer included anything that was necessary or worthwhile, even though, as we know, the employment insurance fund has generated surpluses of some $40 billion since the Liberals took office.

As a matter of fact, we have had annual surpluses of $6 billion in the last four or five years, while some people have been starving because they have not been getting benefits long enough to survive until they get a new job. In my region alone, out of 17,000 people who get benefits, 3,500 exhaust their benefits.

This means that, for a certain period, they will receive no benefits at all. They will either have to apply for welfare, or withdraw the money they have in a RRSP or other investments, or, even worse, have no income and try to live on loans from friends. This is unacceptable because there are often families involved and those in this predicament are often most in need of these benefits.

This is the situation we are in. Members did understand the issue, but the minister's role is to do whatever she is told by the Minister of Finance. Her role is to gather in as much money as she can for the government. This is how the people opposite fought the deficit. They paid down the debt with the extra $5 or $6 billion a year they stole from the unemployed.

Now that we have surpluses, the only ones who are not getting any return on their investment in the fight against the deficit are the unemployed and those who contribute to EI, that is employees and employers. The government does not contribute a single penny to the plan. That has to be made abundantly clear.

The report contained, for example, a recommendation to eliminate discrimination against younger people. At present, in Canada, young workers must have worked 910 hours to be eligible for employment insurance benefits. However, in regions with a high rate of unemployment, claimants are required to have accumulated only 420 hours of work to be eligible.

As a consequence, young workers are leaving the regions for large urban centres. We are losing workers who were trained in our regions, people who went to school and acquired professional training, especially in areas like tourism and natural resources.

There is a skills drain because, to be eligible for benefits, young workers must have accumulated 910 hours of work. Worse, most of them never become eligible. Some 75% of unemployed young people who have paid unemployment insurance premiums never receive benefits.

● (1035)

When we meet young people and tell them about this, they utter one single word: robbery.

If a private insurance company were to act that way, its clients would soon leave it and the company would go bankrupt. Why are we faced with the present situation? Because people who pay premiums do not control the system.

Older workers find themselves in the same kind of situation. We had a good example of this last fall, when people from the Trois-Rivières area came to demonstrate. These men and women aged between 50 and 60, who worked for three different companies, said they had paid premiums all their lives and now found themselves unable to claim employment insurance benefits long enough to bridge the gap until they became eligible to benefits from the Régie des rentes du Québec and old age security because the employment insurance system is inadequate.

Let us remember that there used to be a program to help older workers. It has not been around since 1997. It was the Liberals who put an end to the program which made this fund possible. We did not necessarily want the exact same program, but all the members on the committee unanimously said "These are clients for whom we must find solutions. They are human beings, people who have contributed to society, people who, in many cases, have worked for companies for 20, 25 or 30 years. They were very competent in their respective fields, but now they do not necessarily have what it takes to be able to work in another sector. They no longer necessarily have the physical strength required".

It is all very fine and well to have job retraining programs, but we are not necessarily going to turn a sawmill worker into a computer technician tomorrow, let alone in two or three years. This forces them to do things which they find very difficult, such as enrolling in courses solely to be able to continue receiving benefits, when they know very well that they will not be able to finish the course and find a job.

We have also noticed that, in our society, young people and older workers are less well organized. Getting organized seems to be much easier when it comes to trusts. It seems to be much easier when it comes to tax evasion. There are people who manage very nicely in these areas and the way has been left open for them to continue to do so.

But the screws have been tightened when it comes to the EI program. There are more stringent eligibility criteria, fewer benefit weeks and the end result is what we see. The EI program is not fulfilling its primary role as a social safety net, providing people with an income when they lose their job to tide them over until they find another.

Seasonal workers face the same situation. It is perhaps the worst in their case, at least in my region. We all know about the current difficulties in the softwood lumber industry. Yesterday, for example, we heard that there had been a 15% increase in the number of people applying for EI in all regions of Quebec, primarily because of the softwood lumber situation, but also because of the aftermath of September 11.

As a result, our seasonal workers are now in a situation where they are no longer able to receive their benefit cheques within a reasonable timeframe

Imagine what it would be like if we, as members of parliament, did not receive our paycheque, or if we received it two weeks late. What would the consequences be? How would we react?

When people' s income is between $250 and $300 a week in EI benefits, and this money is taken away from them, it means that their rent money and their grocery money is taken away. And that is not the grocery money for next week either, that is the grocery money for the week at hand. This is happening to people all over Quebec. I am sure that it is the same thing in British Colombia too, because they are experiencing the same crisis in the softwood lumber industry, but with an even more severe impact.

As a result of the government's ineptness, of its inefficiency and because of the fact that the minister was unable to take the steps to predict this increase in applications, it is not the minister who is being deprived of her cheque, but the people in the regions, and this is completely unacceptable.

We had proposed permanent solutions to these problems. It was something on which all members of the House agreed. I think that it needs to be repeated each time. It was not only the Bloc Quebecois' position five years ago, and that of the NDP at that time, or the Conservatives or the Canadian Alliance, but it was also shared by the Liberals on the committee. It took quite some time to come up with this consensus. We even made compromises in order to be sure that the minister would be able to follow up on our recommendations.

All of that to wind up being told by the Liberals "No, we will not be following any of the recommendations tomorrow morning. We will not consider any of it".

The best answer from the government is in response to the self-employed. In our report it states that 16% of workers are self-employed. These workers have not had any security for a long time. It would be possible to create a program for the self-employed. It could be set up on a voluntary basis in order to reach them, the way we reach fishers, for example.

● (1040)

In the government's response, the minister—she has been a minister for many years, and the government has been aware of the situation of self-employed workers for many years—said "There are indeed 16% of self-employed workers. We will have to look into that. We will ask the committee to look into that matter again in the future". If this is not laughing at people, I wonder what is.

It was decided that people should not qualify. In the end, if they did, it would make it easier for women to qualify for the federal government parental insurance plan, but it is not the case now. This means that many people are afforded much less protection and that has a detrimental effect on the general working conditions.

We have to realize that the Canadian government's position is based on directions received from the IMF and others. We still have documents from last fall in which we can read "Well done Canada, you are tightening things up. Keep up the good work. And above all, do not expand the EI plan". If at all possible, these people are even further from the real world than the federal government. They do not cut wood or fish for a living; they are not the ones we depend on to feed people and build homes. These people are above all that. They have what they call an economic approach. But economic approaches do not feed people.

We have a responsibility for the distribution of wealth but the present government does not do anything in that regard. It scores a big zero in the fight against poverty. It cannot even use its main tool, employment insurance, to ensure an even distribution of the collective wealth despite the fact that members unanimously said that something had to be done. But no, it remains unequivocally closed.

There was a cabinet shuffle. Many ministerial posts changed hands. In my opinion, two ministers should have been changed: the Minister of Human Resources Development and the Minister of Finance. The Minister of Human Resources Development, because she is unable to convince her colleague of the need for a relevant social net and of the possibility to use the EI system to that end; and the Minister of Finance, because his reputation rests on the back of the unemployed, of those who contribute to EI.

Look at how much of the debt was paid back these last few years and look at the surplus in the EI fund. Paradoxically, these amounts are practically identical.

The system is very regressive. If we make $50,000 a year, our contribution is calculated on $39,000, but if we make $28,000, it is calculated on the full amount of our salary. In other words, low earners contribute on a 100% basis to the funding of the system, and their contributions are used as a regressive tax by the government, while those who do not pay any EI premiums—and there are all kinds of people in this situation, including members of parliament—have nothing to do with the funding of the system.

In this regard, the system is unfair. If it is to be used as a payroll tax, all citizens should pay a contribution calculated on 100% of their salary. Then, there would be some critics saying that the system is not so good after all. Members raised all these issues in the unanimous report.

I would also like to raise the issue of parental leave. Quebec has created an excellent program of parental leave which covers all pregnant women who stop working, not only those who contribute to the employment insurance plan, and this, in a more flexible way than the federal program. This Quebec proposal is praised throughout Canada. The minister responsible in Quebec introduced it to the other provincial ministers and they thought it was an excellent program, an excellent plan.

What is missing is the federal government's agreement to contribute its share so that Quebec can put its program in place. This is not complicated, and the law even provides that, if an employer or a province puts an equivalent program in place, the federal government must contribute its share.

But as soon as our good minister decided that federal visibility should be promoted, he decided that the federal government would implement a Canada-wide plan of 52 weeks. Some women would prefer to take a leave at 70% or 75% of their salary for 40 weeks, instead of 52 weeks at 55%. Particularly for low wage earners, 55% of their salary does not represent a high amount. At $7 an hour in Quebec, and less in other provinces, this does not feed the family. At least, if they received 70%, even for fewer weeks, this would allow them to do a number of things.

● (1045)

This program is an integral part of the Quebec government's family policy, which includes daycare for $5 a day. Yet the federal government has not been able to take these recommendations into consideration, even if all members of this House were willing to support parental leave.

I would like to conclude my presentation by repeating that we are experiencing difficult economic times at present. Is the recession going to end or not? There is one very clear manifestation of the situation: 15% more applications for EI in the regions of Quebec. The situation is probably the same in other regions involved with softwood lumber.

This means that, over the coming months, a number of people will start receiving EI benefits. In this period of particular need we have more surplus funds being generated within the EI fund. If this is not scandalous, it is not far from it.

In times of austerity, when hard times put demands on a program that is supposed to be a safety net, an unacceptable amount of surplus is going to continue to build up, and this too I feel is wrong. I think that here, as in other instances "something is rotten in the state of Denmark".

Action must be taken to remedy the situation. This is why I hope that today, in connection with this motion, the hon. members I have listed, and particularly those representing the Maritimes and resource regions—including the Liberals—will rise up to say "Yes, the report did make a lot of sense and the House of Commons ought to send a clear message to the government".

All committee members from all parties agreed these changes were appropriate. The government has decided not to follow up on the recommendations.

What would be needed is a clear position to be taken by all members of the House of Commons saying "We are going to support our colleagues on the committee; we are going to pass the message on again to the government but this time it will be even stronger, even more forceful. We will say that yes, our colleagues were right; yes, during the election campaign we were given the mandate to correct the employment insurance system. We have heeded what our constituents told us, and today it is not only the Standing Committee on Human Resources Development that is calling unanimously for this report to be concurred in, it is the entire House".

If the members opposite and the members of all the other parties here in the House do not do this, I think that we will have failed to act on a clear and logical mandate. If anyone voted in favour of the unanimous report in committee and does not want the report approved, there is a problem. Something happened. Person were convinced by their constituents that changes were needed but, as time went on, they allowed themselves to be persuaded by their government that it was no longer acceptable and desirable.

Nor must we forget that the economic downturn has also been making itself felt in the central regions since the events of September 11. Right now, many people are unhappy with the delays. We are also hearing from the Coalition sur l'assurance-emploi du Bas-Saint-Laurent, from the Gaspé, the North Shore, Lac-Saint-Jean, and from people in New Brunswick, who are saying "If need be, we will come to Ottawa in the spring and tell them that this is ridiculous. When our benefits have run out, we will be good and mad and we will tell the people who told us they would change the legislation that that is what they must do, or pay the political price in the next election".

Two weeks ago, the Minister of Human Resources Development came to Rivière-du-Loup. She announced two programs which were interesting but very limited in terms of those who could benefit by increasing their number of weeks of benefits.

During the press conference, a seasonal worker from the area said "Madam Minister, last year, I benefited from a program like that for four or five weeks. This year, the program does not exist. Can you not come up with a decent permanent solution so that I, as a seasonal worker who works very hard, might be able to have enough money coming in throughout my period of unemployment to be able to provide for my family?"

What members need to decide today is whether or not they will adopt this report.

● (1050)

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, I would like to congratulate my colleague who proposed the motion for concurrence in the report. I agree with him and all the members. He is committed to the cause of workers in Quebec and he is also aware of the situation in New Brunswick.

I would like to add a comment. This situation is not restricted to Quebec and New Brunswick, it exists all across Canada as I have often said. Whether it happens in Vancouver, the Gaspé Peninsula or the Acadian Peninsula, an employee losing his or her job is a person without employment and income.

I would like my colleague to tell us, from a Canada-wide perspective, what he thinks of the fact that the government made cuts to a federal program where it has accumulated surpluses, something it brags about, at the expense of workers who have lost their jobs. The minister even acted against the recommendations of the committee itself and of the Liberal committee members, who were in favour of the report.

What is the member's opinion about what the minister has done?

Mr. Paul Crête: Mr. Speaker, I agree with the comments made by my colleague, and I would like to provide him with an example.

People who work all of the time and never experience any periods of unemployment may forget that there are people who are unemployed. We are living in difficult times. People in the airline industry have become unemployed. All of a sudden they have realized what that means, that in the end, they will receive benefits for 35, 40 or a maximum of 45 weeks, when they have been contributing for 10, 12 or 15 years.

They have also realized just how much this misappropriation of the EI fund we have been talking about will have an impact on them. They have realized that they were making contributions for a program that, instead of being put toward benefits, were being used to eliminate the government's deficit. This is happening across Canada.

What angers people the most, generally in all parts of the population, is that the $42.8 billion surplus, which the EI fund will have accumulated by year's end from employers' and employees' contributions, will not be put toward the EI program. What is even worse is that the government could have predicted this recession. It did not, and it spent all of this money.

So who is paying the price for this mistake today? Not the federal government, but the people who contributed to the program and who need this money during this recessionary period. It is appalling and it is unacceptable.

We lowered taxes.

An hon. member: For those who are the most fortunate.

Mr. Paul Crête: Many people with higher incomes received significant tax breaks, yet they never contributed to EI. Others, who earned less, did not get such generous tax breaks. Often, they do not make enough to pay taxes.

Their contribution to the fight against the deficit should be a better employment insurance program, and that is why this report must be concurred in.

[*English*]

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I listened with great interest to what the member had to say. I was a member of the standing committee on human resources development when this report was passed. As he said, it was a unanimous report.

I noticed that he mentioned the surplus. So did my colleague from the NDP. He also mentioned a figure, a 15% increase, I think, in demand for employment insurance and I think he said that was in the region of Quebec alone in recent times.

My question is a factual one. I was very supportive of the extension of parental leave to 12 months. It was a very important and appropriate step for Canada at this time. I wondered if the 15% increase he mentioned included the increase in expenditures because of the much greater parental leave or whether the 15% simply represents more people who are on EI.

● (1055)

[*Translation*]

Mr. Paul Crête: Mr. Speaker, I am pleased with the member's speech, because he is one of those who signed the report. I hope that, when my time is up, he will have the opportunity to rise so that the debate can continue. I also hope that we will not find that the government whip or a government member wants the debate to stop there and have the House revert to the orders of the day. I encourage him to make this point.

I would also like to add that the 15% increase that has been recorded does not come from the increase in maternal leave. In our province, we have not noted a sudden increase in the birth rate. Our problem comes from the softwood lumber crisis. We all agree that we must defeat the Americans in this regard.

However, we must stand by our workers, because there are companies that are losing money, and this is very serious. Furthermore, some workers are not earning as much as usual and they will be entitled to fewer weeks of benefits. Our society must stand by them and provide them with an adequate income during this period, which is not the case at present.

The government is asking everyone to stand up to the Americans, whose behaviour on this issue is unacceptable. But while the government is doing this, it should also tell them that when they lose their job, they will at least be entitled a decent income while they are unemployed.

Last fall, we made demands to that effect. We asked that the number of weeks of benefits be increased in the affected regions. This was dismissed out of hand by the Minister of Human Resources Development. At the same time, the Minister for International Trade is asking us to support his position and provincial governments are doing the same. The government should make a minimum contribution by guaranteeing an adequate income to these people.

The 15% increase in EI claims is due to the economic downturn, to the softwood lumber crisis and to the fact that tourism has greatly decreased. Moreover, the winter is very mild and this adds to all the other factors. In December, many people visited employment centres.

The minister knew since September 11 that there would be an impact. She knew for a long time that the softwood lumber crisis was about to resurface. Yet, she did not provide enough additional resources at the appropriate time to allow people to get their employment insurance cheque on time and cover their expenses. It was her responsibility to do so but, in this regard as in many others, she seems insensitive.

The minister's behaviour, including her response to our report and her not following up on the demands, of the unemployed shows that she is not capable of understanding reality, as it is experienced by the unemployed, and that, in the end, she is the puppet of the Minister of Finance who, in the meantime, is pocketing the money.

[*English*]

Mr. Greg Thompson (New Brunswick Southwest, PC/DR): Mr. Speaker, this debate is very timely, I appreciate it and I congratulate the member for bringing this before the House.

I am concerned about the double standard at HRDC. This does relate to the employment insurance program. I will try to point this out in as short a time as I can. I see a double standard in the way unemployed workers are treated compared to chief executive officers of the country.

I need only go back to a year or so ago when we had the billion dollar debacle at HRDC. We remember that missing billion dollars that the minister could not account for. We can argue on what the real number was, but the fact of the matter is that not one chief executive officer from any company was ever brought before the minister or her tribunal to determine how those moneys were spent. Yet we see that meanspirited sort of interrogation used by the commission against workers who qualify for employment insurance benefits when it is determining whether or not workers are eligible.

In other words, officials are using heavy handed, almost brutal techniques against the unemployed of the country to basically deny them benefits. I want the member to comment on that. I know it is happening in New Brunswick. I am wondering whether or not it is happening in other parts of the country, specifically the province of Quebec.

● (1100)

[*Translation*]

Mr. Paul Crête: Mr. Speaker, as a matter of fact I believe that cases like the ones denounced by the hon. member can be found all over Canada. It is perhaps for that reason that members in committee unanimously supported important amendments to the report.

I believe that the time has come for concerned members of the Liberal majority to rise to express their opinion and tell the government that the position they took was a reasonable one and that they stand by it.

The hon. member for Shefford, the hon. member for Bonaventure —Gaspé—Îles-de-la-Madeleine—Pabok, the hon. member for Madawaska—Restigouche, who is my neighbour in New Brunswick, and other members who sit on the committee and all those who represent areas having a high rate of unemployment or facing a recession are invited to rise. I invite hon. members to show courage so that we may continue the debate and adopt the report.

Ms. Pauline Picard (Drummond, BQ): Mr. Speaker, I wish to congratulate my colleague for giving us all that information. I know that since 1993 he has defended workers and the unemployed. I believe it is honourable to have a man of his calibre in a party.

As we know, in his last budget the finance minister did not hesitate to once again dip into the EI fund surplus to finance all kinds of programs, including an infrastructure program. He did that despite reprimands from the general auditor and critics of the Bloc Québécois and other opposition parties. As we know, the surplus will reach $42.8 billion and the minister has no intention of turning it into an independent fund.

I would like to know what the hon. member thinks about what the finance minister did.

Mr. Paul Crête: Mr. Speaker, this question goes to the substance of the issue.

All the problems with the EI fund will disappear the day we have an independent fund under the control of employers and employees, those who contribute to the plan. We will have a future when all contributions are set according to the needs of the plan.

I see that many Liberal members want to take the floor. Now is the time to do so. I urge all Quebec members in the House to speak up, just as they did during the election campaign. I am thinking here of the immigration minister, and of a former minister, Mr. Gagliano, who is no longer here, and of all the other members. They asked for changes to the employment insurance plan. Even the Prime Minister mentioned these changes. They should have a bit of courage and ask the House to concur in this unanimous report.

[*English*]

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I move:

That the House do now proceed to orders of the day.

[*Translation*]

The Deputy Speaker: The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Deputy Speaker: Call in the members.

* * *

● (1145)

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

(Division No. 219)

YEAS

Members

Adams
Alcock
Anderson (Victoria)
Assad
Assadourian
Augustine
Bagnell
Baker
Bakopanos
Barnes
Beaumier
Bélanger
Bellemare
Bennett
Bevilacqua
Binet
Blondin-Andrew
Bonin
Boudria
Brown
Bryden
Byrne
Calder
Cannis
Caplan
Carignan
Carroll
Castonguay
Catterall
Cauchon
Charbonneau
Coderre
Collenette
Copps
Cotler
Cullen
Cuzner
DeVillers
Dhaliwal
Dion
Drouin
Duplain
Easter
Eggleton
Eyking
Farrah
Finlay
Folco
Fontana
Fry
Godfrey
Goodale
Grose
Harvard
Harvey
Hubbard
Jackson
Jennings
Jordan
Karetak-Lindell
Keyes
Kilgour (Edmonton Southeast)
Knutson
Laliberte
Lastewka
LeBlanc
Lee
Leung
Lincoln
Longfield
MacAulay
Macklin
Mahoney
Malhi
Maloney
Manley
Marcil
Matthews
McCallum
McCormick
McGuire
McKay (Scarborough East)
McLellan
McTeague
Mitchell
Murphy
Myers
Nault
Neville
O'Brien (London—Fanshawe)
O'Reilly
Owen
Pagtakhan
Paradis
Parrish
Phinney
Pratt
Proulx
Provenzano
Redman
Reed (Halton)
Regan
Richardson
Robillard
Rock
Saada
Savoy
Scherrer
Scott
Serré
Sgro
Speller
St-Julien
St. Denis
Steckle
Stewart
Szabo
Telegdi
Thibault (West Nova)
Thibeault (Saint-Lambert)
Tonks
Torsney
Ur
Valeri
Vanclief
Whelan
Wilfert
Wood– — 128

NAYS

Members

Abbott
Anderson (Cypress Hills—Grasslands)
Bailey
Benoit
Bergeron
Bigras
Bourgeois
Breitkreuz
Brien
Brison
Cadman
Cardin
Casey
Clark
Crête
Dalphond-Guiral
Davies
Desjarlais
Desrochers
Doyle
Dubé
Elley
Epp
Forseth
Gagnon (Québec)
Gallant
Girard-Bujold
Godin
Goldring
Grewal
Grey
Guay
Guimond
Hearn
Hill (Prince George—Peace River)
Hilstrom
Hinton
Jaffer
Keddy (South Shore)
Laframboise
Lalonde
Lanctôt
Lebel
Lill
Lunn (Saanich—Gulf Islands)
Lunney (Nanaimo—Alberni)
MacKay (Pictou—Antigonish—Guysborough)
McNally
Ménard
Meredith
Moore
Pallister
Pankiw
Perron
Picard (Drummond)
Plamondon
Proctor
Reynolds

Rocheleau	Roy
Sauvageau	Skelton
Solberg	Spencer
St-Hilaire	Stoffer
Strahl	Thompson (New Brunswick Southwest)
Toews	Tremblay (Rimouski-Neigette-et-la Mitis)
Wasylycia-Leis	Wayne
White (Langley—Abbotsford)	White (North Vancouver)
Williams	Yelich– — 76

PAIRED

Members

Bachand (Saint-Jean)	Bulte
Dhaliwal	Discepola
Duceppe	Fournier
Gagnon (Champlain)	Loubier
Paquette	Patry
Pettigrew	Price
Rock	Tremblay (Lac-Saint-Jean—Saguenay)
Venne	Wappel– — 16

The Deputy Speaker: I declare the motion carried.

GOVERNMENT ORDERS

YOUTH CRIMINAL JUSTICE ACT

The House resumed from January 30 consideration of the motion that 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 now read a second time and concurred in and of the amendment.

* * *

[*Translation*]

POINTS OF ORDER

SENATE AMENDMENT—SPEAKER'S RULING

The Deputy Speaker: I am ready to rule on the point of order raised yesterday by the hon. member for Berthier—Montcalm seeking clarification about an alleged discrepancy between the English and the French versions of the Senate amendment to Bill C-7, the Youth Criminal Justice Act.

[*English*]

Specifically, the hon. member argued that the phrase "doivent faire l'objet d'un examen" in the French version was stronger than the phrase "should be considered" in the English version.

The hon. member raises a most interesting linguistic point, however it is not a point that the Chair is empowered to decide.

● (1150)

[*Translation*]

I verified the text of the amendment in both languages, as it appears in the Senate message printed in our Journals and I am satisfied that it is accurate. This is as far as the Chair's responsibility goes in these matters.

I refer the hon. members to page 674 of Marleau and Montpetit:

> It is not for the Speaker of the House of Commons to rule as to the procedural regularity of proceedings in the Senate and the amendments it makes to bills.

I thank the hon. member for Berthier—Montcalm for raising his concern.

* * *

[*English*]

YOUTH CRIMINAL JUSTICE ACT

The House resumed consideration of 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.

Mr. Ted White (North Vancouver, Canadian Alliance): Mr. Speaker, I am rising today to intervene in terms of the Senate amendments to Bill C-7 presently before the House.

In his speech yesterday, the member for Provencher said that the new youth justice legislation contained little, if anything, that would address the ineffectiveness of the Young Offenders Act. In some ways it is indeed less desirable than the old act and is more cumbersome and more administratively complex.

The problems with the Young Offenders Act have been around since the days when I was still running as a candidate for nomination to this place. Before the 1990s the Canadian public was expressing dissatisfaction with the Young Offenders Act. Young people today still express dissatisfaction with the Young Offenders Act because they tend to be the victims of most youth crimes. There is still public pressure to get this fixed and yet the government brings us little tinkerings around the edges. The Senate amendment really complicates the situation by bringing in a race based element to the whole formula.

As was also mentioned by my colleague from Provencher yesterday, the second part of the amendment requires youth court judges to pay particular attention to the circumstances of aboriginal youth at the time of their sentencing. That is similar to subsection 718.2(*e*) of the criminal code. Like my colleague, I cannot support legislation that is based on race. My colleague said that it was government sponsored racism, and I tend to agree with him.

We recently gave honours to Mr. Mandela for his work against apartheid in South Africa, and yet the government constantly introduces legislation in this place that is race based. An example that is worth mentioning is the employment equity bill that was brought in by this government in 1994. At the time that bill was brought into the House we warned this place that the race based provisions in that employment equity legislation would cause distortions and problems in the future. In fact the pigeons came home to roost.

I want to read into the record a statement I made in the House in the year 2000.

In 1995 the government passed its so-called employment equity bill which Reform MPs warned would result in employers being forced to unfairly discriminate against job applicants based entirely on their race. The chickens are coming home to roost. The Public Service Commission has admitted that it rejected a job application from one of my constituents because she was a white woman.

In addition to legislating exactly the type of discrimination it was supposed to prevent, the bill was badly flawed because compliance could only be accurately measured if minorities were willing to voluntarily self-identify. Therefore a department could be 100% composed of visible minorities but if the employees identified themselves as Canadian, the department would be registered as non-compliant and would have to hire more visible minorities.

The government should put a stop to this appalling program of state sponsored discrimination based on race yet it is continually popping up in government legislation.

There was a time when some members opposite claimed that we had racist tendencies. We have always fought against racism and have demanded that there be equality in legislation. We have the example again here where built into the amendment to Bill C-7 is special discrimination. This discrimination will not fix the underlying problems of youth crime. All it does is attempt to disguise the real problems.

I just mentioned the employment equity bill. I can give some examples of how that bill has distorted employment based on race. For example, in 2000 the Government of Canada placed some ads in newspapers across the country for job openings. A $45,900 per year job was advertised for an advisor on Canadian identity for Heritage Canada.

● (1155)

The advertisement was almost amusing in that it asked for an adviser on Canadian identity to be based in Montreal and was open only to persons identifying themselves as being members of a visible minority employment equity group.

Common sense makes one ask what qualifications someone identified as being a member of a visible minority employment equity group would have to make them authoritative in terms of Canadian heritage.

Another advertisement was for a regional director in the B.C. and Yukon region. Health Canada was offering from $74,300 to $87,400 for a person to manage a group of about 30 highly dedicated professional staff in the innovative delivery of the full range of branch programs and services in B.C. and Yukon. However the job was open only to applicants who were self-identified as a member of a visible minority group. This is another example of discrimination based upon race. If people did not fit a particular racial profile, they were not entitled to a government job. How is that different from anything happening in South Africa? It is government sponsored racism.

Another advertisement was for a service delivery representative. Under the heading "who can apply", Human Resources Canada was offering a salary of $34,200 to persons who self-identified as visible minorities living or residing in the greater Vancouver regional district. The job involved handling EI applications over the telephone. The main qualification for handling EI applications over the telephone was to be able to say that one belonged to a particular racial group. This is appalling, disgusting behaviour by the government.

Another advertisement was for an income tax, excise tax auditor. It was open only to visible minority persons, aboriginal peoples and persons with disabilities working or residing in Nova Scotia and surrounding areas. This job was offering $38,900 with the Canada Customs and Revenue Agency. An interesting sentence appeared in a lengthy paragraph under the heading of "who can apply". It read

> Individuals who consider themselves to be a Member of the Visible Minority Persons of Canada, Aboriginal Peoples of Canada and Persons with Disabilities are invited to apply...

The interesting words in there are "consider themselves to be". It illustrates a folly in the employment and equity legislation because it is illegal in Canada to ask people what their race is. Everything depends upon self-identification.

I know the government and the Senate are well-intentioned in bringing forward these types of provisions where they make special rules to apply to aboriginals or visible minorities, but it is not the way to fix the problem. The way to fix the problem is to apply equal rules to everyone. There is a difference between equal outcome and equal opportunity, and that is a key difference that the government is unwilling to recognize.

While we are talking about native issues, in my riding of North Vancouver there are two native reserves, the Squamish reserve and the Burrard reserve. Over my period as a MP, I have received numerous letters and petitions, and have had meetings in my office with people from those reserves demanding and pleading that I do something about the lack of democracy on the reserves and the way that people on reserves are treated by their own unelected, unaccountable chiefs.

All the government does is perpetuate the problems on those reserve with the types of legislation that it constantly passes in this place.

I am holding in my hand an article from the North Shore *News* with a picture of one of the band members from North Vancouver on the front page. The headline reads "Meeting leaves Band questions unanswered, upset Squamish seek information on Band spending". The entire article deals with another problem of racial discrimination whereby the band leaders are not required to disclose the way they spend money from the taxpayers of Canada.

The taxpayers of Canada provide the reserve in North Vancouver with at least $20 million a year, yet we have no accountability for that spending either to the taxpayers of Canada or even to the band members themselves.

● (1200)

As long as we continue to pass in this place legislation which provides special rules based on race, there will be no equality and that is wrong. We must vote against the Senate amendment, if only for the reason that it provides special rules based on race.

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Mr. Speaker, I would just like to pick up on a point from the speech of the member opposite. Currently aboriginal communities and reserves are not under the Access to Information Act. Has he any thoughts about whether it might be proper to bring reserve finances and aboriginal self-government community finances under the Access to Information Act, given that this ultimately is taxpayer money that is being spent?

Mr. Ted White: Mr. Speaker, it would be difficult for me to disagree with the suggestion that he has made. In fact, some members of the Squamish reserve made that same suggestion to me at least two years ago because they had been trying unsuccessfully for years to trace how the money was being spent on their reserve.

It appears that the reserve in total receives something like $35 million a year from its Park Royal investments, from other business investments and from taxpayer transfers. That $35 million virtually disappears, with an inability of individual band members to really track where it is going. They bring anecdotal evidence to me in my office of chiefs who get brand new cars every few years. Out of the 16 chiefs on reserve, at least 14 do not live on the reserve. They live in the upper middle class North Vancouver or West Vancouver area, in very classy homes, with brand new cars, while the majority of the people on the reserve live in appalling conditions.

The city of North Vancouver, which has an annual budget of about $35 million, has an excellent quality of life, high standard of living, paved streets and good services. In that community is this native reserve with 1,100 residents and it gets approximately the same amount of money for its administration, but they live in almost third world conditions.

We have to ask the question why can the people of North Vancouver, with $35 million, have a wonderful city with high prosperity, good education, wonderful services. However in the middle of Canada's fourth largest city is this reserve with the same amount of money, yet the streets are unpaved, houses are falling down, people are living in trailers and the illiteracy is appalling.

People come to my office from that reserve to meet with me because they cannot write a letter because they are illiterate. It shocks me how appalling the conditions are. Some responsibility has to be taken by the chiefs on those reserves.

I agree with the member. There has to be access to information so we can find out where that money goes and help better the conditions for the people there. A key to the whole issue is getting democracy on those reserves, something the chiefs are resisting. Until those chiefs are democratically elected and accountable to the band members, I do not think we will go very far.

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, I always enjoy listening to the member for North Vancouver. He gives such lucid examples and persuasive arguments for the case that he makes.

While he was talking, I was wondering if he knew why the Liberals kept doing this. What is their motivation in bringing in this kind of legislation when it seems so wrong?

● (1205)

Mr. Ted White: Mr. Speaker, I have thought about that quite often. I am certain that for a lot of members of the government it is very well-meaning. I do not think they have thought it through. It is a little like the refugee determination system, where people arrive at our doorstep every day claiming refugee status and we let them in while we ignore five million refugee claimants in refugee camps around the world.

The attitude of the government should be that queue jumpers should not be allowed in. We should send them to the refugee camps and take people from the refugee camps who have already been waiting for three years. It is distorted logic. The Liberals definitely have good intentions but they are misplaced intentions.

The only other explanation I have is they are not willing to face the political fallout that would come from chiefs and the native communities across Canada. The chiefs and the power brokers on reserves will just have an uproar if or when the government tries to change things to bring democracy to the reserves. That may be the reason why they do nothing to change it.

[*Translation*]

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, I rise today to speak to Bill C-7, an act in respect of criminal justice for young persons and to amend and repeal other acts. The debate today is on the amendment put forward by the member for Berthier—Montcalm, which reads as follows:

> 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".

Mr. Speaker, you have made a ruling which we respect, following the point of order raised by the member. However, I wish to submit immediately that there is a fundamental problem. There really is a difference in the translation and that is what the member for Berthier—Montcalm sought to clarify. We therefore respect your ruling from a procedural point of view.

Yet there is a serious matter of substance, as this will not be interpreted in the same manner by all of those involved, by judges and lawyers. I think that this issue will cause all kinds of trouble and confusion. The government must look into this difference at once.

Furthermore, the response to the questions asked of the Minister of Justice by the Bloc Québécois this week raises a serious issue. The minister has been in this portfolio for only two weeks. Quebec's distinct character, which the House passed a resolution to support, is being denied. The minister made things even worse when, after only two weeks on the job, he told us, regarding his bill, which is of course the former Minister of Justice's bill, that he would go and explain it to stakeholders who have spent more than 30 years making sure that the Young Offenders Act works in Quebec. Quebec has expertise in this and he has the gall to tell us that after two weeks, he is able to explain to Quebec stakeholders that their consensus is a house of cards because the bill is good.

I do not know who he thinks he is, but he is trying to tell us that Quebec's distinct character is not important and that Quebec will not be allowed to opt out from the legislation and use the expertise of the people that we have trained: social workers, psychologists, judges, the police and even associations of defence lawyers and crown attorneys. I do not understand how, after two weeks, he can go to them and explain to them in what way this bill will be an improvement.

What is worse is that under this bill, any adolescent who makes a mistake will be considered a hardened criminal from then on. Why such a sudden change in the definition and implementation of the terms for dealing with youth? The Bloc Québécois wants answers to this and has yet to be given any reasonable and logical explanation. The Bloc Québécois has come out against this bill from the beginning and we are still against it today. Let me explain why.

The act that is currently in effect, namely the Young Offenders Act, gives good and concrete results, particularly in Quebec. It was demonstrated time and again that the existing act must remain in effect. That is what this government and the new Minister of Justice should really do. However, it seems that the government, the new Minister of Justice and his predecessor do not want to listen to the comments and wishes of Quebecers, and particularly the consensus among stakeholders and experts on this issue in Quebec.

We are opposed to Bill C-7 because the new youth criminal justice system adversely impacts on the current Young Offenders Act, an act which respects young people for who they are, that is young people.

● (1210)

And how does the Young Offenders Act respect young people? By allowing for the use of a series of individually adjusted measures based on each person's needs, by taking into consideration the fact that we are dealing with young people, and by taking into account their specificity.

The existing Young Offenders Act, not Bill C-7, achieves concrete results in terms of young offenders' rehabilitation.

The goals are achievable and are often achieved, because the sentence relates to the offender, not to the offence. The Young Offenders Act also seeks to make the offender responsible for his actions. It also allows for the treatment of psychosocial problems, as part of a rehabilitation process designed to eventually get the young offender to reintegrate into society.

Therefore, I wonder why the federal government and the new Minister of Justice insist on changing this act, which gives very good results in Quebec, through appropriate and specific implementation.

I also wonder how these goals can be considered as grounds for change. In fact, I wonder how these goals can simply be replaced without any consideration for the results that they provide. The examples in Quebec speak for themselves and the government should have taken them into account.

But now we have Bill C-7 coming along to overturn the approach that is already in place. First and foremost, it seems that the intention is to no longer consider the offender an individual, but rather a criminal. One could even conclude that there is no longer any presumption of innocence. The crime takes precedence over the individual.

According to Bill C-7, it is the criminal principle which dominates, and responsibility and reintegration are somewhat secondary. From now on, hard line intervention with young offenders will be foremost and this is unacceptable.

The criminal act will be given first consideration. There will no longer be any question of taking the specifics of the young offender into consideration, his present context, the family situation, and the personal circumstances that have led to the commission of a criminal act. Nor is there any question of taking into consideration the psychological needs of the young person in determining the sentence appropriate to his case.

It is the governments intention, with Bill C-7, to lump all young people into one category: delinquents with no potential for rehabilitation. Why should this approach be taken, when there is evidence to the contrary in Quebec, with a system that has been successful for a number of years?

The Bloc Québécois believes that our young people deserve better. We are all responsible. Why then are we abandoning them? They belong to us all. Let us take the time to help them, rather than applying a simple criminal definition to them.

I will not refer again to the figures that support the Bloc Québécois's position regarding the successful application of the Young Offenders Act in Quebec, because, as we have seen, they mean nothing to the government or the new Minister of Justice. I will remind the House though that all of the main stakeholders in Quebec have unanimously denounced this bill.

Once again, I just do not understand how the government and the new Minister of Justice can ignore the opinions and recommendations of experts and draft a bill that does not begin to take into consideration young people and their needs, despite the fact that the bill mentions these needs in its preamble.

Therefore, I question the real motives of this government and the new Minister of Justice who have developed and drafted a bill such as this on youth crime without taking into account the reality of youth today.

I fear that the repercussions of Bill C-7 will be disastrous. Rather than adjusting the modalities of the bill to the specific needs of young people, Bill C-7 seems to promote a rigid and strict framework to which young people will have to adapt automatically. It is this type of enforcement with no regard whatsoever for needs and circumstances that makes this bill worrisome.

● (1215)

The Young Offenders Act gives positive results and helps reduce crime among young people because it is enforced based specifically on the needs and circumstances. Its success was demonstrated in Quebec. The Young Offenders Act gives positive results.

Why not allow Quebec to opt out of Bill C-7 and keep doing a fine job with the existing Young Offenders Act?

The Bloc Québécois is opposed to Bill C-7, because this legislation promotes the systematic enforcement of the act and uses the offence, instead of the offender, to determine the applicable sentence.

I am also concerned when I read that the main focus of Bill C-7 is not the child's interest, but presumably society's interest. Thus, Bill C-7 tends to make the child guilty before the conclusion of the judicial process. This goes against international law, which provides that the best interest of the child must always come first. In fact, the Quebec government will challenge Bill C-7 as soon as it becomes law. The federal government is eliminating the status of young person to have only one status, that of adult.

The child's interest must be paramount in any sentence. This is a legally recognized principle. However, in Bill C-7, it has been set aside in favour of the principle of proportionate accountability. In short, sentences must be similar, regardless of the circumstances and needs, which are specific to each individual.

This approach will very likely cause a problem, because it requires a complete change in the procedure to be followed for all stakeholders. Furthermore, there is talk of several hundreds of millions of dollars just to implement Bill C-7, and close to a billion dollars to introduce it. Imagine all that we could do with this money if we used the Young Offenders Act the way it was meant to be used.

Now, youth justice stakeholders will have to place the emphasis on sentencing. Individuals will no longer be individuals, but sentences.

They will also have to perform small miracles if young offenders are to obtain rehabilitation that in any way meets their needs.

Under the existing legislation, stakeholders can act quickly for lesser offences. The needs of offenders are identified right from the start and the sentences are determined accordingly.

Although the new bill deals with diversion, it will also lessen the number of young people who will be sent to residential youth centres. This might become a problem, because a young person who repeatedly commits minor offences could only be given warnings, rather than any attempt being made to nip his delinquent tendencies in the bud by requiring him to be kept in a youth centre and trying to correct his delinquent behaviour.

Those in Quebec who deal every day with young offenders could tell you—and in fact a number of them did in committee—that there is a real potential for rehabilitation and social reintegration within the current legislation, the Young Offenders Act, as it is applied in Quebec.

The shortcoming in Bill C-7 lies in its inflexibility. There can be no corrective intervention except once the young offender has become fully engaged in criminal activity. So the whole thing has become reversed: the sentence takes precedence over the individual.

Another problem with Bill C-7 is that it introduces the concept of parole. In fact, Bill C-7 provides for automatic parole after two-thirds of a sentence. The Young Offenders Act requires that a young person be kept in custody throughout their sentence. There is no question of parole, unless there is evidence of genuine progress suggesting that the young person could return to the community.

● (1220)

It must be kept in mind that the decision to grant parole is an individualized one, and thus provides proper protection for the quality of rehabilitative interventions.

The Bloc Québécois is totally opposed to Bill C-7 because it does not give free rein to education and rehabilitation and, as the bottom line, does not make the young person assume any responsibility. Bill C-7 transforms young offenders into adults and totally forgets about what differentiates youth from adults.

What is more, with this bill the government has introduced a false notion about young people, by creating an image of the violent and unredeemable young delinquent with no hope. The government has preferred to react to a wave of panic that sees all young people as offenders.

By introducing Bill C-7, the government is seeking to allay society's fears about young people. It is, however, lulling society into a false feeling of comfort and security. I must say again: our young people are being rehabilitated, made to assume responsibility, and reintegrated into society at the present time, particularly in Quebec. Bill C-7 on the other hand is criminalizing our young people by punishing them first rather than rehabilitating them.

This is a rushed bill, and one that has not had sufficient scrutiny of its repercussions. It must also be pointed out that this bill jeopardizes something Quebec is doing well, as it attempts to set national standards but without defining their parameters.

The government has a duty to respect what yields positive results. This bill is vague, confining and repressive. Overall, Bill C-7 is against education, against reintegration, against assigning responsibility, and of course against our youth.

We have learned that it is pointless to count on the government listening. On the one hand, we were being encouraged to present our views in committee but, on the other hand, once we turned up there we were told we could question the government in the House during question period. Being shuttled back and forth like that is not getting the government to listen.

In the same vein, stakeholders from Quebec came to give testimony that the Young Offenders Act must remain in effect because it responds exactly to what young people and society, Quebec society, need if it is implemented properly and in keeping with its intent. This is not something that happened overnight. To get it operating properly has taken 30 years. Our statistics are among the lowest in North America, and the lowest in Canada. Why not use the Quebec model, instead of once again pushing aside what is being done well in Quebec?

We have noticed that the government would rather not hear what those who work with youth everyday have to say. The government and the new minister are responding to some false notion of youth in their approach to this sensitive issue, and this is disappointing.

At the risk of repeating myself, the government and the new Minister of Justice would rather abandon young people and reassure society with a false sense of security than learn from Quebec's extensive experience, which has proven itself on many occasions in this field.

The Bloc Québécois is proud our youth and we want to protect them, but more importantly, we want to listen to them and provide them with the tools they need to succeed and become proud and full-fledged citizens. This is why we oppose this bill.

We are talking about enormous sums of money that could have been used, given to Quebec and Canada to rehabilitate our youth. We had been hoping that a minister from Quebec, and not Alberta would listen to what people from Quebec had to say. Our response is the following: "If you want this bill, if you want to impose stricter sentences and send your young people to jail instead of rehabilitating them, that's your business".

What we are asking for, and what we have been asking for is that Quebec be allowed to opt out of Bill C-7 in order to protect our young people and rehabilitate them. These are not criminals, these are not delinquents, these are young people.

● (1225)

Mr. Michel Guimond: Mr. Speaker, I rise on a point of order. I would like you to inform the House as to whether the rules of procedure have been changed and whether it is now allowed to use a cell phone in the House, as my colleague for Nepean—Carleton is doing at this time. I would like to hear your ruling on this.

The Deputy Speaker: I thank the hon. member for his intervention. As hon. members are aware, House practice does not allow the use of this equipment, that is cell phones, within the Chamber. I trust I still have the co-operation of all members on both sides of the House on this.

Mr. Antoine Dubé (Lévis-et-Chutes-de-la-Chaudière, BQ): Mr. Speaker, I congratulate the member for Châteauguay on his excellent speech. Clearly, his sensitivity where young people are concerned, plus the fact that he is a lawyer and has experience in private practice, give him even more credibility in this debate, where we are discussing not only youth but the law.

First, there is one aspect on which I would like him to elaborate, because it is important that people understand the difference between the new law and the current one, which was applied in Quebec with a view to rehabilitation.

In my opinion, cases were heard before the youth court and not the adult court, with adult rules, it seems to me. I would like the member to elaborate on this if he has the time.

Second, it seems to me that, as a member of the foreign affairs subcommittee on human rights and international development, this is the aspect that concerns me the most. But when we see reports of the UN commission on human rights advising against this kind of new approach, we realize that the Canadian government appears to want to ignore them.

Finally, having been present here as a Quebecer and as an MP when a distinct society motion was passed, what does the member think of the fact that on the first occasion, or one of the first, that we have to test the concept of a distinct society for Quebec, the government ignores it, showing that the motion is therefore basically meaningless?

● (1230)

Mr. Robert Lanctôt: Mr. Speaker, I will begin by answering the hon. member's third question, since I find it is one of the most important matters we have had to address this week.

It is incredible to hear the Minister of Justice, after a scant two weeks in office, a minister from Quebec, telling Quebec "We are going to listen to the stakeholders". More serious still, he takes the liberty of saying, a scant two weeks after his appointment, that there are others with more expertise in this matter than the Quebecers with their 30 year involvement in rehabilitation and social integration of young offenders. He gets up in the House to send a message to our stakeholders, "I will be coming to see you and to explain Bill C-7, and why it will be better than the present Young Offenders Act".

It is incredible to hear such words from a minister who was there when the resolution on the distinct character of Quebec was adopted. There is no finer example of what is going on in the House at the present time. A resolution was passed, saying "Quebec is a distinct society". But what does this mean? This is the first opportunity they have had to show that they respect this resolution. What is going on at present with Bill C-7 and the young offenders is the finest possible example.

Quebec's youth crime rate is the lowest in Canada and one of the lowest in North America. Our system works well. The government cannot claim not to know about this. Quebec stakeholders came to testify before the standing committee on justice. They explained what they could do and even more. Indeed, even judges came and said "We can even help implement our system in the rest of Canada if they so wish, but do not change this legislation. It works".

It is not just members of parliament who say that the system works in Quebec. There is a consensus among all the stakeholders. And these stakeholders include judges, social workers, defence attorneys and police officers. They are unanimous.

I could mention others, but I do not want to give a comprehensive list. What we are talking about here is quasi-unanimity, in fact, unanimity among stakeholders.

Personally, I have never met anyone who said to me "Change this act". No, it works. This is why I am saying this. And the facts and the figures show it. Our crime rate is the lowest in North America. This is rather significant, this is not idle chatter. The government must recognize this fact and respect what works well and even very well in Quebec.

This is the first opportunity for us to see how we are respected and perceived in Canada, to see if Quebec's distinct society truly exists. This is a golden opportunity for the government to say yes, to respect Quebec, to respect Bloc Québécois members who are making this request, and to respect the unanimous resolution passed by the Quebec National Assembly, asking for the right to opt out of Bill C-7.

Why not allow us to opt out? It would be consistent with their resolution if they allowed Quebec to be a distinct society, because the current legislation is working fine. Of course, the situation would be quite different if we had the highest crime rate. But this is not the case. Why not let us do what we want in Quebec, in our country, with the people who set up a system that respects our young people, and their parents?

The problem lies not only in criminalizing youth, but it will affect parents.

● (1235)

When young people commit an offence, regardless of how minor the offence may be, if we want to prevent them from repeating it, it is not enough to simply warn them in a letter: they need to be rehabilitated immediately. It is important to find out what prompted them to act in such a manner. Psychologists and social workers can work with them to put them back on track. The results in Quebec have been excellent and could be even better. How could this be done?

Just imagine the excellent rehabilitation services that could be provided to our young offenders if we had the resources, the hundreds of millions of dollars, even a billion dollars that will be used to implement Bill C-7.

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, I really appreciated the speech made by my colleague, the member for Châteauguay, who sits on the Standing Committee on Justice and Human Rights and who is a lawyer, just like me. I appreciated what he insisted upon in his response to my colleague from Lévis-et-Chute-de-la-Chaudière.

I would like him to elaborate on that and to tell us more on the human aspect of the issue. We are talking about a piece of legislation. My colleague from Châteauguay is a man of law, but we are talking about human beings, about young people who are starting their life on the wrong foot and, therefore, need help.

I would like my colleague to tell me how the approach currently taken by Quebec allows this kind of rehabilitation, as opposed to what is being proposed to us in Bill C-7.

Mr. Robert Lanctôt: Mr. Speaker, I could speak at length on this issue. When talking about our young people, about a sense of humanity and even about an international convention on the rights of the child, we must look first at what is in the best interests of the child.

It is not only in the Divorce Act that we must look at what is in the best interests of the child, but in every aspect of our lives. In dealing with young offenders who are just starting out in life, this sense of humanity that I mentioned should be an important factor.

I am out of time, but I hope my remarks have helped our fellow citizens to gain a better understanding of Bill C-7.

[*English*]

Mr. Geoff Regan: Mr. Speaker, I rise on a point of order. I know that members are anxious to receive answers to questions on the order paper. I wonder if I could have unanimous consent to revert to questions on the order paper?

The Deputy Speaker: Is there unanimous consent to revert to questions on the order paper?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Randy White (Langley—Abbotsford, Canadian Alliance): Mr. Speaker, there is a time and place for government to do those things. I would like to speak to Bill C-7. There are a couple of areas I want to address. First is the bewilderment of most people in Canada as to why the government would put through the Senate to the government an amendment to a bill which gives special consideration to aboriginal youth within the youth justice system.

The place to address the issue of aboriginal youth is with the minister of aboriginal affairs. It is not through the criminal code. Basically the government is saying that it realizes it has failed in how it handles aboriginal affairs and aboriginal youth and therefore it will address it in the criminal code by saying that any crimes committed by aboriginal youth shall be given special consideration.

This is not the way to deal with that issue. Like every other Canadian I think we listen to this stuff which comes from members on the other side and wonder what makes them think that the answer lies in amending the criminal code. If anything, why do they not amend the laws of the country which affect aboriginal people? Better yet, why do they not just fix the problems rather than trying to address them after crimes are committed? I think that is really sad.

Another issue I want to raise is what happens when government members vote for a bill in the House. What do they really do about it? Is it true that they will fix everything that they have put before the people of Canada? Is it true that they will even act on it?

I want to give an example by talking for a few minutes about the issue of the national sex offender registry. That brings home to me what is wrong with the institution of the House of Commons and what is wrong with the government. It tabled Bill C-7 for young offenders. There is no doubt in my mind that it will not deliver on this stuff. Time and time again I see in the House of Commons where it says yes to something but just does not deliver.

At some point last May all opposition parties agreed to a motion in the House for the government to deal with the national sex offender registry issue and develop one by January 30, 2002. That was yesterday. As it turned out the solicitor general and all the Liberals agreed with it. It was unanimous in the House. Approximately 304 members of the House of Commons said yes, by January 30, 2002, we would have a national sex offender registry.

Yesterday I stood in the House and asked where it was, where was the software that is required. That is not a big deal as I will go through in a moment. More important, where is the legislation that mandates that sex offenders shall report certain information and there shall be a penalty if they do not report it?

The solicitor general stood in the House and said that they were working on this thing called CPIC, a police information system which does not do the job. Every police organization in the country says that it will not do the job.

Yet he government says that it does not matter what it promised, what it said or when it said it would do it. It just did not do it and the rest of the people out there can just darn well live with it.

One of the serious problems people have with government today is that it says one thing and does another. It can even come into the Chamber and commit to doing something via a motion, a mandate of the House of Commons, and turn around on the day it is supposed to be delivered and tell everyone to stick it in their ear. That is what it did.

When I leave the House of Commons I think I will look back at this place as one bitter disappointment. We have a government that basically says it will do something and just says that it has decided that it will not do it and to heck with all the victims out there. It just does not care.

● (1240)

I do not know how anybody in the House can get enthusiastic about coming in here and expecting the government to do anything other than what it wants.

Getting back to the Young Offenders Act, the government today calls it something else but everybody else calls it the Young Offenders Act. It is now called the youth criminal justice act. The government changed the darned name on it but did not change a whole bunch of other things that people are looking for. The age for young offenders has stayed the same. There is a litany of things that have stayed the same, yet the government says it is different, calls it a different name and says "By the way, we are really going to enhance this whole issue of youth justice by allowing special circumstances if someone is an aboriginal".

If an aboriginal commits a crime, the same identical crime as anybody else, that aboriginal is treated differently. How does that go down with the victim? How does that go down with the many victims I have spent time with in court and other places? How does that go down with a person who has been raped?

If I am raped by someone other than an aboriginal, that person might get a stiffer penalty but by gosh if I am raped by an aboriginal youth, there will be a special dispensation. I have never in my life heard anything so bizarre as that kind of thinking. We could not convince one person outside of the House of Commons that this is a necessity. There are all kinds of areas, opportunities and alternatives for judges these days to make allowances. In all the presentations they hear and in all the court proceedings, they can make allowances. They can make allowances in sentencing. On and on it goes. Why on earth does the government say in this case, going through the change in the youth justice act, "if you are an aboriginal youth we have to treat you differently"? That is the biggest insult to a victim I have ever heard in my life. Nobody that I am aware of has really asked for this, other than in the patronizing of aboriginal peoples that goes on in the other side.

It is well known that the bulk of the crimes against aboriginals comes from aboriginal peoples themselves, so what does this say about an aboriginal victim of a young offender? It says to aboriginal victims that they will likely be treated differently from any other victim who is not aboriginal.

I cannot imagine sitting down with any aboriginal victim in my community and saying "you are less, you are considered less because the person who attacked you is aboriginal". I am certain that not all people on the other side here in the Liberal Party believe that this is the right thing to do. I have not talked to anyone anywhere who agrees with this concept.

One has to ask why a government would start putting race issues in our criminal code or in any of the forms of legislation we have today. The criminal code is supposed to be unbiased. It is supposed to be objective. It is supposed to treat all people as equal under the law, but what it is doing now, thanks to the government, is creating an inequality of peoples under the law.

● (1245)

There are people out there listening to me who vote for the Liberals, and they are saying "They are such a great group, they will fix it". They will not fix it. The Liberals do not have any plans to fix this sort of thing. By the way, this would not go through the House of Commons justice committee so the Liberals dropped it from the justice committee. They could not get it through. Then they flipped it on over to their buddies in the Senate. The Senate said "yes, we will fix you up". Talk about another House that is supposed to be objective and unbiased: the Liberals ship it over there to their majority buddies and it comes back to the House under a Senate amendment.

We should just think about what happens in our country. This is scary. What will happen if the Liberal government gets re-elected again? It will be the Liberals' fourth term. It will be four terms in which they appoint all their buddies to the Senate. By the end of the fourth term the Senate will be down to something like 10 or 12 opposition people in the Conservative Party, which is barely a party today. There is only one Canadian Alliance senator in the Senate.

So what the country will have, in effect, will be Liberal upper and lower Houses. If the Liberals cannot get something through the House of Commons, they flip it over to their buddies who rubber stamp it. It comes back here and nobody has a snowball's chance of doing anything about it. That is a very serious flaw in our democracy.

What do we do about it? Everybody says there will be an election and we have to work harder and the opposition has to get its act together, but I think it is more than that. I think that those who represent the Liberal Party have to understand that race based legislation is leading us nowhere. I shudder to think about one of my family being injured, molested or murdered by an aboriginal youth. We should just think about me, my mother and my wife being in a courtroom because something has happened to our son or daughter and an aboriginal youth did it and the judge says "Well, because you are aboriginal you certainly do not get the same penalty you would if you were someone else". I could not bear the consequences of that in a courtroom. My family could never understand that, nor could any other victim in our country, nor could anybody else, even if they are not victims.

What do we do with a drug trafficker of serious drugs? What do we do in a big heroin bust? Believe me, there are a lot of youths doing that. I talked to a youth not that long ago about this very issue. He was doing community time for selling cocaine, just community time. I told this youth that I had some connections with the school board and maybe I could help him finish school and ultimately get a good job. He laughed at me. He said "Why would I do that? I'm pushing cocaine. I can get twenty grand a month. I drive a nice car". He is 14 years old and says "I have a lawyer on retainer. Why would I do that"? This guy is doing some time, but an aboriginal youth trafficking in heroin, killing our kids and our adults, will not be given as much of a sentence as the other guy. That is absurd. It is unheard of in any country in the world.

The minister is here. I would love to have the minister stand up and provide with me some insight into why the government would do this. It is nice to see the minister here because there are damn few other people here.

An hon. member: It is the quality people.

Mr. Randy White: It is the quality people. I could call for quorum but I will not.

● (1250)

I want to get my point across, even to the minister. The minister is trying to do a pretty decent job. If the aboriginal program is failing for any reason and if there are more aboriginal youth having problems for any reason, the minister should try to fix that, but the government should not try to make an excuse for it, because those youths have committed crimes and we would give them less of a consequence than anyone else. That is no consequence at all. In fact it is making matters worse.

If I may, I would like to go back for just a minute to what I really believe about the House of Commons. I thought when I came here from British Columbia that I could actually sit down and negotiate with a majority government, with anyone on the other side, and try to make common sense of things, but it is such a partisan place that I do not believe it is possible.

In regard to some of the issues brought up here, particularly the national sex offender registry, the issue I mentioned, I want to say that it is something that all the provinces need. They need it so badly that Ontario had to undertake it on its own. I have heard the solicitor general say in the House that there is not much compliance in this thing, so why would we build a national sex offender registry? In fact, the first provincial registry set up in the country is Ontario's and it has 90% compliance. Of the 10% who are incompliant, that is, offenders not reporting, many have left the province. They have left the province because there is such a restriction as far as compliance and reporting is concerned. There are laws in place. How this hurts Ontario is that other provinces do not have registries, so sex offenders who want to reoffend and do not want to report just go to another province.

What we need is a national guideline, a national sex offender registry that has mandated reporting and mandated penalties if offenders do not report. It is not a difficult thing to do. In fact Ontario indicated that it would give the software to anyone who wants it, including the federal government.

Putting the legislation in place would take nothing. I have done it myself. It is sitting here as a private member's bill, but it will not see the light of day because there is no will on the other side. What we are stuck with here is a government that does not want to implement a national sex offender registry, maybe because it was not the government's idea. That may be it. Everybody else seems to want it, including its own members. All it would take is to have a bill like that, make it law and take the software from Ontario. We would then have a much better system of promptly finding young people when they are missing, but I guess that will not happen. I guess that when the government stands up and says "yes, we're all for it and we'll do it by January 30", it does not mean a damn thing, quite frankly.

To get back to the youth justice act, Bill C-7, I guess that all the speaking we do in the House does not really mean a lot either, because the government will do what it wants. It will neglect our concerns. It will not even use its own committee to put this in place because it lost it on the committee, thanks to the opposition. It will go to the Senate and the Senate will bring it over to the House, where it will pass, much to the objections of the Alliance, the Bloc and the other opposition.

All of us in our country have a lesson to learn. Majority governments do not work if we have a specific interest that is not the government's, because it will just tell us to take a hike, stick it in our ear, and it will damn well do what it wants to do.

● (1255)

[*Translation*]

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, with all due respect, I must say that I found it very difficult to follow my Canadian Alliance colleague's line of reasoning. I thought we were supposed to discuss the amendment that was put forward.

Could he address the amendment before us today?

[*English*]

Mr. Randy White: Mr. Speaker, the hon. member will need to learn how to get her points across in the House. If we have certain things we want to get across we do it when we get the opportunity. That is what I do.

As I said before, and she may have trouble with it but I do not, this is a bad amendment. It should never go through. It would introduce race into a bill and into the criminal code. It should not be there. The criminal code should make everyone equal before the law. If the member does not understand that, maybe we should talk about something else.

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Mr. Speaker, the member for Langley—Abbotsford would be interested to hear that I agree with the main point that he made in his presentation.

I feel very strongly that laws should not be based on race. They can be based on economic situation, even ethnicity in certain instances, but race alone, people are always the same regardless of their race. It is other factors that make them different, and the law can take an account of those other factors but not race.

I would suggest to him, if he does not mind if I extend my comments for a bit, that the analogy he might consider is the situation in Winnipeg where there is a lot of urban poverty. That urban poverty involves not only aboriginal young people. It also involves non-aboriginal young people, people of other ethnicities, people who have come to Canada from Asia or Europe or somewhere else in the world. Yet the amendment would suggest that, all things being equal among the poor young people in Winnipeg who might be tempted to crime, the aboriginal young people should be treated differently, and I would agree that this is unacceptable.

I also sympathize with the government, however, because this is something that was raised in the charter of rights and I think has created a pattern of legislation that derives from an original mistake, if you will, but the member for Langley—Abbotsford raises another point in his speech that I found most fascinating, and that is this whole question of how this House should respond to amendments from the Senate. The problem, as he rightly points out, is that if a government stays in power for a very long time then it will dominate the Senate, and he was suggesting that this amendment would never have made it through the committee and it is going back to this House possibly through a back door.

Well, I do not know whether that is a fair analogy but I will say to him that perhaps parliament, perhaps members on both sides of the House, should consider Senate amendments in the same sense as private members' bills. In other words, perhaps Senate amendments that really do not reflect the will of the elected representatives should be treated when they come to the House as free votes. It will be interesting to see the outcome of this particular vote.

● (1300)

Mr. Randy White: Mr. Speaker, I agree with the comments. It is interesting. I was listening to the U.S. president in his address to the nation the other night. He got quite a round of applause from congress when he talked about republicans and democrats working together.

On issues like this or any other issues it would be a good idea in the House for all parties, not just opposition parties but all parties, to sit and try to work things out rather than get into the partisanship that exists. That is one of the problems with the House, quite frankly. If the Prime Minister and cabinet want something done it reverberates through the backbench and we know that when we meet here on Tuesday night to vote we will lose. We all know this amendment will go through. There is not a snowball's chance that it will not make it.

Somewhere along the line when the House finally goes through the metamorphosis it is trying to get through we will one day have less partisanship and start debating and deciding on issues on the basis of what the people in Canada want, not what the party in power wants.

[*Translation*]

Mr. Antoine Dubé (Lévis-et-Chutes-de-la-Chaudière, BQ): Mr. Speaker, I heard the answer given by my Canadian Alliance colleague to my colleague from Terrebonne—Blainville, who asked him a relevant question without raising the point of order that was called for.

Being an experienced parliamentarian, the Canadian Alliance member, who at one time was his party's House leader, and as such is one of the members who know the standing orders best, he should have referred to the amendment to an amendment put forward today. I also listened to him answering the Liberal member.

As a member of a party looking to reform parliamentary customs, what he is saying is "It is not really necessary to answer the questions put to us. In the end, we will not change anything. The Liberal Party will do as it pleases". What a fine example. Really, what a bad one.

I would like to give him another chance. I am taking for granted he took his responsibilities seriously and read Bill C-7. What does he think of the amendment to an amendment put forward today? I am seeking his opinion on that and nothing else.

● (1305)

[*English*]

Mr. Randy White: Mr. Speaker, these individuals do not seem to understand that I need not address every specific thing in the bill. I need not address every specific thing anyone else wants in the House on a subamendment or an amendment.

I came here to address three things that are important to me on the whole issue: the fact that race is being put into the criminal code where it ought not to be; the fact that the House of Commons is not operating right; and the fact that this affects Bill C-7 and every other bill. Another thing I am trying to address is that one day the House of Commons will have to operate right.

We can speak about anything we want in the bills. I am not sure what the Bloc members are getting at but the other thing they must understand as much as anyone else here is that all opinions put forward by all members in the House of Commons should go toward impacting some kind of decision. If we all spoke to the same thing within any bill we would only need one speaker. In representing my area I speak to the issues that concern my area, not the issues that concern the Bloc or anyone else for that matter.

I reiterate what I said. Race based legislation, regardless of any amendments to any part of any bill, does not fit in the House of Commons whether in public works legislation, finance legislation, the criminal code or any other code. It is wrong. It is trying to address the fact that the government is not—

The Deputy Speaker: The hon. member for Terrebonne—Blainville.

[*Translation*]

Ms. Diane Bourgeois: Mr. Speaker, I rise on a point of order.

It seems rather obvious to me that the member is not dealing at all, with the amendment before us today.

I am trying to be fair and honest with taxpayers. I believe we do not have time to waste rambling on about all kinds of issues.

The Deputy Speaker: I believe this is not a point of order. If hon. members wish to have this debate outside the Chamber once the member is finished with his speech, they are free do so.

[*English*]

I will allow the hon. member for Langley—Abbotsford to conclude his remarks.

Mr. Randy White: Mr. Speaker, I need not take anyone's time. I do not waste time in the House of Commons. However if we talk about a waste of time we can look over there at the separatists and ask about wasting time. The hon. member should not bother me about wasting time in the House of Commons.

The Deputy Speaker: Before I resume debate, and not because of these last few moments, I want to verify my speaker's list briefly. Unless I am instructed otherwise and there are some other negotiations that of course the Chair would not expect to be involved in, if I follow correctly the speaker's list I would turn now and look for a speaker from the New Democratic Party. Is that the case?

The hon. member for Windsor—St. Clair.

● (1310)

Mr. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speaker, that would be the case. However I have discussed this with my friend from South Shore, and because of a scheduling problem for him he and I will reverse the order since I believe he would follow my address.

The Deputy Speaker: I appreciate the clarification made by the hon. member for Windsor—St. Clair. He would in fact be followed without interruption unless a member from the government side were to rise. That is always a possibility.

I will now give the floor to the hon. member for South Shore.

Mr. Gerald Keddy (South Shore, PC/DR): Mr. Speaker, I thank my NDP colleague for accommodating a hectic schedule.

I would like to comment on Bill C-7 and specifically, as the Bloc members have drawn attention to, the amendments that were made in the Senate. I will preface those comments with a comment to the member for Langley—Abbotsford.

I am always surprised when I hear members say categorically that they will not accept anything that comes from the Senate. I make no bones about the fact that I have always believed we should have an elected Senate, one which is elected by the people of Canada. There could be regional representation. The country could be broken into five regions. Everyone could be represented equally and we could have a Senate that was effective and equal.

I have certainly heard the member for Langley—Abbotsford spout the same thing, that he believes in an elected Senate as well. However, one cannot believe in an elected Senate and in empowering it and at the same time say the Senate should have no power. It does not work. It does not fit. It is not logical.

Regardless of whether members sit on the government side or on the opposition side, under our Constitution and the system that we have, we are in no position to say that our amendments to legislation are more important or better than amendments made by the Senate. We have to accept them. If we do not like that, then change the basic flaw in the way parliaments are set up.

Bill C-7, the youth criminal justice act, has returned from the Senate with amendments. The bill would repeal the former Young Offenders Act at great cost to the Canadian taxpayer. It would have real and philosophical ramifications as well as financial consequences, not to mention the effect it would have on the next generation of young Canadians across this vast nation.

As legislators, we must first realize that no bill can satisfy all. I think most people would agree.

My colleague, the member for Pictou—Antigonish—Guysborough, who is the PC/DR coalition justice critic, will attest to the many faults of the Young Offenders Act. However, abandoning the whole system is akin to throwing the baby out with the bath water. While there may be a number of improvements in the bill, the serious problems that will face police, lawyers, judges and those who will deal with this new legislation daily far outweigh any positives.

As seriously flawed as the bill is, the amendments proposed by the Senate manage to shed light on a serious problem found not only in the bill but also within the Canadian justice system. Noting differences for difference's sake is unacceptable to most Canadians. However, when these inherent differences lead to inequality for whatever reason, the knowledge that they exist can lead to a better understanding of the problem. With this knowledge, we can focus change where change is needed most.

If one positive can come from this debate, it may be that the amendments proposed by the Senate demonstrate at least in some cases the societal differences between aboriginal and non-aboriginal youth. Justice should be absolutely blind to race, ethnicity and gender. In a perfect world perhaps that would be true. In this case, with the evidence that has been collected and compounded and put before us, I do not think we can ignore the obvious.

● (1315)

Specifically, while this amendment is a good first step at recognizing the inequalities in the system, it does not go far enough in terms of explanation or direction.

Upon examining original Bill C-7, it became evident that clarity was not essential in the minds of the government. Many seasoned professionals have examined this piece of legislation and today they are no further ahead than when they started. It is convoluted and complicated. More important to many of us, it will also be costly.

The bill in essence has been seven years in the making, from Bill C-68 to Bill C-3 to Bill C-7. Expert after expert has said it is unmanageable, too long, too complicated and too expensive. It is interesting to see the legislation come back to the House with these minor, albeit significant, changes.

It has been said before that the justice committee could have heard the complaints of numerous individuals from every region of the country concerning the bill. Before the committee could even begin to consider the witness list from members of the committee, the parliamentary secretary cut off all further debate and moved to clause by clause consideration.

Surely this is not the so-called Liberal democracy that most Canadians voted for. Surely Canadians did not vote for a government to simply put an issue aside and go directly to clause by clause without hearing all the witnesses and without finishing debate. Surely there is something wrong.

In my mind, the fact that these changes were necessary at all speaks to the fundamental problems in this legislation. In its haste to cater to Liberal pollsters, the government overlooked section 718.2 (*e*) of the criminal code when addressing sentencing issues, leaving this legislation open to constitutional challenge. It is hard to imagine a bill so poorly crafted. While amendments from the upper chamber should alleviate a constitutional challenge on the grounds of discrimination in this regard, the bill will most certainly be challenged on other grounds. The amendment states:

> All available sanctions other than custody that are reasonable in the circumstances should be considered for all young persons, with particular attention to the circumstances of aboriginal young persons.

I think that excludes race and ethnicity without ignoring it. That is an important part of the amendment.

Some have argued that this in and of itself is discriminatory. Yet through the application of section 718.2(*e*), using the framework of analysis as set out by the court in Regina v Gladue, we can improve the situation of aboriginals in the legal system. Surely that is something we all wish to do.

As Senator Pierre Claude Nolin pointed out, the framework of the analysis outlined must include systematic and background factors which explain why aboriginal offenders often appear before the courts: poverty, level of education, drug or alcohol abuse, moving off a reserve, unemployment, domestic violence and direct or indirect discrimination. Surely this does not preclude that same type of analysis being given to all young people who will be charged under the act.

The framework of analysis set out by the court includes the types 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. I find it surprising that this framework of analysis is not applied to all as it could be applied to all.

Setting that aside, the inclusion of this section of the code was necessary and is necessary to deal with the over-representation of aboriginal people in prison and to encourage sentencing judges to have recourse to a restorative approach to sentencing.

● (1320)

I reiterate, the importance of this amendment is paramount to the fundamentals laid out within this document.

I concur with hon. Senator Andreychuk who rose in support of this amendment put forth by the Liberal side of the Senate. Quoting her, "Too often in this place we do have to be prodded to raise issues concerning aboriginal youth".

The issue has been raised. Aboriginal leaders, the administrators of our judicial system and experts alike have agreed that our adversarial model of justice oftentimes does not fit the needs not only of first nations, but of other groups within our society as well.

I would also argue it is past due that we at least tried to grapple with this issue. I am not saying this issue is over or this somehow will alleviate all of the injustices in the world, but certainly it is a start.

After first reading it is evident those considerations of rehabilitation or reintegration into society are secondary in overall terms of the provisions as laid out in this bill. They are secondary in terms of thought and in terms of financial compensation to the provinces.

There are a number of extrajudicial measures sketched into the bill, but practicality seems absent. For example, the bill says it wishes to encourage families of young persons, including extended families and the community, to become involved in the design and implementation of these measures. This looks good on paper, but are these measures practical?

How do we as legislators or for that matter, the people on the front line such as police officers, social workers, parole officers and teachers convince the community to become involved? I would think that would be an arduous job. It would be very difficult to convince people to become involved without having some type of compensation package provided by the federal government.

We could ask the front line police officers if things are getting easier or if youth crime is down. They would answer quite truthfully that so-called minor youth crimes are not being reported due to overworked police forces which are stretched too thin to deal with such crime. They have more important matters to deal with or in the vernacular, they have bigger fish to fry. If they are stretched too thin now, things for our provincial counterparts will become even more difficult.

Saskatchewan's minister of justice, Chris Axworthy, pointed out that his province will need time and resources. The minister told the Senate that at least a year would be necessary in terms of the implementation of such an act. He said:

> We need to develop extensive training plans across various sectors, including police, legal workers, court staff, community based organizations delivering youth services, aboriginal court workers, educators and health providers.

He noted that in all cases new training would be necessary. The justice partners will need to unlearn the processes they have become familiar with under the old Young Offenders Act. They will need to replace this old knowledge with new knowledge of a more complex nature.

In his estimation, Saskatchewan alone will spend around $10 million just to upgrade its information services; I repeat, just to upgrade their information services. We could easily multiply that by 10. Probably in some provinces we could multiply that by a great deal more. If it costs $10 million to implement this in Saskatchewan, in provinces with larger populations it may cost twice as much.

In terms of prevention, various social programs funded by the provincial governments are used to keep young offenders out of the courts. These provincially administered programs are supposed to receive 50% of their funding from the federal government, yet under the Liberal government the provinces have seen the federal share drop to as little as 30%.

Decreased funding equals children not receiving the service they need and oftentimes rehabilitation does not occur. The provinces barely have enough money now to deal with the justice issues. This bill is certain to bankrupt the system.

● (1325)

I urge the new Minister of Justice to reconsider at the very least the immediate implementation of this act. Certainly the government would be much better off to send this flawed piece of legislation back to committee, allow witnesses to appear and work on this important piece of legislation in a co-operative and concentrated way.

A delay for at least one year and the justification for such a delay are compelling. As the Speaker is aware a number of witnesses who appeared before the Senate Committee on Legal and Constitutional Affairs called on the government to provide an adequate amount of time for the various stakeholders to reach a consensus on the administration of this most complex and extensive new legislation.

Among those testimonies certainly it should be noted was the testimony of the Canadian Police Association which outlined precisely the obstacles not only the police but other agencies that work within this system will face in terms of new responsibilities.

It should be noted that the Progressive Conservative Party submitted numerous amendments to the youth criminal justice act in its various forms over the years and the government did not listen. As a result we are left with the piecemeal mishmash of legislation that nobody is certain of how it will affect young offenders.

Perhaps we will not be able to change this piece of legislation in the House. Perhaps the amendment from the Senate will achieve its desired goal. We should just give that a moment to sink in.

We are dealing today with what at the very least is a seriously flawed, bureaucratic and impractical mess. At the very best it may cause irreparable harm to the justice system, albeit the amendment from the Senate may have improve it slightly.

However as legislators and representatives of people from coast to coast to coast in Canada we should take a very serious look at this piece of legislation. I think we will have a great deal of difficulty sending it back in any form, let alone its amended form.

[*Translation*]

Mr. Antoine Dubé (Lévis-et-Chutes-de-la-Chaudière, BQ): Mr. Speaker, I have listened attentively to the speech made by my hon. colleague. I have, of course, understood that he is opposed to this bill which, in his opinion, will create difficulties in application as well as additional costs for the provinces, for the province he represents.

Unlike some other members here, he seems to have read the bill properly, to have grasped its complexity. He has heard a number of witnesses, probably the ones from Quebec. If I have understood the end of his speech correctly, he was opposed to the intent to have total harmonization, regardless of where the young people are, and what their needs are.

Would he personally be in favour, perhaps based on the distinct society motion the government tried to get adopted in the past, for Quebec or his province to be able to continue applying the present law, which works well in Quebec? It is a system that has been in place for 16 years already.

● (1330)

[*English*]

Mr. Gerald Keddy: Mr. Speaker, the question is a straightforward one and I will try to give a straightforward answer. The problems here are multiple. We have a bill now that most professionals in the country say is unenforceable.

Everyone knows the provinces are completely underfunded and will remain underfunded under this new bill. At the same time some of the provinces have been doing a better job than others at enforcing the old act. It is fair to say, and I do not think there would be much of an argument, that Quebec probably has done as good a job or perhaps the best job of implementing the old act.

Certainly I do not think the government would be willing to allow the legislation to be applied piecemeal across the country. It would be optimistic on the part of the provinces to think it would. At the same time I would agree the provinces that wish to stay under the old system should be allowed to stay under it, including Quebec, Nova Scotia or any other province.

Everyone who is associated with this piece of justice legislation, except for a few members on the government side, is saying that it is unenforceable.

Mr. Brian Fitzpatrick (Prince Albert, Canadian Alliance): Mr. Speaker, I have a point of clarification and I want my question to be straightforward too. In dealing with this act in a court situation is there some sort of scientific, medical or whatever test, for example, in a gang situation, the judge can use to determine who precisely is aboriginal and who is not?

Mr. Gerald Keddy: Mr. Speaker, I certainly hope the way I heard the question is the thrust of the question. The hon. member is implying that it is difficult for judges to judge who in a group of people may be aboriginal or who may not be.

The Deputy Speaker: Order, please. Earlier today we had a similar interruption. I do not think there should be any doubt in anyone's mind that it is quite clear, not only as I stated earlier as a practice but as a rule of the House, that cellphones are not to be in our Chamber.

There are other ways of being made aware that someone wants to reach members by way of vibration or otherwise. We have gone so far as to allow within our rules the use of laptops, but I think it is totally unacceptable to have cellphones ringing when one of our colleagues has the floor.

As far as I am concerned, bluntly speaking they can either be turned off when members enter or at the very least put on vibration or something else. They should not ring and disrupt a colleague on the floor of the House.

Mr. Gerald Keddy: Mr. Speaker, I am sure all members of this place appreciate the intervention. In answer to my hon. colleague's question, I am not a legal expert but as I understand the legislation the judge may take into account the fact that a young offender has an aboriginal background. He or she is not forced to take that into account. It is a judgment call on behalf of the judge hearing any particular case, as I understand it.

Again I want to preface my comments by saying that I am not a legal expert but certainly that is the way I understand the legislation. It is not meant to say that simply because a young offender is aboriginal he or she goes scot-free. It is meant to say that we have certain individuals who may have a background which makes it more difficult for them to have a fair hearing under the court system, or who may be more challenged before the court system.

It does not preclude sentencing and it does not automatically consider that simply because of someone's background he or she is not guilty of the crime.

● (1335)

[*Translation*]

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, the hon. member should think about the astronomical amounts that will have to be spent on a bill like Bill C-7. We are talking several hundreds of millions, perhaps even a billion dollars, just to implement Bill C-7.

What could we have done with all that money to help our young people?

[*English*]

Mr. Gerald Keddy: Mr. Speaker, it is my understanding that the government has set aside $207 million to implement the bill. Certainly that would have allowed for a lot of innovation and intervention programs on behalf of the government had it cared to cost share those programs with the provinces.

Certainly if we look at the comment I made earlier on the Saskatchewan justice minister saying that at least $10 million will be required by the province of Saskatchewan, which has a fairly low population in comparison to the rest of the country, then an horrific and astronomical amount of money will have to be coughed up.

It will not be completely cost shared by the federal government so the province of Quebec will face huge costs. The province of Ontario and all other provinces will face huge legal bills.

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Mr. Speaker, I hope you feel the same way about electronic voting as you do about cellphones and that this Chamber does not see that type of intrusion either. That is another thing.

The Deputy Speaker: I am sure the hon. member is not trying to draw the Chair into a debate on another subject matter. Some people might feel one way or another. I will resist the temptation, certainly.

Mr. John Bryden: Mr. Speaker, do forgive me. I should keep on the topic. The topic of my remarks will be the amendment and the subamendment before the House.

I would like to begin by commenting on some of the remarks made by the member for South Shore. *Hansard* will show that the member for South Shore got himself into a contradiction in his argument where he supported the original amendment and its call for particular attention to be paid by the judges to the circumstances of aboriginal young persons.

The member, as *Hansard* will show, made the argument that aboriginal did not really mean race. What it really meant was something to do with societal, as he said. If that is the case, I think the member for South Shore was correctly brought up short by the member for the Bloc. If he feels that that amendment and aboriginal refers to something that is exclusively societal, then he should be supporting the Bloc's subamendment that calls on the bill to be rejected because it does not reflect the distinct character of Quebec.

The distinct character of Quebec, I would suggest, is societal, just as the distinct character of P.E.I., of Vancouver, of Saskatchewan, of Hamilton or of Linden. Wherever we are in the country, there are societal differences that have nothing to do with race. In fact we will find aboriginals in every part of Canadian society. The suggestion that the word aboriginal does not refer to race is a specious suggestion.

Let us pursue this whole idea of aboriginal and society for just a moment as well. A member of the reform party asked whether or not judges would be expected to determine the aboriginalness of the defendants before them by blood test. In fact, it can be determined by an Indian status card which is determined in turn not by the societal context in which aboriginals find themselves. It is not a matter of whether aboriginals are on reserve or not on reserve. The Indian status card is determined solely by the ancestry of the individual concerned. In other words, his genetic makeup, his race, his blood. I would agree, by any standard, this is not where this society and our laws ought to be going. I have always felt very opposed to the suggestion that anyone in our society should get any special attention or any special privilege based solely on race.

I will give an example of the type of dilemma that the original amendment presents for us. In Oakville, which is one of the richest communities in Canada per capita, one can easily find people who are aboriginals who come from families who are very rich, who have jobs in the high tech industry, whose kids go to private schools and on and on it goes. Yet these young people who come from these families who have all the wealth of the nation can have and do have Indian status cards.

What do we have here by this original amendment? We have the suggestion to the courts that when youth appear before them, when a crime is committed in an affluent area of urban Canada, the judge is called upon to take into account special circumstances among the youth before him if one happens to be an aboriginal. This is unacceptable and I do not and cannot support the amendment. It just flies in the face of everything I believe Canada ought to be about. We are different in our language. We are different in our ethnicity. We are different in our countries that our parents came from, but we are all one as human beings and I absolutely refuse to distinguish people solely by race.

I find myself in the awkward circumstance of actually being on the same side on this question as the Canadian Alliance. This has happened extremely rarely in the eight years that I have been in the House. However this is a House of Commons. This is a place where we have open debate and where it is very important for all of us to express our true feelings no matter where we sit in the House.

● (1340)

However another issue has come forward here that I think is so interesting. That is the question of whether or not a member of the government side should feel the same obligation to support a bill or a measure before the House that emanates from the Senate.

If amendments emanating from the Senate were treated as free votes that would empower the Senate. It would not diminish the Senate as was suggested by the member for South Shore. What it would mean is the Senate could then feel that if it had before it a piece of legislation, which it was really concerned about that had passed through the House of Commons, it could hope that if it did put an amendment forward, the amendment would go before the entire House of Commons and the government members would treat it not as a vote to be whipped by the government side, but treat as an expression of conscience, an expression of genuine concern from the Senate and that it should receive the individual consideration of every member in the House.

I think there is the potential there for a parliamentary reform, and we are always saying here that we should try to reform this House, that would be most welcomed. I do not want to see an elected Senate because I do not think it advances the progress of democracy. The model we see in the United States where there is an elected senate and elected house of representatives is not an efficient model as far as democracy or the advancement of legislation, we have a good model here.

It is true that the Senate as an unelected body has not been functioning as effectively as it might. If the Senate truly acted as the conscience of this parliament, then the way to give it that conscience and give it that empowerment is to treat Senate amendments when they do come back to this House, as free votes.

● (1345)

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, it is wonderful to hear a Liberal member from time to time see the light and agree with what the Canadian Alliance says because clearly the reason he has come to that conclusion is that our arguments are persuasive because they are correct in this case.

It is a false motivation to build legislation based on race and I am very happy that the member had the courage to stand up and say that it is a correct evaluation of the legislation. I encourage the member to put feet to his convictions and vote against the amendment when it is brought forward.

He talked about free votes. I agree with that, especially when it comes from an unelected Senate. There should be a balance. Let us face it, the Prime Minister appointed every member and the Senate is beholden to him.

If the members on this side simply obey the party law, then there is no democracy. My question to the member is very straightforward. Will he have the courage to vote according to his convictions?

Mr. John Bryden: Mr. Speaker, one of my colleagues on this side just answered for me. I will repeat his answer. I have always voted according to my convictions.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR): Mr. Speaker, I would like to pose a question as well to the member opposite. I know that he has taken a long interest in disclosure and access to information. I also know that he has a deep-seated concern for the welfare of children and those who find themselves before the justice system. It is certainly something with which we all have to very much concern ourselves.

The problem that the Progressive Conservative Democratic Representative caucus has with the legislation is the amount of delay that will result as part of our objection to passing the bill. Similar to that, is the introduction of numerous new procedures that will be used to the advantage of the accused by their lawyers to invoke delay and bring about appeals for these new procedures, new procedures that I would suggest do not add anything to our current justice system. What they will be simply used for is tools of delay.

One of the concerns I know the member opposite has is that justice be done and be done swiftly, just as the need for information and disclosure is necessary for accountability. In the justice system the need for access to justice occurring quickly is what should be very much at the primary root or goal of drafting new bills.

Does the hon. member opposite feel that bringing about a bill that is so cumbersome, so convoluted and so ripe with new procedures that it will very much rob the justice system of its ability to respond quickly, is the direction in which we should be headed? Should we not be, if nothing else, streamlining and making a system of justice, particularly as it pertains to youth, more accessible, effective and efficient?

Mr. John Bryden: Mr. Speaker, my problem is with the subamendment and the amendment that is before the House. I supported the original bill when it went through the House. No individual MP here can be cognizant of everything that goes on in every piece of legislation.

I trust my colleagues on the justice committee and I trust the opposition members on the justice committee to have worked out as best they can the problems that were in the original legislation. I trust the process that took the bill out of committee into report stage and beyond report stage into third reading.

My problem is something has now been introduced into the bill I originally supported with my vote which I do not support. It was introduced at a stage beyond the House and is returning to the House.

I can assure the House that, when my turn comes to rise on this particular amendment, I will consider very careful how can I best represent the people who have sent me to this Chamber. I will be treating this amendment in my conscience as a free vote.

● (1350)

[*Translation*]

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, I am stunned by the comment of the hon. member for Ancaster—Dundas—Flamborough—Aldershot when he says that Quebec is not a distinct society. They adopted a resolution in the House. They recognized Quebec's distinct character. When I say distinct society, this is a minimum. We are more than that, we are a nation. It goes much further than that.

The hon. member should at least have recognized that his government adopted a resolution in this House explaining that Quebec is a distinct society.

Why not respect Quebecers, not just Bloc Québécois members, but also members of his own party who are Quebecers and who hear him say that he trusts the standing committee on justice? That committee heard evidence and Quebecers were unanimous in saying that they want to have the right to opt out of Bill C-7.

Mr. John Bryden: No, Mr. Speaker. I said that I agree. Quebec is a distinct society. But so are Ontario and New Brunswick. All the regions of the country are distinct societies.

There are also ethnic and other groups who speak other languages. It is impossible to have federal laws based on all kinds of distinct societies. We must have laws that apply to all young people.

I absolutely agree that Quebec is a distinct society and I am very proud to be associated to it.

[*English*]

Mr. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speaker, I appreciate the opportunity to speak to the bill and the amendments that are before us. I intend to address the subamendment first. However, in the context in which that subamendment was brought forward, I want to note that when the bill went through the House on its first round the NDP voted against it because of all the gross imperfections.

Our party will be supporting the amendment dealing with the clause regarding aboriginal youth, however, we are still considering our position with regard to the subamendment.

The Juvenile Delinquents Act was the bill that controlled this area from early in the 1900s. All the imperfections that were in that piece of legislation were supposed to be addressed by the Young Offenders Act. I remember when that bill came into effect, and lawyers across the country were trying to implement it, how difficult it was because governments were not funding the necessary services that were required under the bill.

It was interesting at that time to see that the province of Quebec began to implement the philosophy of that bill and deal with youth crime in a realistic fashion. It moved away from a punishment model to a treatment and care model. It did that with nowhere the financial support that it should have received from the federal government.

I was practising in Ontario at the time and I recall investigating the matter because I could not find these services for my clients, a number of whom had been convicted under that legislation. When I investigated it, I found out that only 20% of the services that were required were being funded. The interesting part was that the province of Quebec had began to fund it.

Then, we moved forward to the present bill and saw the amendments come through. The $200 million plus amount of money that would be allocated would not be sufficient. When we look across the country, the province of Quebec is the only one that has moved significantly to fund these services, and it has done it in the absence of the federal government.

Other provinces tried to emulate that pattern. My friend from South Shore mentioned that Saskatchewan began to move under the old legislation. However, the reality is that, in terms of our taxing power and ability to derive revenue, the federal government has that ability to a much greater degree than the provinces do. When Saskatchewan tried to move forward, in many respects modelling themselves after Quebec, it was thwarted simply by financial considerations. That would continue under the new bill.

There are strong reasons for our supporting the subamendment but we have not made that decision. I suppose our one reservation is that if we restrict it to the province of Quebec, the reality is that some of the other provinces have already begun to follow its pattern. I will not get into the discussion around the distinct society. My friend from Ancaster has already hung himself in that regard. I will not go down that route.

● (1355)

That is the one reservation I have with regard to the subamendment. The subamendment if passed would withdraw the bill and in effect say to the government to go back and do it right. That would very much have our support.

With regard to the amendment that came from the Senate, it was interesting to watch the exchange that occurred a few minutes ago and listen to the comments about the Senate being an undemocratic institution, which it clearly is. It is referring the bill back to us—

The Deputy Speaker: I must interrupt the hon. member to proceed to statements by members, but I remind him that he will have approximately 14 and a half minutes remaining in his intervention.

STATEMENTS BY MEMBERS

[*English*]

PARTHENON MARBLES

Mr. John Cannis (Scarborough Centre, Lib.): Mr. Speaker, I would like to bring to the attention of the House and to all Canadians a very important movement which was initiated by the late Melina Mercouri in 1982: the return of the Parthenon Marbles to Greece.

The marbles were removed from the Parthenon by Lord Elgin almost 200 years ago without the consent of the Greek people and are now housed in the British museum in London.

This is not an issue that concerns Britain and Greece. It is an issue of cultural heritage that transcends all borders. Despite the pressure from UNESCO and the European parliament the marbles still remain in London. As a member of the Commonwealth it is essential that Canada support the return of the parthenon marbles to Greece.

I will close with a quote from the late Melina Mercouri who said:

> We are asking for the restitution of part of a unique monument, the particular symbol of a civilisation. And I believe that the time has come for these Marbles to come home to the blue skies of Attica, to their rightful place, where they form a structural and functional part of a unique entity.

Let us do the right thing and get those marbles back where they belong.

* * *

AGRICULTURE

Mr. Reed Elley (Nanaimo—Cowichan, Canadian Alliance): Mr. Speaker, over two years ago an entrepreneurial farm couple in my riding took out a $125,000 mortgage to begin a new industry in Canada. They imported 19 water buffalo from Denmark and had contracted with a local cheese factory to market water buffalo cheese on the west coast. Unfortunately, one dairy cow in Denmark came down with mad cow disease and the government after doing a risk assessment ordered the water buffalo destroyed.

Beyond the issue of keeping Canada free of BSE there is the issue of a government that is failing the Archers by not taking into account all the evidence presented to it. There have been no cases of water buffalo with BSE anywhere in the world. The Danish government has categorically said that this herd was not exposed. Animals from the same herd were exported to other countries such as Australia and are not in quarantine. The Archers are on record as supporting zero tolerance for BSE. However there is no hard evidence that links BSE with their water buffalo.

I ask the agriculture minister and the Liberal government to rescind the destroy order and do all they can to save this new industry in a recessionary economy rather than do all they can to destroy it. It is no wonder Canadians are truly skeptical about their government.

* * *

● (1400)

CURLING

Mr. Reg Alcock (Winnipeg South, Lib.): Mr. Speaker, once again I am forced to rise in the House to inform the House that yet another Canadian championship has been claimed by a Manitoba team. In this case it is the Canadian junior men's curling champions.

The team, composed of skip Dave Hamblin, third Ross Derksen, second Kevin Hamblin and lead Ross McCannell, curls out of the Pembina Curling Club in my riding of Winnipeg South and, incidentally, the riding also represented by the minister of family services of Manitoba who is in the gallery today.

They are going on, March 23 to 31, to Kelowna, B.C. to compete in the world championships, and I know all members of the House will want to join me in wishing them the very best in bringing home that title to Canada and to Manitoba.

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[*Translation*]

CIRQUE DU MONDE

Mr. Guy St-Julien (Abitibi—Baie-James—Nunavik, Lib.): Mr. Speaker, the Cirque du Monde, a subsidiary of the Cirque du Soleil, will be in Purvirnituq and in Inukjuak, Nunavik, in March 2002.

The Cirque de Monde is a program introduced by the Cirque du Soleil with the co-operation of the Fédération des coopératives du Nouveau-Québec, the Caisse d'économie des travailleurs et travailleuses du Québec and the Kativik school board.

The aim of the Cirque du Monde is to help young people between the ages of 15 and 24 develop their self-esteem, and thus prevent, among other things, youth suicide and violence. It is not professional training as such.

Currently, there are 35 similar programs sponsored by the Cirque du Soleil under way in 18 different countries. The Cirque du Soleil invests 1% of the revenue from its annual ticket sales in its social action programs. This represents a considerable sum of money.

The director of these programs, Paul Laporte, maintains that these projects have a long term impact on communities, because the projects started by the Cirque du Soleil can be kept going for many years.

* * *

QUEBEC ECONOMY

Ms. Hélène Scherrer (Louis-Hébert, Lib.): Mr. Speaker, yesterday KPMG released the results of a study presenting an international comparison of the costs of setting up an industrial operation in a G-7 country.

The purpose of this independent study was to compare the after-tax cost of startup and operation for 12 specific types of business, over a 10-year period.

Canada stood first for all the criteria examined, with a substantial cost advantage over the United States.

But I am particularly proud of the results for the Quebec City area, which also ranked first among cities in northeastern North America and which was surpassed by only the tiniest margin by the city of Edmonton among Canadian cities as a whole.

Quebec City, already world renowned for its tourist industry, can now boast that it is an area with a highly qualified labour force, and low energy, transportation and accommodation costs.

All foreign entrepreneurs looking for sites to start up and operate new technologies or products should take note that the Quebec City area is now recognized as a significant competitor internationally.

I wish to congratulate all the stakeholders who contributed to this achievement and—

The Speaker: The hon. member for Lethbridge.

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[*English*]

AGRICULTURE

Mr. Rick Casson (Lethbridge, Canadian Alliance): Mr. Speaker, the beef industry in Canada is facing yet another challenge by the United States. The implementation of country of origin labelling on agriculture products in the U.S. will cripple our Canadian beef industry.

The U.S. National Cattlemen's Beef Association is meeting on February 7. I implore the minister of agriculture to instruct the CFIA to immediately implement the terminal feedlot protocol before this meeting to send a strong signal that Canada is open for business to head off this potentially disastrous situation.

The minister may say that his hands are tied by concerns the CFIA has about the slim chance of disease. That is wrong. Scientific studies have been produced, and the minister has seen them, that concluded any possible health threat is manageable. It is strictly a lack of will by the minister and foot dragging by the CFIA that have produced this action by the U.S. producers.

Will the minister of agriculture be willing to accept the responsibility for killing our Canadian beef industry? I hope that he does not have to and I hope instead he does the right thing.

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KITCHENER—WATERLOO

Mr. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, the 2002 KPMG Competitive Alternatives report was released earlier this week, ranking the Waterloo region as one of the foremost locations in the world to do business. The costs of setting up a business in the area are much lower compared to any of the U.S. cities matching our region's demographics.

Most of our local economy is made up of companies that are world renowned and were spun off from our excellent post-secondary institutions: the University of Waterloo, Wilfrid Laurier University and Conestoga College. The excellence of our tens of thousands of graduates drives the economic engine of my community.

The Waterloo region is Canada's technology triangle and I am proud the KPMG study has recognized our region to be amongst the best to invest in, in Canada and in the world.

* * *

● (1405)

[*Translation*]

YOUNG OFFENDERS

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, the barely sworn in Minister of Justice is already demonstrating the same arrogance as his predecessor and is prepared to do anything to impose a law upon us that does not take into consideration the distinct character of Quebec as far as its treatment of young offenders is concerned.

We would have liked to have seen more flexibility, more openness, and more respect from a minister from Quebec. This new lieutenant of the Prime Minister is starting off his new mandate very much on the wrong foot.

Quebecers will not forget that he has put his personal interests ahead of their young offenders; neither will they forget that he has denied their distinct nature although the Quebec model has resulted in the lowest rate of youth crime in Canada.

The minister's philosophy is repression rather than rehabilitation, to put 14 year olds in jail with adults, to judge them according to the severity of their crime rather than according to their particular needs.

This government's philosophy and the philosophy of this new Minister of Justice is to serve the interests of Canadian unity, not those of the young people of this country.

* * *

ECONOMIC DEVELOPMENT

Mr. Claude Duplain (Portneuf, Lib.): Mr. Speaker, today the Secretary of State for the Economic Development Agency of Canada participated in the opening of the national downhill ski training and competition centre at Le Massif de Petite-Rivière-Saint-François in the Charlevoix region.

The Government of Canada has contributed $10 million to bring this ski area up to world level. Now our athletes will no longer have to train elsewhere.

As well, this investment will make it possible for the centre to hold international downhill ski competitions, thus enhancing its international prestige. It should extend the season by some 30 to 60 days.

There will be economic benefits for the entire Charlevoix tourist industry in the off season. Estimates are that it will lead to the creation of 75 seasonal jobs with the resort corporation, as well as to additional economic spinoffs of more than $16 million over four years.

This is just one more excellent example of how our government is working to ensure the economic development of the regions of Quebec.

[*English*]

RIGHTS OF CHILDREN

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance): Mr. Speaker, children in Canada are not for sale. This is a concept that the Liberal government has yet to grasp.

In Saskatoon an 11 year old girl was sold to a paroled sex offender for $45 and a pack of cigarettes. The girl was raped. What was this man doing on our streets? A national sex offender registry was to have been established by January 30, 2002. That date has come and gone. The price of the government's inaction is being paid for by our children.

Child pornography is also an issue that must be addressed. While the sexual age of consent in the country remains at 14 years of age we will continue to have a problem. A 14 year old girl can legally participate in pornographic situations as she is legally able to consent to such actions. This is despicable.

The government must develop a zero tolerance attitude toward the exploitation of our children. Does the government not care that children are being abused in this way?

The laws of this land need to be changed. The safety, security and innocence of our children must be protected.

* * *

DEAN CAMPBELL

Mr. Eugène Bellemare (Ottawa—Orléans, Lib.): Mr. Speaker, today I pay tribute to a resident of Ottawa and Orleans who died after giving 26 years of great and loyal service to the House of Commons.

Constable Dean Campbell, 54, worked at security and traffic operations on the Hill. He was a kind and devoted man who was always there for his colleagues. Providing quality services was important to him and it is with greatness that he was achieving his duties. Dean Campbell was to take his retirement this coming April.

I express my sincere condolences to his wife Linda, his children and grandchildren, as well as his colleagues at the House of Commons.

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[*Translation*]

ORGAN DONATIONS

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, on January 11 I had the opportunity to meet with George Marcello, in Bathurst. Mr. Marcello survived a liver transplant.

In 1992 he was diagnosed with the terminal stage of liver disease. In 1995 he received a liver thanks to an organ donor. In 1998 he founded the Step by Step Organ Transplant Association in order to promote organ donation.

In December, the DeGrâce family, in my riding, lost their son in a car accident. After their loss, the family decided to donate Yannick's organs. This generous donation allowed six people to be saved.

The NDP is asking the federal government to set up a national organ donation registry immediately, for the welfare of Canadians.

● (1410)

MIDDLE EAST

Mrs. Suzanne Tremblay (Rimouski—Neigette-et-la Mitis, BQ): Mr. Speaker, in recent months, the crisis in the Middle East has produced many victims. The terrible situation, which is difficult on a daily basis, has had a political impact, of course, but it has also had a social and economic impact.

It directly affects the lives of men and women who must carry on living despite the ubiquitous violence. The two sides must come together and negotiate in order to end the violence. Unfortunately, comments made by Mr. Sharon, which are to be published tomorrow by the daily *Maariv*, only add to the climate of mistrust that exists between the two groups.

Mr. Sharon stated that he regretted, as a matter of principle, not having liquidated Yasser Arafat, because there was an agreement not to do so in Lebanon.

I would therefore like to join with the Spanish Foreign Minister, Josep Piqué, whose country occupies the presidency of the European Union until the end of June, in condemning Ariel Sharon's comments.

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[*English*]

BLACK HISTORY MONTH

Ms. Jean Augustine (Etobicoke—Lakeshore, Lib.): Mr. Speaker, February 1 is the beginning of Black History Month.

Black History Month was born out of the work of Carter G. Woodson, a black historian who in 1926 launched Negro History Week in the U.S. as an initiative to bring attention to the contribution of black people throughout American history.

In 1995 the Parliament of Canada unanimously adopted a motion declaring February Black History Month and therefore giving recognition to the African experience in Canadian society.

From Mathieu Da Costa, the first recorded black man to set foot on Canadian soil, to the slaves of the underground railroad, the United Empire Loyalists and the newcomers of today, men and women of African heritage have pioneered in many sectors of our society including medicine, law, politics, education, science and the arts. Recognizing the contributions of blacks to Canadian society is of special importance to all of our young people.

On this occasion I congratulate Robert Small on the creation of a poster, the 2002 official Black History Month poster, which speaks to the African saying: “Know your history and you will always be wise”.

Let us celebrate Black History Month.

ELECTORAL COALITION

Mr. Chuck Strahl (Fraser Valley, PC/DR): Mr. Speaker, this week the member for Calgary—Nose Hill, an Alliance leadership hopeful, unveiled her plan to reunite democratic conservatives. It marks perhaps the most specific plan yet on how to bring principled conservatives together in an electoral coalition designed to seriously challenge the federal Liberals in the next election.

This is what the leader of the Progressive Conservative Party had to say about the plan. He said "I think it is a very constructive step that she has taken. It certainly reflects the kind of co-operation that I want to see achieved".

Alliance Party members have not stood in the way of co-operation. They voted recently to merge with the PCs. Neither have the PCs been a problem. In fact, the PC leader and the PC caucus have gone out of their way to not only talk about unity but to demonstrate how it can be done.

It is becoming obvious that several, or two at least, Alliance leadership candidates are also prepared to make unity a priority for their campaigns. In other words, co-operation is possible and the Liberal government's recent actions prove once again why democracy needs a viable political option and it needs it now.

Principled conservatives have a unique opportunity to champion the unity cause by supporting a unity candidate in the upcoming Alliance leadership race, and I urge all members to do so in the upcoming contest.

* * *

RON HENRY

Mr. Mac Harb (Ottawa Centre, Lib.): Mr. Speaker, I rise to pay tribute to the life of Ron Henry. In 1965, Ron was awarded two scholarships for study at the Banff School of Fine Arts. While being trained in tap and jazz dancing, his vocals caught their attention and they encouraged him to sing. This was the opportunity that launched his career in voice.

Over the next 35 years, he proved himself to be a prolific songwriter and talented singer. Albums that Ron has appeared on include Terry Carisse, The Cooper Brothers, Christine McCann, Wayne Rostad and Streetboy, among others. Ron loved playing live and was a vocalist in Backyard Symphony, Ensemble, Messenger, Streetboy and Weight.

While awaiting a liver transplant, Ron passed away in November 2001 at the tender age of 52. I send my deepest condolences to his family and friends.

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● (1415)

CANADA CUSTOMS AND REVENUE AGENCY

Ms. Sophia Leung (Vancouver Kingsway, Lib.): Mr. Speaker, recently I was proud to take part in the official unveiling of the VACIS machine in Vancouver. This state of the art technology will allow customs officers in British Columbia to more effectively prevent illegal drugs from entering Canada.

In fact, last year the customs marine team made a seizure of marijuana which was the largest ever in British Columbia. That seizure resulted in 1,700 kilos being kept off our streets and away from our children.

The VACIS machine was funded by the Vancouver Port Authority as part of its joint partnership with CCRA. The Canada Customs and Revenue Agency is very proud of the tremendous professionalism and dedication the customs officers show as they work to improve the safety and security of all Canadians.

ORAL QUESTION PERIOD

[*English*]

MINISTER OF NATIONAL DEFENCE

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, first I want to congratulate our troops for taking al-Qaeda terrorists and handing them over to justice.

The scandal is about an incompetent minister, not the bravery of our forces. The Minister of National Defence misled the House and made a fool of the Prime Minister. We cannot trust his version of events from day to day.

My question is for the Deputy Prime Minister. Do our troops not deserve someone better than this incompetent minister?

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, the Minister of National Defence gave a full explanation this morning in the House of exactly what happened, who knew what and when, and how it was conveyed. The Prime Minister has accepted that explanation.

I think it is time to recognize the important service that the men and women of the Canadian armed forces are performing in Afghanistan on behalf of all of us in rooting out the causes of terrorism.

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, members on my side of the House appreciate the job our troops are doing, but the minister has a record of stretching the truth to inflate his own performance.

Before this latest whopper, the minister implied that the JTF2 was already in Afghanistan but he had to admit it was still in Ottawa. A few weeks ago the minister claimed that the Americans were asking for Canadian troops but General Myers said that Canada asked to participate.

Do our troops and the Canadian people not deserve a minister of defence they can trust?

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, the Canadian armed forces has had a minister over a number of years now, one of the longest serving ministers in the history of the Department of National Defence, who has done yeoman's service on their behalf, who they know is their champion in cabinet, who they know represents them well around the world. The job that they are doing on behalf of all of us—not on behalf of the United States but on behalf of Canadians, in harm's way—is one that Canadians know is important for us to do.

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, we also talk to the troops. The minister has failed to get our forces the resources they need. Our per capita spending on defence is the second lowest in NATO, next to Luxembourg. Our troops do not have heavy airlift or sealift capabilities. Our troops do not have proper uniforms. Our planes cannot be refueled. Our troops are still flying in outdated, dangerous Sea Kings.

Do our troops not deserve someone who will put the needs of our forces ahead of his own political will?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, that is absolutely irresponsible. That is not the kind of support our Canadian troops need now. To suggest that they do not have the training or the equipment, or that there is anything dangerous in what they are using is absolutely irresponsible. The government fully supports the Canadian forces and is making sure they have what is needed to do the job.

Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance): Mr. Speaker, we have been asked to believe that the Prime Minister did not know about Canadian soldiers capturing al-Qaeda terrorists for more than a week. However there are other people in the chain of command who should have informed the Prime Minister: the chief of defence staff, the assistant secretary for foreign policy and defence, and the minister of everything, the Deputy Prime Minister who is supposed to be briefing the Prime Minister daily on security issues.

Did any of those people inform the Prime Minister or does the entire flow of vital defence and intelligence information depend on the whims of the Minister of National Defence?

● (1420)

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, the Minister of National Defence gave a full explanation earlier today in the House.

I would ask the hon. member what difference it would have made had the Prime Minister known a few days or a few hours earlier than in fact he was advised in cabinet. In fact, it really would not have made any difference.

The men and women of the Canadian armed forces present in Afghanistan are doing their job properly and the flow of information was entirely adequate to ensure that they were doing so.

Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance): It defies belief, Mr. Speaker, that in a time of war the Prime Minister was calling the capture of terrorists hypothetical seven days after it was already a fact. Of course it matters. How can an event with such an important consequence in international law possibly have gone unnoticed by the government?

Did not anyone in the Department of National Defence inform foreign affairs, the Privy Council Office or the Prime Minister's Office before last Monday?

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, obviously the Prime Minister and those in that area of responsibility were aware that Canadian forces were present in Afghanistan. It was not impossible that they would be engaged in activities that would lead to the capture of prisoners. Our understanding entirely was that those prisoners if captured would be treated in accordance with international law.

That in fact was exactly what happened. No transfer of information earlier to the Prime Minister would have changed that result.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the time it took the Minister of National Defence to inform the Prime Minister of the developments in Afghanistan is worrisome and raises questions regarding Canada's compliance with its international obligations.

Indeed, on January 17, the Minister of National Defence stated in committee that the rules of engagement for Canadian troops in Afghanistan had not been finalized. However, four days later, on January 21, Canadian soldiers handed their first prisoners over to the Americans.

Given the chronology of events, could the Minister of National Defence tell us when Canada reached an agreement with the United States regarding their adherence to the Geneva convention?

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, I quite clearly said before the foreign affairs and the national defence committee that Canada's policy was to treat prisoners in accordance with international law, in accordance with the Geneva conventions and Canadian law, and that if any prisoners were taken, they would be transferred to an ally, the United States.

I said that very clearly was the policy at that time to those two committees.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, speaking about clear statements, the minister also said that, on January 17, no agreement had been finalized. But there must have been one by January 21, since a transfer of prisoners took place.

On Tuesday, the Prime Minister told the House that, under the transfer agreement concluded with the Americans, and I quote "—they were going to respect all international laws, including the Geneva declaration".

How can the Prime Minister claim that there was an agreement with the United States on January 21 under the Geneva convention, when the Bush administration only informed him of its position on January 28? Is this a *Back to the future* thing with the minister?

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the United States has always made it clear to us, and I have had conversations as recent as yesterday with the secretary of defence, that it intends to abide by international law and that it intends to operate consistent with the Geneva conventions. That has always been what the United States has said. That is the nature of the agreement and the understanding that we have.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, that was not the opinion of Powell and Rumsfeld, who had opposite views.

The Prime Minister was very clear in the House. He spoke of an agreement with the Americans regarding the respect of international laws and the Geneva convention. The Prime Minister even added "It is in this context that we handed over prisoners—".

Will the Minister of National Defence confirm that the context to which the Prime Minister was referring was indeed the following: Canada had reached an agreement with the United States when it transferred the prisoners on January 21? According to the minister, there was no agreement on the 17th. Was there one on the 21st? When was that agreement reached?

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, we must understand the context in which the Canadian armed forces went to Afghanistan.

First, following the events of September 11, there was a proclamation of article 5 of the NATO treaty. There was President Bush's declaration to the effect that this was a war against terrorism. There were actions led by the Americans, from the very beginning, on October 7, with their armed forces. It was a well understood fact between us and the United States that it was a conflict under international law. That was clear.

● (1425)

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the context is that on Friday, Mr. Rumsfeld said that they would not respect the Geneva convention. On Saturday, Mr. Powell said the opposite, and President Bush must make a decision on January 28.

If there is something that is clear, it is that things were not clear in the U.S. administration.

At that point, did something click in the head of the Minister of National Defence? He said "We have prisoners and an agreement that is not clear for the Americans. I should inform the Prime Minister". Did he inform him, yes or no, or is he pretending he did not? Where is the truth?

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, let us hold off a bit here. This is a war. We know that there are prisoners. We know that the international committee of the Red Cross accepts prisoners and it has confirmed that. Also, the United States have confirmed that their prisoners were being treated in accordance with the Geneva convention.

[*English*]

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, let us try to get this straight. The defence minister said that he had not connected the photo of Canadians with prisoners in Afghanistan with a briefing he had received about Canadian soldiers taking prisoners in Afghanistan.

If, as the defence minister claims, there was only one incident of Canadians taking prisoners, and, as the minister said, he recognized the soldiers as Canadians, what did he think he was looking at? Was there more than one incident or is the minister still continuing to mislead the House?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, I had no intention whatsoever of misleading the House. I gave my comments this morning with respect to the chronology of events.

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, it is quite obvious to all of Canada and the international community that the first Canadian casualty in the Afghanistan conflict is the minister.

No one in the military, no one on this side of the House, and especially Canadians, have any confidence left in the defence minister.

On behalf of all Canadians and on behalf of our military men and women who do such a great job for us, will the Minister of National Defence now do the honourable thing and resign his seat?

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, let us keep a little perspective here. The Canadian forces were engaged in Afghanistan recently as part of an international military force that was committed from October 7 when the military action began. The fact that Canadians were engaged in a situation in which they were in harm's way is not a surprise and should not have been a surprise to anyone. The fact that they have carried out their duties with distinction, doing what they were asked to do and have succeeded in doing it, should also not be a surprise to anyone.

The complaint that the member has would make no difference whatsoever to anything that has happened in this conflict.

Right Hon. Joe Clark (Calgary Centre, PC/DR): Mr. Speaker, while the Minister of National Defence considers whether he will do his duty and resign, tonight members of the Princess Pats are leaving Edmonton to do their duty in Afghanistan. They need someone at the cabinet table whom Canadians and they can count on.

Will the Deputy Prime Minister not put the interests of our troops ahead of the pride of the Liberal Party and name a minister whom Canadians and our troops can respect in this time of crisis?

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, I only wish I had five dollars for every time the hon. member has asked for someone to resign.

What we have here is a situation in which Canadians are being put in harm's way in defence of freedom and liberty in a dangerous part of the world. Their minister has stood up for them in cabinet, has represented them well in the country and has served a long time in his post. He knows what he is doing and he is the person to be in that job at this time, and we are proud of him.

● (1430)

Right Hon. Joe Clark (Calgary Centre, PC/DR): Mr. Speaker, the Deputy Prime Minister stands up for him. He does not even tell the Prime Minister for at least seven days when Canadians have been taking prisoners that might put us in danger.

This minister is more than an embarrassment to the government. He is a danger to the country. The Government of Canada should do its duty: put Canada first and give the troops in Afghanistan a minister they can trust.

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, it is hard for me to understand how the right hon. member thinks that the taking of prisoners in Afghanistan puts us in danger.

In fact, the danger is that this attempt at scandalmongering distracts Canadians from realizing the important service that is being performed on behalf of all of us by our Canadian armed forces personnel in the gulf and in Afghanistan.

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, there is a scandal because of this minister. Here are the facts. The Minister of National Defence misled the House and Canadians about when he found out that the Canadian forces were involved in the capture of terrorists. He misled the House.

Then he blamed his bad judgment on our military by saying that he had not been informed within the 24 hours that is required when in fact he was.

How can we keep a minister of defence in his position when he tries to blame the military for his bad judgment?

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, the Minister of National Defence is not blaming the military. The Minister of National Defence is the first person to give credit to the military of Canada.

He has given a full explanation today in the House of what happened. I am sorry if the hon. member is not satisfied with that explanation but I guess that is not surprising.

Let us get on with recognizing what is at stake here, what the Canadian forces are doing on our behalf in Afghanistan.

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, when the Minister of National Defence said he did not hear about the capture of prisoners till four days after it happened and when the military knows that it has to inform him within 24 hours then he is blaming the military. That is what he is doing.

A minister who will blame the military should not be in his position. How can this minister possibly stay in his position when he knows that Canadians have no trust in him any more?

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, again it is not surprising when members of the opposition ask for resignations. That seems to be what they do.

The important thing to recognize here once again is that Canadian troops are doing their job. They are doing it in difficult and dangerous circumstances and they are not doing it for frivolous reasons. They are doing it because the time has come for Canadians to play their role in ensuring that terrorists no longer have the opportunity to commit the kinds of crimes that we saw occur on September 11.

[*Translation*]

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, the Minister of National Defence knew since January 21 that the Canadian Forces had handed over their first prisoners to the American forces. We know that prior to January 28, the Americans had not decided on their position. We were left in the dark for one week.

How does the Minister of National Defence explain that he did not see fit not to warn the Prime Minister of what was happening, preferring to let him make public statements to the effect that the question was hypothetical "We will see when we have prisoners"?

Is it not important that the Prime Minister was led to say something that the Minister of National Defence—

The Speaker: The hon. Minister of National Defence.

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, as I have indicated in the House, I had a discussion the week before this matter of the mission with the Prime Minister. It was quite clear what the policy was with respect to international law, Canadian law, and the transfer of prisoners.

When the actual mission did occur I was concerned first that our troops were okay, second that the mission had been successful, and third that they had operated within the rules of engagement within the Canadian policy framework, and they had.

[*Translation*]

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, during this same week, the U.S. government was publicly stating its disagreement with respect to the status to be granted to prisoners taken in Afghanistan.

A special federal cabinet meeting was called. There were two and a half days of caucus meetings, and the minister never thought that it was becoming important to warn the Prime Minister.

Is this the story the minister wants us to swallow?

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, as I indicated previously, I was looking at different details of the matter prior to bringing the matter to the attention of the Prime Minister and cabinet, which I did on Tuesday morning after I had finished my examination of the matter.

● (1435)

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance): Mr. Speaker, the Deputy Prime Minister has asked whether it would make any difference if the Prime Minister knew about the capture of terrorists a few days earlier. It matters, because on Monday the Prime Minister told the Canadian people that the capture of al-Qaeda and Taliban fighters was only hypothetical.

My question is for the Deputy Prime Minister. Did the Prime Minister or Prime Minister's Office already know on Monday that the capture of prisoners was more than just hypothetical?

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, there was a full description by the Minister of National Defence earlier today in the House about who knew what and when.

I think it was made clear that he disclosed this information to the Prime Minister and cabinet on Tuesday. Again I say it would not have made any difference if the Prime Minister had known sooner because the troops that were engaged in the capture were doing exactly what they were expected to do.

They turned over their prisoners to the United States in accordance with international law, which we believe will be fully respected.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance): Mr. Speaker, when caught in a lie, tell the truth. It was only after the Minister of National Defence was challenged in the House on November 22 that he was prepared to admit days later that JTF2 was not in Afghanistan when he had led Canadians to think that it was for months.

When will the Prime Minister and this minister follow the lead of our coalition partners and be open and honest with Canadians on exactly what our role is in Afghanistan?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, it is about time we talked about what our role is in Afghanistan instead of this kind of nonsense.

We are there because in fact for the first time this continent became vulnerable to terrorist attacks when the attacks in New York City and Washington occurred on September 11. That is in the country next door. It is part of this continent and it is important that we engage in this mission to suppress terrorism, to be able to bring the al-Qaeda terrorists to justice.

That is what this mission is all about. It has to do with the protection of Canada and Canadians and of working with our allies to help ensure that.

[*Translation*]

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, the Prime Minister stated that the Afghan prisoners were handed over to the Americans pursuant to an agreement signed between Canada and the United States.

Will the Minister of National Defence tell us if he is the one who informed the Prime Minister that there was an agreement between Canada and the United States regarding the Afghan prisoners?

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, I think the Bloc Quebecois is misconstruing this question of agreement. There is agreement not in the sense of a written document but in the sense of an understanding and agreement by the United States that it will follow international law and that it will do things consistent with the Geneva conventions.

Not only do we expect it to do that. We intend to continue to monitor the situation to make sure it does that.

[*Translation*]

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, who, on behalf of Canada, negotiated this alleged agreement on the fate of prisoners in Afghanistan that was announced by the Prime Minister on Tuesday, January 29? When was it concluded and who informed the Prime Minister about it?

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, I went through the chronology of events on the question of privilege in the House this morning. The matter is on the record.

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, the Deputy Prime Minister asked what difference it would make to tell the Prime Minister about what Canada's troops are doing in Afghanistan? Probably in the case of this Prime Minister it would not make any difference at all.

If it does not make any difference if the PM is aware of issues that are critical to our foreign policy, why do we bother to tell him anything?

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, Canadian forces were engaged in the conflict in Afghanistan. This should not be a surprise. They were doing the job that they were expected to do. This should not be a surprise.

The fact that the Canadian forces apprehended certain individuals and that it was not conveyed immediately to the Prime Minister would not in any way have changed the fact that people were apprehended. Nor would it have changed the fact that they were turned over to the United States in accordance with international law.

I think the Minister of National Defence has made it clear that he believes he should have told the Prime Minister sooner. If he had the chance to do it again he probably would, but—

The Speaker: The hon. member for Medicine Hat.

* * *

CANADA CUSTOMS AND REVENUE AGENCY

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, that was completely incoherent. Let me switch from one incompetent minister to another.

Premier Harris has correctly pointed out that the feds have shafted the provinces on health care by billions of dollars since 1993. In Ontario alone it is $10 billion. The government has no right to hint that it wants to soak back the $3.3 billion that it recently lost through its fingers.

When will the minister assure the provinces that the government will not try to recoup its $3.3 billion Enron size accounting mistake?

● (1440)

Mr. John McCallum (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, the facts of the matter are clear. The error has been discovered, but we do not have all the information going back to 1972.

That information is in the process of being collected. At the appropriate moment the government will have conversations with the provinces and make a decision on what to do.

* * *

EMPLOYMENT

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, in addition to focusing on their studies right now many young Canadians are looking ahead and thinking about finding summer of employment.

Would the Secretary of State for Children and Youth outline what plans the government has to assist them in finding summer employment?

Hon. Ethel Blondin-Andrew (Secretary of State (Children and Youth), Lib.): Mr. Speaker, we know that summer employment is important to students to help them pay for their education and gain valuable work experience.

We also know through the summer career placement program that we expect over 55,000 students to find jobs this year. Through this program we offer wage subsidies to private, public and not for profit employers to create jobs related to student career interests and fields of study. This program is very important for young people.

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MINISTER OF NATIONAL DEFENCE

Mr. Dick Proctor (Palliser, NDP): Mr. Speaker, earlier both in committee and the House the defence minister consistently refused to answer questions about troop deployment on the grounds that joint task force 2 is a top secret, covert force. Once under political pressure covert becomes overt, as the minister says. Yes, indeed, those are members of JTF2 splashed on the front pages of the *Globe and Mail*.

Could the minister explain the contradiction about hiding behind total security when it suits him and then his willingness to reveal confidential information once his political career is at stake?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, that is absolute nonsense. I fully consult with the chief of defence staff on anything that is said with respect to JTF2.

I am trying to provide as much information as I can to Canadians to understand what their troops are doing, but this organization within the Canadian military operates in a covert fashion and is involved with special operations in Afghanistan.

With respect to its operations and the details of its operations, it is not in its interest or in the Canadian interest to talk about those details.

Mr. Dick Proctor (Palliser, NDP): Mr. Speaker, the minister admitted a few minutes ago that he had misled the House, albeit inadvertently. Let us listen to what he said on October 17 in his farewell speech to the Canadian naval task force. He said to the troops:

> —you are the silent and unseen partners of this campaign against terrorism.

They are not unseen and certainly not unidentified any longer, thanks to this minister. He has violated his oath of office. For the sake and safety of our troops abroad, will the minister now do the right thing and resign?

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, the hon. member would be wise to return to the basics in this regard and understand the role the Canadian armed forces are playing, why they are playing it, and recognize the distinction, the professional competence and the skill they have shown in fulfilling their duties, something of which all Canadians should be proud.

Mrs. Elsie Wayne (Saint John, PC/DR): Mr. Speaker, my question is for the Deputy Prime Minister. Yesterday the Minister of National Defence confirmed that he had received a significant incident report about Canadian soldiers taking prisoners early last week. He was in Mexico, I believe. I did ask him why he did not use the phone. I checked with Mexico. It does have a phone system there.

Given the confusion on this issue and the changing nature of the minister's own version of events, could the Deputy Prime Minister inform the House if procedures have now been changed? Is the Prime Minister now receiving significant—

The Speaker: The hon. Minister of National Defence.

● (1445)

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, significant incident reports are within the military and do come up to the minister of defence, but in this particular case it was part of a daily briefing. I get a briefing every day on what our troops are doing and what the situation is with respect to the campaign in Afghanistan.

Our troops have operated in a very professional fashion. They are people whom we can be very proud of.

Mrs. Elsie Wayne (Saint John, PC/DR): Mr. Speaker, nobody is questioning the competence of the troops. The minister has just stated that he gets reports every day. If that is the case, how come the Prime Minister and the cabinet did not get it until eight days later?

Hundreds of our military men and women are leaving tonight for Afghanistan. In view of what has taken place in the House this week, Canadians as well as those men and women in uniform need to know who is in charge of the department of defence.

My question is for the Deputy Prime Minister. How can they do their duty when the minister of defence is not doing his? How can Canadians—

The Speaker: The hon. Deputy Prime Minister.

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, first of all let us make perfectly clear that the position of the Government of Canada is that the law of international conflict applies to our troops, including those that are soon to depart as well as those that have already been engaged. Therefore the Geneva conventions apply.

Canadian troops are under instructions to respect the principles of international law, including the Geneva conventions, and have done so thoroughly throughout their engagement. There is no ambiguity about the rules under which they are being engaged in this conflict.

* * *

NATIONAL DEFENCE

Mr. Peter Goldring (Edmonton Centre-East, Canadian Alliance): Mr. Speaker, the deputy minister of public works confirms that the program to replace the Sea King is woefully behind schedule, full of unnecessary risks and has skyrocketing budget problems. That is the Liberal way.

The minister told this House and the military that it would have its first Sea King replacement by 2005. The public works deputy minister says 2006.

When will the litany of Liberal contradictions end?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, we are still aiming to get the replacement helicopter just as quickly as we can. If we could get them by the end of 2005 we certainly want to.

Yes, there has been some loss of time. We hope we can maybe make up some of that loss of time as we go through this process, but it may be possible that we will have to wait a little bit longer.

I will say one thing: the Sea Kings that are used in the Arabian Sea as part of our Operation Apollo are performing exceedingly well and they are performing exceedingly well because of the men and women who keep them flying, and flying safely, and are producing some solid results for the coalition.

Mr. Peter Goldring (Edmonton Centre-East, Canadian Alliance): Mr. Speaker, the minister clearly does not know what is happening. Or is he waiting for another week before he is going to tell us?

The Sea King replacement program is over budgeted and mismanaged and is quickly falling off the rails; thirty years and the Liberals are still screwing around with the specifications.

Why are we using a split procurement when the public works department and industry both say it wastes tax dollars, increases risk and delays the delivery?

The Speaker: I hope that we will perhaps improve the language a little in the House. I think it would be better.

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the Sea King replacement is going well within financial parameters that are far better than what they would have been under the old outdated plan of the Conservatives. We are going to save over $1 billion in this replacement of the Sea Kings.

[*Translation*]

MINISTER OF NATIONAL DEFENCE

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, on the weekend, the Prime Minister made a statement to reporters when leaving the Liberal caucus to the effect that "There are no prisoners. It is hypothetical, and they will be treated according to an agreement entered into with the Americans".

He said the same thing Monday in question period, in response to the leader of the Bloc Québécois.

I am asking the Minister of National Defence, who has been well informed from the 21st that there had been prisoners taken, who had seen photos and had the opportunity to discuss these prisoners with his department, why he did not take the trouble to forewarn the Prime Minister between the time he made the statement on Sunday and his response during question period in the House.

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): First, Mr. Speaker, with respect to the debate on Monday night, that was dealing with the question of the 750 troops going to Afghanistan. There was extensive discussion about detainees, all in the policy context which has been repeated time and time again.

● (1450)

[*Translation*]

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the minister has said that the Prime Minister was not informed that Canadians had taken prisoners. He said "I did not inform him. I am sorry, I put him in an awkward position".

How can he explain that, on Monday, when they were preparing for oral question period—and we know the government does prepare itself—the minister, having heard what the PM said on the weekend, the PMO, having also heard what he said, not a soul could tell the Prime Minister "There has been a mistake. There are prisoners, but we didn't tell you"? How can he explain this?

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, as I have said continually, we operated within policy, and a policy that the Prime Minister understood in the conversation that I had. The members of this House had an understanding through my presentation at the committee on the same points.

When I first heard this news on the Monday, I determined that it was necessary to in fact get more information about the matter when I returned from my trip to Mexico, which I did, and at the earliest opportunity, which was Tuesday morning, I advised the Prime Minister and the cabinet. Of course I regret that he was asked the question on Monday and did not have the full information at that time. I have extended my apology to him.

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IMMIGRATION

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance): Mr. Speaker, my question is for the minister of immigration.

Last May, the new Minister of Natural Resources had his ability to intervene with the immigration ministry over visa permits suspended because the people he vouched for failed to obey the law and leave Canada when required.

The system must be defended from political interference. Will this immigration minister continue the suspension policy?

[*Translation*]

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I am somewhat disturbed by the style of the question.

[*English*]

I am for immigration.

[*Translation*]

As immigration minister, I have the prerogative to issue special permits. I believe all hon. members are honest and honourable. Each time a case is submitted to me, I take it as a recommendation and I make the final decision. That is what I have done, moreover, with several Canadian Alliance MPs.

[*English*]

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance): Mr. Speaker, the minister may not be able to make up his mind whether it is for or of, but certainly he has an opportunity to put his personal stamp of, maybe, achievement on a department that needs a lot of help.

MPs who inappropriately interfere, usually Liberal ones, should be brought into line. Will the minister guarantee Canadians that he will maintain some semblance of order over there and suspend MPs like his colleague, the political minister from British Columbia, from meddling to obtain votes?

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I need your advice. I just received a letter stating "I am writing with urgency to support an application for permanent residence". It is signed by the Leader of the Opposition.

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RESEARCH AND DEVELOPMENT

Mr. Walt Lastewka (St. Catharines, Lib.): Mr. Speaker, my question is for the Secretary of State for Science, Research and Development.

All members of the House know that investing in Canadian students and Canadian research will ensure that Canada remains a world class centre for research and development. Could the secretary of state tell the House what recent initiatives the government has taken to attract and retain the best and the brightest researchers in the world?

Mr. Maurizio Bevilacqua (Secretary of State (Science, Research and Development), Lib.): Mr. Speaker, I thank the hon. member for his question and am pleased to inform the House that just yesterday the Minister of Industry announced $779 million in new funding by the Canada Foundation for Innovation to support research throughout Canada.

These strategic initiatives are extremely important because they promote economic growth in Canada, enhance the quality of life for Canadians and, more important than that, they also position Canada as a globally competitive and innovative nation.

Needless to say, in science, research and development we aim for excellence.

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SOFTWOOD LUMBER

Mr. John Duncan (Vancouver Island North, Canadian Alliance): Mr. Speaker, it is very apparent that the workers, the communities and the industry affected by the softwood lumber crisis are not a priority for the Prime Minister. The many months long and one sided negotiating strategy of the minister has not inspired confidence and now there are real questions about whether Canada is prepared for the U.S. lumber lobby counter proposals.

There is no evidence that the minister has initiated a cost analysis to guide the Canadian response. Why is the minister waiting to do the necessary homework?

● (1455)

Mr. Pat O'Brien (Parliamentary Secretary to the Minister for International Trade, Lib.): Mr. Speaker, once again the member has it wrong.

The provinces have made submissions to the United States. At the request of Governor Racicot, the American industry is to respond to them with concrete proposals. It has not done so yet, so our government is continuing to wait to hear from the American administration. The member has it all backwards again.

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[*Translation*]

MINISTER OF NATIONAL DEFENCE

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, a little earlier, we were told that there was no written agreement. We are being led to believe that there was perhaps no agreement at all.

But when I asked the Prime Minister a question this week, he replied "Mr. Speaker, my information is that, when we concluded an agreement with the Americans, they were going to respect all international laws, including the Geneva declaration".

So, who concluded this agreement and when was it concluded, since the Prime Minister says that there was one? Who concluded it and when?

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, as I said, the agreement comes from the United States clearly stating that it will abide by international law and operate consistent with the Geneva conventions, that it will in fact treat any detainees in a humane way. I have no doubt that is what it is doing.

We are talking about a friend, an ally, a democratic country. I believe it is in fact treating these people in a humane way. There is a determination that has to be made about their status. Again, we expect international law and the Geneva conventions to be followed.

[*Translation*]

Right Hon. Joe Clark (Calgary Centre, PC/DR): Mr. Speaker, my question is for the Deputy Prime Minister.

On January 28, the Prime Minister said that the capture of prisoners by Canadian troops was just a hypothetical question. But, more than a week earlier, Canadian soldiers had already captured prisoners and had so informed their superiors in a significant incident report.

Does such a report have to be sent or communicated to the Privy Council Office or to anyone else in the government? In the present very specific case, was the report sent to the PCO, and when was it received?

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, matters that are relevant to the Joint Task Force 2 are given orally. They are given to me by the CDS as part of the briefing that I receive every day.

I have made clear, when I got that information, my desire to seek further information when I returned to Canada from Mexico, and then I subsequently advised the Prime Minister and the cabinet.

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THE ENVIRONMENT

Mr. Julian Reed (Halton, Lib.): Mr. Speaker, my question is for the Minister of the Environment.

Last week press reports indicated that U.S. Ambassador Cellucci urged Canada not to ratify the Kyoto protocol. Could the minister tell the House if the government is concerned about these headlines?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, it is clear from looking past the headlines to the story and actually reading the words of Ambassador Cellucci that he was not in fact urging Canada to take any particular position with respect to the Kyoto accord. This position has been confirmed with embassy officials. The ambassador was simply stating what all members of the House know, namely that the United States and the Canadian economies are closely linked. Could I add that the government has been clear that we wish to be in a position to ratify the Kyoto agreement following full consultation with Canadians, perhaps as early as this year.

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SOFTWOOD LUMBER

Mr. John Duncan (Vancouver Island North, Canadian Alliance): Mr. Speaker, as a result of the softwood lumber dispute with the U.S., thousands of forest workers face expiry of their medical, dental and EI coverage and some companies are in trouble.

The minister was asked weeks ago to initiate a cost analysis so that the Canadian response to next week's U.S. counter proposal could be shown to be clearly in our interests.

Has this cost analysis been initiated and how soon can we expect it?

● (1500)

Mr. Pat O'Brien (Parliamentary Secretary to the Minister for International Trade, Lib.): Mr. Speaker, as I indicated earlier, the next thing that has to happen is the response from the American administration to the proposals that were put forward by the Canadian provinces. Meanwhile we continue on our two track policy. We continue with discussions. We continue to challenge this U.S. trade action at every appropriate forum, at NAFTA, at the WTO and in the U.S. courts. We will win in this situation because we are right.

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[*Translation*]

MINISTER OF NATIONAL DEFENCE

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, earlier, the Minister of National Defence said that he knew that there were prisoners on January 21, that he saw a photo on the 28th, and that the first opportunity he had to speak to the Prime Minister was at the Tuesday morning cabinet meeting.

But, during that interval, there was a cabinet meeting on Friday; there was a caucus meeting on Saturday, Sunday and Monday morning; there was a question period on Monday; there was a special debate Monday night. Did he not see these as opportunities? Does he really expect us to believe this, or is he showing his contempt for the House by saying the complete opposite of the truth, and losing all credibility?

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, I have said continually that I am seeking more information. I have had further discussions with officials.

This question of detainees is a complicated one in terms of the law of armed conflict, the Geneva conventions and all of the aspects of it. I wanted to get clearer information about it. I went through those discussions over a number of days and was able to report to cabinet on Tuesday morning.

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PRESENCE IN GALLERY

The Speaker: I wish to draw to the attention of hon. members the presence in the gallery of the Hon. Tim Sale, Minister of Family Services and Housing for the province of Manitoba.

Some hon. members: Hear, hear.

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[*Translation*]

HOUSE OF COMMONS

Mr. Claude Duplain (Portneuf, Lib.): Mr. Speaker, I rise on a point of order. I wish to point out that in my member's statement, I simply wish to change the words “participated today” to “will participate”, please.

The Speaker: Very well.

[*English*]

Order, please. We now have statements by members on a matter of some importance to the House.

Hon. Ralph Goodale (Leader of the Government in the House of Commons, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, today is a most significant day in the public life of the hon. member for Calgary Southwest. To mark this occasion a number of members wish to make some remarks.

I should just inform the Chair that there is agreement among all parties that we will take some time now, that is four minutes per party, to express our sentiments toward the hon. member for Calgary Southwest. Then we shall hear from the hon. gentleman himself.

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MEMBER FOR CALGARY SOUTHWEST

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, it is a great honour for me to stand today on behalf of the Prime Minister and on behalf of the Liberal caucus to pay tribute to a great Canadian parliamentarian, the hon. member for Calgary Southwest.

I want to note right away that I will miss him on a very personal level as I feel a particular neighbourly bond with him. For the last eight or so years our names have sat next to each other in the parliamentary rolls, Manley and Manning, if you will excuse me, Mr. Speaker.

All of the mail of his that I kept receiving was very interesting to read. The fashion tips were particularly helpful, I might add. This came too late however, to help me in preparing to impersonate him, as I did in our party's mock leadership debates in preparation for the 1993 election campaign. I am not quite sure which of us faired better in that exchange.

Seriously, the hon. member will be missed in the House and in Canadian political life. Deeply rooted in the wisdom and principles of another great Canadian politician, his father, the hon. member has carried forward a reputation for integrity, for decency and for constantly challenging the status quo.

His commitment and his contribution to Canada, to parliamentary democracy and to the national agenda are substantial. His recent role on the Standing Committee on Industry, Science and Technology has been outstanding and a model of bipartisan public service.

[*Translation*]

We know that this commitment will still be there in his new life beyond the House of Commons.

During his time as leader of the opposition, from June 1997 to March 2000, nothing held him back. He forced our government to remain vigilant, continuously urging us on regarding national issues of great significance such as debt reduction, taxes and the fight against crime.

● (1505)

[*English*]

He gave Canadians a few new things to think about. As a founder of the Reform Party in the late 1980s, which was the same time I was making my start in a political career, he brought a new dimension and a new perspective to the Canadian political system, something that is fundamentally healthy for our democracy and for our country.

Preston, if you will permit me, Mr. Speaker, we wish you and Sandra the very best as you take your leave from a rich and very commendable public life.

I close with a brief word of advice. In this morning's newspaper I noticed the photo of the two of you at last night's hockey game proudly sporting your Ottawa Senators jerseys. I, of course, was delighted to see you have finally come around. You have been in the nation's capital a few years, but the next time you go to the Saddledome, you may want to be a little careful, perhaps even try to fit in a little shopping trip before you go there.

Mr. Speaker, I think all members of the House join in wishing our colleague the very best in his future endeavours.

Mr. Werner Schmidt (Kelowna, Canadian Alliance): Mr. Speaker, it is an honour to stand before the House on behalf of the Canadian Alliance caucus to bid adieu to the member for Calgary Southwest as he takes leave of parliament today.

The member for Calgary Southwest has a long political legacy beginning at the feet of his father, the late Ernest C. Manning, premier of Alberta, who believed that the strength of Canada rested in the honest representation of all its people.

On this principle, perhaps some might say in defence of this nation, he emerged as a politician who was prepared to state what others would not admit: that Canada's system of governance was failing Canadians. From his distinctly western perspective he knew that people west of the Manitoba border felt shut out. Yet he and many others believed that the solution lay not in mere protest or separation, but in developing a list of short and constructive changes to the Canadian federal system. If Canada's governance was to serve the people as it should, it must undergo reform.

Along with words like prairie populism and grassroots, the word reform became meaningful in the Canadian political vocabulary. Not only would it materialize into one of the fastest growing political parties in Canada, the Reform Party, but it would become synonymous with fiscal responsibility and constitutional and parliamentary reform, ideas that would drive the political agenda for the next decade and beyond.

In him, Canadians across the country found a man who not only understood their frustration but was willing to do what was needed. He persisted in the face of incredible odds. The media denied him any success and insisted that there was no possibility he would achieve any meaningful accomplishments on the federal political scene. Today as I stand here as a member of the official opposition, we know that is not true. I believe the history books will characterize him as a member of parliament who had an extraordinary impact on Canada and its government.

Political colleagues and foes alike know that in the member for Calgary Southwest, Canadian politics took on a newfound integrity.

From the first time I met him I was struck by his extraordinary abilities: his knowledge and understanding of Canadian history and politics; his passion for good governance; his vision and ability to see further than others see; his tremendous patience; his determination and his energy, all the while maintaining a sense of perspective and humour. Most important, he is a man with a deep faith in the common sense of the common people.

As we in the House of Commons say farewell to the member for Calgary Southwest, we would be remiss not to acknowledge the support and sacrifice of his wife Sandra and their children. Despite the long hours spent on his work, he is a deeply committed family man. Thank you Sandra, Andrea, Avryll, Mary, Nathan and David.

While we are bringing to a close the public life of the member for Calgary Southwest today, we take comfort in knowing that we are delivering him back to his family and a private life. The thought of him enjoying some of his favourite pastimes, fly fishing Alberta's legendary trout streams and trail riding with Sandra in the beautiful Rocky Mountains, brings us pleasure.

In the days and years to come, Canadians will understand what politics and parliament are losing today, a man of deep faith with a profound belief in this country.

In closing, on behalf of the Canadian Alliance, we wish the member for Calgary Southwest great success in his future endeavours. He has served his constituents and the country well. We know he will continue to make a significant contribution to the politics of the country.

Preston, please accept our most heartfelt thanks.

● (1510)

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, I would like to join those who today are paying tribute to a remarkable man in many respects.

Preston Manning is a true democrat. He is a man for whom politics is a serious matter, and who could express very passionately his admiration for democracy as the underlying principle of our societies. He patiently sought to convince his fellow citizens of the soundness of his ideas, and he was brilliant at using the political arena to do so.

Preston Manning is a man of action. He proved it, but he remains first and foremost a man of ideas, ideas we did not always share, far from it. These disagreements on the substance, something which is normal and healthy in a democracy, should not prevent us from paying tribute to his intellectual honesty or to share the principles he has always promoted, namely transparency, democracy and respect for others. One must also salute his determination to discuss, at length if necessary, issues that were important to him and his constituents.

His belief that in a democracy everything is possible allowed Preston Manning to go as far as he did in politics. He started, nearly on his own, without a political base, to tirelessly explain his ideas, and little by little he managed to convince several of his fellow citizens to join him.

After many years of hard work he was successful in building a major political party. He came to be the Leader of the Official Opposition and, as such, played a major role in this chamber. But faced with the fact that his party, his Reform Party, had reached an impasse, he did not hesitate to scuttle it, sacrificing both his party and his personal status, still with a view to advancing his ideas. This obviously required exceptional courage and audacity.

This House must feel honoured to have had the likes of Preston Manning as one of its members. As for me, I am honoured to have had the privilege of locking horns with him.

My time being short, I will sum up what I feel about Preston Manning in these four words: courage, audacity, honesty and respect. I wish him all the best in his future endeavours.

I would also like to add something to what the deputy minister had to say. As witness the picture taken yesterday at the hockey game, after many years in parliament, he has finally discovered that there are senators in Ottawa who get things done and make themselves useful, the only senators in Ottawa to do so.

[*English*]

Mr. Dick Proctor (Palliser, NDP): Mr. Speaker, I am very pleased on behalf of our leader, the member for Halifax and our New Democratic Party caucus, to represent the caucus in paying tribute to the member for Calgary Southwest.

I have to confess at the outset that offering best wishes to someone who led another political party so effectively, one with which we have had so many fundamental disagreements, is not a particularly easy task. The fact that the political party that the member founded and led for 13 years has enjoyed so much more recent success at the expense of our political formation makes it even more difficult.

It must be acknowledged today, as it certainly will be when the history books are written, that the member for Calgary Southwest did indeed change the face of Canadian politics. For example, observers of the political scene were incredulous that a western-based party with a primary appeal to rural Canada would openly advocate a cheap food policy. Yet that is exactly what was offered by the Reform Party and the rural electorate in western Canada, with a few exceptions, have largely returned as Reform Party members and subsequently as Canadian Alliance members to this House.

I was briefly a reporter at the Edmonton *Journal* in the mid-1960s when the member's father was winding down his very successful career as the premier of Alberta for 25 years. Political reporters would gather over tea and crumpets at the Yale Hotel and even then were intrigued with what the premier's son was up to and wondered not if but when he would directly enter the political fray. The fact that it took more than two decades for that to happen would have astonished those reporters at that time.

Although I never had the opportunity to serve with the hon. member on committee, my colleague from Winnipeg North Centre, who is here today, said that she was always appreciative of the member's commitment to the democratic process which he continually demonstrated in committee.

There was also a genuine interest by the member, who is retiring today, in other members with whom he served, regardless of political affiliation, their daily struggles and the personal hurdles that they may have had to scramble over to be here contributing to parliament.

I noticed the article in today's paper as well as the picture. I noted that the member for Calgary Southwest was expressing regret that the changes he sought did not go further faster.

I would say to him that the changes we have witnessed in Canada since the Reform Party arrived in impressive numbers in 1993, perhaps in part because of the profound and undue influence his party has had on three consecutive Liberal majority governments, have for the most part been too far and too fast for some Canadians and certainly for those in our caucus.

Margaret Mead once said:

> Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has.

Although Ms. Mead is undoubtedly not referring to the hon. member for Calgary Southwest and the Reform Party, her remarks are most apt.

Without hesitation, on behalf of our caucus, I congratulate the member for Calgary Southwest and wish him the very best in his future endeavours.

● (1515)

Right Hon. Joe Clark (Calgary Centre, PC/DR): Mr. Speaker, it is entirely appropriate that I will be sharing my time today with the hon. member for Edmonton North.

It is a real privilege for me to rise to honour a colleague and a fellow Albertan and to pay tribute to his contributions to our country and to the contributions of Sandra Manning. As a partnership, they have set a great example for this country.

[*Translation*]

The hon. member for Calgary Southwest and I have known each other for many years. It goes back to the days when we were both students at the University of Alberta, in Edmonton. Our paths have often crossed and our views have often differed. But he created a political party that became a force in the country and the official opposition in parliament.

[*English*]

The hon. member also brought a broad vision and an inquiring and rigorous mind to Canadian public life. It is no accident that the banner under which he ran was the banner of reform. He came into public life to change things, and he changed them, not perhaps as much as he would have wanted to, none of us ever does, but he has changed fundamental Canadian attitudes toward fiscal policy. What may be even more important is he has changed attitudes toward our democracy itself and how we must change it to save it.

The member for Calgary Southwest started a movement that can lead to profound changes in the way our democracy works. When those changes come, as I am confident they can and must, history will know that their architect was Preston Manning.

He is taking his talents and his high reputation out of this parliament but into other domains of public service. Those of us who come from Alberta know the extraordinary tradition from which he springs. However what is most notable about my friend from Calgary Southwest is that whatever his connections to the proud past of our province, he has always been a man and a visionary of the Canadian future. I thank him for that contribution.

I wish him the very best in years to come.

● (1520)

Miss Deborah Grey (Edmonton North, PC/DR): Mr. Speaker, how does one put 15 years into two minutes? I do not know, but I will give it a whirl.

Once in a while in the life of a nation there arises an individual of such stature and character that a country is changed forever. I think all of us sense that today.

Historians will document 1987 to 2000 as a period of reform in Canadian federal politics. As my colleague just said, I love that word reform. A person of vision, principle, sound judgment and uncanny ability has been among us leading this movement. Defying great, odds he succeeded in organizing an army of volunteers and voters that grew from nothing to the official opposition status in less than 10 years. It is unprecedented in Canadian history. I was one of those volunteers and one of those who became part of the official opposition alongside him.

When I think back to his campaigning on horseback to motorcycles to the reform air force to the passing of our family football, it made such a tremendous impact on him and all of us. We always have had fun campaigning.

I think back to the ride we had in the byelection in Beaver River and about him sitting in the back of his van in 30 below zero weather at Lac La Biche, folding pamphlets on his knee so I could get out there and hand them out to the people in Lac La Biche, and wondering just what in the world was going on. What a memory for me and for all of us on which to think back. Here was a man who had such an unbelievable vision, doing whatever he needed to do in the campaign. If that was making sure I had the pamphlets ready to hand out, he was folding them on his knee.

He then went on of course to become the leader of Her Majesty's official opposition against all odds. I know that for many of my colleagues who have sat with me in the House of Commons for years, it surprised all of them, and probably us too, that we were ready to take on the task. Preston did a magnificent job as Her Majesty's loyal leader of the opposition, and we celebrated that.

Preston is a visionary with an ability to look far down the road. He is a long term planner and thinker. Those of us who are in this game think about the next batter up. Preston thinks about the ninth inning way down the line.

Thank you, Preston, for sharing yourself with us and all of Canada. Thank you Sandra and your whole crew for sharing Preston with us all. I know there have been days that have not been easy for all of us, yet they have been good and I know you celebrate that.

Preston, Canada is a better country because you have been here. We all wish you the very best. May you never be far away. Thank you for the memories. We love you. Lord bless you.

Tributes

[*Translation*]

Hon. David Kilgour (Secretary of State (Asia-Pacific), Lib.): Mr. Speaker, it is difficult to pay a fair tribute to our colleague from Calgary Southwest in two minutes. A man of vision, he has played an important role in building our national agenda.

[*English*]

How many current or past members of the House have founded not one but two successful political parties? Believe me, as someone who has campaigned against Reform and Alliance candidates in three elections in our province, I know how strong the appeal is for our dear colleague for Albertans of all ages and backgrounds.

He took a cloud on the western horizon and turned it into a political tornado felt across the country. "The west wants in" was more than an election slogan to our colleague. Having followed our colleague's career with much interest and at times much fear, I am convinced that the major reason he founded the Reform Party in 1987 was to advance the west's leadership in national affairs.

His goal was never to polarize the country. On the contrary, he fought passionately for a strong and united Canadian voice.

● (1525)

[*Translation*]

He comes from a family that is well respected in western Canada.

[*English*]

How many colleagues know that the late Ernest C. Manning, during his 25 years as premier of our province, was for a period simultaneously premier, treasurer and attorney general?

My own father, a Winnipeger, told me in the sixties that Ernest Manning ran the best and most honest provincial government in the country.

The man we honour grew up unspoilt, working every day on the family dairy farm milking cows.

When Sam Okoro came from Nigeria to study in Edmonton in 1975, knowing no one, he found himself sitting beside our colleague on a flight from Toronto. When they reached Edmonton he and his wife Sandra took Okoro to their home and gave him the best room in their home to sleep in. To this day they remain dear friends.

The accomplishments of our colleague's caring family are equally impressive. Sandra is a realtor and one of the most special people anyone could ever meet. Andrea is a lawyer in Calgary; we can forgive her for that. Avril is a registered nurse in Grande Prairie. Mary Joy is a Harvard MBA and works as a securities dealer in Manhattan.

[*Translation*]

Nathan is studying religious history in France.

[*English*]

David studies medicine at the University of Toronto.

The House and the country are better places because the hon. member has graced them.

[*Translation*]

I salute our colleague. We wish him the best for the future in Calgary, Vancouver and Toronto.

[*English*]

Mr. Preston Manning (Calgary Southwest, Canadian Alliance): Mr. Speaker, my main purpose in rising at this time is to, first, thank the electors of Calgary Southwest and, second, to thank my colleagues for the very gracious tributes given today. They probably would have helped me if I had received some of them a little bit earlier. I thank my hon. colleagues for the sentiments they have expressed. They mean a great deal to myself personally and to my family.

I would like to make a few comments, looking back but also looking forward. My remarks will be brief because, as many members know, I have a particular interest in economy and budgets. The budget of the House is getting close to $300 million and we spend about a thousand hours a year here, which means that if one takes even 15 minutes of the House's time that is about $75,000. I am feeling fiscally irresponsible already for the time we have taken.

It was almost 15 years ago that a small group of people in western Canada decided that we would try to change the national agenda by using the tools that democracy gives to every citizen: freedom of speech, freedom of association, and the opportunity to try to convince fellow citizens to support a political program.

In our case, as members know, we used those tools to advance on the national agenda such ideas as debt reduction, budget balancing and tax relief, and also to demand a greater clarity and rigour on the part of the federal government with respect to secession and the revitalization of federalism.

Other Canadians and other members of the House may have different concerns and aspirations. We all do. I would hope that the experience of the Reform Party would inspire democrats in every party and in every part of the country to believe more passionately and actively in the tools and ideology of democracy itself.

That ideology and those tools still constitute the best way in my judgment to change the country. I trust that our activities will inspire people.

Like all members I am indebted to many people for anything I have been able to accomplish politically. I acknowledge that debt today. To the thousands of faithful party volunteers, supporters and workers without whom our democratic system would grind to a halt, I offer my deepest thanks and appreciation.

To the voters of Calgary Southwest, who never insisted that I attend any social, community or even political event in the riding as long as I kept working for their interest on the national stage, I offer my deepest thanks. It has been a privilege to be your representative in the Parliament of Canada.

To all the administrative and support staff in our party offices, parliamentary and constituency offices, and to the officers of this House, pages, security and maintenance people I offer my deepest thanks. Most of us politicians can look bad on our own. To look good we need the help of a lot of people and these are the ones who give it to us.

To all my colleagues, past and present, in the Reform, Canadian Alliance and democratic representative caucuses it has been a great honour and a privilege for me to campaign with these parliamentarians in the federal elections of 1988, 1993, 1997 and 2000, and to serve with hon. members in this place.

As Deborah said "I love that word reform", and just as I was convinced that reform was the right word to describe much of the dynamics of what had to be done in the 1990s, I am equally convinced that the building of strategic alliances and principled coalitions will be the key to getting big things done in the next decade of this century.

How to operationalize that concept in practice is not yet clear. I wish the builders of strategic alliances and principled coalitions every success in the days ahead.

● (1530)

To the Prime Minister, and I had a chance to visit with him yesterday before he left for New York, to the members of the cabinet, to the leaders of all the parties and to all my parliamentary colleagues on both sides of the House, it has been a privilege for me to serve with them in the 35th, 36th and 37th parliament.

My only regret is that I did not get to know and appreciate more hon. members on a personal basis because the longer I observe life in politics the more I appreciate that it is the relationships we form in the course of our activities, more often than the activities themselves, that are the most important and enduring thing.

Actually I was always a little afraid that if I got to know some hon. members better I might get to like them better. If I got to like them better, it might make it more difficult to challenge their positions and policies with the vigour with which they deserved to be challenged.

Most important of all I acknowledge the constant help and support of my wife and family, without whom I would have long ago lost my balance and my desire to persevere in public life. I thank Sandra for her love, her encouragement, her advice and for being my partner in politics and in life.

[*Translation*]

To my colleagues from Quebec, personally, my limited knowledge of the French language always prevented me from getting to know you better and from having real heart-to-heart talks with you. But, politically, there is a potential connection between western Canadians and Quebecers, a connection that is promising for the future and that I want to point out today.

In Canada, two great regions have always supported political innovation by creating new parties and by calling for systemic changes to our federal state. These two regions are Quebec and western Canada.

In Quebec, there was the Bloc populaire, the Union nationale, the Ralliement des créditistes, the Parti québécois and the Action démocratique. In western Canada, we had Riel, the autonomy movements, the Progressive Party and the parties that were born during the depression, the Social Credit and the Co-operative Commonwealth Federation, which later became the New Democratic Party.

This trend reappeared in the 1990s with the birth of the Bloc Québécois in Quebec and the Reform Party in the west. Each has a platform that calls for fundamental changes. However, our platforms are so different that we were unable to work together.

I hope the next generation of agents of change in Quebec and in western Canada will have better luck and will be able to form strategic alliances and to implement the reforms that are essential to revitalize the federation for the benefit of all Canadians.

● (1535)

[*English*]

So much for looking backward. My real interest and preoccupation these days is in looking ahead.

Thanks to the good graces of several Canadian think tanks and universities, I am looking forward to exploring and addressing, from a non-partisan standpoint, some of the major public policy concerns of the present and the future.

My thanks especially to the Fraser Institute and the Canada West Foundation for providing me with senior fellowships at their institutions and to the University of Calgary and to the University of Toronto for inviting me to be a distinguished visitor at their institutions. Those hon. members who have sometimes suggested in debate that I should be institutionalized should now be happy.

I should also mention that I will be working with McClelland and Stewart to publish a book this fall describing my adventures in politics and parliament over the last 10 years.

Various hon. members of the House will be mentioned in the book. As in all good westerns, they will either be classified as villains or heroes. Those wishing to influence their characterization may wish to slip a brown envelope under my door.

Looking ahead, there will be a chapter on the next prime minister. Sealed bids will be gratefully received from anyone wishing to ghostwrite that chapter.

Several years ago, I was going back to Calgary on a Saturday morning flight and I sat beside a gentleman who introduced himself as Jerry Potts, Jr. He was a direct descendent of the original Jerry Potts, the great Metis scout who provided indispensable guidance to the early North-West Mounted Police when they brought peace, order and good government to the western frontier.

The more unfamiliar the territory and the more uncertain the future, the more crucial is the function of the scout, the person who will ride out ahead of the main company, study the weather and the signs of the trail, carefully note the dangers and the opportunities that lie ahead and then come back to the main company and try to help it make the right decision as to which path to take.

Once I am clear of my political responsibilities and my constituency responsibilities, I intend to do a little scouting on the frontiers of the 21st century, just as Jerry Potts scouted the last great frontier, the 19th.

Like many members, I sense dangers up ahead, dangers for Canada and Canadians, and want to explore the best paths for avoiding them or diffusing them.

Internationally, of course, we know there is the threat of terrorism and war in the Middle East and in Asia. What is the best path for peacekeepers, under those circumstances and on those frontiers?

Closer to home, there is the declining confidence of the Canadian public in the Canadian dollar. What is the course of action that preserves sovereignty in the face of globalization and perhaps a single North American or even hemispheric currency?

Even closer yet to home, to this House, 15% fewer Canadians voted in election 2000 than voted in the 1988 federal election. By what means do we restore the faith of Canadians in parliamentary democracy itself ? It affects us all; it is beyond a particular party.

Like many members, I also sense great opportunities ahead and want to explore the best paths for capturing them for Canada and Canadians. The frontiers of the knowledge and information economy are as vast and as exciting as those of the frontiers of the old west. What kinds of educational reforms and science policies would enable Canada to advance on that frontier?

There is now a public appetite, at long last, for health care reform. There is action on that front by the provinces. By what path will the new balance between federal and provincial or public and private resources in health care be achieved?

We are conscious of this in our own family, and many members are also, that a new generation of young people have grown up with as deep a commitment to environmental conservation as many of us in our generation had to economic development. What is the course of action that strikes the balance between the two?

These are some of the frontiers that I intend to scout, in the company of others like-minded, in the days ahead. As one scout who is somewhat familiar with the interests and capabilities of this unique company, if I see or hear something that may help members in parliament to deal with those challenges, everyone can be sure that I will let them know.

● (1540)

Finally, one of the signs that a democracy has fully matured is when it is able to wisely handle not only the social or economic or environmental or administrative dimensions of the public interest, but the ethical and spiritual dimensions as well.

In this country for a long time we have tended to avoid moral and ethical issues in the public arena for fear that would divide us rather than unite us or for fear that we would be misunderstood as trying to impose our particular values on others. Likewise, we have virtually banished expressions of religious faith largely now to the private or personal sphere because we simply do not know how to handle expressions of faith in the public arena. Two recent developments should cause us to rethink those positions.

First, this parliament will soon legislate on how to regulate the genetic revolution, one of the most exciting and potentially advantageous developments in the history of mankind. However because that science deals with the beginnings and the intergenerational transfer of human life itself, it cannot help but have moral and ethical dimensions of the most profound kind which parliament must openly and seriously discuss. I for one think this is a good thing, not something to be feared and avoided, but an opportunity to be embraced. I want to wish this parliament openness and honesty and wisdom and success in those deliberations.

Second, in the hours and days after the terrorist attacks on September 11, our Prime Minister and other world leaders rightly declared those actions to be acts of evil and the misguided faith of the terrorists to be a counterfeit faith. Such declarations have the effect of pulling at least certain aspects of defence policy and external affairs policy and justice policy on to moral ground and they oblige us as parliamentarians then to say by what standards we consider this act to be evil or this policy to be good or that expression of faith to be counterfeit and this expression of faith to be genuine.

In days past we would have avoided a debate like that like the plague. While it is a mistake to see moral issues where they do not in fact exist, I suggest it is an even greater mistake to fail to see them when they do actually arise.

Responsible leadership in such circumstances will require parliamentarians to engage in those types of issues honestly, openly, respectfully and cautiously but to engage nonetheless. Again I wish this House the courage and wisdom required to venture forward on that frontier.

In the spirit of the necessity to express ourselves openly on matters of faith and morality, I leave members with my favourite prayer by a 19th century statesman and democrat who wrestled long and hard with these types of issues and which he gave on the occasion of his departure from his political friends:

> Trusting in Him who can go with me and remain with you and be everywhere for good, let us confidently hope that all will yet be well. To His care commending you, as I hope in your prayers you will commend me, I bid you an affectionate farewell.

Some hon. members: Hear, hear.

● (1545)

The Speaker: I wish to advise all hon. members that there will be a reception following in room 216 where members may come and greet the hon. member for Calgary Southwest and say their farewells.

[*Translation*]

I thank the members for the remarks they made this afternoon and I look forward to seeing you shortly in room 216.

● (1550)

[*English*]

I want to make it clear to all hon. members that the liberties taken during the last 40 minutes, bandying about members names and passing in unusual places in this House, are quite contrary to the rules and will not be tolerated by the Chair for the remainder of today's sitting or indeed at any future sitting. It was not a good precedent and I want to make sure all hon. members understand that.

[*Translation*]

Normally members of this House may not be referred to by name.

[*English*]

BUSINESS OF THE HOUSE

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, it is my duty at this time to ask the Leader of the Government in the House of Commons what business he has for the remainder of today and the following week.

Hon. Ralph Goodale (Leader of the Government in the House of Commons, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, this is my first reply to the customary Thursday question about House business. I want to thank all the House leaders and deputy House leaders of the other parties for the manner in which they have received this newcomer into their fraternity of House leaders. I look forward to a constructive relationship.

This afternoon we will continue with Bill C-7, the youth justice bill. If this is completed we will proceed to report stage of Bill C-30 respecting courts administration.

Tomorrow we will debate second reading of Bill C-48, the copyright legislation.

[*Translation*]

Monday we will continue with unfinished business and Tuesday will be an allotted day. Next Wednesday, we hope to be able to start the debate on second reading of the budget legislation.

* * *

[*English*]

PRIVILEGE

STANDING COMMITTEE ON JUSTICE AND HUMAN RIGHTS

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, at noon today the Standing Committee on Justice and Human Rights violated Standing Order 39(5)(b) which deals with a committee's responsibility with respect to unanswered questions on the order paper.

Before I get into the details of the violation, I point out that while committees are the masters of their own proceedings, they cannot create rules or operate in ways which go beyond the powers granted them by the standing orders. This is very similar of course to the legal doctrine of ultra vires where regulations cannot go beyond the scope of the statute that authorizes the making of the regulations.

Mr. Speaker, I refer you to two rulings, one from June 20, 1994, and another from November 7, 1996. The Speaker ruled:

> While it is a tradition of this House that committees are masters of their own proceedings, they cannot establish procedures which go beyond the powers conferred upon them by the House

The standing order in question reads:

> 39.(5)(b) If such a question remains unanswered at the expiration of the said period of forty-five days, the matter of the failure of the Ministry to respond shall be deemed referred to the appropriate Standing Committee. Within five sitting days of such a referral the Chair of the committee shall convene a meeting of the committee to consider the matter of the failure of the Ministry to respond.

The explanation of this standing order is contained in the first report of the modernization committee which was adopted by the House. The committee proposed:

> If the government does not respond within the forty-five day period, the failure to answer would be referred to the appropriate standing committee. The committee would be required to meet within five sitting days to investigate the delay and report the matter to the House.

The committee must investigate the delay. Since the House adopted this explanation, it represents the will of the House with respect to Standing Order 39(5)(b).

When I attended the justice committee at noon today, I filed a motion which requires 48 hours notice to deal with the sufficiency of the answers provided by the minister after 45 days in breach of the rules. That notice of motion giving the 48 hours notice is separate and apart from the issue of delay. That motion deals with the sufficiency of the answers provided.

I certainly did not ask for them to be there and I do not know who did, but at the same time there were justice officials present to deal with the issue of why the answers that were provided were provided late. It has nothing to do with the sufficiency of the answer, only to deal with the issue of lateness. This is what the House has directed the standing committee to inquire into, that is, to investigate the reasons for the delay. The investigation requires the hearing of the evidence in accordance with the rule.

The Liberal members on the committee voted down the order from the House to investigate the delay and report the matter to the House. There was no evidence taken from the witnesses present. It was simply voted down and it was said that it was not necessary to investigate the delay. The Liberal majority apparently and mistakenly believed it was not necessary to investigate the matter. Their decision completely subverts the House order by refusing to hear from the justice officials. Certainly, in speaking with the opposition House leaders, the Liberal majority destroyed the intent of the new rule and ignored the directions of the House.

The justice committee went beyond the powers conferred upon it by the House this morning when it disobeyed Standing Order 39(5)(b). It had a question referred to it. It had a duty to investigate the delay with evidence that was present and it did not investigate the delay. It did not prepare a report to the House as the modernization committee intended it to do.

● (1555)

This is a matter of first instant. This is a matter that is incredibly important. Members of the House and House leaders spent an awful lot of time looking into the issue to determine the most appropriate way in which the failure of a ministry to answer questions could properly be reported back to the House.

What the justice committee has done, through the vote of the Liberal majority, has been to subvert the direction of the House. The Speaker has an obligation to consider this subversion of the House rules and call upon the justice committee to carry out the order of the House. It is the servant of the House in this respect.

● (1600)

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR): Mr. Speaker, I feel compelled to add what I can to this point of order that has been raised by my friend. I am both a member of the committee of which he speaks and a House leader.

I did not bear witness to the entire chain of events but I believe what he has put before the House and the manner in which he has recited the facts do fairly represent what occurred in terms of the intent of this new procedure, of which the Chair himself would be very familiar having served on the modernization committee which produced the report that was tabled in that instance.

What is unfortunate is that this was the very first time in which this new procedure was invoked. The Chair and all members will be quick to realize that what is behind the exercise that is found in Standing Order 39(5)(b) is to bring about accountability and some form of process to call the government to account when it does not comply with the 45 day rule.

In this particular factual scenario, the question on the order paper that led to the referral to the committee dealing with firearms legislation was not complied with within the 45 days.

The witnesses from the Department of Justice, who would be tasked with answering the questions that were tabled by the hon. member for Yorkton—Melville, were present in committee today. It would seem logical to me that we would separate these two processes. What they were going to say in response is a separate issue. What they were going to do today, in my understanding, was give an explanation to the committee as to why the 45 days had not been complied with. That was their sole purpose.

What becomes, I am afraid, somewhat muddy is that it would appear that the actions of the hon. member on the committee, by tabling a motion, seemed to have some triggering effect that by and large negated this separate process of inquiry as to the lateness of response. I would strongly urge the Chair to find those two issues as separate and distinct. In my view that is how they should have been treated by the Chair of the committee.

However there appeared to be, for lack of a better word, manoeuvring going on which negated the responsiveness and accountability of this process in determining why the 45 days had not been complied with.

I would ask you, Mr. Speaker, through the devices of your Chair and your office, to inquire further. I expect we will be hearing from the government House leader.

I am very concerned as both House leader for the Progressive Conservative Democratic Representative caucus and a member of the committee that, to use the hon. member's words, the process of accountability has been subverted. As this is the first instance, there is a dangerous precedent that can attach to what occurred today in the justice committee.

What we want are explanations. The Chair is very familiar with the discussions around this issue. Our intent is to bring about accountability for lapses of time on these questions on the order paper.

What occurred today in the committee was unfortunate. I believe by revisiting the issue and by having an opportunity to hear from the justice officials, we can remedy this issue.

I thank the hon. member for bringing it forward because it does set what I consider to be a precedent that would negate the entire spirit and intent of this new standing order procedure.

Hon. Andy Scott (Fredericton, Lib.): Mr. Speaker, I would first note the civility with which this debate is taking place. It is done in good faith on all parts to make sure that we get this new process right.

A couple of points need to be established. As chair of the justice committee, being made aware of the requirement that we meet, we called a meeting specifically for this purpose. I personally invited representatives of the Department of Justice to be available in the event that the committee wanted to hear from the officials from the Department of Justice. That is why they were there.

The committee was also aware of the fact that the government response to the question was made the day following. That informed the committee's decision, as well as the fact that the member for Provencher brought forward a notice of motion to give 48 hours notice to discuss the substance. I accept the positions stated by both members that those are two distinct aspects of this, but I think that they had the effect of causing the committee to be aware that the issue would in some fashion remain alive and that did bear on the decision.

In any case I believe the committee members are masters of their own destiny. They made a decision in good faith. I do not think there was any particular motive behind that, other than since the answer had been given one day late, and since we were going to be discussing it the following week, I genuinely believe the committee made the decision that we could move forward and be in compliance with the standing order which caused us to have this discussion and decided at that moment that it was unnecessary to proceed further.

My own view as chair, and the advice I received, was that as long as the committee entertained this discussion and was aware of the fact that the department had not responded in the appropriate time, it was then up to the committee to decide what action to take. In the face of the circumstances I just articulated, the committee in a majority vote decided not to hear the witnesses and to move on.

● (1605)

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, I want to make sure it is clear, that it is on the record and when you do the investigation that you realize that no evidence was given. Conclusions were reached at the committee. A vote was taken by members of the committee before any evidence could even be heard. No investigation was made into why the rules were violated. That is contrary to the very intent of the rule that was set up to govern this kind of thing.

I would hope it would be clear. It tends to counter what my colleague has just said. That is what concerns me.

A lot of what happened was in relation to the question I had put on the order paper. That is why I rise to express my concern that we follow due process here, that we do not thwart democracy and the ability for the opposition to do its work properly. That is why this is so important. We need answers from the government but we also need it to be done in a timely fashion and according to good process. That is what concerns us and that is why this whole question is being raised.

Hon. Ralph Goodale (Leader of the Government in the House of Commons, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, this is an interesting and an important point having to do with a brand new procedure in the House. In order to bring as much clarity to the matter as possible, it is valuable, as the chair of the committee has indicated, for all of us to treat this matter in a serious and civil manner. I appreciate the tone of the discussion.

Referring specifically to the standing order that has been cited, if I could quote a few words:

> If such a question remains unanswered at the expiration of the said period of forty-five days, the matter of the failure of the Ministry to respond shall be deemed referred to the appropriate Standing Committee. Within five sitting days of such a referral the Chair of the committee shall convene a meeting of the committee to consider the matter of the failure of the Ministry to respond.

The standing order does not prescribe how the committee will dispose of the matter. It simply requires that when that time clock goes by and 45 days have passed without the answer having been filed, then the matter goes to a committee within five days and the committee is to consider the matter.

That is not to say or to prejudge in any manner what that consideration will be. That is obviously up to the committee.

In this instance the chairman of the committee has informed us that the question turned out to be just one day late. I believe he said that by the time the committee met to consider the matter, the answer to the question had in fact been filed and that those were factors that members of the committee might take into account, in the words of the standing order, in giving consideration to the matter.

Accordingly, it would be a perfectly legitimate conclusion on your part, Mr. Speaker, that the committee has in this case done exactly what the standing order required it to do. It met within five days and it considered the matter. As a part of that consideration it took into account the fact that the answer to the question was only one day late and that the answer had been filed by the time the committee actually met, and that it could then move on with other business.

What this standing order does is to provide a very useful discipline in the rules about the prompt and timely answering of questions.

I close with the thought that it is important for all members of the ministry to remember that the 45 day rule is there. It is our obligation as ministers of the crown to do our very best to respond to members of parliament within that prescribed time.

● (1610)

Mr. Chuck Cadman (Surrey North, Canadian Alliance): Mr. Speaker, with all due respect, the same argument as was raised by the hon. House leader came up this morning by some members of the committee, that it was only one day late.

This rule was brought in by the House to make the government answerable when it was late in answering questions. This was the first time it had come before the committee. The length or time or how late it was is irrelevant. The fact is it was one day late. That is the point I made today. If we let one day go, the next time it could be two, and then it could be a week. We have to get serious about this and send a message to the committee that we have to deal with these.

The Deputy Speaker: I want to thank the hon. member for Provencher for raising the issue today in the House and all hon. members who participated in this discussion. Having had the honour of presiding over the modernization committee, the subject matter is of great interest to me.

Before I go any further I want to caution members in the House that the Chair has not and will not interfere, that may not be the right word but I think members will get the gist of it, when we continue to refer to the committees being masters of their own destiny, that has served us well and will continue to. I mention that as a caution.

That being said, the hon. member for Provencher used the words that I should further inquire. The hon. member for Pictou—Antigonish—Guysborough reminded us that this was the first time. The government House leader referred to this being a new procedure. Given all of those instances, I will take the matter under advisement, being that this is a new procedure and this is the first time we have come to face to face with it.

I am most grateful for the manner in which the discussion was conducted. I certainly welcomed the input of others: the hon. member for Fredericton who is the chair of the justice committee; the whip, the member for Yorkton—Melville; and of course, the hon. member for Surrey North.

Please leave this important matter with the Chair. The Chair will get back to the House on this most important subject.

GOVERNMENT ORDERS

● (1615)

[*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. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speaker, when we were interrupted by question period, if I can refer back to it, I was commenting about the fact that the amendment has as its source an amendment that came out of the Senate. We have already had discussions today about an elected Senate and the role it could play in the democratic process. Our party is clear on the subject. We do not support the existing Senate nor are we supporters of an elected Senate.

More pertinent to the debate today is that a body that is appointed, unelected and unrepresentative of the country is sending us back an amendment that we as a party support because of its content. It is relevant to the debate because it speaks to the holes in the legislation, not just in this section but in a number of areas.

The bill fails to address in a meaningful and systemic way the root causes of crime, things like poverty, poor health, and of course discrimination which the amendment attempts to specifically address in at least in one aspect.

In terms of the issue of special consideration for aboriginal youth confronted with charges in the youth justice system, which is clearly what the amendment does, it is important to put it in the context of the reality of the aboriginal community in Canada.

Last fall at one of our retreats I had the opportunity to have a briefing from a first nations community based near Regina, Saskatchewan. Coming out of the briefing one of the facts that stuck with me was that the reserve's population was composed of individuals of whom a full 50% were age 15 or younger.

We have heard from some hon. members today about the rate of crime attributed to the aboriginal community and the high rate of incarceration among both youth and adults of aboriginal descent. The proposed amendment would in effect allow our judiciary when dealing with sentencing to take into account the circumstances people from these communities may be confronted with. This is in keeping with the history of jurisprudence in Canada. We can point to all sorts of instances where we have done it. We have done it in other cases as well, recognizing that from time to time in the historical context it is necessary to differentiate between people who are before the courts.

The fact that we have a youth justice bill is proof of this. We have had it for close to a hundred years as has every developed country around the globe, certainly all countries based on the English common law and parliamentary systems. The acts that preceded it spoke to the fact that we treat people differently.

● (1620)

There is no magic to doing this. The important point is to ask whether, if we are faced with a special context, it makes sense to deal with the people in that context differently. The answer to me seems obvious: Yes, it does.

In terms of the root causes of crime, confronted as we have been with some of the history the aboriginal community has gone through, a good deal of which we are responsible for, the positive response of taking that into account is extremely important.

As a party we will support the amendment. We invite government members to search their consciences and do the same.

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, the member made some good points in his debate. I will ask him a couple of questions about whether in a practical sense the special treatment of aboriginals under the legislation would be a wise thing.

From 1993 to 1997 I represented the Vegreville constituency. There were no reserves in the constituency. The boundaries changed. In the Lakeland constituency I now have eight reserves, four Metis settlements and a large aboriginal population that does not live on reserves.

For that reason, during the first year and a half I represented the Lakeland constituency I carried out a task force along with aboriginal people which studied issues exactly like this. There was support from aboriginal people for sentencing circles, community sentencing and that kind of thing. They said it worked well. It does seem to make a lot of sense.

However great concern was expressed by aboriginal people that the most common victims of those who would be treated specially under the law would be aboriginal people, many of them children. Concern was expressed that because of the great numbers of aboriginal people who are incarcerated and go through the court system the courts may in some cases already treat aboriginal people less severely than they should. This is what was coming from the aboriginal people who came before the task force.

Does the member not feel it is a real and genuine concern that the plight of victims of crime, most commonly aboriginal children, might be made worse by such special treatment?

Mr. Joe Comartin: Mr. Speaker, I thank my colleague from Lakeland for the question. I must admit I am interested in the evidence he took from witnesses who argue that aboriginal and first nations people are treated less severely by our courts, since all the demographic and factual evidence points strongly to the contrary. It was my experience when I practised criminal law that because other considerations were not taken into account the systemic effect on the overall criminal justice system was that first nations people were treated more severely and unfairly.

With regard to the second part of the question about the concerns of victims, the suggestion of sentencing circles to a great degree responds to that although there have been at least one or two cases in the country where women from the aboriginal and first nations community have expressed concern about how some sentencing circles have functioned.

Setting that aside and dealing specifically with victims who are children, the sentencing circle should be more than adequate to satisfy the concerns of people as to whether justice has been achieved within that system.

My next response pertains to reliance on the judiciary in general. The judiciary is appointed by government, whether provincial or federal. It is not perfect. However to a great extent we are attempting to educate judges to make them sensitive to the needs of victims for justice. As we continue in the system we should be able to respond to the kinds of concerns expressed by the witnesses my hon. friend heard.

● (1625)

[*Translation*]

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, I wish to commend the hon. member for Windsor—St. Clair for his clear understanding of the problem and his position on the way Quebec deals with its young offenders. It is refreshing to see today that it is not only the people of Quebec who are unanimous in saying that Quebec treats its young offenders in an exceptional way.

I would like to ask the hon. member for Windsor—St. Clair if he has gone to speak with the new Minister of Justice—who does not believe what Quebecers tell him—and to explain to him how things are done in Quebec and what exceptional expertise Quebec possesses in getting young offenders back into the community.

What they are trying to do with this bill is serious business. They are trying to coerce young people. Consideration must be given, as it is in Quebec, to the young people's backgrounds, the kind of community they have grown up in and how this has disadvantaged them and led them to carry out reprehensible acts.

With this new bill we have before us, Bill C-7, all of that expertise is being shunted aside, and coercion will be the rule of the day.

I would like to ask the hon. member for Windsor—St. Clair to go and talk to the Minister of Justice for Canada. Drawing on all the past experience he has brought with him to this House, he told us before oral question period just how important it would be for the Quebec model to be extended to all of Canada.

[*English*]

Mr. Joe Comartin: Mr. Speaker, I thank my colleague from the Bloc for her question.

I am not our party's critic in the area so I have not had the opportunity to speak to the new minister about my professional experiences in dealing with youth crime and young offenders. I cannot absolutely guarantee my colleague from the Bloc that I will do that. I do not want to infringe on the hon. member for Winnipeg—Transcona who is our critic in the area, but given the opportunity I would be more than happy to discuss it with him.

I will reiterate a couple of points I made before question period. When I was practising in the area and dealing with the problems of how to treat, care for and bring young offenders to justice, we did not have the facilities. We did not have the proper orientation either but we particularly did not have the services or facilities. We were constantly looking across the country. Almost inevitably when we found a service we needed implemented we could turn to Quebec and know it would be there. It almost always was.

[*Translation*]

I do not want to give the province all the necessary authority, but the fact is that this was the position it took almost all the time. This is a philosophy under which one does not use coercion and force.

[*English*]

Our philosophy is also that we do not use force. Let me put it in the positive. We recognize that there are other ways of dealing with youth crime and with the youth who are caught in that system. They used a philosophical approach that was significantly different and, quite frankly, that those of us who were working in the system were very envious of.

● (1630)

The Deputy Speaker: Before resuming debate, 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, Canada 3000.

Mr. Gurmant Grewal (Surrey Central, Canadian Alliance): Mr. Speaker, it is always a great pleasure to rise on behalf of the people of Surrey Central. Today I stand on their behalf to register my opposition regarding the Senate amendment to Bill C-7, an act in respect of criminal justice for young persons and to amend and repeal other acts.

Before I begin let me say that today is an historic day in parliament. One of the very prominent, renowned and hardworking members of parliament has resigned and today is his last day. The member of parliament for Calgary Southwest made a wonderful speech. His contribution to the House is unwavering and unparalleled. He is a visionary thinker, reformer and analyst who is full of determination, perseverance and substance yet is still down to earth. I pay tribute today to the hon. member for Calgary Southwest. He certainly made Canada a better country. All of us have enjoyed working with him. He has had a significant effect on my life, which I would like to acknowledge here before I begin my remarks on the amendment to Bill C-7.

The Senate amendment I speak of seeks to create a race based sentencing system for young offenders, whereby consideration of the circumstances of native offenders would be elevated above those of young offenders from other groups in the population.

This is another example of the failure of the government's aboriginal and justice policies, especially with respect to native young offenders. We know that the criminal justice system in this country, particularly the Young Offenders Act, simply provides criminals with a slap on the wrist. There is no justice for the victims. This system is not a deterrent but rather a motivation to commit crime.

The justice minister took a long time before she acted on this file. There have been consultations time and time again. There have been promises and studies but little action from this government. That is simply not acceptable to Canada and Canadians. The former justice minister promised the House that she would act on this file. She always used the infamous phrase that she would act on the file in a "timely" fashion. It took over six years for this minister to act on the file. Finally today we are surrounded with this controversial amendment to Bill C-7, which will put race into the justice system.

Given the past Liberal mismanagement of aboriginal issues, this is certainly not a step forward for Canada's aboriginal people. A full generation of policies seeking to improve the condition of Canada's native population has failed to achieve any meaningful improvements in the quality of life indicators of native people.

It has been over 30 years since the Prime Minister was the Indian affairs minister. He failed native Canadians then and his government is failing them now. After three decades of failure, I would think that some political parties would reassess their approach toward our aboriginal communities, our first nations people of this country. However, Bill C-7 shows that 30 years of native suffering has not moved the government to act in a meaningful fashion. Instead, it has come back with this weak bill and the amendment from the Senate, which clearly shows that it is stuck in the same mindset that it was back in the 1960s and 1970s.

● (1635)

The world has moved on but the Liberals have failed to keep pace. They are still victims of the mistaken logic that says one can promote equality through policies that force unequal treatment on different groups of people based on their ethnicity, based on their race. All this does is single out ethnic groups, in this case natives, our first nations people, for reprisals from those who resent the special status afforded to these groups. It is an even worse idea to do this on the basis of ethnicity or race because of visible differences that make them easy targets for reprisals by misguided and violent minorities. The Senate amendments to this defective bill unwittingly promote legislative racism by singling out one group of people above others.

I will talk about the background of the bill. It is part of the government's long ignored promise, since 1993, to change the Young Offenders Act. Usually I would say better late than never, but even after a long delay the bill leaves much to be desired. Extensive cross-country hearings on the Young Offenders Act were held in 1996-97 and resulted in a report entitled "Renewing Youth Justice". Despite the fact that the Liberals had expressed the need for an overhaul of the Young Offenders Act since 1993, the government took until 1999, a full six years, for the justice minister to introduce any legislation on the issue.

Between 1997 and 1999 the then Reform Party pleaded non-stop with the government to introduce legislation for the sake of Canadian youth, who are most often the victims of youth crime. As we know, the Liberal response came at the beginning of the second session of the 36th parliament when the justice minister introduced Bill C-3, but that bill was so gravely defective that over 250 amendments, over half of them proposed by the Liberal members, if we can imagine, because they knew the bill was defective, were proposed during the nearly 12 months the bill was before committee. Many of the amendments sought to correct drafting errors in the bill, which shows that the government rushed to table it in the first place. However, the government had previously indicated that it was not open to changing Bill C-3 in any way, shape or form so it ignored all 250 amendments that were proposed as well as extensive witness testimony, tabling the bill in the House unchanged. That was shameful.

Liberal politics ended up winning out over youth justice and the well-being of Canada's native people. Bill C-3 was allowed to die on the order paper when the election was called prematurely for November 2000.

Now the government has indicated it is willing to impose closure on debate rather than let parliament have its say. First it postponed the bill for political reasons and now it wants to limit debate on the issue. I am wholly opposed to this way of doing business, but this is somewhat typical of the government. It is not new. This is not about partisan terms like hard or soft justice systems. It is about making sure that this bill is an effective tool for justice, making it as fair a tool as possible, fair for the victims and fair and effective for the criminals in order to hold them accountable for the crimes they commit.

● (1640)

This is an important point since the justice minister responsible for this bill is now the Minister of Health. Canadians have already rejected a two-tier health system. Why are they being asked to accept a two-tier or multi-tier justice system? If she tolerates it in justice, what does this mean for health care? I do not like what this holds for the future of health care in Canada.

This approach should not surprise anyone since the government has already been willing to support ethnically based fisheries in this country, an ethnically based tax system, with the result that they do not pay tax, and there is discrimination in GST payments based on race. There is discrimination by this government based on race with regard to mining rights, multiculturalism and the ministry for aboriginals. Many other ministries and departments in the government work based on race. There is therefore more generous access by one group of people over others. That is not acceptable.

If we want equality in this country then we cannot treat people based on their ethnicity, nationality, background, race, language or other things. That is completely unacceptable. Equality means that the justice system, our law and order, in the country should be blindfolded. It should not be based on race or ethnicity or anything like that. As I have already said, this legislation perpetuates the dismal record of this and other governments in their treatment of Canada's aboriginal people.

The policies of this and previous governments in addressing the needs of native people, our first nations people, have failed miserably and utterly to improve the lot of aboriginal people. The government is now attempting to fix this by creating special sentencing provisions for a certain class of criminals, based exclusively on race. This does nothing to address the circumstances that contribute to crime or the basis of discrimination they suffer in the first place.

The solutions offered in the Senate amendments to Bill C-7 are the worst of all possible solutions. The provision for reduced sentencing guidelines not only hurts the justice system as a whole, it diminishes both the suffering of the victims of crime and the recognition they deserve. Why should an aboriginal victim see less punishment for his or her perpetrator than a non-native? Are they less deserving of justice? Of course not. No member in this House will accept that and Canadians certainly do not accept that. The proposed changes would provide race based criteria for judges to apply in sentencing aboriginal offenders. There is already enough discretion available through existing sentencing guidelines without specifying race in the justice system.

Canadian Alliance members vigorously oppose the creation of a special kind of criminal based solely on ethnicity or race. We stand for equality. We will accept nothing less than the equality of all Canadians before the law.

Race has no place in sentencing considerations for youth justice in our national institutions. As I have said, justice should be blind to a person's ethnic background. Justice should be and ought to be colour blind. To create different systems based solely on personal characteristics or background violates the fundamental Canadian belief in equality. In regard to health care, the Canada Health Act states that all Canadians have dignity regardless of income level or ethnicity or their standard of living. In education, a debate rages about the future of our public education system if private schools gain increased access to funding.

● (1645)

However in justice, one of the most basic and important policy areas of all, we are expected to disregard these principles of equality and opt for different systems for native and non-native young offenders. That is shameful. Justice should be doled out based on the severity of the crime and not on the ethnicity of the criminal or the victim. We do not support discrimination in health care. Why should we support it in the justice system or other departments of the government?

The government should bring forward meaningful change that would help enhance native opportunities instead of fostering racism. The weak and arrogant Liberal government must restore justice in the justice system and other government departments.

I hope that I have made it clear why I oppose the Senate amendments to Bill C-7. It is because they give special sentencing consideration to aboriginal young offenders above those given to any other young offenders belonging to any other population group. The use of race-specific wording in criminal law is not only harmful, it is dangerous as well.

The goal is to achieve equality for all people in this country. We cannot justify race-based sanctions under our criminal law. Can we expect tolerance and respect for all when some offenders are singled out for less serious sanctions than offenders of another ethnic group or population base?

The government is legislating tolerance and blocking any movement toward true acceptance of native groups by creating a two-tiered young offenders justice system based on race. If this is not racism, what would hon. members call it?

My amendments are not even needed since Bill C-7 already provides specific guidelines for judges to take account of every young offender's circumstances when handing out sentences.

We are proud of Canada's diversity and multiculturalism. We want to strengthen the multicultural fabric of this country. It is an asset, not a liability. We need an integration of different groups in this country.

We need to promote tolerance, which the Secretary of State for Multiculturalism and her department are doing, but acceptance as well. Tolerance means that I may not agree with some people, I may not like some people, but somehow I will tolerate them. When we talk about all Canadians being equal, tolerance is not enough. We must accept them as part of Canada's multicultural fabric.

I am opposed to the amendments because they allow for criminal law to create racial distinctions among different classes of offenders and that is not acceptable. In my humble opinion, and many Canadians agree with me, the government is going in the wrong direction. We are sending the wrong message to Canadians. I ask the government not to make these amendments to Bill C-7 based on race.

Mr. Larry Bagnell (Yukon, Lib.): Madam Speaker, it is absurd and ridiculous that a member of that party would say that there are not enough good government programs and that is the reason why aboriginal people are in this situation. Time and time again the Alliance and its precursor party have criticized those programs, wanted to cut them and brought up the amount of money that was spent on them.

We talk about first nations people not being different. Does the member think that in the Whitehorse Hospital for instance there is a first nations health centre? Does the member think that because this is a different culture and a different way of healing that it should not be treated differently and that public funds should not be spent that way? More important, if Canada has failed the aboriginal people so badly, which leads to the higher levels of incarceration that we are trying to solve here, what then is the Alliance's prescription to solve those problems that the Government of Canada has failed so miserably to solve?

● (1650)

Mr. Gurmant Grewal: Madam Speaker, we are not against helping the needy. The government should provide help based on need, not on anything else.

We are not proposing cuts to essential services that are provided to the needy aboriginal people who have been suffering under previous governments. Their unemployment rate is high. Their health care is low. They have been suffering in so many ways: drug and alcohol abuse is high, education standards and levels are low, the standard of living is low. They need help and we do not deny that.

Government departments are advocating that money be given to the leadership in those communities where corruption has been reported. The problem is with wasteful spending which promotes corruption in those communities. Taxpayers' dollars do not reach the needy people.

I will give members an example. Two years ago during the middle of winter a first nation lady came to my office. She told me that a window in her house was broken for a long time. She wanted to fix the window so that she could protect her family from the bitter cold and storms. She approached the leadership in her band but the money was not given to her. That is where the problem is. If there was no corruption and the rules were based on fairness and need, the money would have been given to her so that she could fix her window and protect her family from the cold winter season.

I have sat on the public accounts committee for quite some time. I have seen the auditor general time and again list the wastage and missed priorities in the Indian affairs department and in the treatment of aboriginal people. There have also been many problems reported by the auditor general on the health care front.

I am not against helping the needy. I am against enshrining in our law a criminal justice system based on race. That is wrong. I and my party are against that.

[*Translation*]

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Madam Speaker, I listened carefully to the hon. member for Surrey Centre, but I would have liked to know his position on the amendment moved by the Bloc Québécois with respect to the Senate amendment.

The amendment moved by the Bloc reads as follows:

> 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".

Quebec relies on the Young Offenders Act to apply an individualized treatment approach based on the characteristics, family situation and needs of the youth. This act also takes into consideration the background of the youth, for example whether he has been subjected to physical or sexual abuse.

I would have liked to know my colleague's opinion on Quebec's approach. I hope he is aware of that approach, because it has been acknowledged and supported unanimously by those who work in the field of justice. Furthermore, the National Assembly unanimously passed a resolution opposing Bill C-7. Through this bill, Canada is saying to youth that coercion is what is needed to bring young offenders back onto the right track and that, therefore, 14 year olds will be incarcerated with adults.

I would like to hear what my colleague has to say about this.

● (1655)

[*English*]

Mr. Gurmant Grewal: Madam Speaker, the Bloc Quebecois has a different agenda with respect to the criminal justice system pertaining to young offenders. I remember debating Bill C-3 and Bill C-7 in the House. There were a series of problems with those bills. The Bloc had a filibuster in committee at one time, so it has a different agenda.

The bottom line is we will not accept the amendments to Bill C-7 which will enshrine racism within the criminal justice system.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Madam Speaker, we are well aware of the views of our colleagues from the Canadian Alliance. Our colleague is right in saying that we have different agendas.

However, I would like to ask him if he agrees with the information published by Statistics Canada to the effect that, in general—and I will have the opportunity to come back to that later in my speech—we live in a society that is less and less violent and that the fact that young people are becoming increasingly violent is a myth.

Does he have statistics for the last five years, for example, since it takes at least five years to observe significant trends, showing that young people, let us say from 14 to 18 years of age, are becoming increasingly violent?

[*English*]

Mr. Gurmant Grewal: Madam Speaker, the hon. member for Surrey North has spoken on this issue many times in the House along with other members. He has personal experience dealing with the Young Offenders Act.

I cannot give any data at the moment about the trend in criminal behaviour of young offenders. The Bloc Quebecois wants Bill C-7 to be squashed; we do not go that route. We believe that our youth are the future of the country. The youth criminal justice system has to be dealt with in a scientific, logical and analytical manner. We cannot punish people to the extent that we do not reform or rehabilitate them. It is a combination of so many things.

We need a youth criminal justice system in the country that will restore some deterrents for youth who commit any crime, rather than motivate them with a slap on the wrist when they do commit a crime.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Madam Speaker, we cannot discuss the issue of young offenders without paying tribute to the member for Berthier—Montcalm.

The member for Berthier—Montcalm is extremely bright. He attended law school here, at the University of Ottawa, in the early 1980s. He spent part of his life studying law. He practiced law not as a crown attorney but in a private firm.

I think he established some kind of precedent because, if one adds up all the speeches, all the hours and all the minutes he spent putting forward his ideas, one will see that he spent nearly 25 hours in committee trying to convince both government and opposition members that the Quebec model is the right one.

We are not here this afternoon to debate personality issues. That is not what we want to discuss. We want to discuss two opposing philosophies with regard to dealing with young offenders.

I will have an opportunity to come back to that later in the time I have left, but the fact remains—and I know that the member for Louis-Hébert will share my opinion on the substance of the matter, if not on my presentation of it—that Quebec has a model that has been in place now for a certain number of years. There may be disagreement on the merits of this model: some view it as being good, others see it as bad.

We, in the Bloc Québécois, in addition to a broad coalition of stakeholders that are not politically inclined, have given our support to the member for Berthier—Montcalm's campaign.

I would like to pay tribute to the member for Berthier—Montcalm who has been our critic on this issue and who has been our voice in this debate. As members, we have a case to argue in this debate. When we rise in the House, when were speak publicly beyond these walls, we do so with the conviction of the ideas that we defend.

On this issue, the Bloc Québécois has argued that our premise be accepted, which is that there are indeed consequences when a young person who is 12, 13 or 14 years old is judged by a criminal justice system designed for adults.

In no way did the member for Berthier—Montcalm infer that those who are found guilty of extortion or violent crime should not be punished. During the course of the debate, I heard this from many people. Of course, it would be very irresponsible to lead people to believe that people who have committed violent crimes, extremely serious crimes, should go unpunished. For example, over the holidays, we read in the papers and saw on television that young people were responsible for terrible physical attacks on seniors.

We believe that the analysis of the criminal justice system for adults cannot be based on the same premise. When a person is 23, 24 or 25 years old, they are in a completely different situation. They have made choices in life, they have a degree of maturity. Often, they have started a family, and they no longer live with their parents. The considerations are not at all the same.

But before developing this point, I would like to debunk the myth that young people are getting increasingly violent. Indeed, I would like to debunk the first myth, that we are living in an increasingly violent society in general.

● (1700)

These ways of analysing the phenomena must be based on a certain number of statistics. Otherwise, what we are obviously relying on is common sense, and common sense does not necessarily equate with reality. Sometimes, there have to be longitudinal studies, and people need to compile statistics so that we can form a picture.

Canada happens to have the Canadian Centre for Justice Statistics. I know this centre well. For one year, on behalf of the Bloc Québécois, with the member for Longueuil and the member for Saint-Hubert, I chaired a working group on street prostitution, not the sort of prostitution one finds in hotels with escorts, which is more upscale. During that time, I met people who work at the Canadian Centre for Justice Statistics. These people collect data, which they get from Statistics Canada's data banks.

On the strength of the statistics we receive, we can say that the number of youths charged has dropped. That was what I was driving at with my question earlier. One can rise in the House of Commons and start from the premise that we must get tougher with young offenders, and God knows it is never nice for a family to have a young offender.

Furthermore we could ask ourselves the question. Let us do that. There are 301 MPs. Perhaps some of us might have had the potential to become delinquents. I come from Hochelaga—Maisonneuve. I went to the public schools in my neighbourhood and hung around with young people—at the time, I too was part of this age group—who were incarcerated. Why do some people in life become delinquents, while others do not? It is an interesting question.

You yourself, Madam Speaker, could perhaps have been a delinquent and gone down paths that were not those your parents had in mind for you. But links have been established between delinquency and poverty, between delinquency and lack of self-esteem, between poverty and the lack of a place in society. When one is 12, 13 or 14 years old and one decides to step out of the legal framework in which one lives, it is often in very direct proportion to the absence of hope and a future that we see for ourselves. But that is another debate and I will not get into it.

I would like to recall, on the basis of statistics that are available from the Canadian Centre for Justice Statistics, that between 1991 and 1997—this is therefore quite recent, since it takes about five years for statistics to be included, and that also holds true for the 10 year statistics made in Canada—the indictment rate for youth dropped by 23%. Not only has it dropped by 23%, but we found that when young people are charged, it is often and significantly with offences that have nothing to do with homicides or offences against the person. Young people are often charged with property offences, shoplifting or breaking and entering. Of course, we can make a connection between these offences.

I would like to digress for a moment. Generally speaking, the types of crime that are on the rise are smuggling crimes. For example, nowadays in Canada, there is a major smuggling network as far as automobiles and auto parts, furs, jewels and, of course, drugs are concerned. This is nothing new. It has been that way for at least three decades.

It is therefore a myth to think that we are living in a society that is getting increasingly violent, and it certainly is a myth to think that we are living in a society where young people are increasingly violent and are charged more often.

I see here another interesting statistic to help us better understand the phenomenon.

● (1705)

In 1997, the national crime rate observed by the Canadian Association of Chiefs of Police went down for the sixth consecutive year. I believe it is important not to lose track of this factual information. This obviously does not mean that everything is hunky dory.

Again, as the member for Hochelaga—Maisonneuve, I often get representations from groups arguing that there is still a problem with, for instance, street gangs. We have a problem in Montreal with street gangs. I am sure that my colleague, the hon. member for Rosemont—Petite-Patrie, shares my analysis of the situation.

There are young people who form gangs. I will give an example. In Hochelaga—Maisonneuve, two years ago in March, a new 14 screen movie theatre complex called Star Cité opened up on Viau Street near the Olympic stadium. I do not know if some of the members here happen to go to the movies on occasion. This theatre complex required a $25 million investment. For the most part, the money came from English Canada. This complex is a meeting point for gangs.

Let me clarify where it is located. It is near the Biodôme and the Viau metro station. The police is often called there because there is a group of young people, well known to the police, who, unfortunately, scare people, in particular those heading for the metro. However, this is an isolated case in my neighbourhood. Hochelaga—Maisonneuve cannot be depicted only in terms of juvenile delinquency, but the problem does exist.

Let us take note of the fact that this problem does exist. We must ask ourselves what kind of laws and measures are more likely to help us prevent these young people from heading down such a dangerous path.

Before getting into the substance of my remarks, I would like to make the connection with organized crime. Of course, when one talks about crime, there are different levels. Juvenile delinquency is not on the same level as large scale organized crime, such as the Hell's Angels are involved in.

Some members will tell me that sometimes there are people who move upwards. There is a hierarchy, and it may happen that a member of a street gang ends up in a position of major responsibility in criminal organizations. This is true, but it is still a rather rare occurrence.

I take this opportunity to pay tribute to a Quebec filmmaker who produced a film combining anthropological and sociological considerations. The film is entitled *Hochelaga*. I do not know if any members in the House have seen it. *Hochelaga* is the work of a Quebec filmmaker. The film was not shot in Hochelaga—Maisonneuve, but it had an anthropological perspective on organized crime.

This film shows that, when one joins a gang, there is a whole ritual. This is not insignificant. I use this term, but I am well aware that it has to be seriously qualified. There is a whole ritual concerning job opportunities, promotion, making one's place in such a group, as well as the idea of getting rich quickly. Youth who join gangs, particularly street gangs, and who are more interested in well known groups because of their connection to organized crime, do so with the intention of getting rich.

I arranged a viewing of this film with the manager of Star Cité, Stéphane St-Jean. This viewing was for people in youth centres—we all have them in our ridings—youth who live in the Auberge jeunesse du Carrefour—

An hon. member: The youth centre.

Mr. Réal Ménard: The youth centre called Carrefour Jeunesse de Hochelaga—Maisonneuve, which was opened by René Lévesque in 1982. I arranged for this at Star Cité with the boxer and actor—

An hon. member: Mr. Clavet.

Mr. Réal Ménard: Mr. Clavet, right. I had forgotten his name. There was Mr. Clavet, and there were some actors who came to explain to youth why organized crime was not a solution.

I could have spoken for hours, but we are well aware that young people are interested in media, the cinema, for instance.

● (1710)

Some 300 young people were there. It was my responsibility, as a member of parliament, to explain to them why organized crime is not the way to go, that they should stay away from it.

This was in April last year. Maybe some got sentenced, and maybe some committed an offence. But is it not better to say that our society should rely on rehabilitation? Rehabilitation does not mean the young offender should not take responsibility.

If a 14 or 15 year old was charged with breaking and entering and stealing $300, for example, would the social consequences be the same if he had to go through a court of justice and the adult system, ending up with a criminal record and a prison sentence? This is not hypothetical.

The main issue with Bill C-7 is that, in specific situations, some 14, 15 or 16 year olds will end up in the adult court system. In adult courts, sentences are adult sentences. And these youngsters will end up in prison with adults. This is cause for concern.

In the House, our concerns have not be shared by many members. It could be said, perhaps, that the hon. member for Berthier—Montcalm has a one track mind, that he is stubborn or that he has a kind of obsession. But this is not the case. The hon. member for Berthier—Montcalm is not that kind of guy. Those who got to know him well enough find he is a rather nice chap.

The hon. member for Berthier—Montcalm is not alone in this fight. If I were to give the list of all the groups, besides his own caucus, who have supported him, members would realize that he has had a great deal of support.

Here are a few names: the Commission des services juridiques, the Conseil permanent de la jeunesse. The Conseil permanent de la jeunesse is a public organization created during the International Youth Year, in 1985, if I am not mistaken. I myself was a member of the Comité national des jeunes. For that matter, I already had a working relationship with the hon. member for Jonquière. As members will know, Mr. René Lévesque did not believe very much in having youth organizations inside the Parti Quebecois, and it is Marcel Léger who in fact convinced him of the necessity of having real youth organizations inside the party.

Now, all political parties, Liberals, Conservatives and the Canadian Alliance alike, have youth organizations. Believe it or not, in 1984-85, I was part of the Comité national des jeunes. This committee was maintained under all governments, by Robert Bourassa as well as Daniel Johnson. It was a non-partisan group. Its members represent all segments of society.

There are children whose parents are workers, scholars, professionals, people engaged in non professional studies. It is a non-partisan organization. The Conseil permanent de la jeunesse, which is an authorized youth representative, gave its support to the hon. member for Berthier—Montcalm in his fight.

There is also the Centrale de l'enseignement du Québec, which is now called the CSQ. These professionals work with young people every day and they are well acquainted with the issue of juvenile delinquency.

The list is quite long. There are about 30 organizations representing thousands and thousands of young people throughout Quebec. In short, the best thing the government could do for the House—and I implore the hon. member for Louis-Hébert, the hon. member for Chicoutimi, the hon. member for the area of Valleyfield and the hon. member for Saint-Lambert to lobby their own government—is withdraw the bill and go back to square one.

● (1715)

BUSINESS OF THE HOUSE

Mr. Jacques Saada (Brossard—La Prairie, Lib.): Madam Speaker, I rise on a point of order. Discussions have taken place between all parties as well as with the member for Charleswood St. James—Assiniboia, concerning the taking of the division on Bill S-7, scheduled at the conclusion of private members' business later this day.

I believe that you will find unanimous consent of the House for the following:

That at the conclusion of today's debate on S-7, if a recorded division is requested on the motion for second reading of the said bill, that it be deferred to Tuesday, February 5, 2002, at the end of government orders.

(Motion agreed to)

* * *

● (1720)

[*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. Ken Epp (Elk Island, Canadian Alliance): Madam Speaker, again I thank the interpreters without whose intervention I would not have been able to understand a single word the hon. member said. I thank them for accurately transmitting the information.

I listened to the entire speech with considerable interest. One thing occurred to me, and I will speak specifically to the subamendment of the Bloc. Its subamendment would crater the bill. Members of the Bloc want it not to be read now because in their words it does not take into account the fact that Quebec is a distinct society. Those are not the exact words but they indicate that it does not recognize the uniqueness of Quebec.

This is what went through my mind while he was speaking. To take a woman against her will and to force oneself on her is called rape. It is wrong in Vancouver, Calgary, Regina, Toronto, Montreal, I would think, and Halifax. It should be punished. To go into a person's home to rob and maybe trash and vandalize the place is wrong in Vancouver, Calgary, Regina, Saskatoon and so on. It has to be wrong in every town and village in Quebec.

I could go on and on with these different offences. Surely they are wrong. When young people do such things we need to correct them and get them off that. Sometimes the young people do not have a built-in sense of morality which prevents them from doing so. Therefore the purpose of the law is to restrain such people so that they will not do so.

Would the member be very explicit in telling the House how specifically is the need for the justice system different in Quebec from other areas of the country?

[*Translation*]

Mr. Réal Ménard: Madam Speaker, I thank my colleague for the question. I know he is always a faithful attendee of our debates and it is always a pleasure to exchange views with him.

I would invite him not to confuse two notions. There is a criminal code, which sets out offences based on behaviour, which is termed *actus reus* and on intent, which is termed *mens rea*.

We are not disputing the system of substantive offences. We are not saying that a person or a young person who has committed rape should not be sentenced. Where we have a particular model in Quebec is that we have the goal of rehabilitation and engage in a specific type of legal process. We are not saying that criminal law ought not to exist. We are saying that if a person has committed rape, to take our colleague's example, we must first of all seek to understand what has led him to do so.

Will incarcerating youngsters at a young age under a system similar to the adult system lead to their rehabilitation? We think that the answer is no and that the system must offer some kind of rehabilitation program with professionals, with people who will look beyond the offence that was committed to try to understand. Sometimes rehabilitation is possible, but sometimes it is not. When it is not possible, we understand that we must turn to a different system.

The Quebec model has proven its effectiveness. As statistics will show, the fact that we want a different system does not mean that young people are more violent in Quebec. This is what motivates the member for Berthier—Montcalm in his initiative, as well as the National Assembly.

I did not have time to talk about that because time does fly, but our colleague must know that the National Assembly, the only legislature representing a francophone majority in North America, passed a unanimous resolution on that issue. Both the Liberals led by Jean Charest and ADQ leader Mario Dumont asked the former Minister of Justice to withdraw her bill. It is not often that such a consensus can be seen within an assembly. It must mean that the Quebec model has some level of support among those who work with young people as well as those who speak on behalf of citizens as a whole, that is members of the National Assembly.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR): Madam Speaker, I know that my colleague understands very well the situation regarding this bill. I also know that it is a very interesting subject.

● (1725)

[*English*]

I am very encouraged to see the member, along with other members of his party, take up the fight for this issue. As he and his colleague, the representative on the justice committee, have stated quite eloquently and animatedly in the Chamber, the new bill poses a serious threat to the administration of justice not only in the province of Quebec but throughout the country.

The interesting point that has been made and was reiterated in his remarks was that the province of Quebec, through its innovative approach under the old Young Offenders Act, has arguably interpreted and administered justice to youth in that province in perhaps the most effective way we have seen throughout the country.

That demonstrates to me that there was sufficient flexibility within the old system, albeit I was one who was quite critical of the old Young Offenders Act. The new system would create numerous new levels, numerous procedures, and antiquated and complicated processes that will simply result in appeals, delay and, most important, would not bring young people to a sense of accountability and responsibility for their actions, which at its very base and fundamental level is what one would hope would be achieved in administering youth justice.

I have a question for the hon. member. Statements have been made and motions have been put forward. The suggestion has been put forward that the province of Quebec should be allowed to opt out of the administration of the new bill. It would remain under the sections of the old Young Offenders Act while the rest of the country would be going forward with the unfortunate provisions that will result if the new bill is adopted.

Would the member agree the preferred option would be that we simply remain as a country under the old system and learn from Quebec's leadership on this issue? Perhaps we could work in consultation with those in Quebec who have appropriately interpreted and used the provisions of the old Young Offenders Act in a much more effective method.

I certainly appreciate the reference to the former leader of the Progressive Conservative Party now working in Quebec for the benefit of Quebec youth. He has also taken a very strong stand in opposition to the new bill being forced down the throats of Quebecers and justice administrators across the country. There has been almost unanimous opposition to the bill for reasons of accountability, as I mentioned, but equally for reasons of cost of administration which will be exorbitant and not accounted for in the bill.

There is not sufficient funding to create these new programs or this new level of bureaucracy. This incredibly complex process will simply be unenforceable and impossible to set up. The new infrastructure that will be required is not accounted for in dollars in what is currently attached to the bill. Would my colleague address some of those points?

[*Translation*]

Mr. Réal Ménard: Madam Speaker, I recognize my colleague's true feelings towards Quebec. What I am telling him is that the approach taken by the Bloc Québécois under the competent leadership of the member for Berthier—Montcalm could certainly be exported to all the other provinces.

We would be pleased to contribute to the expansion of a coalition. If people think that the Quebec model should prevail in the rest of Canada, we would certainly be happy and honoured to participate in the expansion of the Quebec intervention model. Of course we do not feel this willingness to let the provinces adopt the Quebec model. On the contrary, we are feeling the pressure of a steamroller bound to asphyxiate Quebec, and which, as we all know, is clearly ignoring the will expressed by the National Assembly.

But to answer my colleague's question, I would say yes, if it is what other provinces, other attorney generals and other youth workers want, to adopt the Quebec model, they can already count on the Bloc Quebecois to help expand the scope of this battle.

● (1730)

[*English*]

Mr. Larry Bagnell (Yukon, Lib.): Madam Speaker, why does Quebec have 7% incarceration of less serious first offender youth which is generally considered by experts as too high?

[*Translation*]

Mr. Réal Ménard: Madam Speaker, the member for Yukon is wrong. Our youth incarceration rate is lower than the national average.

I say it again. On the whole, we are living in a society where young people are less and less violent. It is the type of crimes that are changing. I think that this could be developed further later on.

The Acting Speaker (Ms. Bakopanos): 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

[*English*]

BROADCASTING ACT

The House resumed from November 28, 2001 consideration of the motion that Bill S-7, an act to amend the Broadcasting Act, be read the second time and referred to a committee.

Mr. Ken Epp (Elk Island, Canadian Alliance): Madam Speaker, with the ring of the bill so to speak, we transition from Bill C-7 to Bill S-7. Since seven is one of my favourite numbers, I guess I am fortunate to be able to speak today.

The bill produces a bit of a conundrum to us as individuals. We are aware of the fact that private members' business is always subject to free votes so my job in the next few minutes will be to persuade the majority of the members of the House to consider carefully their reaction to the bill.

As I understand it, the purpose of the bill, as originated by the Senate, is simply to allow the CRTC to provide reimbursement of expenses for people who intervene in a hearing before the commission. It is an interesting and defendable bill in the sense that it would equalize what is already in place in some instances.

As most members know, and I imagine many of the public knows, the CRTC is charged in Canada with regulating and managing both broadcasting functions and telecommunication functions. These are two rather diverse functions and involve everything from radio and television broadcasting, cable, satellites, cell phones and other telecommunication devices.

From time to time applications are made and rulings are contemplated by the commission. At that stage it is advantageous in our democratic process to have people come forward and present their arguments either in favour of the changes or against the changes or perhaps to bring forward proposed amendments.

In most instances this involves preparation. Sometimes it involves technical work. In all cases it involves some form of communication and meeting with the commission. There would be travel, hotel, food and other expenses involved in the actual presentation plus on occasion considerable costs incurred by experts helping to prepare the presentation. Sometimes it involves a little more in terms of getting the required technical information.

The bill before us is a very short bill. It states that the Broadcasting Act would be amended so that:

> The Commission may award interim or final costs of and incidental to proceedings before it and may fix the amount of the costs or direct that the amount be taxed.

In other words, it can investigate to make sure that the costs submitted are fair before they are paid.

The second part of the bill states that:

> The Commission may order by whom and to whom any costs are to be paid and by whom they are to be taxed, and may establish a scale for the taxation of costs.

There is also a clause included about establishing the criteria for the awarding of costs.That pretty well finishes the bill.

The bill was derived in the Senate. Some members in this place say that anything coming from the Senate should not be considered. I happen to disagree with that to a certain degree. The Senate is comprised of a number of members who work hard and consider things that are important for this country. They are honourable people and I do not think we should automatically discount them.

However it is regretful that the Prime Minister feels that only he has the capability of choosing them. It would be much better if Canadian citizens could send their representatives to the Senate. If that were the case, they would automatically receive a higher degree of esteem and respect because of the fact that they would be accountable to the people who elected them. Right now they seem to be accountable to only the Prime Minister.

● (1735)

This gives me my present dilemma. We have a Senate that is appointed, the majority by far by the Prime Minister. We have Liberals members here who will undoubtedly be encouraged to vote in favour of the bill, even though it is a private member's bill and normally would not be what we call a whipped vote. That congers of course all sorts of pictures, a bunch of people going ahead and being whipped by their whip to do as they are told and to go where they are told. I do not know whether that is the original meaning of that word, but it certainly means that there is a choice taken away.

I would encourage members to consider what they will do here. I know after this reading it will go again to the committee. Hopefully, there could be a delay from the time the committee gets the bill until it brings it back to the House. Only two things can happen. Either the bill should be passed or it should be defeated.

As I see it, there is no great objection to this. I believe our democratic process would be served by the passing of the bill. It is already true that for hearings that come to the CRTC, based on telecommunications issues, that costs are assessable, but not for broadcasting issues. For broadcasting issues, probably more individuals are directly involved and they would benefit from the ability to make a presentation to the commission. Democracy would be served by passing the bill.

Yet the dilemma that we face is that if we pass it and if the government gets it into its head to zing it through, then we have a situation which puts things out of order.

In my previous life, among other things, I taught programming. One thing I taught my students was that the order in which certain things were done was of critical importance. The order is wrong here because currently a committee of the House is studying the mandate of the CRTC. For us in the House to pass the bill prior to the completion of that study of that mandate would be inappropriate. We are doing things in the wrong order. It is like backing the tractor up to the trailer, then driving away and wondering why it is not following. We forgot to hook it up. This is the same type of situation. We could be running away ahead of the actual mandate of the CRTC as it turns out in effect after this study.

We know there are huge changes in our society right now. The Internet has greatly affected it. What is the role of the CRTC with respect to the Internet which is a huge issue in Canada and around the world? Those issues should be determined before we give the CRTC this privilege.

In essence and in principle, I have no great problem with this. However I would recommend members defeat the bill right now so that we do not get things out of order.

Barring that, I would appeal to members, especially those who serve on the committee, to ensure that their work is done in a timely, orderly fashion and that they delay the reporting of the bill back to the House until such time as the CRTC study has been completed.

● (1740)

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Madam Speaker, we are debating Bill S-7. The bill would amend the Broadcasting Act in effect to level the playing field in the allocation of costs as between all interveners at hearings held by the CRTC under the Broadcasting Act.

It has been a number of years since the last amendments were made to the Broadcasting Act in the early 1990s. The reason for proposing this change to the Broadcasting Act is that it has become apparent over the years that the interveners appearing before the CRTC naturally have often been broadcasting companies, broadcasters and business operations in the field of broadcasting. Normally those players in the broadcasting field are reasonably provided with resourcing. They are large or medium size corporations where they have access to corporate counsel, outside consultants and any number of experts in the field who are skilled at making presentations in front of the CRTC.

The problem that develops is that individuals, average Canadians, who may wish to come forward on a public interest basis and make presentations before the CRTC just would not have that kind of resourcing. They may have a home computer to bang out a submission but they do not have the funds to retain one of these experts, a lawyer or a consultant.

Consequently from time to time it is reasonable to assume in that context that their submissions may not have as high a profile and do not come off quite as glamorously as the submissions by the larger corporations. As a result many believe it would be fairer if, in the process of these hearings, appropriate costs awards could be made by the CRTC that would assist the individuals who intervene on a public interest basis. They are Canadians and they want to be heard on the issue. Costs awards would allow them to make as good, or almost as good, presentations as the many professional groups that do participate in hearings.

The bill would require the payment of some moneys, but the average Canadian would view that as a pretty fair thing to do. The theme of this amendment to the Broadcasting Act is fairness and balance, not for the big players but for all of the interveners.

It is noteworthy that the Standing Committee on Canadian Heritage is about to undertake a review of the Broadcasting Act. Some have pointed out that perhaps this is not the time to make this minor fix to the statute. I would differ with that. If there is a need for a change, if there is a piece of legislation that effects the change as this bill appears to do, we should go ahead and do it.

Objecting to amending the Broadcasting Act at this time is a little like saying that there is a flat tire on the truck but let us not fix it because we are going to redesign the truck; let us wait until we redesign the truck and we will fix the tire at the same time. Canadians realize that these hearings are going on all the time. I know that there are Canadians out there who do not have access to the kind of resourcing that makes for a better hearing.

I would be in favour of getting on with the bill and making this change to create the fairness and balance we all seek.

● (1745)

I know that the issue of costs has been addressed elsewhere. It is a good thing to do. It is timely. We should do it now.

Mr. Dick Proctor (Palliser, NDP): Madam Speaker, I, too, am pleased to speak to Bill S-7. I will be quite brief in my remarks.

I realize it is a private member's bill but I think that members of our party and caucus will support Bill S-7. The bill amends the Broadcasting Act to permit the Canadian Radio-television and Telecommunications Commission, or the CRTC as it is better known, to make regulations to establish criteria for the awarding of costs to interveners in broadcasting proceedings as it currently has the power to award costs in telecommunications cases.

I acknowledge the work of former Senator Sheila Finestone and the hon. member for Charleswood St. James—Assiniboia for ensuring the bill is here.

The bill would change the Broadcasting Act so that the CRTC could award costs to third party interveners in broadcasting proceedings. That is of significance. The idea is not radical. It is done all the time in CRTC proceedings under the Telecommunications Act and the world has not ended for the telephone companies. Passing the bill would not be a significant threat to our private broadcasters.

The bill is about balance. The public hearing process currently used by the commission has been problematic in the past. The public interest has been lost in the process or at least partially lost in the process. Those with deeper pockets seem to get preferential access to the system, which makes it impossible for the public to have as much meaningful input as it should have.

For example, in television last year the CRTC awarded CanWest Global a seven year licence renewal and policy approval for cross-media ownership, even though the commission's own decision stated:

> Global confirmed that CIII-TV, a station that serves an audience across Ontario, was broadcasting an average of 13 hours per week of regional news. This level is below the 17.5 hours per week of regional news to which the licensee committed for the current term of licence.

Was CanWest Global punished? No, it was rewarded. If one is Global, a big company, one can break the rules and get a seven year renewal.

Vision TV on the other hand recently applied for a similar seven year licence. I happen to know the CEO. Vision TV is a small, non-profit, multi-faith broadcaster. It does not have the hundreds of thousands of dollars to spend on the process. It has no banks of lawyers and it has admitted that its record keeping could be better regarding Canadian content logs. While Global got what it desired, the CRTC came down very hard on Vision TV, granting it only a 33 month renewal with harsh restrictions.

Just on the convergence of media, perhaps Murdoch Davis at Southam News would be interested in that and would want to write a national editorial discussing that in a future publication.

Sections 56 and 57 of the Telecommunications Act have the power to compensate the organizations or individuals appearing before the commission during proceedings on telecommunications. The act also authorizes the CRTC to establish refund criteria and to determine to whom costs will be paid and by whom.

The Broadcasting Act does not have such provisions. Consequently, the CRTC has no power to award costs or establish the criteria for awards. This is an imbalance that causes concern and requires immediate rectification. That is why we are debating the bill today.

I looked at the list of consumer groups across Canada that strongly support this initiative. Among them are the British Columbia Public Interest Advocacy Centre; the Public Interest Law Centre; the National Anti-Poverty Organization; the Canadian Labour Congress; Action Réseau Consommateur; the Canadian Library Association; the Manitoba chapter of the Consumers' Association of Canada; Communication Workers Union; Rural Dignity of Canada; Association coopérative d'économie familiale; and the Public Interest Advocacy Centre.

● (1750)

This is a very good cross-section of interested groups in communities across the country. They support this. The New Democratic Party supports it. We know it is going to committee and we hope it will quickly pass into law.

Ms. Aileen Carroll (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Madam Speaker, I am pleased to join the debate on Bill S-7 which would amend the Broadcasting Act. It has been set up to allow the CRTC to set out regulations outlining standards for the awarding of costs. In particular it would enable the commission to award and tax costs among the interveners who appear before it.

Sections 56 and 57 of the current Telecommunications Act already authorize the CRTC to award various costs to organizations or individuals who take part in telecommunications proceedings. This unfortunately is not the case for Canadian interveners who wish to contribute to other democratic processes, namely broadcasting proceedings. I am convinced that it is about time the CRTC and the Canadian broadcasting system enjoyed the same prerogatives to guarantee access to all interveners who wish to take part in the process.

It is essential to remind the House that the bill's underlying principles of justice and balance of legislative powers for all Canadians are fully supported by the Department of Canadian Heritage. It is not a new issue. A number of public interest groups, such as the Consumers' Association of Canada and the Public Interest Advocacy Centre, have on many occasions raised the imbalance between the Broadcasting Act and the Telecommunications Act.

Harmonizing the two acts would not only allow Canadian consumers and interest groups to present relevant research and significant elements before the CRTC, but it would also give all Canadians the opportunity to be represented and heard by the commission when it makes broadcasting decisions that affect them directly.

It is important to draw the attention of the House to the impression concerned Canadians have of the current situation. They feel there is quite a striking contrast between the considerable financial resources of large media companies and the limited resources of individuals and of course public interest groups. Such a situation must not be tolerated in a democratic society.

It is completely logical to encourage Canadians to take part in CRTC decisions since the broadcasting system makes use of a public resource. Clearly neither the CRTC nor Canadians benefit from the inability of interveners to present well-documented briefs.

If adopted, Bill S-7 would allow individuals and public interest groups who are or could be directly impacted to apply for costs in order to help them participate in proceedings in a meaningful way. Unfortunately very often it is the matter of money that prevents Canadians from accessing such proceedings.

As we make the transition to an innovative economy and move from an industrial to a knowledge based economy, this is having an impact on Canadians' expectations of government and the role of government. In a democratic society it is only fitting that citizens are encouraged to reflect, to participate and to respond to decisions made by commissioners at the CRTC and the corporations who appear before it. After all, the broadcasting system makes use of a public resource and so it helps Canadians through its programs to connect with one another, to connect with their history and their country.

The reality of convergence comes up time and again in the communications industry. The convergence of technologies is a key dimension of the debate. More and more the regulatory issues and concerns with which the CRTC must grapple are falling under the Broadcasting Act and the Telecommunications Act and are affecting a wide section of Canadian society.

Involving citizens in decisions which affect them is a rational approach in an increasingly complex communications environment. As the commission wrestles with these matters, one way of forming its decisions is to help defray the costs of interveners who participate. Converging technologies are indeed blurring the lines between telecommunications and broadcasting which were once very separate and distinct. It is now time to standardize the rules for interveners and for the funding that governs those industries.

In the past, in cases where the CRTC conducted proceedings under the Telecommunications Act and the Broadcasting Act, such as the new media hearing, the CRTC awarded costs for interventions only to the extent that they touched upon telecommunications aspects.

● (1755)

As further technological interventions blur the lines, it will be more and more difficult to weigh the contribution of an intervention according to its impact on telecommunications versus broadcasting.

During the hearings of the Standing Senate Committee on Transport and Communications, the CRTC itself spoke in favour of harmonizing these rules and indicated that it was indeed prepared to make the required changes through a public hearing.

Defining the criteria for such a system to award costs of broadcasting will not be easy for the CRTC as there are many differences between the proceedings of these two industries. Telecommunications proceedings focus essentially on issues involving rate structures while broadcasting proceedings usually deal with a wide variety of issues. The latter occur much more frequently and involve many more participants, for example, radio and TV stations, pay and specialized service, cable TV, satellite, wireless and networks. These proceedings also involve social as well as economic issues.

It is indeed very positive to hear the general support one hears on both sides of the House, and that must indicate very good legislation.

Mr. Loyola Hearn (St. John's West, PC/DR): Madam Speaker, I also stand to support the legislation, particularly because of its importance to the smaller, more rural regions of our country.

I was a bit shocked to listen to the member for Elk Island ask all of us to vote against the legislation because a review of the Broadcasting Act is presently underway and we would be infringing on the openness of presentations to the committee that will be holding the hearings.

However, I feel entirely different because the hearings on the Broadcasting Act are just commencing. The committee has not gone out from this area yet to hear any witnesses, although I understand some witnesses may have made presentations here in Ottawa. Over the next few weeks, months and years perhaps, the committee will move around the country to hear the views of people who are concerned with the Broadcasting Act. There are a lot of concerns about what is happening in relation to broadcasting in this country.

Many of the groups and individuals who would like to present to the committee as it goes forth will not be able to do so because of the costs involved. If we pass legislation now and the results are implemented, then perhaps the funding would be available to individuals or groups who want to make presentations next month, next year or whatever the case might be, depending upon the length of the hearings. I would think they the presentations will be extremely long and extensive because of the importance of the review itself. The act has not been reviewed for several years and we have had many changes in the broadcasting field.

If we were discussing the Telecommunications Act, the costs of making a presentation by anyone designated as an intervener are covered. However, because it is the Broadcasting Act, for some reason it is not looked upon as being important and those people wishing to intervene are left entirely on their own.

I would suggest that the Broadcasting Act perhaps has a lot more relevance in the rural, smaller areas of this country than it has in larger regions. Throughout the country we have a tremendous amount of people who get knowledge solely through one or two radio stations. I am thinking of CBC in particular.

If we look at what is happening to CBC, it is extremely scary. As an agency funded to be the national mosaic, to weld the fabric of the country together, to be the voice of and to the people, we have to say that it has failed miserably because its direction seems to concentrate on the larger areas and cut programming and opportunities from local areas. Certainly in our own province of Newfoundland, the contributions of CBC programming today compared to five or ten years ago are almost insignificant, to the point where the ratings for this publicly funded station have almost dropped off the board entirely.

Some might say that there is nothing wrong with that, that is what competition is all about and that the private sector should step in. I have no problem with that. However, it is very difficult to encourage or, in some cases, to even expect the private sector to deliver programming to small, rural regions where it is just too expensive to maintain proper operations. That is where the Canadian broadcasting system is supposed to step in.

As all of this is unfolding, more and more concerns are being raised across the country. The concentration of media in the hands of a few is becoming a major concern.

Mr. Peter MacKay: A Liberal few.

Mr. Loyola Hearn: As my colleague mentions, a Liberal few is perhaps correct.

● (1800)

That is dangerous in more ways than one because public opinion is quite often affected by the media. If the media brings a certain message from a certain direction then, undoubtedly, if we only hear one side of the story we tend to believe it.

A lot of agencies would like to express concerns about what is happening in the broadcasting field and it is up to us to make sure they have that opportunity.

As we move forward to really do something with the Broadcasting Act, we need to establish the kind of Broadcasting Act that will be good for everyone in the country, regardless of where they live or their political affiliation, a broadcasting system that is fair, accurate and unbiased, and one that covers all regions of the country, that not only brings news to Canadians but brings news from them so that all of us know what is going on in the more remote regions. That is starting to disappear.

As we advance in technology it seems we regress in doing what technology should be able to do.

By passing the bill as quickly as possible we would have the opportunity to make sure that those who want to appear before the hearings on the Broadcasting Act have the opportunity to do so.

I encourage my colleagues in the House to make sure that we not only pass the bill but push for its implementation so that those who are scattered around the country have equal opportunity to express their views on what is happening to us in the country in relation to the broadcasting industry. The broadcasting industry, radio, TV or whatever, but particularly radio, has such an influence on the decision making powers of the country that we cannot let it be taken over by a small group of people who will manifest to the rest of us their views depending on political affiliation or who is funding them. Average Canadians should have every right to express their views and this is perhaps one opportunity to create a balanced playing field. I am all for it.

● (1805)

Mr. Carmen Provenzano (Sault Ste. Marie, Lib.): Madam Speaker, I am delighted to speak in support of Bill S-7. During the first debate on October 19 the House debated the wording of the bill which would amend the Broadcasting Act in order to allow the CRTC to award costs with respect to broadcasting proceedings. It is important at this stage to reiterate that the principles of fairness and balance which are the guiding objectives of Bill S-7 are firmly supported by all members of the House.

There are compelling reasons to harmonize the rules with respect to interveners appearing before the CRTC whether they pertain to broadcasting issues or telecommunications issues. It is equally important to level the playing field between interveners and broadcasting companies appearing before the CRTC. For these reasons Bill S-7 should be allowed to receive third reading and to proceed to committee.

Bill S-7, should it become law, would promise to offer interested Canadians more equal opportunities to engage and take part in the process of deciding the future direction of our broadcasting system as they do for our telecommunications system.

It is important to understand the context here. In order to assess the opportunity to amend the Broadcasting Act we must keep in mind the purpose of the proposed bill. Under the Telecommunications Act an intervener, a person, company or organization that wishes to address the commission in order to express their views in a telecommunications proceeding is eligible to receive an award of costs for the expenses related to the filing of the intervention.

An award of costs is usually paid by the regulated telecommunications companies as directed by the commission. The companies must pay these costs directly to the intervener. In the event that more than one telecommunications company is directed to pay, the commission determines each company's share usually based upon its operating revenues.

It should be noted that the majority of applications received for an award of costs come from consumers or other public interest groups such as the Consumers' Association of Canada and the Public Interest Advocacy Centre. The commission does not generally award costs to commercial entities or municipalities. It is interesting to note that very few individuals apply for an award of costs.

What is also interesting is that to receive an award of costs, an intervener must have an interest in the outcome of the proceeding and must also have contributed to a better understanding of the telecommunications issues by the commission. That leads me to believe that the proposed bill would actually level the playing field. It would amend the Broadcasting Act to give the commission, for its broadcasting proceedings, the same powers it now has under the Telecommunications Act when it conducts telecommunications proceedings.

Bill S-7 would give public interest groups or individuals that are or may be directly affected by a broadcasting proceeding the opportunity to apply for an award of costs to assist their participation in the commission's proceedings.

I will give an example. A party that has an interest in a broadcasting proceeding may find it difficult without legal or technical assistance to provide relative evidence pertaining to the proceeding. Bill S-7 would allow interveners who participate in broadcast proceedings to be eligible to receive an award of costs for the expenses related to their intervention as is the case now in telecommunications proceedings.

It is important for all Canadians to recognize that they deserve and can play a role in the way our broadcasting system is regulated. That is why the principle of Bill S-7 would provide for equitable financial support for interveners in both telecommunications and broadcasting proceedings.

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

Some hon. members: Question.

The Acting Speaker (Ms. Bakopanos): The question is on the motion for second reading of Bill S-7. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

The Acting Speaker (Ms. Bakopanos): In my opinion the yeas have it.

And more than five members having risen:

The Acting Speaker (Ms. Bakopanos): Pursuant to order made earlier today the recorded division stands deferred until Tuesday, February 5 at the expiry of the time provided for government orders.

Is it agreed that we see the clock as 6:30?

Some hon. members: Agreed.

ADJOURNMENT PROCEEDINGS

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

● (1810)

[*English*]

CANADA 3000

Ms. Val Meredith (South Surrey—White Rock—Langley, PC/DR): Madam Speaker, when Canada 3000 ceased operation suddenly last November a number of people were caught off guard and quite honestly I think the transport minister was one of them.

When Canada 3000's financial problems became common knowledge two months earlier, the minister attempted to maintain a level of confidence in that airline, including the $75 million loan guarantee. I do not think the minister was wrong to offer the loan guarantee to Canada 3000, nor was he wrong to encourage Canadians to keep flying on Canada 3000.

However, the minister kept telling Canadians that everything was okay until 12 hours before the airline shut down. The government must accept some of the responsibility for the losses that some Canadians incurred and suffered from. When a company goes bankrupt there is a legislative pecking order in which creditors have access to the company's assets. The government and the banks are at the top of that pecking order and consumers and customers are on the bottom.

When I asked this question back in November, the minister said that most consumers were protected, including people who had booked with travel agents or who had used credit cards, because travel agents in most of the provinces offered some protection to those individuals, particularly those who did use credit cards.

The minister did acknowledge at that time that there would be some individuals who might be out of pocket, but not too many. I think the minister misunderstood or underestimated the number of Canadians who would be affected by the loss of the value of their tickets and who ended up out of pocket for the money they had spent for the travel. This is especially true of thousands of individuals who ended up travelling and flew Canada 3000 on the outbound portion of the ticket but ended up stranded and had to find other means to get home.

In order to assist those individuals who found themselves unable to recoup any of their losses, I asked the minister if the government would reimburse those individuals for the taxes and fees that were included on the tickets for which they never received any of the services. It is one thing to have a private company go bankrupt without being able to recoup losses. It is quite another not to be reimbursed by the government for the taxes and fees that were part of the ticket when the customer not provided with the service. When I asked this question in November the Minister of Transport did not address the issue of reimbursing federal taxes and fees to those individuals who received no other compensation.

I ask the parliamentary secretary to address this issue. Will the government reimburse the federal taxes and fees for those passengers who were left holding worthless Canada 3000 tickets?

● (1815)

[*Translation*]

Mr. André Harvey (Parliamentary Secretary to the Minister of Transport, Lib.): Madam Speaker, I thank my colleague from South Surrey—White Rock—Langley. It is always a pleasure to work with her on the Standing Committee on Transport and Government Operations.

Concerning the question she raised, I want to confirm that, as she said, the minister did co-operate for a long time with Canada 3000 before it went out of business.

As concerns her more specific question on the reimbursement of taxes, namely the GST and the HST, it is obvious that these taxes are levied at the point of sale, when a provider offers a certain service to a customer. Normally, that is when the tax is paid.

Consumers can get a GST or HST refund from the provider, if the provider also reimbursed the payment he or she received for services not rendered. But if the whole payment is not reimbursed, there is no specific transaction that allows the reimbursement of taxes paid on a service that was supposed to be provided.

In the case of insolvency, particularly the bankruptcy of Canada 3000, the taxes collected are part of the assets and liabilities, that fall under the Bankruptcy and Insolvency Act. It is quite clear that all creditors then have a right of recourse. It is useful to point out to them that they can apply for the services of PricewaterhouseCoopers, trustee in bankruptcy for the airlines. Since December 4, very relevant information is updated every day on their website to help all creditors have access to recourses as fast as possible.

On this site, all creditors will find precise information on how to submit a claim as well as a frequently asked questions section. There is also—and I am announcing it officially—a toll free number for all creditors, which is 1-877-973-3000; this number gives people direct access.

It is clear that the claims processing procedure could be long and complex. Patience will certainly be needed, but normally, in the case of bankruptcies such as this one, it is the common procedure to have access to the trustee in bankruptcy in order to at least recover part of the taxes collected when consumers bought services they were entitled to receive.

Unfortunately, this is the situation we are facing now. I thank the hon. member for her question.

[*English*]

Ms. Val Meredith: Madam Speaker, I appreciate the response of the parliamentary secretary but he is still not dealing with the issue that this is not just any company. A major portion of an airline ticket is federal taxes and fees, Nav Can fees and all kinds of other fees that are incorporated in the taxes added on to the purchase price of the ticket.

It is one thing for a consumer to try to get money from a company that has gone bankrupt, and I appreciate there are methods of getting that through bankruptcy acts and whatnot. However we are talking about people who paid taxes or fees to the federal government for services they did not receive. They paid taxes when they should not have. The federal government has a responsibility to reimburse consumers and travellers who have paid considerable dollars for taxes and fees on their airline tickets.

I am asking the parliamentary secretary if the government or the Minister of Transport has looked at—

The Acting Speaker (Ms. Bakopanos): The hon. Parliamentary Secretary to the Minister of Transport.

[*Translation*]

Mr. André Harvey: Madam Speaker, I once again congratulate the hon. member on her persistence. I think the Minister of Transport did the impossible concerning the loan guarantee that was put on the table for Canada 3000. He did the impossible to save the operations of that airline. Unfortunately, it is a daily occurrence to see businesses going bankrupt after making commercial transactions involving the payment of taxes. It would be extremely hard to guarantee the reimbursement of taxes.

In the case of Canada 3000, I think we should turn to the trustee in bankruptcy, which will be in a position to assume the responsibility for paying back the creditors who, unfortunately, were caught off guard by this huge bankruptcy. Therefore, I would urge creditors to submit their refund claim to the officially appointed creditor.

● (1820)

[*English*]

The Acting Speaker (Ms. Bakopanos): 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 6:20 p.m.)

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